



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, December 05, 2024

Regular Meeting 6:00 PM

The City Council meetings are viewable in person in the Council Chambers, via livestreaming on the City's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or "Lake County PEG TV Live Stream" at <https://www.youtube.com/user/LakeCountyPegTV/featured> and the public may participate through Zoom at the link listed below. The public will not be allowed to provide verbal comment during the meeting if attending via Zoom. The public can submit comments in writing for City Council consideration by commenting via the Q&A function in the Zoom platform or by sending comments to the Administrative Services Director/City Clerk at mSwanson@clearlake.ca.us. To give the City Council adequate time to review your comments, you must submit your written emailed comments prior to 4:00 p.m. on the day of the meeting.

AGENDA

MEETING PROCEDURES: *All items on agenda will be open for public comments before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the Administrative Services Director/City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three minutes time limit. The Mayor has the discretion of limiting the total discussion time for an item*

Pursuant to Senate Bill 1100 and the City Council Norms and Procedures, any member of the public making personal, impertinent, and/or slanderous or profane remarks, or who becomes boisterous or belligerent while addressing the City Council, staff or general public, or while attending the City Council meeting and refuses to come to order at the direction of the Mayor/Presiding Officer, shall be removed from the Council Chambers or the Zoom by the sergeant-at-arms or the City Clerk and may be barred from further attendance before the Council during that meeting. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the Mayor/Presiding Officer. The Mayor/Presiding Officer may direct the sergeant-at-arms to remove such offenders from the room.

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability related modification, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, Administrative Services Director/City Clerk at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext 106, or via email at mSwanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us. Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection on the City's website at www.clearlake.ca.us.

Zoom Link:

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Passcode: 074808

Or One tap mobile:

+16694449171,,87362202718# US

+13462487799,,87362202718# US (Houston)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 346 248 7799 or +1 719 359 4580 or +1 720 707 2699 or +1 253 205 0468 or +1 253 215 8782 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592

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A. ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE: *The City Council invites members of the clergy, as well as interested members of the public in the City of Clearlake, to voluntarily offer an invocation before the beginning of its meetings for the benefit and blessing of the City Council. This opportunity is voluntary and invocations are to be less than three minutes, offered in a solemn and respectful tone, and directed at the City Council. Invocational speakers who do not abide by these simple rules of respect and brevity shall be given a warning and/or not invited back to provide a subsequent invocation for a reasonable period of time, as determined appropriate by the City. This policy is not intended, and shall not be implemented or construed in any way, to affiliate the City Council with, nor express the City Council's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the City Council's respect for the diversity of religious denominations and faith represented and practiced among the citizens of Clearlake. If a scheduled invocational speaker does not appear at the scheduled meeting, the Mayor will ask that the City Council observe a moment of silence in lieu of the invocation. More information about the City's*

invocation policy is available upon request by contacting the Administrative Services Director/City Clerk at (707) 994-8201x106 or via email at mswanson@clearlake.ca.us.

D. ADOPTION OF THE AGENDA *(This is the time for agenda modifications.)*

E. PRESENTATIONS

1. Presentation of December's Adoptable Dogs

F. PUBLIC COMMENT: *This is the time for any member of the public to address the City Council on any matter not on the agenda that is within the subject matter jurisdiction of the City. **The Brown Act, with limited exceptions, does not allow the Council or staff to discuss issues brought forth under Public Comment.** The Council cannot take action on non-agenda items. Concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on each agenda item. Comments shall be limited to three (3) minutes per person.*

G. CONSENT AGENDA: *All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one motion. There will be no separate discussion of these items unless a member of the Council requests otherwise, or if staff has requested a change under Adoption of the Agenda, in which case the item will be removed for separate consideration. Any item so removed will be taken up following the motion to approve the Consent Agenda.*

2. Second Reading and Adoption of Ordinance No. 276-2024, An Amendment to Chapter 3, Section 5 of the Clearlake Municipal Code Regarding Fire Mitigation Fees
Recommended Action: Hold a second reading, read by title only, and adopt Ordinance No. 276-2024

3. Second Reading and Adoption of Ordinance No. 275-2024, An Ordinance Adding Chapter 13-3 to the Clearlake Municipal Code Establishing Fire Hydrant Inspection and Testing Requirements.
Recommended Action: Hold a second reading, read it by title only, waive further reading, and adopt

4. Second Reading of Ordinance No. 277-2024, An Ordinance of the City of Clearlake Amending Chapter VIII, Section 8.5 to Add Subsection 8.5-7 to Establish Standards for Utility Construction and Maintenance in the Public Right-of-Way and Standards for Relocation of Underground Utilities
Recommended Action: Hold second reading, read by title only, waive further reading, and adopt Ordinance

5. Authorization of an Amendment of Contract for the Clean CA Austin Park Shade Structure Project
Recommended Action: Move to amend the contract with Park Planet in the amount of \$19,333.

6. Authorization of an Amendment of Contract with California Engineering Company for the Burns Valley/Arrowhead Project

Recommended Action: Move to amend the contract with California Engineering Company in the amount of \$ 189,569.11

7. End Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms

Recommended Action: Discontinue declaration of emergency

8. Minutes

Recommended Action: Receive and file

9. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for the Boyles Fire

Recommended Action: Continue declaration of emergency

10. Adoption of the 2024 Conflict of Interest Code; Resolution No. 2024-58

Recommended Action: Adopt resolution

11. Annual Calendar of Meetings for 2025

Recommended Action: Review and approve

12. 2024 Mayor's Appointments List

Recommended Action: No action necessary. List provided for information only.

H. PUBLIC HEARING

13. Discussion and Consideration of Various Zoning Ordinance Text Amendments

Recommended Action: Hold first reading of Ordinance 271-2024, Read by Title Only, Waive Further Reading and Adoption at the next City Council Meeting.

14. Consideration of Development Agreement, DA 2024-01 for an an existing approved Commercial Cannabis Operation located at 14915 and 14935 Olympic Drive, Units C/D/E/F.

Recommended Action: Hold first reading of Ordinance 273-2024, Read by Title Only, Waive Further Reading and Adoption at the next City Council Meeting.

15. Consideration of Development Agreement, DA 2024-02 for an an existing approved Commercial Cannabis Operation located at 14915 and 14935 Olympic Drive, units A/B2.

Recommended Action: Hold first reading of Ordinance 274-2024, Read by Title Only, Waive further Reading and Adoption at the next City Council Meeting.

I. BUSINESS

16. Discussion and Consideration of Resolution 2024-56, Approving a Memorandum of Understanding Between the County of Lake, City of Lakeport, and City of Clearlake Authorizing the Formation of the Lake County Regional Housing Trust Fund

Recommended Action: Adopt Resolution

- [17.](#) Award of contract for Abandoned Vehicle Abatement Program towing, storing, dismantling and disposal services.
Recommended Action: Award Contract
- [18.](#) Discussion and Consideration of Resolution SA-2024-03 Recommending the Lake County Redevelopment Agency Oversight Board Amend the Loan Terms for Olympic Village Apartments
Recommended Action: Adopt Resolution
- [19.](#) Discussion and Consideration of Resolution 2024-55 Approving the Appraisal, Fixing the Amount of Just Compensation and Authorizing Offer to Owner of a Portion of 12105 San Joaquin Ext., Clearlake for Right of Way
Recommended Action: Adopt Resolution
- [20.](#) Consideration of Introduction and First Reading of Ordinance No. 278-2024 Adjustment to Councilmember Compensation
Recommended Action: Hold first reading of the ordinance, read by title only, waive further reading, and set second reading and adoption for the next Council meeting
- 21. Update on the Senior/Community Center Project
Recommended Action: Direction to Staff

J. CITY MANAGER AND COUNCILMEMBER REPORTS

K. PRESENTATIONS

- 22. Presentation by Mayor Claffey
- 23. Presentation by Vice Mayor Overton

L. BUSINESS

- [24.](#) Consideration of Acceptance of the November 2024 Election Results; Resolution No. 2024-57
Recommended Action: Adopt resolution and authorize City Clerk to deliver the Oath of Office to newly elected Council Members
- 25. Swearing In of Newly Elected Council Members
- 26. Appointment of the 2025 Mayor and Vice Mayor

M. FUTURE AGENDA ITEMS

N. ADJOURNMENT

POSTED: December 2, 2024

BY:

Melissa Swanson

Melissa Swanson, Administrative Services Director/City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Second Reading and Adoption of Ordinance No. 276-2024, An Ordinance Amending Section 3-5 of the Municipal Code Related to the Fire Mitigation Fee	MEETING DATE: Dec. 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider holding the second reading and adoption of Ordinance No. 276-2024, which updates Clearlake Municipal Code (“CMC”) §3-5, Fire Mitigation Fee.

From the November 21, 2024, staff report:

BACKGROUND/DISCUSSION:

This year the City Council has considered several agenda items related to the fire mitigation fees that have been requested by the Lake County Fire Protection District. On March 7th, the Council held a workshop, public hearing on March 21st, and adopted an ordinance amendment on April 4th. This ordinance amendment removed the specific fee from the ordinance and referenced a resolution which actually set the fee on July 18th. There were other clean up items in the ordinance that required updating. Those items are what is now before the Council for consideration and 1st reading.

At the June 18th meeting the Council gave specific direction on a few items to include in the ordinance amendments. First, that the City collect the fee during the building permit process and then remit the funds to the District. Second, that an automatic annual adjustment to the fee be included based on a CPI index. Third, that the District submit an annual report to the Council on the amount of the fee and what it was spent on, and finally, the use of the funds collected in the City be only spent on facilities within the City.

OPTIONS:

1. Move to hold second reading of Ordinance No. 276-2024, read it by title only, waive further reading, and adopt ordinance.
2. Provide other direction to staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Section G, Item 2.

Comments: Minimal staff impact for fee collection on behalf of the District and management of fund, interest allocation and remittance to the District.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

Attachments: 1) Ordinance 276-2024

Ordinance No. 276-2024

AN ORDINANCE OF THE CITY OF CLEARLAKE, CALIFORNIA, AMENDING CHAPTER 3-5 OF THE CLEARLAKE MUNICIPAL CODE, RELATING TO A FIRE MITIGATION FEE

RECITALS

WHEREAS, subject to the restrictions of the Mitigation Fee Act (Section 66000 *et seq.* of the California Government Code), the City has the authority to levy mitigation fees upon new development to defray all or a portion of the cost of public facilities related to the development project; and

WHEREAS, in order to serve new development with fire protection and emergency medical services, it is necessary to construct, acquire or expand facilities and equipment needed to these services; and

WHEREAS, pursuant to Chapter 3-5 of the Municipal Code, the City has established a fire mitigation fee to fund needed facilities and equipment; and

WHEREAS, because fire protection and emergency medical services in the City have historically been provided by one or more agencies that are legally distinct from the City, the City largely has relied on these entities to determine what facilities and equipment are required by new development, and what fees will be necessary to fund the costs of providing those facilities and that equipment; and

WHEREAS, the Lake County Fire Protection District is the entity that currently provides these services in the City; and

WHEREAS, the City desires to clarify Chapter 3-5 of the Municipal Code to provide that the City will collect the fire mitigation fees and to make other changes; and

WHEREAS, it is the intention of the City Council to set the rates of the fire mitigation fee by resolution, and to make the findings required by the Mitigation Fee Act at the time it sets the rates of the fee; and

WHEREAS, the City, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §§21000 and following) and State CEQA Guidelines (14 CCR §§15000 and following) has determined that this ordinance is not a project under CEQA pursuant to Title 14, Section 15378 (b)(5) of the California Code of Regulations;

NOW, THEREFORE, The City Council of the City of Clearlake, California, does hereby ordain as follows:

Section 1. The above recitals are true and are hereby incorporated into this ordinance.

Section 2. Chapter 3-5 of the Clearlake Municipal Code is hereby amended to read as follows:

3-5 FIRE MITIGATION FEE.

3-5.1 Title.

This Chapter shall be known and may be cited as the "Fire Mitigation Fee Ordinance."

3-5.2 Need.

The Council of the City of Clearlake finds and declares as follows:

- a. Adequate fire protection and emergency medical response facilities and equipment must be available to serve new development.
- b. New development requires the construction or expansion of fire protection and emergency medical response facilities and the acquisition of equipment.
- c. Property taxes and fire suppression assessments collected by the Fire Agency are insufficient to provide funds for expansion of construction of fire protection and emergency medical response facilities and purchase of equipment necessitated by new development resulting in the potential for inadequate fire protection and emergency medical response coverage for the new development and the growing population of Clearlake.
- d. The above conditions place the City of Clearlake’s growing population in a condition perilous to its health and safety.
- e. The impacts of development on the existing fire protection and emergency medical response facilities and equipment cannot be alleviated without City involvement.

For the above reasons, new methods for funding fire protection and emergency medical response facilities and equipment necessitated by development are needed in the City of Clearlake.

3-5.3 Purpose.

The purpose of this section is to implement the City of Clearlake General Plan policy providing for the adoption of fire mitigation fees and for the collection of said fees to be allocated to the Fire Agency for the development and acquisition of facilities and equipment in order to ensure the provision of the facilities and equipment necessary to provide fire protection and emergency medical response services necessitated by new development.

3-5.4 Definitions.

- a. DEVELOPMENT shall mean all construction for which a building permit or other permit is required.
- b. DIRECTOR shall mean the Director of the Department of Community Development of the City of Clearlake.
- c. OTHER PERMITS shall mean conditional use permits and site plan review permits.
- d. CLERK shall mean the City Clerk of the City of Clearlake.
- e. FIRE AGENCY and AGENCY shall mean any special district providing fire protection services within the incorporated area of the City of Clearlake, currently Lake County Fire Protection District.
- f. FACILITIES and EQUIPMENT shall mean any long-term capital facilities and equipment used by a Fire Agency for the fire protection or emergency medical response services including all land, buildings, and other structures, as well as all apparatus, ambulances, vehicles, and other equipment.

3-5.5 Establishment of Fire Service Impact Fees Under New Development.

There is hereby established a fee to be paid by all applicants for building permits or other permits for development and in particular on all classes of covered occupancies constructed within the City, unless otherwise excepted therefrom. A covered occupancy is defined as a roof assembly as the same is described within the Uniform Building Code heretofore adopted by the City Council and as readopted and amended from time to time in accordance with State law. This fee shall be paid to the Agency as provided for in subsection [3-5.9](#) of this section

3-5.5.50 Prior Agreements and in Lieu Dedication.

- a. Any agreement existing prior to the operative date of this section between an applicant for development and a Fire Agency or the City pertaining to the dedication of land or payment of fees for facilities and equipment to serve the property which is the subject of the application, or any portion thereof, shall satisfy the requirements of this section.
- b. If land, facilities or equipment has been dedicated or donated to, and accepted by, the Fire Agency as a condition of approval of a discretionary permit, such dedication or donation may be considered by the City Council as satisfying the requirements of this section.

3-5.6 Deposit and Expenditure of Fees.

- a. Fees paid under this section shall be collected by the City and held in a separate account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City, except for temporary investments. Interest on fee revenue shall also be placed in that account or fund.
- b. The City may retain from this account or fund the amount necessary to reimburse the City for its reasonable costs of collecting and administering the fees.
- c. The remaining balance of the fund shall be transferred quarterly, or on some other interval as agreed upon, to the Fire Agency serving the area from which the fees were collected, subject to the requirement that the Fire Agency retains this balance its City of Clearlake Fire Mitigation Fee account or fund that is governed by the requirements of its resolution adopted in compliance with Chapter 3-5.7.50(b) of this Code, that the Fire Agency is in compliance with the requirements of such resolution, and that such resolution has not been amended by the Agency without the permission of the City. Funds may only be expended in accordance with the requirements of the resolution setting the rate for the fee.

All fees collected pursuant to this section and transferred to a Fire Agency, including any interest accrued after transfer, shall be used by the Agency for the purpose of providing for capital facilities and equipment. Facilities funded by fees collected within the City shall only be spent on facilities within the Clearlake City boundary.

3-5.7 Exemptions.

- a. There shall be exempt from the requirements of this article, building permits for the following types of

Development:

- 1) Piers which are not covered, ramps, boat lifts, docks, suspended platforms, and pilings;
- 2) Agricultural buildings requiring an exempt building permit.

b. The requirements of this article shall not apply to buildings and structures constructed owned and used by governmental entities.

c. The requirements of this section shall not apply to the replacement on the same parcel by the owner of a dwelling or dwellings destroyed by fire or other calamity or demolished for replacement, provided that:

- 1) The application for a building permit to replace such dwelling is filed with the Director within one (1) year after destruction or demolition of the dwelling, or within three (3) years of the date a local emergency is declared if the destruction or demolition occurred within the geographical area encompassed by that local emergency declaration and resulted from events giving rise to said declaration;
- 2) There is no change in class of occupancy or type of use; and
- 3) The square footage is not increased. Fees shall be required only for additional square footage greater than five hundred (500) square feet

3-5.7.50 Required Actions of the Fire Agency.

This section shall become applicable to new development within that area which is within the boundaries of a Fire Agency and the incorporated area of the City when the following events occur:

a. The governing body of the Fire Agency adopts a resolution making the following findings:

- 1) The Agency does not have existing fire protection facilities and equipment which could be used to provide an adequate level of services to new development within the Agency's boundaries.
- 2) The Agency has determined it does not have sufficient funds available to construct additional facilities to serve new development from fund balances, capital facility funds, property tax sources, fire suppression assessments, or any other appropriate sources.
- 3) The lack of facilities and equipment to serve new development would create a situation perilous to the public health and safety if fire mitigation fees are not levied within the Agency's district.

b. The governing body of a Fire Agency resolves as follows:

- 1) The Agency requests that the City collect a specified fire mitigation fee on the Agency's behalf from applicants for building permits or other permits for development.
- 2) The Agency makes the findings with respect to the proposed rate that would be required by Section 66001 of the Government Code in connection with the imposition of the rate.

3) The Agency (i) adopts and proposes to the City a Capital Fire Facility and Equipment Plan, containing the information required by Government Code Section 66002, that identifies how the Agency will use proceeds of the fee at the proposed rate, and (ii) adopts and proposes to the City a Nexus Study containing the information required by Government Code Section 66016.5 with respect to such fee and rate. The Capital Fire Facilities and Equipment Plan and the Nexus Study may be combined in one document.

4) Mitigation fees paid under this section shall only be used to expand the availability of facilities and equipment to serve new development in the City of Clearlake, as identified in the Capital Facilities Plan adopted by the Agency for the Fee.. Fees collected by the City must be used on facilities within the boundary of the City. Fee proceeds shall not be used to defray costs attributable to existing deficiencies in public facilities, but may be used to defray costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan

5) The Agency shall place all funds received from the City under this section and all interest subsequently accrued by the Agency on these funds, in a separate account or fund to be known as the "City of Clearlake Fire Mitigation Fee".

6) The Agency shall submit a Fire Mitigation Fee Annual Report no later than October 31 of each year to the City Clerk. Said report shall include, but not be limited to, the balance in the account at the end of the previous fiscal year, the fee revenue received, the amount and type of expenditures made, and the ending balance in the fund. In addition, the report shall specify the actions the Agency plans to take to alleviate the facility and equipment needs caused by new development in a capital fire facilities and equipment plan adopted at a noticed public hearing. The Agency shall make available, upon request by the City Clerk, a copy of its annual audit report. The annual report shall also include all information that is needed by the City to comply with its annual reporting obligations under the Mitigation Fee Act.

7) The Agency shall make its records available to the public on request which justify the basis for the fee amount.

8) The Agency shall defend, indemnify, and hold the City harmless for any errors made by the City in collecting or transmitting the fees to the Agency, and for any alleged errors made by the Agency that are challenged in proceedings against the City for a refund of fees collected.

9) The Agency shall make findings, with respect to any portion of the fee remaining unexpended or uncommitted in its account five (5) or more years after deposit of the fee, to identify the purpose to which the fee is to be put and to demonstrate a reasonable relationship between the fee and the purpose for which it was charged. The Agency shall refund to the then current record owner or owners of the development project or projects on a prorated basis, the unexpended or uncommitted portion of the fee and any interest accrued thereon, for which need cannot be demonstrated. Such findings shall include all information needed for the City to Comply with its reporting obligations under the Mitigation Fee Act with respect to such unexpended or uncommitted funds.

c. The governing body of the Fire Agency shall send a certified copy of the Resolution, the Capital Fire Facility and Equipment Plan, and the Nexus Study to the City Clerk.

d. If the City Council approves an ordinance or resolution changing the rate of the fire fee, it shall send a certified copy of the resolution to the Fire District,

3-5.8 Fire Mitigation Fee Set By Resolution.

- a. *Fire Mitigation Fee.* The amount of the fire mitigation fee established pursuant to 3-5.5 shall be set by City Council resolution and shall be allocated to the affected fire agency for the acquisition of capital facilities and equipment in order to ensure the provision of necessary levels of fire protection services necessitated by new development via a nexus study adopted by the agency.
- b. The City Council shall, by resolution in accordance with the Mitigation Fee Act, set forth the specific amount of the fire mitigation fees, describe the benefit and impact area on which the fees are imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities and the reasonable relationship between the fees and the various types of new development on which the fees are imposed, and set forth the time and terms of payment of the fees.
- c. On an annual basis, the City Council shall review the fire mitigation fees to determine whether the fee amounts are reasonably related to the impacts of development and whether the described public facilities are still needed.

3-5.9 Fire Mitigation Fee Payment.

- a. Prior to the issuance of any building permit or other permit for Development, unless exempted, the applicant shall pay to the City fees prescribed by the Fire Mitigation Fee resolution as approved by the City Council and the applicant shall present written evidence to the Director that the provisions of this section have otherwise been satisfied with respect to the development for which permits are sought.
- b. Prior to the date of the final inspection or of the issuance of a certificate of occupancy, whichever occurs first, for residential building permits or other permits for development, the applicant shall pay to the City the fees prescribed by the Fire Mitigation Fee resolution as approved by the City Council, or shall present written evidence that the provisions of this Article have otherwise been satisfied with respect to the development for which permits are sought. In a residential development project of more than one dwelling, the City will determine whether to collect the fees either for individual units or for project phases upon final inspection or certificate of occupancy, whichever occurs first, or for the entire project upon final inspection or certificate of occupancy, whichever occurs first, for the first dwelling unit. The City may require fee payment from residential development at an earlier time:
1. If the City determines that the fees will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy.
 2. When the fees are to reimburse the Agency for expenditures previously made.
- c. The amount of such fees shall be determined by the Fire Mitigation Fee in effect on the date of the payment of

fees for an unexpired plan check.

d. When application is made for a new building permit following the expiration of a previously issued building permit for which fees were paid, the fee payment shall not be required.

e. In the event that subsequent development occurs on a property, additional fees shall be required only for additional square footage of development which was not included in computing the prior fee.

3.5.10 Reserved.

3-5.11 Changes to Fee

a. The Fire Agency may, at any time, request that the rate of the Fee be changed, that the Capital Fire Facility and Equipment Plan applicable to the Fee be amended, or that the Fee be terminated. Except with respect to a request to terminate the fee, which shall be made by resolution, the Fire Agency shall make such request by following the procedure set forth in Section 3-5.7.50 of this chapter.

b. If rate of the then current Fee was recommended by the Fire Agency to include an inflation adjustment, the Fire Agency need not take action to request that the City implement each year of the adjustment.

c. In order to allow the Fee to comply with the requirements of Section 66016.5(a)(7), the Fire Agency must adopt a new Nexus Study and make a new request pursuant to Section 3-5.7.50 of this chapter at least once every eight years.

SECTION 3. **ENVIRONMENTAL DETERMINATION.** The proposed ordinance has been reviewed for compliance with CEQA, the CEQA Guidelines, and the City’s environmental procedures. Because the proposed ordinance is an administrative activity which will not result in direct or indirect physical changes to the environment, it has been found to be not a project under Section 15378 (b)(5) of the CEQA Guidelines.

SECTION 4. **INCONSISTENCIES.** Any provision of the Clearlake Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 5. **EXISTING FEE.** Notwithstanding Section 4 of this ordinance, the adoption of this ordinance is not intended to interfere with the ongoing collection and use of any fee already adopted by the City Council under the existing provisions of Section 3-5 of the Municipal Code. The existing fire mitigation fee applicable in the territory of a Fire Agency shall continue to be collected until both (i) the City Council adopts a new rate pursuant to this Ordinance for such fire mitigation fee and (ii) said new rate becomes effective. At that point, new rate shall replace the existing rate.

SECTION 5. **SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6. **EFFECTIVE DATE.** This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in a newspaper of general circulation printed and published in the County of Lake and circulated in the City of Clearlake and hereby designated for that purpose by the City Council.

SECTION 7. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in a newspaper of general circulation printed and published in the City of Clearlake, State of California, which said newspaper is hereby designated for that purpose.

Introduced at a regular meeting of the City Council on the 21st day of November, 2024, by the following roll call vote:

MOTION:

AYES:
NOES:
ABSENT
ABSTAINED

Passed and approved at the regular meeting of the City Council on the ____ day of ____, 2024, by the following roll call vote:

MOTION:

AYES:
NOES:
ABSENT:
ABSTAINED:

ATTEST:

City Clerk

David Claffey, Mayor

APPROVED AS TO FORM:

Dean J. Pucci, City Attorney



STAFF REPORT	
SUBJECT: Second Reading and Adoption of Ordinance NO. 275-2024, An Ordinance Adding Chapter 13-3 of the Clearlake Municipal Code Establishing Fire Hydrant Inspection and Testing Requirements	MEETING DATE: Dec. 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

Adoption of regulation related to inspection, testing, maintenance, and marking of fire hydrants as recommended by staff and the City’s Water Ad Hoc Committee made up of Councilmembers Dirk Slooten and Russ Cremer.

BACKGROUND/ DISCUSSION:

Wildfire has unfortunately caused frequent and significant harm to our community, particularly in the past decade. Significant disasters have resulted from the Sulphur Fire in 2017, Cache Fire in 2021 and Boyles Fire in 2024, ultimately resulting in over 230 lost homes in the City. While mitigation of wildfire is a multifaceted approach, ensuring first responders have adequate available water for response is a key. The City’s somewhat haphazard development, which started long before incorporation, resulted in water supplied by various entities. Currently the three water providers in the City are Highlands Mutual Water Company, Golden State Water Company and Konocti County Water District. The entities each have different standards, procedures and regulatory oversight of operations. It is in the community’s best interest that there is a clear understanding of fire hydrant capability.

In 2021, as part of the Konocti County Water District Sphere of Influence Update and Municipal Service Review, the Lake Local Agency Formation Commission (LAFCo) reviewed fire flow data from all three districts in Clearlake, as well as Lower Lake County Water District. More recently some of the districts have indicated the fire flow data that they provided to LAFCo is incomplete or inaccurate, but updated data has not been made available. Mutual water companies are already required to perform and record annual flow tests pursuant to California Code of Regulations, Title 10, Section 260.140.71.8. The recorded test results become a part of the mutual water company’s books and records. In most jurisdictions this lack of reliable data is not a concern as the municipality is also the utility provider.

There are various standards for testing, but the recommended baseline is NFPA 291 (National Fire Protection Association) – *Recommended Practice for Water Flow Testing and Marking of Hydrants*. This standard outlines the practice for conducting an acceptable fire hydrant flow test, including the test reports, hydraulic graphing, etc.

In addition to fire flow requirements the inspection and operation of hydrants is critical to ensuring they are ready and operable during an emergency. This is addressed more completely in the California Fire Code, which has already been adopted by the City.

Finally, the NFPA 291 standards also delineate a marking system for hydrants that indicate the hydrant capacity with color coding. This way first responders can rapidly identify the hydrant capacity.

The City, as an authority having jurisdiction, can require the tests and inspections be completed and reported to the City and Fire District. This is a critical step in understanding the capability of the water systems in responding to emergencies and informing the districts and City in planning for growth and needed infrastructure upgrades. This ordinance is a critical step in ensuring community resilience and protecting public health and safety.

The proposed ordinance requires all hydrants to be inspected and operated each year, with flow testing of each hydrant required by July 1, 2025 and then every five years.

OPTIONS:

- 1. Hold a Second Reading, read it by title only, waive further reading and adopt.
- 2. Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: N/A

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

Attachments:

- 1. Ordinance 275-2024
- 2. NFPA 291 - *Recommended Practice for Water Flow Testing and Marking of Hydrants*

Ordinance No. 275-2024

AN ORDINANCE OF THE CITY OF CLEARLAKE, CALIFORNIA, ADDING CHAPTER 13-3 TO THE CLEARLAKE MUNICIPAL CODE, ESTABLISHING FIRE HYDRANT INSPECTION AND TESTING REQUIREMENTS

WHEREAS, the City of Clearlake is responsible for providing for the health, safety and welfare of its residents, visitors, animals, wildlife, and water supply; and

WHEREAS, under Cal. Const. art. XI, §7, cities may make and enforce within their limits all local, police, sanitary and other ordinances not in conflict with general laws; and

WHEREAS, the City Council of the City of Clearlake finds that substantial evidence supports a determination that local climatic, geological and topographical conditions are present in Clearlake which necessitate local regulations to ensure proper flow from fire hydrants in the City, in that:

1. Wildfire is a severe threat to our way of life and has greatly impacted our community, through small fires as well as the Sulphur Fire in 2017, the Cache Fire in 2021 and the Boyles Fire in 2024.
2. The City is not responsible for providing water service to the community and instead relies on three separate water companies, Highlands Mutual Water Company, Golden State Water Company and Konocti County Water District. Each company/district uses different standards and processes for maintaining their systems and infrastructure.
3. Fire response has been impacted by lack of available fire hydrants and lack of adequate fire flow in some areas; past experience shows that adequate water flow to buildings is critical to protecting property and human life.
4. Information provided by companies/districts on fire flow has been dated, incomplete or difficult to obtain.
5. It is in the community’s interest to have clear, accurate and up to date information on the adequacy of fire flows and infrastructure readiness throughout the City in hopes of avoiding future wildfire disasters and other emergencies. It is also in the community’s interest to provide for public safety and protection of property.
6. The Safety Element of the Clearlake General Plan lists fire hazards as a key safety theme; Goal SA-1 seeks to provide “a community protected from injury, loss of life and property damage resulting from...fire;” Objective SA 1.3 aims to “reduce the risk of damage and destruction from wild land fires;” and Program SA1.3.3.3 “...recognizes that portions of the City are located in a Very High Fire Hazard Severity Zone....” and

WHEREAS, the City, pursuant to the provisions of the California Environmental Quality Act (“CEQA”) (Cal. Pub. Res. Code §§21000 and following) and State CEQA Guidelines (14 CCR §§15000 and following) has determined that this ordinance is not a project under CEQA pursuant to Title 14, Section 15378 (b)(5) of the California Code of Regulations;

NOW, THEREFORE, the City Council of the City of Clearlake, California does hereby ordain as follows:

SECTION 1. The above recitals are true and hereby incorporated into this ordinance.

SECTION 2. Chapter 13-3 is hereby added to the Clearlake Municipal Code, to read as follows:

13-3 FIRE HYDRANT INSPECTION, TESTING, AND MAINTENANCE.

13-3.1 Purpose.

It is the intent and purpose of the City Council, in enacting this ordinance to ensure compliance with established standards and protocols in inspection, testing, maintenance, and marking of fire hydrants throughout the City.

13-3.2 Definitions.

Authority Having Jurisdiction (AHJ).

An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

Fire Flow.

The flow rate of a water supply, measured at 20 pounds per square inch (1.4 bar) residual pressure, that is available for firefighting.

National Fire Protection Association (NFPA).

A non-profit organization that sets standards and codes for fire, electrical and building safety.

Hydrant Definitions.

- a. **Dry Barrel Hydrant (Frostproof Hydrant).**
A type of hydrant with the main control valve below the frost line between the footpiece and the barrel.
- b. **Fire Hydrant.**
A valved connection on a water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water.
- c. **Flow Hydrant.**
The hydrant that is used for the flow and flow measurement of water during a flow test.
- d. **Flush Hydrant (Below Ground Hydrant).**
A type of hydrant that is installed below the ground level that is intended for use in congested urban areas or aircraft movement areas.
- e. **Private Fire Hydrant.**
A valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water on private property.
- f. **Public Hydrant.**
A valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water.
- g. **Residual Hydrant.**
The hydrant that is used for measuring static and residual pressures during a flow test.
- h. **Wet Barrel Hydrant.**
A type of hydrant that is intended for use where there is no danger of freezing weather and where each outlet is provided with a valve and an outlet.

Rated Capacity.

The flow available from a hydrant at the designated residual pressure (rated pressure), either measured or calculated.

Residual Pressure.

The pressure that exists in the distribution system, measured at the residual hydrant at the time the flow readings are taken at the flow hydrants.

Static Pressure.

The pressure that exists at a given point under normal distribution system conditions measured at the residual hydrant with no hydrants flowing.

13-3.3 Inspection, Testing, and Maintenance Required.

Inspection, testing, and maintenance of fire hydrants, public and private, throughout the City is hereby required. National Fire Protection Association (“NFPA”) 291, Recommended Practice for Water Flow Testing and Marking of Hydrants, as then in effect, shall be the standard for conducting hydrant inspection, testing and reporting.

13-3.4 Annual Inspection and Testing Required.

a. Prior to July 1, 2025, each water district/company providing service in the City of Clearlake shall perform an initial inspection and flow test on each hydrant in the City through which they deliver water to the City in compliance with the NFPA 291 standard, using one of the licensed professionals listed in 13-3.4, below.

b. No later than July 1, 2025, each water district/company providing service in the City of Clearlake shall submit a report of the inspection and testing required in subparagraph a. to the Lake County Fire Protection District and City of Clearlake. The report shall be in a format approved by the City of Clearlake and contain information regarding the timing, location, findings and corrective actions taken for each inspection and flow test as provided in NFPA 291.

c. After the initial inspection and flow test, and prior to July 1 of the year, each water district/company providing service in the City of Clearlake shall perform the maintenance required by this Chapter annually and the flow testing as provided by NFPA 291 every five (5) years.

13-3.4 Maintenance, Testing, and Recordkeeping Required.

Each water district/company providing service in the City of Clearlake shall perform maintenance and testing, and maintain records in a form and format acceptable to the City of Clearlake, for each hydrant through which they deliver water in the City as set out below.

- a. Annual Maintenance shall be conducted by a certified Water Distribution Operator or person with equal or greater qualifications, and shall include at least the following:
 - 1. Ensure hydrant is visible and accessible
 - 2. Remove caps and inspect threads, gaskets and cap chains.

3. Clean and lubricate threads
 4. Check condition of pentagon operating nut.
 5. Locate and exercise the underground control valve (key valve, road box or foot valve)
 6. Clean and paint hydrant per NFPA 291 standard
 7. Immediate correction of any deficiency noted.
- b. Five Year Maintenance shall include at least the following:
1. Perform annual maintenance as outlined above using a certified Water Distribution Operator or person with equal or greater qualifications.
 2. Perform flow testing in accordance with NFPA 291, Recommended Practices for Fire Flow Testing and Marking of Hydrants. Flow testing must be completed by one of the following licensed professionals:
 - i. C-16 – Fire Protection Contractor
 - ii. C-36 – Plumbing Contractor
 - iii. C-34- Pipeline Contractor
 - iv. California State Fire Marshal – License A, Type
 - v. California Registered Civil Engineer
 3. Immediately correct any deficiencies noted.
- c. Record Keeping
1. Records in a form and format acceptable to the City of Clearlake shall be maintained for all maintenance and testing performed on, and all corrective actions taken on, public fire hydrants. Copies of such records for the previous calendar year shall be delivered to the Fire District and City annually, no later than July 1.
 2. Records in a form and format acceptable to the City of Clearlake shall be maintained by the property owner for all maintenance and testing of private fire hydrants. Copies of such records for the previous calendar year shall be delivered to the Fire District and City annually, no later than July 1.

13-3.5 Compliance With Requirements for Water Discharged During Inspections and Flow Testing.

Flow testing constitutes a planned event and shall comply with all applicable discharge requirements set by any jurisdictional agency, including the City and the Regional Water Quality Control Board. Public drinking water contains disinfecting chemicals that may be harmful to certain aquatic species. Best Management Practices shall be employed to ensure compliance with all discharges to the City storm drainage systems or to natural drainage courses.

13-3.6 Damage to City or Private Property and Public Safety.

The owner of all fire hydrants subject to the inspection and testing requirements of this ordinance shall assume sole liability for all actions taken to comply, including causing damage to public or private property, or causing a violation of downstream permit conditions or receiving water limitations.

In addition, the discharge of large quantities of water can cause temporary local flooding and present traffic hazards. The fire hydrant owner shall employ proper traffic control measures to protect vehicles, pedestrians and other users of all public and private property impacted by inspection and testing operations.

13-3.7 Violation; Penalty.

Violation of this Chapter is a public nuisance and misdemeanor. Whenever an act is made unlawful by this Chapter, or the doing of an act is required by this Chapter, the violation shall be punished by a fine not exceeding one thousand dollars (\$1000) or imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment; provided, nevertheless, that any such aforesaid violation or offense may be deemed an infraction as defined by Section 19C of the California Penal Code and charged as such in the discretion and at the election of the City prosecuting attorney, in which event the punishment therefor shall not be imprisonment, but a fine not to exceed the amounts specified by Government Code Section 36900 as then in effect.

SECTION 3. **ENVIRONMENTAL DETERMINATION.** The proposed ordinance has been reviewed for compliance with CEQA, the CEQA Guidelines, and the City’s environmental procedures. Because the proposed ordinance is an administrative activity which will not result in direct or indirect physical changes to the environment, it has been found to be not a project under Section 15378 (b)(5) of the CEQA Guidelines.

SECTION 4. **INCONSISTENCIES.** Any provision of the Clearlake Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

SECTION 5. **SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

SECTION 6. **EFFECTIVE DATE.** This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in a newspaper of general circulation printed and published in the County of Lake and circulated in the City of Clearlake and hereby designated for that purpose by the City Council.

SECTION 7. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in a newspaper of general circulation printed and published in the City of Clearlake, State of California, which said newspaper is hereby designated for that purpose.

Introduced at a regular meeting of the City Council on the 21st day of November, 2024, by the following roll call vote:

- MOTION: Motion made by Council Member Slooten. Second by Council Member Cremer.
- AYES: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten
- NOES: None
- ABSENT: None
- ABSTAINED: None

Passed and Adopted this 5th day of December 2024 by the following vote:

AYES:
NOES:
ABSENT OR NOT VOTING:

David Claffey
Mayor, City of Clearlake

ATTEST:

Melissa Swanson
City Clerk, City of Clearlake

APPROVED AS TO FORM:

Dean J. Pucci, City Attorney

Administration

[1.1*](#) Scope.

The scope of this document is water flow testing and marking of hydrants.

[1.2*](#) Purpose.

This document provides recommended practices to test and determine the available water supply for fire protection systems and fire flow purposes and the marking of hydrants.

1.2.1

Water flow testing, water supply analysis, and hydrant classification for marking purposes should be performed by knowledgeable and trained personnel.

[1.3*](#) Application.

The application of this document is the flow testing and marking of both public and private fire hydrants.

1.4 Units.

Metric units of measurement in this recommended practice are in accordance with the modernized metric system known as the International System of Units (SI). Two units (liter and bar), outside of but recognized by SI, are commonly used in international fire protection. These units are listed in [Table 1.4](#) with conversion factors.

Table 1.4 SI Units and Conversion Factors

Unit Name	Unit Symbol	Conversion Factor
Liter	L	1 gal = 3.785 L
Liter per minute per square meter	(L/min)/m ²	1 gpm ft ² = (40.746 L/min)/m ²
Cubic decimeter	dm ³	1 gal = 3.785 dm ³
Pascal	Pa	1 psi = 6894.757 Pa
Bar	bar	1 psi = 0.0689 bar
Bar	bar	1 bar = 10 ⁵ Pa

Note: For additional conversions and information, see ASTM SI 10, *IEEE/ASTM SI 10 American National Standard for Metric Practice*, 2016.

1.4.1

If a value for measurement as given in this recommended practice is followed by an equivalent value in other units, the first value stated is to be regarded as the recommendation. A given equivalent value might be approximate.

Referenced Publications

2.1 General.

The documents or portions thereof listed in this chapter are referenced within this recommended practice and should be considered part of the recommendations of this document.

2.2 NFPA Publications.

NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 2023 edition.

2.3 Other Publications.

2.3.1 ASTM Publications.

ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959.

ASTM SI 10, *IEEE/ASTM SI 10 American National Standard for Metric Practice*, 2016.

2.3.2 AWWA Publications.

American Water Works Association, 6666 West Quincy Avenue, Denver, CO 80235.

ANSI/AWWA G200, *Standard for Distribution Systems Operation and Management*, 2015.

2.3.3 Other Publications.

Merriam-Webster's Collegiate Dictionary, 11th edition, Merriam-Webster, Inc., Springfield, MA, 2020.

2.4 References for Extracts in Recommendations Sections.

NFPA 1, *Fire Code*, 2024 edition.

NFPA 24, *Standard for the Installation of Private Fire Service Mains and Their Appurtenances*, 2025 edition.

NFPA 1140, *Standard for Wildland Fire Protection*, 2022 edition.

Definitions

3.1 General.

3.1.1

The definitions contained in this chapter apply to the terms used in this recommended practice.

3.1.2

Where terms are not defined in this chapter or within another chapter, they should be defined using their ordinarily accepted meanings within the context in which they are used.

3.1.3

Merriam-Webster's Collegiate Dictionary, 11th edition, is the source for the ordinarily accepted meaning.

3.2 NFPA Official Definitions.

3.2.1* Authority Having Jurisdiction (AHJ).

An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

3.2.2* Listed.

Equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

3.2.3 Should.

Indicates a recommendation or that which is advised but not required.

3.3 General Definitions.

3.3.1 Fire Flow.

The flow rate of a water supply, measured at 20 psi (1.4 bar) residual pressure, that is available for firefighting. [1, 2024]

3.3.2 Rated Capacity.

The flow available from a hydrant at the designated residual pressure (rated pressure), either measured or calculated.

3.3.3 Residual Pressure.

The pressure that exists in the distribution system, measured at the residual hydrant at the time the flow readings are taken at the flow hydrants.

3.3.4 Static Pressure.

The pressure that exists at a given point under normal distribution system conditions measured at the residual hydrant with no hydrants flowing.

3.4 Hydrant Definitions.

3.4.1* Dry Barrel Hydrant (Frostproof Hydrant).

A type of hydrant with the main control valve below the frost line between the footpiece and the barrel. [24, 2025]

3.4.2 Fire Hydrant.

A valved connection on a water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water. [1140, 2022]

3.4.3 Flow Hydrant.

The hydrant that is used for the flow and flow measurement of water during a flow test. [24, 2025]

3.4.4 Flush Hydrant (Below Ground Hydrant).

A type of hydrant that is installed below the ground level that is intended for use in congested urban areas or aircraft movement areas.

3.4.5 Private Fire Hydrant.

A valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water on private property. [24, 2025]

3.4.6 Public Hydrant.

A valved connection on a water supply system having one or more outlets that is used to supply hose and fire department pumpers with water. [24, 2025]

3.4.7 Residual Hydrant.

The hydrant that is used for measuring static and residual pressures during a flow test. [24, 2025]

3.4.8* Wet Barrel Hydrant.

A type of hydrant that is intended for use where there is no danger of freezing weather and where each outlet is provided with a valve and an outlet. [24, 2025]

Flow Testing

4.1 Water Flow Testing Purposes.

4.1.1

Water flow tests are conducted to determine the available water supply for fire protection purposes, the flow that would be available from a fire hydrant for firefighting purposes, or the status of the water supply distribution system for fire protection systems or for firefighting purposes.

4.2 Rating Pressure.

4.2.1

For the purpose of uniform marking of hydrants, the ratings should be based on the flow available at the hydrant at a residual pressure of 20 psi (1.4 bar).

4.2.2

It is generally recommended that a minimum residual pressure of 20 psi (1.4 bar) should be maintained at hydrants when delivering the fire flow. Fire department pumpers can be operated where hydrant pressures are less, but with difficulty.

4.2.3

A primary concern should be the ability to maintain sufficient residual pressure to prevent back-siphonage of polluted water from some other interconnected source.

4.2.4*

It should be noted that the use of residual pressures of less than 20 psi (1.4 bar) is not permitted by many water authorities and health departments.

4.3 Procedure.

4.3.1*

Tests should be conducted during periods of peak demand, based on knowledge of the water supply and engineering judgment.

4.3.2

The procedure consists of discharging water at a measured rate of flow from the system at a given location and observing the corresponding pressure drop in the mains.

4.3.3*

The fire hydrant and the area around the fire hydrant should be visually inspected for safety concerns prior to conducting the flow test.

4.4* Layout of Test and Procedure to Determine the Available Water Supply in a Water Main.

4.4.1

After the location where the test is to be run has been determined, a group of test hydrants in the vicinity is selected.

4.4.2

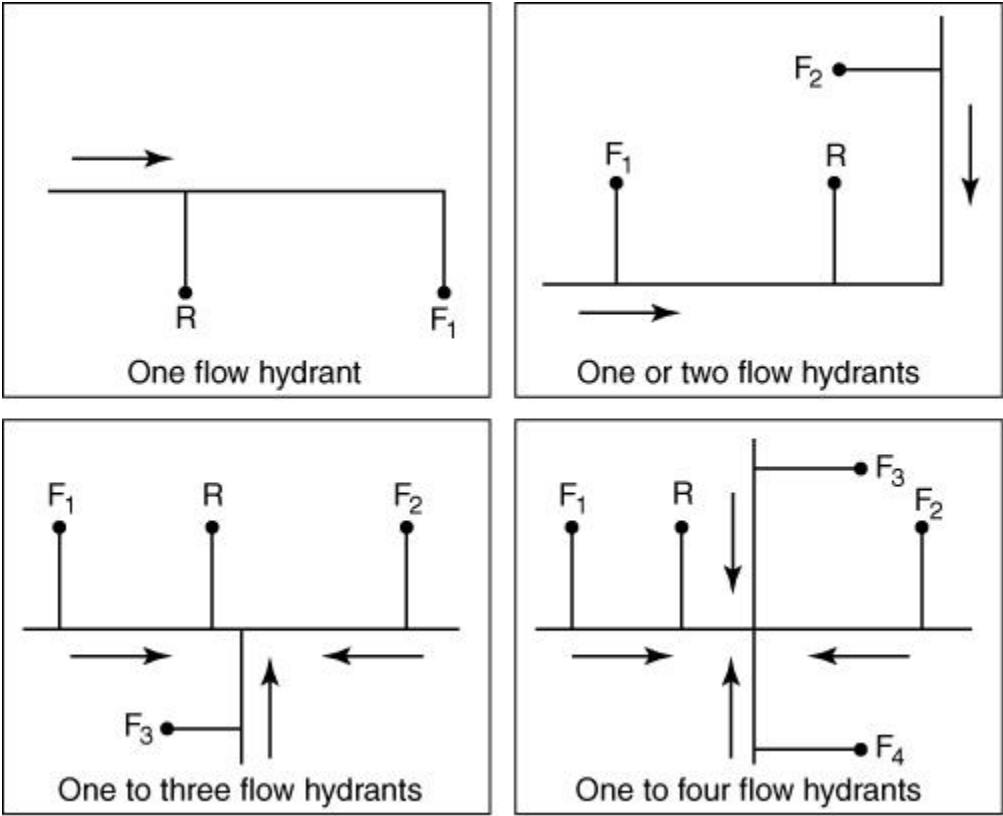
Once selected, due consideration should be given to potential interference with traffic flow patterns, damage to surroundings (e.g., roadways, sidewalks, landscapes, vehicles, and pedestrians), and potential flooding problems both local and remote from the test site.

4.4.3

One hydrant, designated the residual hydrant, is chosen to be the hydrant where the normal static pressure will be observed with the other hydrants in the group closed, and where the residual pressure will be observed with the other hydrants flowing.

4.4.4

This hydrant is chosen so it will be located between the hydrant to be flowed and the large mains that constitute the immediate sources of water supply in the area. In [Figure 4.4.4](#), test layouts are indicated showing the residual hydrant designated with the letter R and hydrants to be flowed with the letter F.



Arrows indicate direction of flow: R – residual hydrant; F – flow hydrant

Figure 4.4.4 Suggested Test Layout for Hydrants.

4.4.5

The number of hydrants to be used in any test depends upon the strength of the distribution system in the vicinity of the test location.

4.4.6

To obtain satisfactory test results of theoretical calculation of expected flows or rated capacities, sufficient discharge should be achieved to cause a drop in pressure at the residual hydrant of at least 10 percent. In water supply systems where additional municipal pumps increase the flow and pressure as additional test hydrants are opened, it might be necessary to declare an artificial drop in the static pressure of 10 percent to create a theoretical water supply curve.

4.4.7*

When conducting a flow test for the purpose of fire protection system design, the flow and pressure results should be adequate for the total demand of the system.

4.4.8

If the mains are small and the system weak, only one or two hydrants need to be flowed.

4.4.9

If the mains are large and the system strong, it might be necessary to flow as many as seven or eight hydrants.

4.5 Layout of Test and Procedure to Evaluate the Available Flow Through a Fire Hydrant.

4.5.1

When the purpose of a flow test is to determine the available flow through an individual hydrant only, the static and residual pressures should be taken at a single hydrant. The flow hydrant is also used as the static/residual hydrant.

4.5.1.1

This procedure should be used to evaluate the available water flow at a given hydrant.

4.5.1.2

The recommended procedures for determining the available water supply for the design of a water-based protection system should be in accordance with Section [4.4](#).

4.5.2

A pressure gauge (or other pressure measuring device) should be located on one of the 2 1/2 in. (65 mm) hydrant outlets [see [4.6.1\(1\)](#)].

4.5.3

A closed control valve connected to a discharge nozzle(s) for the purpose of rate of flow measurement should be located on one of the other hydrant outlets.

4.5.4

The test procedures in Section [4.7](#) for venting air and taking static/residual readings and Section [4.8](#) for taking pitot readings should be followed.

4.5.5

The control valve on another hydrant outlet should be opened. When the rate of flow stabilizes, rate of flow and residual pressure measurements are taken and recorded.

4.6 Equipment.**4.6.1**

The equipment necessary for field work can consist of the following:

- (1)

A special hydrant cap tapped with a hole into which is fitted a short length of 1/4 in. (6 mm) nipple provided with a “T” connection for a pressure gauge and a petcock at the end for relieving air pressure

- (2)

A single 100 psi (6.9 bar) or 200 psi (13.8 bar) bourdon pressure gauge with 1 psi (0.07 bar) graduations fixed onto the hydrant cap [If the static pressure on the system is greater than 100 psi (6.9 bar), the 200 psi (13.8 bar) gauge will be required.]

- (3)

A pitot tube and a 100 psi (6.9 bar) bourdon pressure gauge with 1 psi (0.07 bar) graduations, for each hydrant to be flowed simultaneously

- (4)

A sufficient number of hydrant wrenches to operate the hydrants simultaneously

- [\(5\)*](#)

Playpipes, stream straighteners, or other specially designed flow test outlets with known coefficients of discharge

4.6.2

It is preferred to use playpipes or stream straighteners or other specially designed flow test outlets with known coefficients of discharge when testing hydrants due to more streamlined flows and more accurate pitot readings.

4.6.3

All pressure gauges should be calibrated at least every 12 months, or more frequently depending on use.

4.6.4

When more than one hydrant is flowed, it is desirable and could be necessary to facilitate communications between team members.

4.7 Test Procedure.

4.7.1

In a typical test, the 100 psi (6.9 bar) or 200 psi (14 bar) gauge is attached to one of the 2 1/2 in. (65 mm) outlets of the residual hydrant using the special cap.

4.7.2

The cock on the gauge piping is opened, and the hydrant valve is opened full.

4.7.3

As soon as the air is exhausted from the barrel, the cock is closed.

4.7.4

A reading (static pressure) is taken when the needle comes to rest.

4.7.5

At a given signal, each of the other hydrants is opened in succession, with discharge taking place directly from the open hydrant butts.

4.7.6

Hydrants should be opened one at a time.

4.7.7

With all hydrants flowing, water should be allowed to flow for a sufficient time to clear all debris and foreign substances from the stream(s).

4.7.8

At that time, a signal is given to the people at the hydrants to read the pitot pressure of the streams simultaneously while the residual pressure is being read.

4.7.9

The final magnitude of the pressure drop can be controlled by the number of hydrants used and the number of outlets opened on each.

4.7.10

After the readings have been taken, hydrants should be shut down slowly, one at a time, to prevent undue surges in the system.

4.8 Pitot Readings.

4.8.1

When measuring discharge from open hydrant butts, it is always preferable from the standpoint of accuracy to use 2 1/2 in. (65 mm) outlets rather than pumper outlets.

4.8.2

In practically all cases, the 2 1/2 in. (65 mm) outlets are filled across the entire cross-section during flow, while in the case of the larger outlets there is very frequently a void near the bottom.

4.8.3

When measuring the pitot pressure of a stream of practically uniform velocity, the orifice in the pitot tube is held downstream approximately one-half the diameter of the hydrant outlet or nozzle opening, and in the center of the stream. (See [Figure 4.8.3.](#))

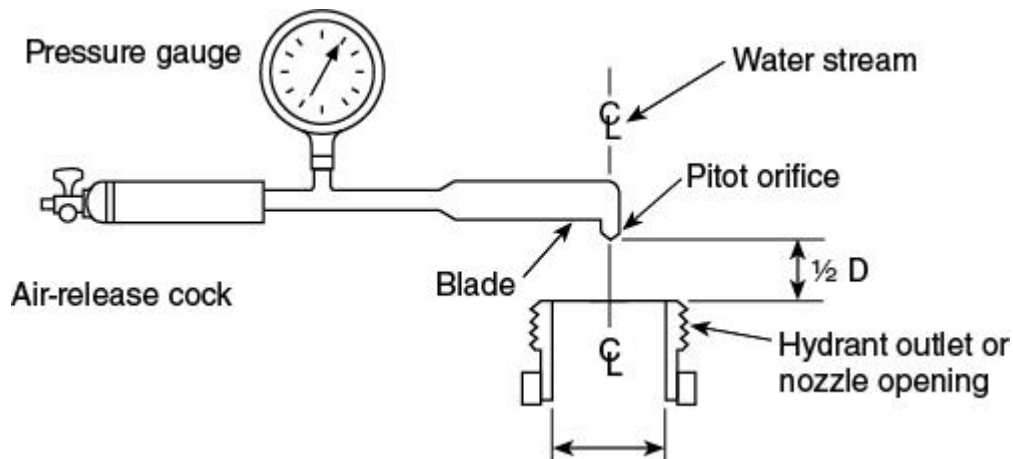


Figure 4.8.3 Pitot Tube Position.

4.8.4

The center line of the orifice should be at right angles to the plane of the face of the hydrant outlet.

4.8.5

The air chamber on the pitot tube should be kept elevated.

4.8.6

Pitot readings of less than 10 psi (0.7 bar) should be avoided, if possible.

4.8.7

Opening additional hydrant outlets will aid in controlling the pitot reading.

4.8.8

With dry barrel hydrants, the hydrant valve should be wide open to minimize problems with underground drain valves.

4.8.9

With wet barrel hydrants, the valve for the flowing outlet should be wide open to give a more streamlined flow and a more accurate pitot reading.

4.9 Determination of Discharge.

4.9.1

At the hydrants used for flow during the test, the discharges from the open butts are determined from measurements of the diameter of the outlets flowed, the pitot pressure (velocity head) of the streams as indicated by the pitot gauge readings, and the coefficient of the outlet being flowed as determined from [Figure 4.9.1](#).

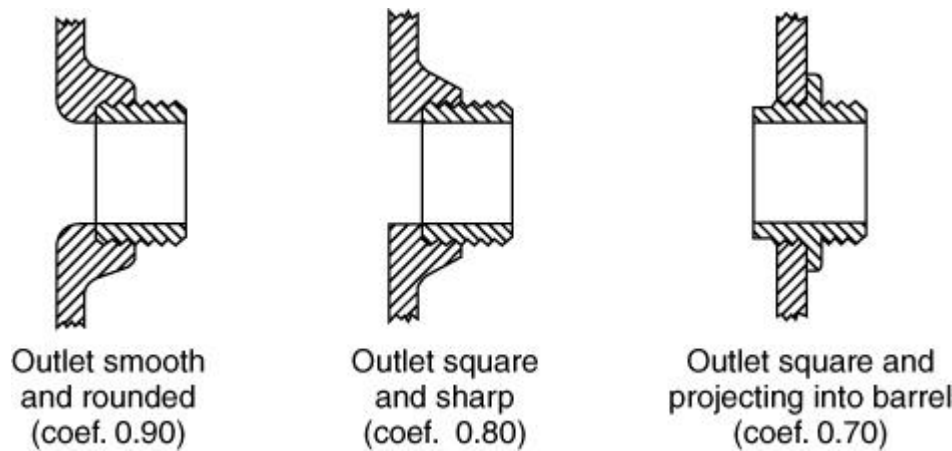


Figure 4.9.1 Three General Types of Hydrant Outlets and Their Coefficients of Discharge.

4.9.2

If flow tubes (stream straighteners) are being utilized, a coefficient of 0.95 is suggested unless the coefficient of the tube is known.

4.9.3

The formula used to compute the discharge, Q , in gpm (L/min) from these measurements is as shown in Equations 4.9.3a and 4.9.3b.

[4.9.3a]

$$Q = 29.84cd^2\sqrt{p}$$

where:

Q =

flow (gpm)

c =

coefficient of discharge (see [Figure 4.9.1](#))

d =

diameter of the outlet (in.)

p =

pitot pressure (velocity head) (psi)

[4.9.3b]

$$Q_M = 0.666cd^2 \sqrt{p_M}$$

where:

Q_M =

flow (L/min)

c =

coefficient of discharge (see [Figure 4.9.1](#))

d =

diameter of the outlet (mm)

p_M =

pitot pressure (velocity head) (bar)

4.10 Use of Pumper Outlets.

4.10.1

If it is necessary to use a pumper outlet, and flow tubes (stream straighteners) are not available, the best results are obtained with the pitot pressure (velocity head) maintained between 5 psi and 10 psi (0.34 bar and 0.7 bar).

4.10.2

For pumper outlets, the approximate discharge can be computed from Equations 4.9.3a and 4.9.3b using the pitot pressure (velocity head) at the center of the stream and multiplying the result by one of the coefficients in [Table 4.10.2](#), depending upon the pitot pressure (velocity head).

Table 4.10.2 Pumper Outlet Coefficients

**Pitot Pressure
(Velocity Head)**

psi	bar	Coefficient
2	0.14	0.97
3	0.21	0.92
4	0.28	0.89
5	0.35	0.86
6	0.41	0.84
7 and over	0.48 and over	0.83

4.10.3

These coefficients are applied in addition to the coefficient in Equations 4.9.3a and 4.9.3b and are for average-type hydrants.

4.11 Determination of Discharge Without a Pitot.

4.11.1

If a pitot tube is not available for use to measure the hydrant discharge, a gauge of sufficient pressure range, tapped into a hydrant cap can be used when the flow is through a hydrant outlet or a nozzle attached to a hydrant outlet.

4.11.2

The hydrant cap with gauge attached is placed on one outlet, and the flow is allowed to take place through the other outlet at the same elevation.

4.11.3

The readings obtained from a gauge so located, and the readings obtained from a gauge on a pitot tube held in the stream, are approximately the same.

4.12 Calculation Results.

4.12.1

The discharge in gpm (L/min) for each outlet flowed is obtained from [Table 4.12.1\(a\)](#) and [Table 4.12.1\(b\)](#) or by the use of Equations 4.9.3a and 4.9.3b.

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)				
		1.75	2	2.25	2.375	2.5
1	2.31	91	119	151	168	187
2	4.61	129	169	214	238	264
3	6.92	158	207	262	292	323
4	9.23	183	239	302	337	373
5	11.54	204	267	338	376	417
6	13.84	224	292	370	412	457
7	16.15	242	316	400	445	493
8	18.46	258	338	427	476	528
9	20.76	274	358	453	505	560
10	23.07	289	377	478	532	590
11	25.38	303	396	501	558	619
12	27.68	317	413	523	583	646
13	29.99	329	430	545	607	672
14	32.30	342	447	565	630	698
15	34.61	354	462	585	652	722
16	36.91	366	477	604	673	746
17	39.22	377	492	623	694	769
18	41.53	388	506	641	714	791
19	43.83	398	520	658	734	813
20	46.14	409	534	676	753	834
22	50.75	429	560	709	789	875
24	55.37	448	585	740	825	914
26	59.98	466	609	770	858	951
28	64.60	484	632	799	891	987

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)				
		1.75	2	2.25	2.375	2.5
30	69.21	501	554	827	922	1022
32	73.82	517	575	855	952	1055
34	78.44	533	596	881	981	1087
36	83.05	548	716	906	1010	1119
38	87.67	563	736	931	1038	1150
40	92.28	578	755	955	1065	1180
42	96.89	592	774	979	1091	1209
44	101.51	606	792	1002	1116	1237
46	106.12	620	810	1025	1142	1265
48	110.74	633	827	1047	1166	1292
50	115.35	646	844	1068	1190	1319
52	119.96	659	861	1089	1214	1345
54	124.58	672	877	1110	1237	1370
56	129.19	684	893	1130	1260	1396
58	133.81	696	909	1150	1282	1420
60	138.42	708	925	1170	1304	1445
62	143.03	720	940	1189	1325	1469
64	147.65	731	955	1209	1347	1492
66	152.26	742	970	1227	1367	1515
68	156.88	754	984	1246	1388	1538
70	161.49	765	999	1264	1408	1560
72	166.10	775	1013	1282	1428	1583
74	170.72	786	1027	1300	1448	1604
76	175.33	797	1041	1317	1467	1626

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)				
		1.75	2	2.25	2.375	2.5
78	179.95	307	1054	1334	1487	1647
80	184.56	317	1068	1351	1505	1668
82	189.17	328	1081	1368	1524	1689
84	193.79	338	1094	1385	1543	1709
86	198.40	347	1107	1401	1561	1730
88	203.02	357	1120	1417	1579	1750
90	207.63	367	1132	1433	1597	1769
92	212.24	377	1145	1449	1614	1789
94	216.86	386	1157	1465	1632	1808
96	221.47	395	1169	1480	1649	1827
98	226.09	405	1182	1495	1666	1846
100	230.70	414	1194	1511	1683	1865
102	235.31	423	1205	1526	1700	1884
104	239.93	432	1217	1541	1716	1902
106	244.54	441	1229	1555	1733	1920
108	249.16	450	1240	1570	1749	1938
110	253.77	458	1252	1584	1765	1956
112	258.38	467	1263	1599	1781	1974
114	263.00	476	1274	1613	1797	1991
116	267.61	484	1286	1627	1813	2009
118	272.23	493	1297	1641	1828	2026
120	276.84	1001	1308	1655	1844	2043
122	281.45	1009	1318	1669	1859	2060
124	286.07	1018	1329	1682	1874	2077

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)				
		1.75	2	2.25	2.375	2.5
126	290.68	1026	1340	1696	1889	2093
128	295.30	1034	1350	1709	1904	2110
130	299.91	1042	1361	1722	1919	2126
132	304.52	1050	1371	1736	1934	2143
134	309.14	1058	1382	1749	1948	2159
136	313.75	1066	1392	1762	1963	2175

Notes:

- (1) This table is computed from the formula $Q = 29.84cd^2\sqrt{p}$, with $c = 1.00$. The theoretical discharge of seawater, as
- (2) Appropriate coefficient should be applied where it is read from hydrant outlet. Where more accurate results are required, discharge from circular openings of sizes other than those in the table can readily be computed by applying the principle of

Table 4.12.1(b) Theoretical Discharge Through Circular Orifices (Liters of Water per Minute)

Pitot Pressure (kPa)	Pitot Pressure (bar)	Meters (m)	Orifice Size (mm)				
			44.5	50.8	57.2	60.3	63.5
5	0.05	0.51	295	384	487	541	500
10	0.10	1.02	417	544	689	766	849
15	0.15	1.53	511	666	844	938	1040
20	0.20	2.04	590	769	974	1083	1201
25	0.25	2.55	659	859	1090	1211	1343
30	0.30	3.06	722	941	1194	1326	1471
35	0.35	3.57	780	1017	1289	1433	1589
40	0.40	4.08	834	1087	1378	1532	1698
45	0.45	4.59	885	1153	1462	1624	1801
50	0.50	5.10	933	1215	1541	1712	1899

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)					
		1.75	2	2.25	2.375	2.5	
55	0.55	5.61	978	1275	1616	1796	1992
60	0.60	5.12	1022	1331	1688	1876	2080
65	0.65	5.63	1063	1386	1757	1952	2165
70	0.70	7.14	1103	1438	1823	2026	2247
75	0.75	7.65	1142	1488	1887	2097	2326
80	0.80	8.16	1180	1537	1949	2166	2402
85	0.85	8.67	1216	1585	2009	2233	2476
90	0.90	9.18	1251	1631	2067	2297	2548
95	0.95	9.69	1285	1675	2124	2360	2617
100	1.00	10.20	1319	1719	2179	2422	2685
105	1.05	10.71	1351	1761	2233	2481	2752
110	1.10	11.22	1383	1803	2285	2540	2817
115	1.15	11.73	1414	1843	2337	2597	2880
120	1.20	12.24	1445	1883	2387	2653	2942
125	1.25	12.75	1475	1922	2436	2707	3002
130	1.30	13.26	1504	1960	2484	2761	3062
140	1.40	14.28	1560	2034	2578	2865	3178
150	1.50	15.30	1615	2105	2669	2966	3289
160	1.60	16.32	1668	2174	2756	3063	3397
170	1.70	17.34	1720	2241	2841	3157	3501
180	1.80	18.36	1769	2306	2923	3249	3603
190	1.90	19.38	1818	2369	3004	3338	3702
200	2.00	20.40	1865	2431	3082	3425	3798
210	2.10	21.42	1911	2491	3158	3509	3892

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)					
		1.75	2	2.25	2.375	2.5	
220	2.20	22.44	1956	2549	3232	3592	3983
230	2.30	23.46	2000	2607	3305	3673	4073
240	2.40	24.48	2043	2663	3376	3752	4160
250	2.50	25.50	2085	2718	3445	3829	4246
260	2.60	26.52	2127	2771	3514	3905	4330
270	2.70	27.54	2167	2824	3581	3979	4413
285	2.85	29.07	2226	2902	3679	4088	4534
300	3.00	30.60	2284	2977	3774	4194	4651
315	3.15	32.13	2341	3050	3867	4298	4766
330	3.30	33.66	2396	3122	3958	4399	4878
345	3.45	35.19	2450	3192	4047	4498	4988
360	3.60	36.72	2502	3261	4134	4595	5095
375	3.75	38.25	2554	3328	4220	4689	5200
390	3.90	39.78	2605	3394	4303	4782	5303
405	4.05	41.31	2654	3459	4385	4873	5404
420	4.20	42.84	2703	3522	4466	4963	5504
435	4.35	44.37	2751	3585	4545	5051	5601
450	4.50	45.90	2798	3646	4622	5137	5697
465	4.65	47.43	2844	3706	4699	5222	5791
480	4.80	48.96	2889	3765	4774	5306	5884
495	4.95	50.49	2934	3824	4848	5388	5975
510	5.10	52.02	2978	3881	4921	5469	6065
525	5.25	53.55	3022	3938	4993	5549	6153
540	5.40	55.08	3065	3994	5064	5627	6240

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)					
		1.75	2	2.25	2.375	2.5	
555	5.55	56.61	3107	4049	5133	5705	6327
570	5.70	58.14	3149	4103	5202	5782	6411
585	5.85	59.67	3190	4157	5270	5857	6495
600	6.00	61.20	3231	4210	5338	5932	6578
615	6.15	62.73	3271	4262	5404	6005	6660
630	6.30	64.26	3310	4314	5469	6078	6740
645	6.45	65.79	3349	4365	5534	6150	6820
660	6.60	67.32	3388	4415	5598	6221	6899
675	6.75	68.85	3426	4465	5661	6292	6977
690	6.90	70.38	3464	4515	5724	6361	7054
705	7.05	71.91	3502	4563	5786	6430	7130
720	7.20	73.44	3539	4612	5847	6498	7206
735	7.35	74.97	3576	4660	5908	6565	7281
750	7.50	76.50	3612	4707	5968	6632	7354
765	7.65	78.03	3648	4754	6027	6698	7428
780	7.80	79.56	3683	4800	6086	6763	7500
795	7.95	81.09	3719	4846	6144	6828	7572
810	8.10	82.62	3754	4892	6202	6892	7643
825	8.25	84.15	3788	4937	6259	6956	7713
840	8.40	85.68	3822	4981	6315	7019	7783
855	8.55	87.21	3856	5026	6372	7081	7852
870	8.70	88.74	3890	5069	6427	7143	7921
885	8.85	90.27	3923	5113	6482	7204	7989
900	9.00	91.80	3957	5156	6537	7265	8056

Table 4.12.1(a) Theoretical Discharge Through Circular Orifices (US Gallons of Water per Minute)

Pitot Pressure (psi)	Feet	Orifice Size (in.)					
		1.75	2	2.25	2.375	2.5	
915	9.15	93.33	3989	5199	5591	7325	8123
930	9.30	94.86	4022	5241	5645	7385	8190
945	9.45	96.39	4054	5283	5699	7444	8255

Notes:

(1) This table is computed from the formula $Q_M = 0.666cd^2 \sqrt{p_M}$, with $c = 1.00$. The theoretical discharge of seawater

(2) Appropriate coefficient should be applied where it is read from the hydrant outlet. Where more accurate results are required, discharge from circular openings of sizes other than those in the table can readily be computed by applying the principle of

4.12.1.1

If more than one outlet is used, the discharges from all are added to obtain the total discharge.

4.12.1.2

The formula that is generally used to compute the available flow in the desired test location (either the underground main or static/residual hydrant, depending on the test), the specified residual pressure, or for any desired pressure drop is Equation 4.12.1.2:

[4.12.1.2]

$$Q_R = Q_F \times \frac{h_r^{0.54}}{h_f^{0.54}}$$

where:

Q_R =

flow predicted at desired residual pressure

Q_F =

total flow measured during test

h_r =

pressure drop to desired residual pressure

h_f =

pressure drop measured during test

4.12.1.3

In Equation 4.12.1.2, any units of discharge or pressure drop can be used as long as the same units are used for each value of the same variable.

4.12.1.4

In other words, if Q_R is expressed in gpm, Q_F must be in gpm, and if h_r is expressed in psi, h_f must be expressed in psi.

4.12.1.5

These are the units that are normally used in applying Equation 4.12.1.2 to fire flow test computations.

4.13 Data Sheet.**4.13.1**

The data secured during the testing of hydrants for uniform marking can be valuable for other purposes.

4.13.2

With this in mind, it is suggested that the form shown in [Figure 4.13.2](#) be used to record information that is taken.

WATER FLOW TEST REPORT



Location: _____ Test by: _____
Address: _____ Date: _____
_____ Time: _____

SYSTEM DATA

Size of main: _____ Dead end: _____ Looped: _____
Comments: _____

TEST DATA

Location of test hydrants: _____ Residual hydrants: _____
Flow hydrant A: _____
Flow hydrant B: _____
Static pressure: _____

Table with 8 columns: Test No., No. of Outlets, Orifice Size (in.), Orifice Coeff., Residual Pressure (psig), Pitot Pressure (psig), Flow (US gpm), Comments. Rows 1-5.

Projected results @ 20 psi: _____

Sketch of test configuration

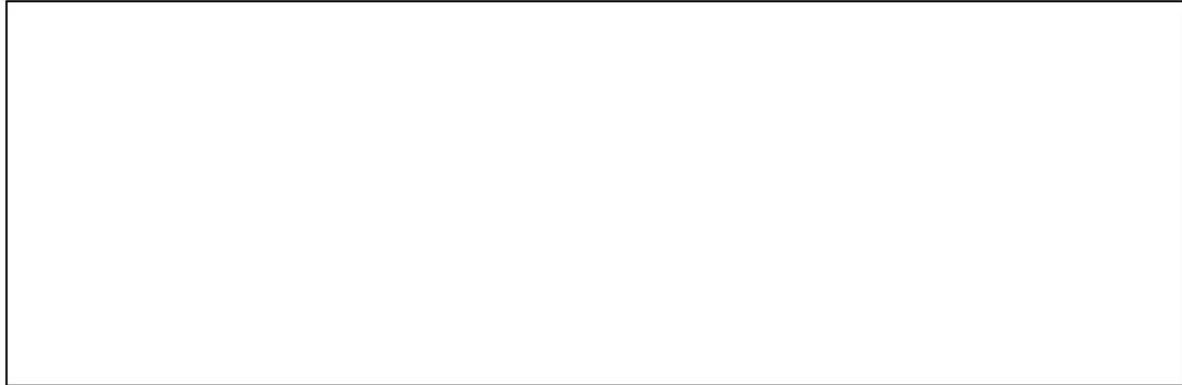


Figure 4.13.2 Sample Report of a Hydrant Flow Test.

4.13.3

The back of the form should include a location sketch.

4.13.4

Results of the flow test should be indicated on a hydraulic graph, such as the one shown in [Figure 4.13.4](#).

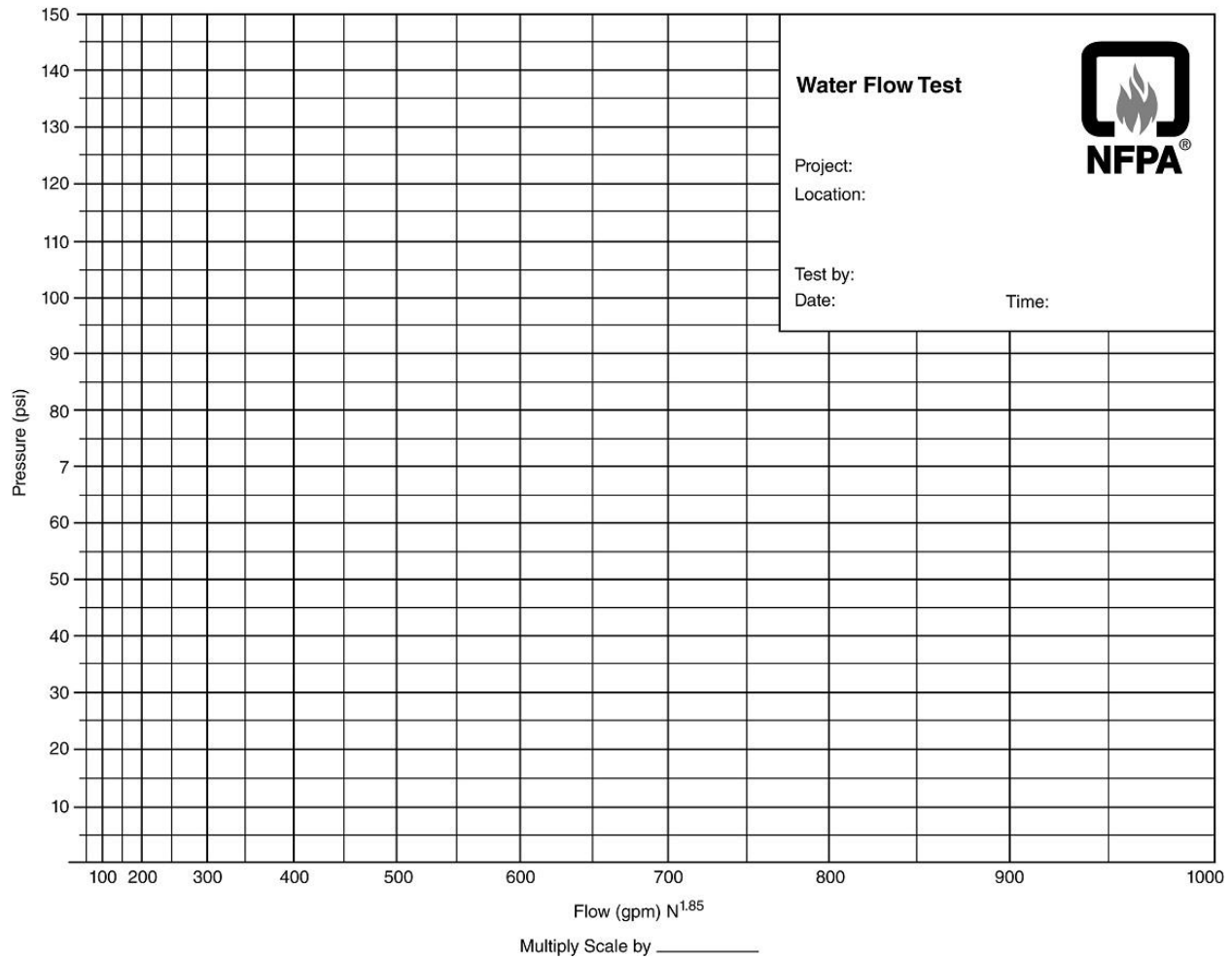


Figure 4.13.4 Sample Graph Sheet.

4.13.5

When the tests are complete, the forms should be filed for future reference by interested parties.

[4.14*](#) System Corrections.

Flow test results show the strength of the distribution system at the time and date of the testing. It does not necessarily indicate the degree of adequacy of the entire water works system. If the testing does not occur during a period of peak demand, then the flow test results might not provide an accurate representation of the water available during those peak periods.

4.15 Public Hydrant Testing and Flushing.

4.15.1*

Public hydrants should be flow tested at least every 5 years to verify capacity and marking of the hydrant.

4.15.2

Public hydrants should be flushed at least annually to verify operation, address repairs, and verify reliability.

4.15.3

Public fire hydrants should be inspected, tested, and maintained in accordance with ANSI/AWWA G200, *Standard for Distribution Systems Operation and Management*.

4.16 Private Hydrant Inspection, Testing, and Maintenance.

Private fire hydrants should be inspected, tested, and maintained in accordance with NFPA 25.

Marking of Hydrants

5.1 Classification of Hydrants.

Hydrants should be classified in accordance with their rated capacities [at 20 psi (1.4 bar) residual pressure or other designated value] shown in [Table 5.1](#).

Table 5.1 Classification and Marking of Hydrants

Hydrant Classification	Color Scheme	Hydrant Capacity (gpm)	Hydrant Capacity (L/min)
AA	Light blue	>1500	>5700
A	Green	1000–1499	380–5699
B	Orange	500–999	1900–3799
C	Red	<500	<1900

5.2 Marking of Hydrants.

5.2.1 Public Hydrants.

5.2.1.1

All barrels should be chrome yellow except in cases where another color has already been adopted.

5.2.1.2

The tops and nozzle caps should be painted with the capacity-indicating color scheme shown in [Table 5.1](#) to provide simplicity and consistency with colors used in signal work for safety, danger, and intermediate condition.

5.2.1.3

For rapid identification at night, it is recommended that the capacity colors be of a reflective-type paint.

5.2.1.4

Hydrants rated at less than 20 psi (1.4 bar) should have the rated pressure stenciled in black on the hydrant top.

5.2.1.5

In addition to the painted top and nozzle caps, it can be advantageous to stencil the rated capacity of high-volume hydrants on the top.

5.2.1.6

The classification and marking of hydrants provided for in this chapter anticipate determination based on individual flow test.

5.2.1.7

Where a group of hydrants can be used at the time of a fire, some special marking designating group-flow capacity could be desirable.

5.2.2 Permanently Inoperative Hydrants.

Hydrants that are permanently inoperative or unusable should be removed.

5.2.3 Temporarily Inoperative Hydrants.

Hydrants that are temporarily inoperative or unusable should be wrapped or otherwise provided with temporary indication of their condition.

5.2.4 Flush Hydrants.

Location markers for flush hydrants should carry the same background color as stated above for class indication, with such other data stenciled thereon as deemed necessary.

5.2.5 Private Hydrants.

5.2.5.1

All barrels should be red except in cases where another color has already been adopted.

5.2.5.2

The tops and nozzle caps should be painted with the following capacity-indicating color scheme to provide simplicity and consistency with colors used in signal work for safety, danger, and intermediate condition:

- (1)

Class AA — Light blue

- (2)

Class A — Green

- (3)

Class B — Orange

- (4)

Class C — Red

5.2.5.3

For rapid identification at night, it is recommended that the capacity colors be of a reflective-type paint.

5.2.5.4

Hydrants rated at less than 20 psi (1.4 bar) should have the rated pressure stenciled in black on the hydrant top.

5.2.5.5

In addition to the painted top and nozzle caps, it can be advantageous to stencil the rated capacity of the high-volume hydrants on the top.

5.2.5.6

The classification and marking of hydrants provided for in this chapter anticipate determination based on individual flow test.

5.2.5.7

Where a group of hydrants can be used at a time of a fire, some special marking designating group-flow capacity could be desirable.

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Second Reading of Ordinance No. 277-2024, An Ordinance Amending Section 8-5 of the Municipal Code Related to Requirements for Utility Construction and Maintenance in the Public Right of Way and Standards for Relocation of Underground Utilities	MEETING DATE: Nov. 21, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

Second reading and adoption of regulation related to utility construction and maintenance work in the City right of way.

From the November 21, 2024 Staff Report:

BACKGROUND/ DISCUSSION:

As the Council is aware the City of Clearlake relies on three water companies and Lake County Special Districts to provide water and sewer services to our residents. This creates frequent conflicts when the construction and maintenance work is done on these utilities, in particular when the City performs road maintenance projects. The scale and scope of the road maintenance work being undertaken in the City is unprecedented. It is wonderful to be able to get so much work done, however the lack of maintenance and investment in City infrastructure for several decades has resulted in very degraded roads in many areas. This condition requires much more significant reconstruction work to be accomplished, and therefore higher likelihood of conflict with underground utilities. The history of utility construction in Clearlake, which almost entirely happened prior to incorporation of the City, is very haphazard. We are commonly determining that lines were abandoned in place, too shallow to meet any type of current acceptable standard, undersized, varying pipe types etc. Utilities often do not have adequate plans and specifications of what is in the ground, making locating the facilities difficult.

The City has requirements for encroachment permits that covers most work by utilities in the right of way. The City’s enforcement of these requirements has been spotty over the years, but the standards will be strictly followed moving forward. In addition to these requirements, it is necessary for additional standards to be in place that would regulate the relocation of underground utilities that conflict with City road projects and that fail to meet acceptable standards for separation from other utilities. Additionally, utility infrastructure must be safely installed or adjusted to ensure they do not become a hazard to the traveling public. While all of these items are common practice in the industry,

and have been largely followed on projects in the City over the years, it is appropriate to more consistently regulate this work.

OPTIONS:

- 1. Hold a Second Reading, read it by title only, waive further reading, and adopt Ordinance No. 277-2024
- 2. Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No
 Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$
 Affected fund(s): General Fund Measure P Fund Measure V Fund Other:
 Comments: N/A

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

Attachments:

- 1. **Ordinance 277-2024**

CITY OF CLEARLAKE ORDINANCE NO. 277-2024

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
AMENDING CHAPTER VIII, SECTION 8-5 TO ADD SUBSECTION 8-5.7
TO ESTABLISH ADDITIONAL REQUIREMENT FOR UTILITY CONSTRUCTION AND MAINTENANCE
IN THE PUBLIC RIGHT OF WAY AND SUBSECTION 8-5.8 TO ESTABLISH STANDARDS FOR
RELOCATION OF UNDERGROUND UTILITIES IN THE PUBLIC RIGHT OF WAY**

WHEREAS, the City Council finds that the maintenance of City streets and the integrity of the City street surfaces are of vital concern to the citizens of the City; and

WHEREAS, the coordination of the City’s street reconstruction and capital improvement projects with the separate water and sewer districts serving the Clearlake citizens is essential in providing both water and sanitation services and safe streets; and

WHEREAS, the proposed amendments to the City of Clearlake Municipal Code, provide for the “public necessity and convenience and general welfare;”

WHEREAS, the proposed amendments would not be detrimental to the public’s health, safety and welfare;

WHEREAS, the City of Clearlake staff, pursuant to the provisions of the California Environmental Quality Act (hereinafter “CEQA”) (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the Ordinance is exempt pursuant to Section 15061(b)(3) of Title 14 the California Code of Regulations; and, no further environmental analysis is required, and a notice of exemption will be filed.

THE CITY COUNCIL OF THE CITY OF CLEARLAKE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

The City Council hereby incorporates by reference the above recitals and the finding of exemption set forth in Section 3.

Section 2. Chapter VIII, Section 8-5 of the Clearlake Municipal Code is amended to add a new subsection 8-5.7 to read as follows:

8-5.7 Permit Requirements for Utilities in the Public Right of Way

a. Utility Operation and Maintenance

1. No utility company shall place, maintain, or operate any facility in the public

right-of-way unless it holds a valid permit issued by the City. The permit shall specify the location, nature, and scope of the encroachment.

2. Utilities shall be responsible for maintaining their facilities in good repair, ensuring that they do not obstruct or interfere with public use of the right-of-way, including sidewalks, streets, and other infrastructure. All utilities (including but not limited to electric, gas, water, telecommunications, fiber optic, and sewer services) operating in or under the public right-of-way in the City are responsible for the installation, maintenance, and repair of their facilities, including pipes, conduits, valves and valve boxes, wires, cables, poles, manholes, and any other associated infrastructure.

b. Utility Repair and Restoration

1. Whenever a utility causes any damage to the public right-of-way, including roadways, sidewalks, or other public infrastructure, the utility shall be responsible for restoring the area to its original condition or better.
2. The utility must complete all restoration work within a timeframe and to standards determined by the City Engineer, based on the scope of the work and public safety concerns. Failure to restore the right-of-way to an acceptable condition within the approved timeframe will result in the City taking corrective action, with all the costs charged to the utility.

c. Evacuation and Restoration Standards

1. Utilities must follow the City's specific excavation and restoration standards as outlined in the City standards. This includes requirements for trenching, backfilling, surface restoration, compliance with and applicable permit conditions or environmental documents, and compliance with any traffic control measures during construction.
2. After performing any excavation in the right-of-way, the utility must restore the area to the condition prescribed by the City within a period of no more than 10 days, unless an extension is granted by the City due to special circumstances. Temporary resurfacing may be allowed subject to the City Engineer's discretion, provided the City has approved a schedule for final resurfacing.

d. Emergency Repair Procedures

1. In the event of an emergency where immediate repair to utility infrastructure is necessary for public safety or to restore service, the utility may proceed without prior City approval. However, the utility must notify the City within 24 hours of the emergency and submit a report detailing the work completed, as well as any damage caused.
2. The utility is still required to comply with the City's restoration standards and complete permanent repairs in accordance with City standards and approval of the City Engineer.

e. Liability for Damage to Public Property

1. The utility is liable for any damage caused to public infrastructure as a result of its activities in the right-of-way. This includes damage to road surfaces, curbs, sidewalks, storm drains, trees, signage and traffic signals, and any other improvements within the public right-of-way.
2. The utility is required to indemnify and hold the City harmless for any claims arising from the utility's operations, including damage to the right-of-way or

injury to individuals due to the utility's actions.

f. City's Right to Perform Repairs

1. If the utility fails to make repairs or restorations within allowed timeframes as required by this section, the City may perform the work and bill the utility for the costs, including labor, materials, and overhead.

g. Inspection of Utility Work

1. The City reserves the right to inspect all work conducted by utilities in the public right-of-way and review and approve any test results required. Inspections shall be performed at reasonable times, and utilities must provide reasonable notice and access to their facilities as necessary for inspection purposes.
2. If the utility's work does not meet City standards, the utility will be required to make corrections at its own expense.

h. Abandonment of Underground Facilities, Reports, and Maps

1. Whenever any infrastructure is abandoned in the public right-of-way, the utility owning, using, controlling or having an interest therein, shall, within 30 calendar days after such abandonment, file with the City Engineer a report in writing, giving in detail the location of the infrastructure so abandoned. Each map, set of maps, or plans filed pursuant to the provisions of this section shall show in detail the location of all such infrastructure abandoned subsequent to the filing of the last preceding map, set of maps, or plans.
2. It shall be unlawful for any person to fail, refuse, or neglect to file any map or set of maps at the time, and in all respects as required by this Section.

8-5.8 Relocation of Utilities Required

a. Conflict with City Improvements

1. All underground or above ground utility pipelines, conduits, structures, connections, and ancillary facilities owned by any public or private utility in the public right of way which interfere or conflict with City capital improvement projects or street reconstruction or maintenance projects, shall be relocated to locations and depths to eliminate such conflicts with the specific City project. Relocations shall be done to engineering standards adopted by the City and state laws and regulations in effect as of the date of notification of the City project. Relocations shall be accomplished within 180 days of written notice of the City project, or such other period of time reasonably necessary to complete the relocation when such additional time for performance of the relocation is approved by the City Council. This includes the utility owner's requirement to lower conflicting infrastructure such as valve boxes and manholes to allow repair of the roadway structural section, or grinding and resurfacing operations, and subsequently raising of such infrastructure following street repair/resurfacing.

b. Permit Required

1. All relocation projects required by subpart a. above shall only be constructed after application for and the issuance of an encroachment permit signed by the City Engineer, subject to all procedures set forth in this section 8-5. The City Engineer shall evaluate the encroachment permit application and render a

decision to deny, conditionally approve, or approve the encroachment permit. Such approval constitutes the granting of a conditional revocable permit for an encroachment and such permit shall remain in effect as long as the permittee complies with all conditions established for the granting of such permit.

c. Appeals

1. Any person or entity aggrieved by the refusal of an encroachment permit required by this subsection may appeal to the city council. All appeals must be filed with the city clerk within thirty days of the mailing of the decision of the city engineer for scheduling on the city council's calendar.

Section 3. Environmental Determination. The proposed ordinance has been reviewed for compliance with CEQA, the CEQA Guidelines, and the City’s environmental procedures. Because the proposed ordinance is an administrative activity which will not result in direct or indirect physical changes to the environment, it has been found to be not a project under Section 15378 (b)(5) of the CEQA Guidelines.

Section 4. Inconsistencies. Any provision of the Clearlake Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

Section 5. Severability. If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

Section 6. Effective Date. This ordinance shall be in full force and effect commencing thirty (30) days after its final adoption and a summary hereof shall be published once within fifteen (15) days in a newspaper of general circulation printed and published in the County of Lake and circulated in the City of Clearlake and hereby designated for that purpose by the City Council.

Section 7. Certification. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in a newspaper of general circulation printed and published in the City of Clearlake, State of California, which said newspaper is hereby designated for that purpose.

The foregoing ordinance was introduced before the City Council on the 21st day of November 2024 and passed by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

Mayor David Claffey

ATTEST:

Melissa Swanson, City Clerk



CITY OF CLEARLAKE

City Council

STAFF REPORT	
SUBJECT: Authorization of an Amendment of Contract with Park Planet for the Austin Park Shade Structures Project	MEETING DATE: December 5, 2024
SUBMITTED BY: Trystan Hayes, Public Works Construction Project Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve an amendment to the current contract with Park Planet for \$19,333.00.

BACKGROUND/DISCUSSION:

The City executed a contract with Park Planet to install shade structures at the Austin Park playground. The City has a grant through Clean California for these improvements. Staff is asking to use additional funds to change the footing design of the shade structures from piers to a spread footing. The cost to make the change exceeds the initial 10% contingency budget. Staff requests approval to authorize a change order in the amount of \$19,333.00.

OPTIONS:

- 1. Move to amend the contract with Park Planet in the amount of \$19,333.00.
- 2. Other direction

FISCAL IMPACT:

None \$19,333.00 Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: Clean CA Grant Funding

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City

- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

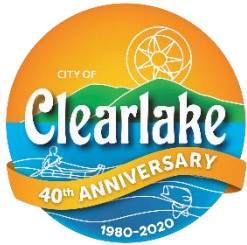
SUGGESTED MOTIONS:

1. Move to amend the contract with Park Planet in the amount of \$19,333.00.

Attachments:

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Authorization of an Amendment of Contract with California Engineering for the Burns Valley/Arrowhead Project	MEETING DATE: December 5, 2024
SUBMITTED BY: Adeline Brown, Public Works Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to approve an amendment to the current on-call contract with California Engineering Company in the amount of \$82,669.10.

BACKGROUND/DISCUSSION:

The city solicited proposals for on-call engineering services to provide various engineering services. Each individual contract has a clause containing a not-to-exceed \$200,000 amount. A proposal was received to add additional design services to the Burns Valley/Arrowhead Project to now include Olympic Drive. Any amount exceeding \$200,000 is required to be authorized by a written amendment. To move forward with this contract, staff is requesting approval to authorize the contract amount of \$189,569.11.

OPTIONS:

1. Move to amend the contract with California Engineering Company in the amount of \$189,569.11.
2. Other direction

FISCAL IMPACT:

None \$189,569.11 Budgeted Item? Yes No
 Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$
 Affected fund(s): General Fund Measure P Fund Measure V Fund Other: Community Development Block Grant Funding

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
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- Goal #4: Improve the Image of Clearlake

- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to amend the on-call contract with California Engineering Company in the amount of \$ 189,569.11

- Attachments:**

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Discontinuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms	December 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

On February 9, 2024, the Director of Emergency Services/City Manager issued a Proclamation of Local Emergency due to winter storms (attached), which was ratified by the City Council on February 15, 2024.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council. Thereafter, the emergency declaration must be continued by affirmation of the Council every 30 days.

Staff believes there is no need to continue the local emergency order because all funding has been paid out to the City for emergency repairs, and the repairs have been completed.

OPTIONS:

- 1. Discontinue emergency order.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
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- Goal #4: Improve the Image of Clearlake

- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to end state of emergency related to the winter storms.

- Attachments:** 1) Proclamation Declaring a Local Emergency for Winter Storms



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

PROCLAMATION BY THE CITY OF CLEARLAKE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY FOR WINTER STORMS

WHEREAS, City of Clearlake Municipal Code Section 2-11.6 empowers the Director of Emergency Services (City Manager) to proclaim the existence or threatened existence of a local emergency when the city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, starting on February 2, 2024 a winter storm resulted in high winds and heavy rain; and

WHEREAS, these conditions have caused a loss of stability to trees and hillsides, including significant damage to property, infrastructure and public safety within the city limits; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to the impacts of the winter storms; and

WHEREAS, the City Manager, as the City's Director of Emergency Services, has the power to declare a local emergency as authorized by Government Code section 8630 and Clearlake Municipal Code section 2-11.6.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Clearlake as follows:

- A. A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property, as detailed in the recitals set forth above.
- B. The area within the City which is endangered and/or imperiled.
- C. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Clearlake Emergency Operations Plan.
- D. The City Council shall review and ratify this proclamation within seven (7) days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.
- E. That a copy of this proclamation be forwarded to the Director of California Governor’s Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Clearlake; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

DATED: February 9, 2024



Alan D. Flora
Director of Emergency Services



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, November 07, 2024

Regular Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor David Claffey

Vice Mayor Joyce Overton

Council Member Russ Cremer

Council Member Russ Perdock

Council Member Dirk Slooten

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

City Manager Flora asked for removal of Item 4.

Motion made by Council Member Perdock, Seconded by Council Member Cremer.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

E. PRESENTATIONS

1. Presentation of November's Adoptable Dogs

2. Swearing In of New Police Department Employees

3. Presentation by Executive Vice Chancellor Dr. Lizette Navarette and Dean Korinda Ebenhack of Woodland Community College, Lake County Campus

4. Presentation of Certificates of Appreciation to Trunk or Treat Volunteers and Donors

This item was removed.

5. Presentation of Certificates of Appreciation to the Boyles Fire Local Assistance Center Participants

F. PUBLIC COMMENT

Rita Laufer spoke regarding the need for additional animal kennels.

Kathy (no last name given) spoke regarding the need for better animal control.

Patty Duke spoke regarding the need for a crosswalk near Konocti Gardens.

G. CONSENT AGENDA

Motion made by Council Member Perdock, Seconded by Council Member Slooten.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

6. Minutes of the September 11, 2024 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
7. Warrants
Recommended Action: Receive and file
8. Memo Regarding Holiday Closures of City Hall Administration Office
Recommended Action: Receive and file
9. Minutes
Recommended Action: Receive and file
10. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms
Recommended Action: Continue declaration of emergency
11. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for the Boyles Fire
Recommended Action: Continue declaration of emergency
12. Authorization of Job Description and Placement into Salary Schedule of the Deputy City Clerk/Human Resources Technician I/II Positions; Resolution No. 2024-49
Recommended Action: Adopt resolution
13. Authorization of the Chief of Crime Reduction and Innovation Job Classification and Placement into the FY 2024/2025 Salary Schedule; Resolution No. 2024-51
Recommended Action: Adopt resolution, authorize the City Manager to make edits based on CalPERS determination, and to negotiate a contract based on qualifications
14. Adoption of the 2nd Amendment to the FY 2024-25 Budget (Resolution 2024-30) Adjusting Appropriations and Revenues, Resolution No. 2024-52
Recommended Action: Adopt resolution

H. BUSINESS

- 15. Presentation and Acceptance of the Annual Financial Report and Single Audit Report for Fiscal Year 2022-23; Resolution No. 2024-44

Recommended Action: Approve Resolution No. 2024-44 Accepting the Annual Financial Report for the Fiscal Year 2022-2023 and related audit reports referenced.

Interim Finance Director Pressey gave the staff report.

Motion made by Council Member Cremer, Seconded by Vice Mayor Overton.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 16. Presentation and Consideration of Establishment of a Regional Housing Trust Fund
Recommended Action: Direction to Staff

It was the consensus of the Council to direct staff to bring the item to a future agenda.

- 17. Discussion and Consideration of Ordinance No. 272-2024, An Ordinance Establishing Article 6-10 of the Clearlake Municipal Code Regulating Tobacco Retailers

Recommended Action: Introduce the Ordinance and hold a first reading, read by title only, and schedule second reading and adoption at a subsequent Council meeting

City Manager Flora gave the staff report.

Councilmember Overton left the dais at 7:23 p.m. and returned at 7:26 p.m.

Motion made by Council Member Slooten, Seconded by Vice Mayor Overton.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 18. Consideration of Measure V Project Plan Update

Recommended Action: Approve Proposed Measure V Project Plan

Public Works Director Leyba and Public Works Construction Project Manager Hayes gave the staff report.

Motion made by Council Member Perdock, Seconded by Council Member Cremer.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 19. Update on the Boyles Fire

Recommended Action: Direction to Staff

City Manager Flora gave the staff report. No direction was given.

- 20. Consideration of Authorization of the Fire Prevention Equipment Operator Position; Resolution No. 2024-50
Recommended Action: Adopt resolution and authorize staff to update the FY 2024/2025 salary schedule

City Manager Flora gave the staff report.

Motion made by Council Member Slooten, Seconded by Council Member Cremer.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

I. PUBLIC HEARING

- 21. Consideration of Resolution 2024-47 Authorizing the Extension of the Temporary Road Closure of Certain Roads, to Reduce Illegal Dumping and to Protect the Environment, and the Public Health and Welfare
Recommended Action: Adopt Resolution 2024-47

Public Works Director Leyba gave the staff report.

Mayor Claffey opened the Public Hearing at 8:35 p.m.

There were no comments.

Motion made by Council Member Slooten, Seconded by Council Member Perdock.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 22. Consideration of Appeals of Orders to Abate for the Properties Located at 16140 Dam Road, 16272 32nd Avenue, 15576 33rd Avenue, 2943 5th Street, 16116 33rd Avenue, 3603 Peony Street, 13790 Sonoma Avenue, 3273 11th Street, 6347 Armijo Avenue, 14045 Hale Street, 14053 Hale Street, 14236 Hale Street, 3180 2nd Street, 3014 5th Street, 13535 Santa Clara Avenue, 5740 Hale Avenue, 16026 25th Avenue, 3971 Pine Avenue and 3783 Cedar Avenue, in Accordance with Clearlake Municipal Code Chapter 10; Resolution No. 2024-48
Recommended Action: Adopt resolution denying appeals

Code Enforcement Supervisor Lambert gave the staff report.

Mayor Claffey opened the Public Hearing at 8:50pm

Staff received one written correspondence related to 16140 Dam Road asking for additional time to abate the nuisances.

Apolo Cortes, 15583 33rd Avenue, spoke against the abatement.

Gary Sousa, 3180 Second Street, stated he sold the property in 2018. He stated he is selling the property to a new owner who will be abating the property.

It was moved by Councilmember Perdock and seconded by Vice Mayor Overton to close the Public Hearing at 9:10pm. Motion passed with the unanimous vote of the Council.

Motion made by Council Member Slooten to deny all appeals, Seconded by Council Member Cremer.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

J. CITY MANAGER AND COUNCILMEMBER REPORTS

K. FUTURE AGENDA ITEMS

L. CLOSED SESSION

(23) Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: Agency designated representatives: City Manager Flora; Employee Organization: Unrepresented Employees

No action was taken on this item.

M. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

N. ADJOURNMENT

The meeting was adjourned at 9:10 p.m.



Melissa Swanson, Administrative Services Director/City Clerk



CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, November 21, 2024

Regular Meeting 6:00 PM

MINUTES

A. ROLL CALL

PRESENT

Mayor David Claffey

Vice Mayor Joyce Overton

Council Member Russ Cremer

Council Member Russ Perdock

Council Member Dirk Slooten

B. PLEDGE OF ALLEGIANCE

C. INVOCATION/MOMENT OF SILENCE

D. ADOPTION OF THE AGENDA

City Manager Flora called for the removal Item 1.

Motion made by Council Member Perdock, Seconded by Vice Mayor Overton.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

E. PRESENTATIONS

1. Presentation of Certificates of Appreciation to Trunk or Treat Volunteers and Donors

This item was removed.

F. PUBLIC COMMENT

Carolyn Jarrett spoke on the need for a college scholarship program for lower elementary grades.

Ralph Goldie commended the first responders in Clearlake to fires near his home. He spoke of code enforcement issues near his property.

Patty Duke spoke regarding traffic issues in the area of Konocti Gardens.

Margaret Garcia spoke about issues with traffic markings in the area of Konocti Gardens.

Greg Damron spoke in favor of the passing of the tobacco ordinance.

G. CONSENT AGENDA

Motion made by Council Member Cremer, Seconded by Council Member Slooten.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

2. Consideration of Amendments to the Council Norms & Procedures
Recommended Action: Adopt Amendments
3. Second Reading and Adoption of Ordinance No. 272-2024, An Ordinance Establishing Article 6-10 of the Clearlake Municipal Code Regulating Tobacco Retailers
Recommended Action: Adopt Ordinance No. 272-2024
4. Minutes of the October 9, 2024 Lake County Vector Control District Board Meeting
Recommended Action: Receive and file
5. Warrants
Recommended Action: Receive and file
6. Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for Winter Storms
Recommended Action: Continue declaration of emergency
7. Minutes
Recommended Action: Receive and file

H. BUSINESS

8. Discussion and Consideration of Ordinance No. 276-2024, An Amendment to Chapter 3, Section 5 of the Clearlake Municipal Code Regarding Fire Mitigation Fees
Recommended Action: Introduce the Ordinance and hold a first reading, read by title only, and schedule second reading and adoption at as subsequent Council meeting.

City Manager Flora gave the staff report and asked for direction to staff to include authorization to clear up administrative and clerical errors and also to ensure compliance with the Mitigation Fee Act.

Motion made by Council Member Slooten, Seconded by Vice Mayor Overton.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 9. Discussion and Consideration of Ordinance No. 275-2024, An Ordinance Adding Chapter 13-3 to the Clearlake Municipal Code Establishing Fire Hydrant Inspection and Testing Requirements.
Recommended Action: Introduce the Ordinance and Hold a First Reading, and Schedule Second Reading and Adoption at a Subsequent Council Meeting.

City Manager Flora gave the staff report.

Motion made by Council Member Slooten. Second by Council Member Cremer.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 10. Consideration of Ordinance No. 277-2024, An Ordinance of the City of Clearlake Amending Chapter VIII, Section 8.5 to Add Subsection 8.5-7 to Establish Standards for Relocation of Underground Utilities in the Public Right-of-Way
Recommended Action: Hold first reading, read by title only, waive further reading, and set second reading and adoption for the next meeting

City Manager Flora gave the staff report.

Motion made by Council Member Slooten, Seconded by Vice Mayor Overton.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 11. Discussion and Consideration of Adoption of Tribal Consultation Guidelines
Recommended Action: Adopt Guidelines

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Council Member Perdock.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 12. Consideration of Amendment to Employment Services Agreement with Timothy Hobbs as Police Chief
Recommended Action: Approve Amendment and Authorize the City Manager to Sign.

City Manager Flora gave the staff report.

Motion made by Council Member Cremer, Seconded by Vice Mayor Overton.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

- 13. Consideration of Updates to the FY 24-25 Salary Schedule
Recommended Action: Adopt Updated Salary Schedule

City Manager Flora gave the staff report.

Motion made by Council Member Slooten, Seconded by Council Member Perdock.
Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

I. CITY MANAGER AND COUNCILMEMBER REPORTS

J. FUTURE AGENDA ITEMS

K. CLOSED SESSION

- (14) CONFERENCE WITH LEGAL COUNSEL – LIABILITY CLAIMS - Claimant: Kathleen Sherlock; Agency Claimed Against: City of Clearlake

Motion made by Council Member Slooten to deny the claim, Seconded by Vice Mayor Overton.

Voting Yea: Mayor Claffey, Vice Mayor Overton, Council Member Cremer, Council Member Perdock, Council Member Slooten

L. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION

M. ADJOURNMENT

Meeting was adjourned at 8:05 p.m.



Melissa Swanson, Administrative Services Director/City Clerk



Shanda M. Beltrán
Counsel
714.852.6810 (t)
714.852.6899 (f)
sbeltran@fbtlaw.com

November 21, 2024

VIA ELECTRONIC MAIL (mswanson@clearlake.ca.us) AND HAND DELIVERY

Melissa Swanson
City Clerk
City of Clearlake
14050 Olympic Drive
Clearlake, CA 95422

Re: City Council Agenda Items 9 (Ordinance No. 275-2024, An Ordinance Adding Chapter 13-Clearlake Municipal Code Establishing Fire Hydrant Inspection and Testing Requirements) 10 (Ordinance No. 277-2024, An Ordinance of the City of Clearlake Amending Chapter VI Section 8.5 to Add Subsection 8.5-7 to Establish Standards for Relocation of Underground in the Public Right-of-Way)

Dear Mayor Claffey and Honorable City Council Members:

On behalf of our client, Highlands Mutual Water Company (Highlands), we submit these comments on the above-entitled agenda items for today’s City Council (Council) meeting. As we only learned of the Council’s hearing on the above-entitled ordinances recently, we reserve the right to provide additional comments, should there be additional opportunities to do so.

I. Comments on Agenda Item 9: Ordinance No. 275-2024, An Ordinance Adding Chapter 13-3 to the Clearlake Municipal Code Establishing Fire Hydrant Inspection and Testing Requirements (“Hydrant Ordinance”)

- In the first recital of the proposed Hydrant Ordinance, the City of Clearlake (City) misconstrues its alleged responsibility for the protection of wildlife and animals, whose protection is attributable to the State of California under the Fish and Game Code (Fish & Game Code §703.5 [state policy on wildlife protection], §1600 [state responsibility on wildlife protection], §§2050 et seq. [California Endangered Species Act]), the Public Resources Code (Pub. Res. Code §§2100 et seq [CEQA elements provide protection for wildlife].) and the public trust doctrine (*National Audubon Society v. Superior Court* (1983) 33 Cal. 3rd 419; *Environmental Law Foundation v. State Water Res. Control Board* (2018) 26 Cal.App.5th 844.) For the City to believe it can usurp this State authority, it runs afoul of the California Constitution as the City’s authority is preempted. (Cal. Constitution Art. XI, §7.)

- In the first recital of the proposed Hydrant Ordinance, the City mistakenly states that it is responsible for provision of water supply within the City. It is not. The City admits this fact in the third recital. The water supply for the residents of the City is provided through the water providers, including Highlands. Therefore, again the City is preempted by state laws regarding the provision of water by mutual water companies and water utilities prohibited from enacting the Hydrant Ordinance as it intends because the City has overstepped its authority. (Cal. Constitution Art. XI, §7; Cal. Corp. Code §§14300 et seq. [regulating municipal water companies])
- In the third recital, the city takes responsibility for wildfire, when such responsibility largely lies in the hands of the State through the Public Resources Code. Beyond small fires or its cooperation with CALFire, the City is preempted in its authority for regulating hydrants under the pretext of wildland fires. (Cal. Constitution Art. XI, §7; Pub. Res. Code §§4201 et seq. [regulating forestry and fire protection]; §§2100 et seq [regulating wildfire through CEQA].)
- Regarding Section 13-3.4 of the proposed Hydrant Ordinance, the record keeping requirements for hydrants for the water suppliers are established under California Code of Regulations Title 10 Section 260.140.71.8 (as acknowledged in the City's Staff Report) and, again, the City is preempted by general state law represented by these regulations and the regulation generally of mutual water companies in attempting to impose the provisions of the proposed Hydrant Ordinance on water suppliers such as Highlands. (Cal. Constitution Art. XI, §7; Cal. Corp. Code §§14300 et seq. [regulating municipal water companies]; Cal. Code Regs. tit. 10 §260.140.71.8 [regulating hydrant flow testing].)
- Regarding Section 13-3.5 and 13-3.6 of the proposed Hydrant Ordinance, the authority for regulating water quality for fire flow testing of hydrants is set by the Regional Water Quality Control Board under the authority of the California Water Code—not the City—and the City is preempted by State law for attempting to adopt the Hydrant Ordinance without proper authority. (Cal. Constitution Art. XI, §7; Cal. Water Code §§13000 et seq. [giving the State Water Board and Regional Water Boards authority regarding water quality standards and permitting])

II. Comments on Agenda Item 10: Ordinance No. 277-2024, An Ordinance of the City of Clearlake Amending Chapter VIII, Section 8.5 to Add Subsection 8.5-7 to Establish Standards for Relocation of Underground Utilities in the Public Right-of-Way (Pipe Relocation Ordinance)

- We believe that the City's current roadway maintenance activities and the actions it will take pursuant to the proposed Pipe Relocation Ordinance will constitute inverse condemnation with regard to Highlands. More specifically, because the City's activities in resurfacing their streets, which it admits is triggering the need for the Pipe Relocation Ordinance (Staff Report, at p. 1) it is requiring the municipal water companies—private entities—to relocate their facilities (pipes and mains, etc.) through the proposed Pipe Relocation Ordinance (§8-5.7(a)(2) or repay the City when the City relocates such facilities (§8-5.7(f).) (U.S. Const.

Amend. V, § 1, U.S. Const. Amend. IVX, § 1; Cal. Const. art. I, § 19; *Selby Realty Co. v. City of San Buenaventura* (1973) 10 Cal. 3d 110. We remind the City that Highland's private infrastructure predates the City's incorporation and that damage by the City of Highland's private property will incur liability by the City, inverse condemnation liability which Highlands will not waive along with any and all other legal remedies it may have for City activities that may occur as part of the street resurfacing projects.

- Moreover and in the alternative, for the City to demand in section 8-5.7(a)(2) of the proposed Pipe Relocation Ordinance that mutual water companies relocate infrastructure as part of the City's project to resurface street systems, amounts to a regulatory taking as it shifts the costs to the private water companies for the actions of the City. (*Lingle v. Chevron U.S.A.* (2005) 544 U.S. 528.)
- Section 8-5.8(b) of the proposed Pipe Relocation Ordinance describes a discretion permit process that will trigger CEQA, contrary to the City's statements about CEQA exemptions. (Pub. Res. Code §21080(a).)
- Moreover, it is likely that the replacement of infrastructure as proposed by the Pipe Relocation Ordinance will trigger growth inducing impacts (modernized and upsized infrastructure) under CEQA, invalidating the premise under Section 3 of the proposed Pipe Relocation Ordinance that CEQA would not apply as it would be a "project" under CEQA Guidelines Section 15378.

Sincerely,



Shanda M. Beltrán

0158111.0791524 4894-8965-7342v1



STAFF REPORT	
SUBJECT: Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for The Boyles Fire	
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

On September 8, 2024, the Director of Emergency Services/City Manager issued a Proclamation of Local Emergency due to the Boyles Fire (attached), which was ratified by the City Council on September 12, 2024.

Pursuant to Section 2-11.6.a.6.a of the Clearlake Municipal Code, the Director is empowered to make and issue rules and regulation on matters reasonably related to the protection of life and property as affected by such emergency; provide, however such rules and regulations must be confirmed at the earliest practical time by the City Council. Thereafter, the emergency declaration must be continued by affirmation of the Council every 60 days.

Staff believes there is still a need to continue the local emergency order and it is in the best interests of the City to have the Council ratify and continue this order until the state of emergency can be lifted.

OPTIONS:

- 1. Continue to ratify order.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake

- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

- Attachments:** 1) Proclamation Declaring a Local Emergency for The Boyles Fire



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

PROCLAMATION BY THE CITY OF CLEARLAKE DIRECTOR OF EMERGENCY SERVICES DECLARING A LOCAL EMERGENCY FOR THE BOYLES FIRE

WHEREAS, City of Clearlake Municipal Code Section 2-11.6 empowers the Director of Emergency Services (City Manager) to proclaim the existence or threatened existence of a local emergency when the city is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, on September 8, 2024 the Boyles Fire was started near Boyles Avenue and 8th Avenue in Clearlake and quickly spread north quickly driven by high winds.; and

WHEREAS, after a fierce fire fight by various partners from throughout the region, and led by CalFire and the Lake County Fire Protection District, approximately 90 acres were scorched, approximately 30 homes were lost, Pacific Gas and Electric infrastructure was damaged, and significant private property damage occurred, of which the full extent is still unknown; and

WHEREAS, dozens of Clearlake families have lost their homes and property; and

WHEREAS, such recovery from such conditions is beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat and clean up; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future

reimbursement by the state and federal governments will be critical to successfully responding to the impacts of the Boyles Fire; and

WHEREAS, the City Manager, as the City's Director of Emergency Services, has the power to declare a local emergency as authorized by Government Code section 8630 and Clearlake Municipal Code section 2-11.6.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Clearlake as follows:

- A. A local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property, as detailed in the recitals set forth above.
- B. The area of the City which is endangered/imperiled within the footprint of the Boyles Fire and beyond.
- C. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Clearlake Emergency Operations Plan.
- D. The City Council shall review and ratify this proclamation within seven (7) days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.
- E. That a copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Clearlake; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

DATED: September 8, 2024



Alan D. Flora
Director of Emergency Services

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Adoption of the 2024 Conflict of Interest Code; Resolution No. 2024-58	MEETING DATE: December 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt Resolution No. 2024-58 adopting the 2024 Conflict of Interest Code.

BACKGROUND/DISCUSSION:

The amended Conflict of Interest Code is attached. The changes are redlined and include the addition of new positions. Notification was sent to filers and proposed filers 45 days prior to adoption. Staff did not receive any comments on the proposed changes.

The Code will be in effect 30 days after adoption. All filers who were already designated in the Conflict of Interest Code will continue to file annual statements as previously due by April 1 of each year. New filers will have 30 days to file an Assuming Office Statement.

OPTIONS:

- 1. Move to adopt Resolution No. 2024-58
- 2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City

- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to adopt Resolution No. 2024-58

- Attachments:**
 - 1) Redlined Conflict of Interest Code
 - 2) Resolution 2024-58

RESOLUTION NO. 2024-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974

WHEREAS, the Legislature of the State of California enacted the Political Reform Act of 1974, Government Code Section 81000, et seq. (the "Act"), which contains provisions relating to conflicts of interest which potentially affect all officers, employees and consultants of the City of Clearlake (the "City"), and which requires all public agencies to adopt and promulgate a conflict-of-interest code; and

WHEREAS, the City Council adopted a Conflict of Interest Code which was amended on December 1, 2022; and

WHEREAS, subsequent changed circumstances within the City have made it advisable and necessary pursuant to Sections 87306 and 87307 of the Act to amend and update the Code; and

WHEREAS, the potential penalties for violation of the provisions of the Act are substantial and may include criminal and civil liability, as well as equitable relief which could result in the City being restrained or prevented from acting in cases where the provisions of the Act may have been violated; and

WHEREAS, a public meeting was held upon the proposed amended Code at a regular meeting of the City Council on December 5, 2024, at which all present were given an opportunity to be heard on the proposed amended Appendix.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake that the City Council does hereby approve and adopt the proposed amended Conflict of Interest Code, a copy of which is attached hereto and shall be on file with the City Clerk and available to the public for inspection and copying;

BE IT FURTHER RESOLVED that the said amended Conflict of Interest Code shall become effective thirty (30) days after the date of its adoption and approval.

PASSED AND ADOPTED on December 5, 2024 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

October 9, 2024

NOTICE OF CHANGES TO DESIGNATIONS/DISCLOSURE CATEGORIES

NOTICE IS HEREBY GIVEN that the City of Clearlake intends to adopt or amend a conflict-of-interest code pursuant to Government Code Section 87300 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

All public employees must comply with the State’s general conflict of interest laws by abstaining from influencing or making decisions that would affect their own financial interests. Additionally, each employee who holds a position designated in the City’s Conflict of Interest Code must disclose specified types of financial interests in a report, Statement of Economic Interest – Form 700, that is filed annually with the Administrative Services Director/City Clerk. The City’s local code does not include the City Council, Planning Commission, City Manager, City Attorney or Treasurer. These positions are required under Government Code Section 87200 to report to the Fair Political Practices Commission (FPPC).

The City’s current Conflict of Interest Code, adopted in 2022, has been reviewed by the Administrative Services Director/City Clerk and the City Attorney and the listing of designated positions and disclosure categories should be amended to reflect current conditions. The following changes are recommended:

Positions Added/Edited:

- Chief Building Inspector/Plans Examiner
- Recreation and Events Coordinator (I/II added)
- Code Enforcement Supervisor/Building Inspector updated to Code Enforcement Supervisor

These positions, created or modified after the last Code adoption, involve the making or participation in making of decisions that may foreseeably have a material effect on any financial interest. The disclosure categories are tailored to the financial interests affected and does not require public officials to disclose private financial information that does not relate to their public employment.

A written comment period has been established commencing on October 9, 2024 and terminating on November 25, 2024. Any interested person may present written comments concerning the proposed code no later than November 25, 2024 to Melissa Swanson, Administrative Services Director/City Clerk, City of Clearlake, 14050 Olympic Drive, Clearlake CA 95422. No public hearing on this matter will be held unless any interested person or his or her representative requests no later than 15 days prior to the close of the written comment period.

Copies of the proposed code and all the information upon which it is based may be obtained from the Administrative Services Department, City of Clearlake, 14050 Olympic Drive, Clearlake CA 95422. Any inquiries concerning the proposed code should be directed to Melissa Swanson, Administrative Services Director/City Clerk (email: mswanson@clearlake.ca.us).

Sincerely,



Melissa Swanson
Administrative Services Director/City Clerk

APPENDIX A
CITY OF CLEARLAKE
CONFLICT OF INTEREST CODE

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency’s code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix [or Appendices], designating positions and establishing disclosure categories, shall constitute the conflict-of-interest code of the City of Clearlake (City).

Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). All statements will be retained by the City.

OR

Individuals holding designated positions shall file their statements of economic interests with the City, which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008). Upon receipt of the statements for the City Council, Planning Commission, City Manager, and Treasurer, the District shall make and retain copies and forward the originals to the Fair Political Practices Commission. All other statements will be retained by the City.

APPENDIX B

CONFLICT OF INTEREST CODE OF THE CITY OF CLEARLAKE

ADOPTED ~~DECEMBER 1, 2022~~ December 5, 2024

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The Mayor, Members of the City Council and Planning Commission, the City Manager, the City Attorney, the City Treasurer, and all Other City Officials who manage public investments as defined by 2 Cal. Code of Regs. § 18701 (b), are NOT subject to the City’s Code but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.) [Regs. § 18730 (b)(3)]

OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

It has been determined that the position listed below is an official who manages public investments¹. This position is listed here for informational purposes only.

Director of Finance

DESIGNATED POSITIONS

GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES</u>	<u>DISCLOSURE CATEGORIES</u>
<u>TITLE OR FUNCTION</u>	<u>ASSIGNED</u>
Assistant City Manager	1, 2
Police Chief	1, 2
Police Captain	2, 3, 6, 7
Police Lieutenant	2, 3, 6, 7
Director of Public Works	1, 2
Deputy Director of Public Works/City Engineer	1, 2
Administrative Services Director/City Clerk	1, 2
Recreation and Events Coordinator <u>I/II</u>	5, 6, 7
Public Works Construction Project Manager	5, 6, 7
Public Works- Superintendent	5, 6, 7
<u>Chief Building Inspector/Plans Examiner</u>	<u>1, 2</u>
Senior Planner	1, 2

¹ Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by §87200.

Associate Planner	1, 2
Assistant Planner	2, 3, 6, 7
Code Enforcement Supervisor/ Building Inspector	2, 3, 6, 7
Building Inspector	2, 3, 6, 7
Code Enforcement Officer	2, 7
Recreation and Events Coordinator	+

**MEMBERS OF BOARDS,
COMMITTEES AND
COMMISSIONS**

Loan Review Committee	1, 2
-----------------------	------

**DESIGNATED EMPLOYEES’
TITLE OR FUNCTION**

Consultant²

² Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation: The City Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

APPENDIX C

DISCLOSURE CATEGORIES

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she has been assigned.

Category 1: All investments and business positions in business entities, and sources of income, that are located in, do business in, or own real property within the jurisdiction of the City.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the City.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction, or the acquisition or sale of real property within the jurisdiction of the City.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

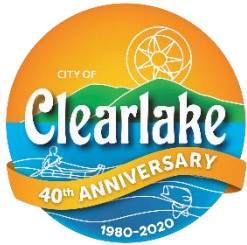
Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles, or equipment of a type purchased or leased by the City.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles, or equipment of a type purchased or leased by the Designated Employee's Department.

Category 7: All investments and business positions in, and sources of income from, business entities subject to the regulatory, permit, or licensing authority of the Designated Employee's Department.

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Annual Calendar of Meetings for 2025	MEETING DATE: December 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Discussion <input type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review and file the proposed 2025 City Council meeting calendar.

BACKGROUND/DISCUSSION:

The proposed meeting schedule for 2025 is attached. In addition to the proposed regular meeting schedule, your Council may schedule additional special meetings and workshops with proper Brown Act noticing.

The January 2nd, 2025 meeting will be cancelled due to the holiday. As a reminder, City Hall administration office will be closed from December 24th through January 2nd.

The June 19th meeting is proposed to be cancelled due to a conflict with school graduation ceremonies.

The July 3rd meeting will be cancelled due to the July 4th holiday. City Hall administration offices will be closed that day and staff will be off.

The October 16th meeting will be cancelled due a conflict with the CalCities Annual Conference. It is anticipated that at least a majority of the Council, along with the City Manager and Administrative Services Director/City Clerk, will attend the Conference.

OPTIONS:

1. Move to approve the proposed 2025 City Council meeting calendar.
2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

No action necessary. This item is to receive and file.

- Attachments:** 1) Proposed meeting calendar

January 2025

January 2025							February 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Dec 29	30	31	Jan 1, 25	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16 6:00pm Council Meeting	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	Feb 1

February 2025

February 2025							March 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1							1
2	3	4	5	6	7	8	2	3	4	5	6	7	8
9	10	11	12	13	14	15	9	10	11	12	13	14	15
16	17	18	19	20	21	22	16	17	18	19	20	21	22
23	24	25	26	27	28		23	24	25	26	27	28	29
							30	31					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jan 26	27	28	29	30	31	Feb 1
2	3	4	5	6 6:00pm Council Meeting	7	8
9	10	11	12	13	14	15
16	17	18	19	20 6:00pm Council Meeting	21	22
23	24	25	26	27	28	Mar 1

March 2025

March 2025							April 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 23	24	25	26	27	28	Mar 1
2	3	4	5	6 6:00pm Council Meeting	7	8
9	10	11	12	13	14	15
16	17	18	19	20 6:00pm Council Meeting	21	22
23	24	25	26	27	28	29
30	31	Apr 1	2	3	4	5

April 2025

April 2025							May 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5				1	2	3	
6	7	8	9	10	11	12	4	5	6	7	8	9	10
13	14	15	16	17	18	19	11	12	13	14	15	16	17
20	21	22	23	24	25	26	18	19	20	21	22	23	24
27	28	29	30				25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 30	31	Apr 1	2	3 6:00pm Council Meeting	4	5
6	7	8	9	10	11	12
13	14	15	16	17 6:00pm Council Meeting	18	19
20	21	22	23	24	25	26
27	28	29	30	May 1	2	3

May 2025

May 2025							June 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	4	5	6	7	8	1	2	3					
11	12	13	14	15	16	17	8	9	10	11	12	13	14
18	19	20	21	22	23	24	15	16	17	18	19	20	21
25	26	27	28	29	30	31	22	23	24	25	26	27	28
							29	30					

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Apr 27	28	29	30	May 1 6:00pm Council Meeting	2	3
4	5	6	7	8	9	10
11	12	13	14	15 6:00pm Council Meeting	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

June 2025

June 2025							July 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	6	7	8	9	10	11	12
8	9	10	11	12	13	14	13	14	15	16	17	18	19
15	16	17	18	19	20	21	20	21	22	23	24	25	26
22	23	24	25	26	27	28	27	28	29	30	31		
29	30												

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 1	2	3	4	5 6:00pm Council Meeting	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	Jul 1	2	3	4	5

July 2025

July 2025							August 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30
							31						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 29	30	Jul 1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17 6:00pm Council Meeting	18	19
20	21	22	23	24	25	26
27	28	29	30	31	Aug 1	2

August 2025

August 2025						September							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
3	4	5	6	7	8	9	7	8	9	10	11	12	13
10	11	12	13	14	15	16	14	15	16	17	18	19	20
17	18	19	20	21	22	23	21	22	23	24	25	26	27
24	25	26	27	28	29	30	28	29	30				
31													

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 27	28	29	30	31	Aug 1	2
3	4	5	6	7 6:00pm Council Meeting	8	9
10	11	12	13	14	15	16
17	18	19	20	21 6:00pm Council Meeting	22	23
24	25	26	27	28	29	30
31	Sep 1	2	3	4	5	6

September 2025

September 2025							October 2025						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	5	6	7	1	2	3	4
14	8	9	10	11	12	13	12	13	14	15	16	17	18
21	15	16	17	18	19	20	19	20	21	22	23	24	25
28	22	23	24	25	26	27	26	27	28	29	30	31	

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 31	Sep 1	2	3	4 6:00pm Council Meeting	5	6
7	8	9	10	11	12	13
14	15	16	17	18 6:00pm Council Meeting	19	20
21	22	23	24	25	26	27
28	29	30	Oct 1	2	3	4

October 2025

October 2025							November						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Sep 28	29	30	Oct 1	2 6:00pm Council Meeting	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	Nov 1

November 2025

November 2025							December						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Oct 26	27	28	29	30	31	Nov 1
2	3	4	5	6 6:00pm Council Meeting	7	8
9	10	11	12	13	14	15
16	17	18	19	20 6:00pm Council Meeting	21	22
23	24	25	26	27	28	29
30	Dec 1	2	3	4	5	6

December 2025

December 2025							January 2026						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
7	1	2	3	4	5	6	4	5	6	7	1	2	3
14	8	9	10	11	12	13	11	12	13	14	15	16	17
21	15	16	17	18	19	20	18	19	20	21	22	23	24
28	22	23	24	25	26	27	25	26	27	28	29	30	31

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Nov 30	Dec 1	2	3	4 6:00pm Council Meeting	5	6
7	8	9	10	11	12	13
14	15	16	17	18 6:00pm Council Meeting	19	20
21	22	23	24	25	26	27
28	29	30	31	Jan 1, 26	2	3

CITY OF CLEARLAKE MAYOR'S APPOINTMENTS

ABANDONED VEHICLE AUTHORITY

Lake County Building Department
Code Enforcement Division
255 No. Forbes St.
Lakeport, CA 95453
263-2309

Russ Perdock, Member
David Claffey, Alternate

MEETS:

Third Wednesday of the month at 1 PM; alternating Clearlake/Lakeport

SEWER DISTRICT 1-6 ADVISORY BOARD

Lake County Special Districts
Attn: Administrator
230 No. Main St.
Lakeport, CA 95453
263-0119

Dirk Slooten, Member

As needed

RESOURCE MGMT COMMITTEE

Lake County Water Resources Department
Director
255 No. Forbes St.
Lakeport, CA 95453
263-2341

Joyce Overton, Member
David Claffey, Alternate

As needed

INTEGRATED WASTE MANAGEMENT TASK FORCE/SOLID WASTE DIVERSION COMMITTEE & CLEARLAKE SOLID WASTE COMMITTEE

Lake County Public Services
Director
333 – Second Street
Lakeport, CA 95453
262-1760

Russ Perdock, Member
David Claffey, Alternate

As needed

VECTOR CONTROL BOARD OF TRUSTEES

Jamesina J. Scott, Director

P.O. Box 310
Lakeport, CA 95453

(4 year term – expires 2027)
Curt Giambruno

2nd Wed. of the mo.
1:30 p.m.

One member is chosen by each incorporated City, and three members are chosen by the Board of Supervisors, for a total of five members.

P.E.G. BOARD

14050 Olympic Drive
Clearlake, CA 95422

David Claffey, Member
Russ Perdock, Alternate

2nd Mon of the mo. at
6:00 p.m. alternating in
Clearlake/Lakeport

TRAFFIC SAFETY COMMITTEE

Resolution 2019-46; 2024-04

Meets Quarterly/As Needed

Joyce Overton, Member
Russ Perdock, Member
City Engineer, Member
Public Works Director or designee
Clearlake Police Department representative
Lake County Fire Protection District representative
Sheryl Almon, Public Member

LEAGUE OF CALIFORNIA CITIES, REDWOOD EMPIRE DIVISION

Division Business Meeting and Legislative Committee

Joyce Overton, Member
David Claffey, Alternate

AREA PLANNING COUNCIL (APC)/TRANSIT AUTHORITY

Lisa Davey-Bates, Executive Director
367 N. State Street, Suite 204
Ukiah, CA 95482
234-3314

City Representative

Russ Cremer, Member
Russ Perdock, Member
Dirk Slooten, Alternate

Meets 2nd Wed of mo.
9:00 a.m alternating in Lower Lake
and Lakeport

**LAKE COUNTY CLEAN WATER PROGRAM ADVISORY COUNCIL
(NPDES-National Pollutant Discharge Elimination System)**

Lake County Water Resources Department
Director
255 No. Forbes St.
Lakeport, CA 95453
263-2341

Public Works Department Representative, Member
TBD, Alternate

Meets as needed

**LAKE COUNTY WATERSHED PROTECTION DISTRICT MANAGEMENT COUNCIL
(NPDES-National Pollutant Discharge Elimination System)**

Lake County Water Resources Department
Director
255 No. Forbes St.
Lakeport, CA 95453
263-2341

Joyce Overton (2024 Calendar Year)
Russ Cremer, Alternate

Meets as needed

LAKE COUNTY COMMUNITY RISK REDUCTION AUTHORITY

Lake County Risk Reduction Authority
Director
255 No. Forbes St.
Lakeport, CA 95453
RRA@lakecountyca.gov

Russ Cremer, Member
Dirk Slooten, Alternate

Meets 3rd Monday of each month at 3:00

LAKE COUNTY RECREATION AGENCY

County of Lake
255 No. Forbes St.
Lakeport, CA 95453

Dirk Slooten, Member
David Claffey, Member
Russ Cremer, Alternate

Meets 4th Thursday of each month at 4:00pm

CLEARLAKE PLANNING COMMISSION

(4 Year Staggered Terms Expiring in Odd Numbered Years)

Meets the 2nd and 4th Tues
of the mo. at 6:00 p.m.

<u>Name</u>	<u>Term Began</u>	<u>Term Expiration</u>
Fawn Williams	11/03/20	03/11/25
Terry Stewart	11/04/21	03/11/25
Robert Coker	08/21/18	03/11/25
Jack Smalley	04/11/23	03/11/27
Chris Inglis	04/11/23	03/11/27

ZONING CODE UPDATE/DESIGN REVIEW MANUAL STEERING COMMITTEE

Meets as needed
Wednesdays at 6:00 p.m.

Dirk Slooten, Councilmember
Planning Commissioner Appointee
Planning Commissioner Appointee
Dave Hughes, community member
Bob Mingori, community member
Chuck Leonard, community member

MEASURE V CITIZEN OVERSIGHT COMMITTEE

Resolution No. 2017-07; 2021-18

Meets annually in October

Ray Silva	Appointed by David Claffey	2020-2024
Conrad Colbrandt	Appointed by Russ Perdock	2020-2024
Jim Scholz	Appointed by Joyce Overton	2020-2024
Sheryl Almon, Member	Appointed by Russ Cremer	2022-2026
Bruno Sabatier, Member	Appointed by Dirk Slooten	2022-2026

ELEM COMMUNITY BENEFIT FUND COMMITTEE

David Claffey, Member
Russ Perdock, Member

ELEM TRAVEL CENTER REVIEW COMMITTEE

Meets Quarterly

David Claffey, Member
Russ Perdock, Member

APPOINTED BY MAYORS' SELECTION COMMITTEE:

(The following are recommended appointments from the Mayor to the Mayors' Selection Committee that will make the final appointments)

Lake Local Agency Formation Commission (4 Yr Term: 1/1/23 – 1/1/27)

NOTE: APPOINTED BY MAYORS' SELECTION COMMITTEE

John Benoit, Executive Director
P.O. Box 2694
Granite Bay, CA 95746
707-592-7528
(916) 797-7631 FAX
johnbenoit@surewest.net
jbenoit@icloud.com

Dirk Slooten, Member
Russ Perdock, Alternate

Meets 3rd Wed.
at 9:00 a.m. alternating
in Clearlake/Lakeport

LAKE COUNTY AIRPORT LAND USE COMMISSION

Lake County Planning Department
255 No. Forbes St.
Lakeport, CA 95453
263-2221

Russ Cremer, Member
Dirk Slooten, Alternate

Meets as needed

MAYORS' SELECTION COMMITTEE

Chairman of the Board of Supervisors
City of Clearlake Mayor
City of Lakeport Mayor
Staff: Susan Parker, County Administrator
County of Lake
255 No. Forbes St
Lakeport, CA. 95453



STAFF REPORT			
SUBJECT: Zoning Ordinance Text Amendment, ZOA 2024-02			
DATE: December 5 th , 2024.			
SUBMITTED BY: Mark Roberts – Senior Planner			
REPORT PURPOSE: <input checked="" type="checkbox"/> Action Item <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only			
APPLICANT: City of Clearlake			

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider Zoning Ordinance Text Amendments, ZOA 2024-02 and corresponding environmental filing, Categorical Exemption, CE 2024-06.

PROJECT SUMMARY:

Project Background: The City’s Municipal Zoning Code Regulations were amended/adopted in 2019/2020 and are responsible for providing standards, requirements and guidelines for orderly development in the City. On occasion, refinements to the Zoning Code Regulations are required to clarify existing regulations, expediate review timelines, implement new statutes, and refine current regulations to improve administration.

Planning Commission Summary:

The proposed Zoning Ordinance Text Amendments were brought before the Planning Commission on September 10th, 2024, September 22nd, 2024, and October 22nd, 2024. The Planning Commission has considered the proposed amendments, including public input and unanimously recommended the amendments for approval to the City Council.

Summary of proposed amendments:

1. **Chapter 18-02, Section 18-02.040 (Zones Established – Zoning Map)**
 - Table 3 (Land Use Zoning Matrix for Zoning Code): The Medium Density Residential (MDR) General Plan Land Use Designation allows between 0 to 15 units per acre. The Low Density Residential (LDR) Zoning District allows a maximum of eight units per acre. For LDR Zoning to be consistent with MDR General Plan Land Use Designation, Staff amended Table 3 for consistency.

2. **Chapter 18, 18-13.040 (Viewshed Analysis):**
 - Provided methodology of defining a viewshed and what is required for a viewshed analysis.

3. **Chapter 18-15: Planned Development (PD) Combining Zone:**
 - Provided clarification in the relationship between Code and a Planned Development, including adding provisions for development guidelines and allowing the Community Development Director to approve minor changes to a final development plan.

4. Chapter 18-18: Use Regulations (Tables 4 through 7):
 - The following abbreviations have been amended:
 - *Zoning Permits are known as “ZP”*
 - *Administrative Use Permits are known as “AUP”*
 - *Conditions Use Permits are known as “CUP”*
 - Section 18-18.020: In accordance with Government Code Section 65583, Staff added clarification for Supportive and Transitional Housing per Section 18-18.020(E3).
5. Chapter 18-19 - Special Uses:
 - Section 18-19.010 - Temporary & Intermittent Uses
 - *Temporary Office*
 - *Temporary onsite caretaker/resident guard for construction sites*
 - *Temporary use of a Recreational Vehicle, Travel Trailers, Camper or similar vehicle*
 - *Recreational Vehicle as a guest residence*
 - *Vacant/Undeveloped parcels*
 - Section 18-19.110 – Alcoholic Beverage Regulations
 - Section 18-19.180 – Cargo Containers
 - Section 18-19.320 - Accessory & Junior Dwelling Units
 - Section 18-19.345 - Recreational Vehicle Parks & Campgrounds
 - Section 18-19.353 - Helicopter Facilities
 - Section 18-19.371 - Temporary Employee & Farm Worker Housing Standards
6. Chapter 18-20, Section 18-20.090 (Parking Space Requirements)
 - Amended section for clarity and added new off-street parking categories to address State Housing Statutes [Government Code Section 65863.3. (a).].
 - Table 22 - Parking space requirements for emergency shelters, clarifies new parking standards per Government Code Section 65583 (a)(4) to provide sufficient parking shall be provided to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
 - New use categories added for parking requirements, including Campgrounds and RV Parks.
7. Chapter 18-20, Section 18-20-140 (Curb, Gutter, Sidewalks Installation):
 - Created provisions requiring the installation of public improvements and a threshold of when those improvements will be required.
8. Chapter 18-21, Section 18-21.060 (Sign Regulations):
 - Table 30 should state Max Sign Height not Total Sign Area Square Feet
9. Chapter 18-28 (Findings Use Permits)
 - Section 18-28.030: Procedures for Zoning Permits.
 - Section 18-28.030: Amendments to Procedures for Administrative Use Permits
 - Section 18-28.050: Amendments to Findings for Approval

10. Section 18-31.030 (Density Bonus)

- Section 18-31.030: Eligibility for density bonus, incentives or concessions, change to reflect the Government Code Section 65915 requirements.

11. Chapter 18-45 (Definitions)

- Amendments and adding new terms and definitions based on existing and proposed code requirements.

ENVIRONMENTAL REVIEW (CEQA):

Staff has made the determination pursuant to the California Environmental Quality Act (CEQA) Sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment], 15060(c)(3) [the activity is not a project as defined in Section 15378] , and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the proposed text amendment serves to establish general standards and regulations. Individual projects that are subject to the Ordinance would still require individual review for conformance with CEQA. **Therefore, the proposed amendments are exempt from CEQA.**

LEGAL NOTICE & PUBLIC COMMENT

The public hearing was noticed at least ten (10) days in advance in an electronic publication of the Lake County Record Bee on Saturday, November 23rd, 2024, in accordance with the City Municipal Code, including posting a copy of the notice in the City’s Bulletin Board.

MOTION/OPTIONS:

1. Hold first reading of Ordinance 271-2024, read by title only, waive further reading and set second reading for next Council Meeting.
2. Move to continue the item and provide alternate direction to staff.

ATTACHMENTS:

1. Attachment # 1 - City Council Ordinance 271-2024
2. Attachment # 2 – Adopted Planning Commission Resolution PC 2024-03
3. Attachment # 3 - Zoning Ordinance Text Amendments with Redlines
4. Attachment # 4 - Zoning Ordinance Text Amendments (Clean Version)

CITY OF CLEARLAKE

ORDINANCE NO. 271-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE TO REPEAL CHAPTER 18 OF THE CLEARLAKE MUNICIPAL CODE – CITY OF CLEARLAKE ZONING CODE AND REENACT CHAPTER 18 OF THE CLEARLAKE MUNICIPAL CODE – CITY OF CLEARLAKE ZONING CODE, REPLACING THE OFFICIAL CITY CODES AND REGULATIONS

WHEREAS, the City of Clearlake has initiated Zoning Ordinance Text Amendment Application ZOA 2024-02 and corresponding environmental filing, Categorical Exemption, CE 2024-06 to amend the Zoning Code and incorporate applicable CA State Legislations, State Housing Laws and other enhancements/clarifications into the Clearlake Zoning Ordinance; and

WHEREAS, the City Council has determined that Zoning Ordinance ZOA 2024-02 is exempt from environmental review in accordance with Sections 15060(c)(2), 15060(c)(3), and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, and

WHEREAS, the City of Clearlake City Council has duly called, advertised/published in the Lake County Record Bee on November 23rd, 2024, and the public had the opportunity to submit input, on December 5th, 2024, during the Public Hearing required by law concerning the proposed Zoning Ordinance Text Amendments, and;

WHEREAS, the City of Clearlake City Council has considered public input and the recommendations of the Clearlake Planning Commission and;

WHEREAS, the City Council finds that the Zoning Ordinance Text Amendments are consistent with the City of Clearlake’s General Plan; and

WHEREAS, the amendments to the City of Clearlake Municipal Code set forth herein provide for the “public necessity and convenience and general welfare” and would not be detrimental to the public’s health, safety, and welfare; and

THE CITY COUNCIL OF THE CITY OF CLEARLAKE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Clearlake City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), 15060(c)(3) (the activity is not a project as defined in Section 15378) , and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly, and directs staff to file a Notice of Exemption accordingly.

Section 2. Chapter 18 of the Clearlake Municipal Code, the City of Clearlake Zoning Code, is hereby repealed in its entirety and reenacted as set forth in the attached Exhibit A, that is incorporated herein by this reference.

Section 3. The City Council declares that, should any provision, section, subsection, sentence, paragraph, clause, phrase, or word of this Ordinance, or the Code section hereby adopted, be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by any reason of any preemptive legislation, the remaining provisions, sections, subsections, sentences, paragraphs, clauses, phrases or words of this Ordinance and Code section hereby adopted shall remain in full force and effect.

Section 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause a summary of the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

Introduced at a Regular Meeting of the City Council of the City of Clearlake on December 5th, 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

Passed and Adopted at a Regular Meeting of the City Council of the City of Clearlake on _____ 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this ____ day of _____, 2024.

ATTEST:

CITY/DEPUTY CLERK

Exhibit A

Zoning Code Amendments for Zoning Ordinance Amendment ZOA 2024-02

RESOLUTION NO. PC 2024-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE RECOMMENDING TO THE CITY COUNCIL ADOPTION OF ZONING ORDINANCE TEXT AMENDMENT ZOA 2024-02 TO REPEAL CHAPTER 18, ZONING OF THE CLEARLAKE MUNICIPAL CODE AND REPLACE WITH AMENDED CHAPTER 18, ZONING OF THE CLEARLAKE MUNICIPAL CODE.

WHEREAS, the City of Clearlake has initiated Zoning Ordinance Text Amendment Application ZOA 2024-02 and corresponding environmental filing, Categorical Exemption, CE 2024-06 to amend the Zoning Code and incorporate applicable CA State Legislations, State Housing Laws and other enhancements/clarifications into the Clearlake Zoning Ordinance; and

WHEREAS, the Planning Commission has determined that this project is not subject to environmental review in accordance with Sections 15060(c)(3), 15378, and 15061 (b)(3) of the California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations and;

WHEREAS, the Planning Commission has duly called, advertised/published in the Lake County Record Bee on August 31st, 2024, the public had the opportunity to submit input, and on September 10th, 2024, Public Hearing required by law concerning the proposed amendments to the Zoning Ordinance and;

WHEREAS, on September 10th, 2024, the City of Clearlake Planning Commission held a public hearing, and has considered the proposed amendments, including public input and recommended to the City Council adoption of Zoning Ordinance Text Amendment Application ZOA 2024-02, and continuing Section 18-20.140 (Curb, Gutter, Sidewalk) to September 24^h, 2024 for further discussion and;

WHEREAS, on September 24th, 2024, the City of Clearlake Planning Commission held a public hearing on Section 18-20.140 (Curb, Gutter, Sidewalk), and has considered the proposed amendments, including public input and continued the public hearing to October 22nd, 2024 for further consideration, and

WHEREAS, on September 10th, 2024, September 24th, 2024, and on October 22nd, 2024, the City of Clearlake Planning Commission held a public hearing, and has considered the proposed amendments, including public input and recommended to the City Council adoption of full Zoning Ordinance Text Amendment Application ZOA 2024-02, and;

NOW, THEREFORE, BE IT RESOLVED CITY OF CLEARLAKE PLANNING COMMISSION, THAT THE PLANNING COMMISSION RECOMMENDS, BASED ON THE FINDING WITHIN THIS RESOLUTION (BELOW), THAT THE CITY COUNCIL OF THE CITY OF CLEARLAKE ADOPT THE FOLLOWING AS SHOWN IN EXHIBIT A:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE REPEALING AND REPLACING CHAPTER 18 OF THE CLEARLAKE MUNICIPAL CODE

FINDINGS OF FACT

1. The proposed amendments to the City of Clearlake Municipal Code, Chapter 18 (Zoning) provide for the “public necessity and convenience and general welfare;” and
2. The proposed amendments would not be detrimental to the public’s health, safety and welfare; and

- 3. The proposed amendments are exempt under California Environmental Quality Act (CEQA) Sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment], 15060(c)(3) [the activity is not a project as defined in Section 15378] , and Section 15061 (b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the proposed text amendment serves to establish general standards and regulations. Individual projects that are subject to the Ordinance would still require individual review for conformance with CEQA; and
- 4. The Project was duly noticed for public hearing before City of Clearlake Planning Commission, and there were no comments or opposition to the project; and
- 5. The project is consistent with the goals and policies of the General Plan; and
- 6. The Planning Commission hereby recommends to the City Council adoption of Clearlake Zoning Ordinance Text Amendment ZOA 2024-02.

THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE HEREBY ORDERS AS FOLLOWS:

Section 1. The Planning Commission hereby authorizes and directs the officers, employees, staff, consultants and attorneys for the Planning Commission to take any and all actions that may be necessary to effectuate the purposes of this resolution or which are appropriate or desirable in the circumstances. If prior to the adoption of the City Council desires to make any minor, technical, or clarifying changes to the Clearlake Zoning Ordinance Text Amendment ZOA 2024-02, the Planning Commission hereby finds and determines that any such minor, technical, or clarifying changes need not be referred to it for further report and recommendation.

Section 2. The Planning Commission hereby authorizes and directs staff to transmit a copy of this resolution to the City Council.

PASSED, APPROVED and ADOPTED this September 10th, 2024, and October 22nd, 2024, by the following vote:

AYES: Chair Williams, Vice Chair Smalley, Inglis, Stewart
NOES:
ABSTAIN:
ABSENT:

Planning Commission Chair

ATTEST:

City/Deputy Clerk

2024 Zoning Regulations

**TITLE 18
 ZONING REGULATIONS
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Chapter 18-01: General Provisions**Sections:**

18-01.010	Title.
18-01.020	Purpose.
18-01.030	Applicability and exceptions.
18-01.040	Interpretation.
18-01.050	General Plan consistency – Regulations interpretation and application.
18-01.060	Severability and reference.

18-01.010 Title.

This section shall be known and cited as the “Zoning Regulations of the City.”

18-01.020 Purpose.

These regulations are intended to guide the development of the City of Clearlake in an orderly manner, based on the adopted Clearlake General Plan, to protect and enhance the quality of the natural and built environment and to promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures.

18-01.030 Applicability and exceptions.

A. Applicability. It is expressly declared that all of the provisions of this Chapter shall apply to all property within the incorporated territory of the City whether owned by private persons, firms or corporations or by the government of the United States of America or any of its agencies or by the State of California or any of its political subdivisions or agencies, unless the federal or state activity is specifically exempted from local review or by any county, including the County of Lake, town or municipal corporation or any of its or their agencies or by any district formed under the laws of the State of California. No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with the provisions of this Chapter and all other laws or maps referred to herein.

B. Exemptions.

1. Development by the federal government or an agency of the federal government acting in its governmental capacity.
2. Development by the State of California or an agency of the State acting in its governmental capacity.
3. Development by local agencies exempt from City of Clearlake Zoning Ordinances pursuant to Government Code Section 53091.

4. Development undertaken by the City of Clearlake.

18-01.040 Interpretation.

- A. Ambiguity.** The Director shall interpret these regulations, subject to the appeal procedures of Chapter 18-36. Written requests for interpretation shall be responded to in writing within 20 days and shall become part of the permanent files of the Community Development Department.
- B. Zoning district boundaries.**
 1. Boundaries between zoning districts generally follow lot lines or their extensions, physical features or contour lines, as noted on the official zoning map. Boundaries adjoining streets shall be assumed to follow the centerlines of streets if such location becomes an issue in the use of private property, such as when a street is abandoned. Zones which meet a street centerline shall not be considered “adjacent.”
 2. The location of boundaries which are not readily determined by inspection of the official Clearlake General Plan Zoning Map shall be determined by the Director.
- C. Conflict with public provisions.** These regulations are not intended to interfere with or annul any other law or regulation. Where these regulations impose a restriction different from any other law or regulation, the more restrictive shall apply.
- D. Conflict with private provisions.** These regulations are not intended to interfere with or annul any easement, covenant or other agreement between private parties. Where these regulations impose a restriction different from a private agreement, the provisions which are more restrictive, or which impose higher standards shall control.

18-01.050 General Plan consistency – Regulations interpretation and application.

The regulations codified in this title shall be interpreted and applied in a manner consistent with the Clearlake General Plan.

18-01.060 Severability and reference.

- A. Severability.** If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid.
- B. Reference.** Reference in this Chapter to any section hereof by number is intended to include any and all subsections of the numbered section cited.

2024 Zoning Regulations

Chapter 18-02: Zones Established – Zoning Map

Sections:

- 18-02.010 Designation of zones.
- 18-02.020 Combining zoning districts.
- 18-02.030 Areas within the City to be designated within a zoning district – Zoning Map to be a part of these regulations
- 18-02.040 General Plan Land Use Consistency

18-02.010 Designation of zones.

The City of Clearlake is divided into the 9 base zoning districts that are established by Table 1. The creation of these zoning districts is consistent with the land use and community character designations used in the Clearlake General Plan.

Table 1. Clearlake Base Zoning Districts			
Abbreviation	District Name	Principal Function	Character Description
Residential Zoning Districts			
RR	Rural Residential	Low-Density Single-Family Homes	The Rural Residential District is intended to provide for lower density residential development, such as single-family homes on larger sized lots with a density not to exceed 1 unit to the acre. For larger parcels, exceeding 1 acre in size, agricultural uses are permitted. This Zoning District is consistent with the Low-Density Residential Land Use Designation in the General Plan.
LDR	Low Density Residential	Variety of Residential Products	The Low-Density Residential District is intended to provide for a variety of residential products ranging from single-family to multi-family with an urban character with a density not to exceed 8r units to the acre.
MDR	Medium Density Residential	Medium Density with Single and Multiple Family Products	The Medium Density Residential District is intended to provide for medium density single-family attached and detached and some multiple family products not exceeding 15 units per acre. This Zoning District is consistent with the Medium Density Residential Land Use Designation in the General Plan.

Table 1. Clearlake Base Zoning Districts			
Abbreviation	District Name	Principal Function	Character Description
HDR	High Density Residential	Higher Density Multi-Family Residential Products	The High-Density Residential District is intended to provide for higher density multi-family products with a minimum of 10 to a maximum of 25 units per acre. This Zoning District is consistent with the High-Density Residential Zoning Designation of the General Plan.
Mixed-Use and Commercial Zoning Districts			
MUX	Mixed-Use	Medium and High Density Residential and Low Impact Commercial Uses	The Mixed-Use District is intended to allow a mixture of residential and commercial uses which can be made compatible with each other. This District provides a balanced mix of residential and employment opportunities to create focal points of activity in the form of mixed-use centers, nodes, or corridors. The Mixed-Use Districts support service commercial, employment, and housing needs of a growing community. The maximum allowed density in the MUX Zone is 25 units per acre. This Zoning District is consistent with the Mixed-Use Designation of the General Plan.
DC	Downtown Commercial Mixed-Use Commercial	Low Impact Commercial, Administrative, and Residential Uses	The Downtown Commercial Mixed-Use District is intended to provide for low-impact commercial uses in a downtown setting with limited residential uses. It allows the adaptive re-use of existing buildings and may allow for some residential if located on upper floors. This Zoning District is consistent with the Commercial Land Use Designation of the General Plan.
GC	General Commercial	Variety of Commercial and Administrative Uses	The Commercial District is intended to provide for a broad range of retail, restaurant, entertainment, office institutional and service uses. Buildings are scaled commensurate with their respective site, with independent sites and centers that are appropriate of SR 53 and other major corridors. Smaller scaled buildings are located in commercial subdivisions or in areas that are transitions to Downtown. This Zoning District is consistent with the Commercial Land Use Designation of the General Plan.

Table 1. Clearlake Base Zoning Districts			
Abbreviation	District Name	Principal Function	Character Description
Other Commercial and Industrial Zoning Districts			
IN	Industrial	Variety of Industrial and Heavy Commercial Uses	The Industrial District is intended to provide for more intensive industrial and commercial uses and airports. This Zoning District is consistent with the Industrial Land Use Designation of the General Plan.
Open Space Zoning Districts			
O	Open Space	Open Space and Parks	The Open Space and Parks District is intended to preserve open space that may include parks and recreation areas. This Zoning District is consistent with the Open Space Land Use Designation of the General Plan.
Notes: Certain public assembly and institutional uses are permitted within the Mixed-Use and Commercial Districts listed above.			

18-02.020 Combining zoning districts.

Combining zoning districts are used in combination with the 9 base zoning districts to address special needs or characteristics of the areas of the City to which they are applied, including but not limited to potential hazards, scenic areas, special use considerations, such as mobile homes, adult entertainment and commercial cannabis, special areas of consideration, such as the Avenue neighborhood and special planning treatment, such as specific plans and planned developments.

These combining districts are established that can combine with the base zoning district to address specific needs listed as follows:

- SP Specific Plan
- SC Scenic Corridor
- AV-Avenue
- PD Planned Development
- AE Adult Entertainment
- CB Commercial Cannabis Business

In the event of any conflict between these combining district regulations and the base zoning district regulations, the combining district regulations shall control. A summary of function and characteristics for the various combining districts are referenced in Table 2 below.

Table 2. Clearlake Combining Zoning District			
Abbreviation	District Name	Principal Function	Character Description
Combining Zoning Districts			
SP	Specific Plan	Application to Specific Plans per California Government Code Sections 65450 to 65451	The SP Combining Zoning District is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. It will be applied to areas for which a specific plan has been adopted or where the General Plan calls for a specific plan prior to development, generally within residential expansion areas
SC	Scenic Corridor	Sensitive review of projects along Highway 53	The SC Combining Zoning District is created to preserve the scenic quality of the land immediately visible from State Highway 53. This zone is intended to be combined with other zones adjacent to scenic highways and roads.
AV	Avenue District	Rural and Urban	The AV Combining Zoning District is intended to provide for maximum flexibility for developing a broad range of single-family residential products including manufactured homes to low density, more traditional single-family homes on small lots. Development standards are flexible to encourage innovative design and character in the building product.
PD	Planned Development	Rural and Urban	The PD Combining Zoning District is intended to provide for flexibility in the application of the zoning standards to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design and more effective design responses to site features, land uses on adjoining properties and environmental impacts, than the development standards of the underlying zone would produce without adjustment. The City expects each planned development project to be of significantly higher design quality, including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency and the more efficient use of resources, than would be achieved through conventional design practices and standards.
AE	Adult Entertainment	Urban	The AE Combining Zoning District is intended to regulate adult oriented businesses which, could have serious secondary effects on the community.

Abbreviation	District Name	Principal Function	Character Description
Combining Zoning Districts			
CB	Commercial Cannabis Business and Commercial Cannabis Retail Dispensary	Rural and Urban	The CB Combining Zoning District is intended to regulate activities involved with cannabis which could have secondary effects on the community.
Notes: Certain public assembly and institutional uses are permitted within the Mixed-Use and Commercial Districts listed above.			

18-02.030 Areas within the City to be designated within a zoning district – Zoning Map to be a part of these regulations.

All areas within the City shall be designated within a zoning district. The official Zoning Map, which shall depict all duly adopted zoning districts, is as much a part of these regulations as if it were fully contained in this document. The official Zoning Map shall be maintained by the Community Development Department and for convenience in more easily identifying zone boundaries may be divided into parts.

18-02.040 General Plan Land Use Consistency:

In accordance with California Government Code Section 65960, the Zoning Code shall be consistent with the General Plan. For the Land Use Element, this means that the base zoning Districts, referenced in the Zoning Map, need to be consistent with the General Plan Land Use Map. For example, a commercial zoning district needs to be located within areas designated in the General Plan Land Use Map as being in a Commercial Land Use Designation. Table 3 provides a land use/zoning consistency matrix for the Zoning Code:

General Plan Land Use Designation							
Zoning District	Industrial	Commercial	Mixed Use	High Density Residential	Medium Density Residential	Low Density Residential	Open Space
RR, Rural Residential						X	
LDR, Residential Low Density					X	X	

MDR, Residential Medium Density			X		X		
HDR, Residential High Density			X	X			
MUX, Mixed-Use		X	X	X	X		X
DC, Downtown Commercial Mixed Use		X					
CG, General Commercial		X					
I, Industrial	X						
O, Open Space							X

Chapter 18-03: Rural Residential (RR) Zone

Sections:

- 18-03.010 Purpose
- 18-03.020 Property development standards.

18-03.010 Purpose.

The RR Zone is intended primarily to provide housing opportunities for lower density residential development, such as single family homes on larger sized lots with a density not to exceed 1 unit to the acre. This zone shall be applied to areas designated “low density residential” on the Clearlake General Plan Zoning Map,

18-03.020 Property development standards.

The property development standards for the RR Zone are as follows:

- A. Maximum density:** one dwelling unit per net acre (refer to “acre” in definitions, Chapter 18-45).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 25 feet; up to 35 feet if the Director approves an administrative use permit
- D. Minimum lot size:** 1.25 acres.
- E. Parking requirements:** See Section 18-04.080.

Chapter 18-04: Low Density Residential (LDR) Zone

Sections:

- 18-04.010 Purpose.
- 18-04.020 Property development standards.

18-04.010 Purpose.

The LDR Zone is intended primarily to provide housing opportunities for people who want private open space associated with individual dwellings. It is intended to preserve existing single family neighborhoods, provide for compatible infill development in such areas and prescribe the overall character of newly subdivided low density areas. This zone shall be applied to areas designated “low density residential” on the Clearlake General Plan Zoning Map.

18-04.020 Property development standards.

The property development standards for the LDR Zone are as follows:

- A. Maximum density:** Eight units per net acre (also see Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 25 feet; up to 35 feet if the Director approves an administrative use permit
- D. Maximum coverage:** 40% (see also Section 18-20.050).
- E. Standard lot dimensions:**
 - 1. Minimum lot area: 5,000 square feet
 - 2. Minimum lot width: 50 feet
 - 3. Minimum lot depth: 90 feet
 - 4. Minimum street frontage: 20 feet
- F. Parking requirements:** See Section 18-20.090.

Chapter 18-05: Medium Density Residential (MDR) Zone

Sections:

- 18-05.010 Purpose.
- 18-05.020 Property development standards.

18-05.010 Purpose.

The MDR Zone is intended primarily to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. These areas are generally close to commercial and public facilities serving the whole community and generally committed to this type of development. The MDR Zone will be applied to areas designated “medium and high density residential” on the Clearlake General Plan Zoning Map.

18-05.020 Property development standards.

The property development standards for the MDR Zone are as follows:

- A. Maximum density:** 15 density units per net acre (see also Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum coverage:** 60% (see also Section 18-20.050).
- D. Maximum height:** Structure: 45 feet (see also Section 18-20.060)
- E. Minimum lot area:** 5,000 square feet
- F. Parking requirements:** See Section 18-20.090.

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Chapter 18-06: High Density Residential (HDR) Zone

Sections:

- 18-06.010 Purpose.
- 18-06.020 Property development standards.

18-06.010 Purpose.

The HDR Zone is intended to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. It is further intended to allow for concentrations of housing close to concentrations of employment and college enrollment, in areas largely committed to high -density residential development. It will be applied to areas designated “High -Density Residential” on the Clearlake General Plan Zoning Map.

18-06.020 Property development standards.

The property development standards for the HDR Zone are as follows:

- A. Maximum density:** 25 density units per net acre (see also Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 45 feet (see also Section 18-20.060).
- D. Maximum coverage:** 60% (see also Section 18-20.050).
- E. Minimum lot area:** 5,000 square feet
- F. Parking requirements:** See Section 18-20.090.

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Chapter 18-07: Mixed-Use (MUX) Zone

Sections:

- 18-07.010 Purpose.
- 18-07.020 Property development standards.

18-07.010 Purpose.

The MUX zone allows for a mix of residential and nonresidential uses, such as commercial uses, on the same site, where mixed-use development would otherwise be optional.

The MUX zone is intended to allow greater flexibility of development alternatives, especially attractive higher density residential development and live-work buildings, in appropriate areas of the City. More specifically, the intent of the MUX Zone is to accomplish the following objectives:

- A.** Encourage mixed-use projects that combine residential with nonresidential uses in the same building or building site area as a means to create an active street life, enhance the vitality of businesses and reduce the need for automobile travel;
- B.** Provide a meaningful blend of residential and non-residential uses that enhances and builds upon the City's commercial base; the mixed-use overlay zone is not intended to simply act as a loophole in the zoning code for residential development;
- C.** Provide additional housing options for people, including but not limited to, young professionals and older people, who want to live near their workplace and/or near retail and other non-residential uses;
- D.** Encourage consolidation of small parcels into viable, block-size mixed-use development in designated areas;
- E.** Ensure on-site compatibility of residential and non-residential uses; and
- F.** Ensure compatibility of mixed-use projects with surrounding uses and development patterns.

18-07.020 Property Development Standards.

The property development standards for the MUX zone are as follows:

- A. Maximum density:** Except when the underlying General Plan Land Use Designation for the property is less (such as Medium Density Residential, which is a maximum of 15 units per acre), the 25 density units per acre shall apply, including dwelling units, such as single occupancy units, in hotels and motels, but not including other hotel or motel units (also see Section 18-20.020).

- B. Yards:** See Section 18-20.040.
- C. Maximum height:** 35 feet (also see Section 18-20.060). Additional building height up to 65 feet may be approved as provided under CGC and **DC Zoning Districts** below.
1. Performance standards for buildings taller than 35 Feet (all required):
 - a. The project shall include housing at a minimum residential density unit value of 12 units per acre.
 - b. For projects on sloping sites, the height limit on the downhill portion of the site shall be defined by a line 75 feet above the average between the highest and lowest points of the site grade prior to development and 75 feet above the lowest point.
 - c. No more than 50% of the site area at the property frontage may be used for private parking facilities.
 - d. The maximum height may be increased by 10 feet above the maximum allowed height when residential uses are provided above the ground floor except for properties abutting a residentially designated district. The building height increase for residential uses applies only if the top floor is residential and does not apply to buildings that have variance approval to exceed the permitted height.
- D. Maximum coverage:** 80%.
- E. Minimum lot area:** 3,000 square feet
- F. Parking.** See Section 18-20.090.

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Chapter 18-08: Downtown Commercial Mixed-Use (DC) Zone

Sections:

- 18-08.010 Purpose.
- 18-08.020 Property Development Standards

18-08.010 Purpose.

The DC Downtown Commercial Mixed-Use Zone is intended to provide for a wide range of retail sales, service and entertainment uses meeting community-wide and regional market demands and a variety of housing types including affordable workforce housing. The DC Zone is intended to be applied within the City's main commercial district.

18-08.020 Property development standards.

The property development standards for the DC zone are as follows:

- A. Maximum density:** 25 density units per acre, but not including other hotel or motel units (also see Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 35 feet (see also Section 18-20.060). Additional building height up to 65 feet may be approved as provided under C.1 below.
 - 1. Performance standards for buildings taller than 35 Feet (all required):
 - a. The project should include housing.
 - b. No more than 30% of the site area at the storefront level may be used for private parking facilities.
 - c. Site is not on the lake side of Lakeshore Drive, where the lake is visible to the public.
- D. Minimum lot area:** 3,000 square feet.
- E. Vehicle access:** Although residential uses are encouraged in the DC Zone, it is not the intent of the City to ensure that parking is provided on-site for residential uses. Therefore, there is no guarantee of parking availability, either on-site or off-site, for downtown residential projects. On-site parking may be considered inappropriate at certain downtown locations where the pedestrian experience would be harmed by vehicle ingress and egress across the sidewalk. In order to maintain pedestrian orientation and the continuity of sidewalks within the DC Zone,

an Administrative Use Permit must be approved to permit the installation of new driveway approaches proposed.

F. Parking. See Section 18-20.090.

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Chapter 18-09: General Commercial (GC) Zone

Sections:

- 18-09.010 Purpose.
- 18-09.020 Property development standards.

18-09.010 Purpose.

The purpose of this district is to provide sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access, attractive and used by citizens of Clearlake as well as visitors to the area.

18-09.020 Property development standards.

- A. Maximum Density:** No maximum density.
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure 35 feet and up to 50 feet with a conditional use permit (also see Section 18-20.060), except when the development is on the lake side of Lakeshore Drive, where the lake is visible to the public (building shall not exceed 35' in height).
- D. Maximum coverage:** No maximum coverage.
- E. Minimum lot area:** 3,000 square feet.
- F. Parking requirements:** See Section 18-20.090.

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Chapter 18-10: Industrial (IN) Zone

Sections:

- 18-10.010 Purpose.
- 18-10.020 Property development standards.

18-17.010 Purpose.

The purpose of this district is to provide locations for wholesale and heavy commercial uses and services in Clearlake which are not suited for other commercial zones. It provides areas for industrial types of activities which manufacture, assemble or package products within a building and do not emit fumes, odor, dust, smoke or gas beyond the confines of the building. Performance standards have been established to allow for more intense industrial activities and to protect Clearlake residents and the environment.

18-17.020 Property development standards

The property development standards for the IN zone are as follows:

- A. Yards:** See Section 18-20.040.
- B. Maximum height:** Structure: 35 feet (may go higher with conditional use permit. Also see section 18-20.060).
- C. Maximum coverage:** No maximum lot coverage.
- D. Minimum lot size:** 3,000 square feet
- E. Parking requirements:** See Section 18-20.090.

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Chapter 18-11: Open Space (O) Zone

Sections:

- 18-11.010 Purpose.
- 18-11.020 Property development standards.

18-11.010 Purpose.

- A.** The O Zone generally will be applied to areas which are most suitable for open space uses because of topography, geology, vegetation, soils, wildlife habitat, scenic prominence, agricultural value or flood hazard.
- B.** The O Zone is intended to prevent exposure of urban development to unacceptable risks posed by natural hazards and to protect natural resources from disruptive alterations. To these ends, it is further intended to prevent the subdivision of such lands.
- C.** It will be applied as a permanent zone to areas designated “open space” or “park” on the Clearlake General Plan Land Use Map.

18-11.020 Property development standards.

The property development standards for the O Zone are as follows:

- A. Maximum density:** No maximum density required.
- B. Yards:**
 - 1. Front: 35 feet
 - 2. Side: 15 feet except on a corner lot where the street side yard shall have a setback 30 feet.
 - 3. Rear: 20 feet except as otherwise specified there shall be no rear yard setback on properties which abut Clear Lake or Cache Creek.
- C. Minimum lot area:**
 - 1. Federal or state lands: 40 acres
 - 2. City, county, or other special district or government owned lands: 5,000 square feet.
 - 3. Privately owned lands: Existing parcel size at time of reclassification to this zone.

Chapter 18-12: Specific Plan (SP) Combining Zone

Sections:

- 18-12.010 Purpose and application.
- 18-12.020 Allowed uses.
- 18-12.030 Property development standards

18-12.010 Purpose and application

The SP zone is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. It will be applied to areas for which a specific plan has been adopted or where the Clearlake General Plan calls for a Specific Plan prior to development, generally within residential expansion areas.

18-12.020 Allowed uses.

Prior to adoption of a specific plan, areas in the SP zone may be used in conformance with the provisions of the underlying zone or as otherwise provided within the specific plan. Once a specific plan has been adopted, uses shall be as provided in the specific plan.

18-12.030 Property development standards.

- A.** Residential density shall be as provided in the specific plan.
- B.** Height, yards, coverage and parking shall be as provided in the specific plan. If the specific plan does not contain explicit provisions on these items, they shall be provided in the underlying zone.
- C.** Other development features explicitly contained in the specific plan, such as landscaping, building siting and form and circulation, shall be as provided in the specific plan.

Chapter 18-13: Scenic Corridor (SC) Combining Zoning District

Sections:

- 18-13.010 Purpose and application.
- 18-13.020 Allowed uses.
- 18-13.030 Property development standards.

18-13.010 Purpose and application.

The purpose of the SC, Scenic Corridor Combining Zone is to preserve the scenic quality of the land immediately visible from State Highway 53 (**Refer to Definition of “Viewshed”**). This zone is intended to be combined with other zones adjacent to scenic highways and roads. This district shall be combined with base zones that are within three hundred (300’) feet of the edge of right-of-way of State Highway 53. For any parcel, of which any portion is within the SC combining district, the entire parcel shall be subject to the regulations and standards of the SC zone.

18-13.020 Allowed uses.

All permitted uses allowed in the base zone.

18-13.030 Property development standards.

- A.** The siting of transmission lines (50 K.V. and over) shall avoid interfering with scenic views to the greatest extent possible, taking into account the design and size of the transmission towers, the nature of the landscape and the placement of the transmission towers in the landscape. New high voltage transmission facilities (50 K.V. lines and above) shall not be sited along a foreground view (up to 1/4 to 1/2 mile) of existing and potential State, County or City scenic highways as designated in the Clearlake General Plan, designated residential areas or major resorts unless no feasible alternatives exist. In situations where no feasible alternatives exist, undergrounding or other visual mitigation measures shall be imposed.
- B.** Grading and cut/fill shall be kept to a minimum and shall be prohibited whenever such activities will have an adverse impact of the scenic resources of the State highway.
- C.** Any exposed slopes resulting from grading shall be stabilized by plantings of compatible vegetation.

18-13.040 Viewshed Analysis.

- A. **Purpose:** The purpose and intent of this section is to provide guidance in protecting the scenic quality of the City for visitors and residents ensuring that future improvements and/or develops are compatible with existing landforms, including but not limited to hillsides, ridgelines, green belts, lake views, local streets, minor arterials and major collectors roadways.
- B. **Scenic Resource:** While there is no comprehensive list of specific features that automatically qualify as scenic resources, certain characteristics can be identified which contribute to the determination of a scenic resource, including but not limited to:
- A unique, or massive rock formation(s);
 - A Historic Building and/or location in accordance with the California Office of Historic Preservation.
 - A feature identified in applicable planning documents and/or reports/assessments as having special scenic value;
 - A feature integrated with its surroundings or overlapping scenic elements to form a panorama view, such as waters Clear Lake or Mount Konocti;
 - A vegetative or structural feature that has local, regional, or statewide importance
 - An area or feature(s) determined by the City Council, Planning Commission and/or the Community Development Director at time of application submittal.

Visual Impact Avoidance Guidelines: If determined to be in a viewshed and/or scenic corridor, depending on the type and characteristic of development and level of impact the development should incorporate measures to lessen visual impacts such as:the

- i. Limit the extent of grading, tree removal, amount of cuts and fills, length of roadways, height of retaining walls and areas for building envelopes. Conservation easements may be appropriate to protect viewsheds and sensitive visual resources.
- ii. Building envelopes may need to be adjusted or moved back to avoid the most visible locations and/or reduced in size to protect vegetation that may screen the structures. Structures could be limited in their size or height to reduce bulk and contrast.
- iii. Color and texture of building materials should be consistent with the surrounding environment. Non-reflective surfaces and darker colors

should be utilized to avoid glare and contrast.

- iv. Provide screening vegetation and landscape plans subject to Design Review.
- v. Provide viewshed sensitive exterior lighting that is low mounted, downward casting and fully shielded to prevent glare.

Chapter 18-14: Avenue (AV) Combining Zoning District**Sections:**

- 18-14.10 Purpose and application.
- 18-14.020 Allowed uses.
- 18-14.030 Property development standards.

18-14.010 Purpose and application.

The AV, Avenues Combining Zoning District is intended to provide for maximum flexibility for developing a broad range of residential products ranging including manufactured homes to low-density single-family homes lots of varying sizes. Development standards are flexible to encourage innovative design and character in the building product. Also, these regulations provide basic access and fire protection for older subdivided lands by setting minimum public health and safety standards. This district shall be applied to predominantly undeveloped older subdivided properties of urban or suburban densities, known as “paper subdivisions”, which are substandard in relationship to existing zoning and subdivision regulations with design, size, or physical improvements not meeting City standards. Such lots should be characterized by steep slopes, limited access and/or lack of adequate public services and facilities such as streets, fire, sewer or water services. Non-residential uses are also permitted.

18-14.020 Allowed uses.

Uses within the AV Combining Zoning District shall be as provided in the following table and subject to Section 18-18.010.

18-14.030 Property development standards.

The property development standards for the AV District are flexible and permissive to encourage a range of residential product types. The property development standards for the AV Combining Zoning District are as follows:

- A. Maximum density:** 8 units per net acre (see also Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum coverage:** 60% (see also Section 18-20.050).
- D. Maximum height:** 45 feet (see also Sections 18-20.060).
- E. Minimum lot area:** 5,000 square feet (see Section G below).
- F. Parking requirements:** See Section 18-20.090.

- G. Water and Sewer Service:** All lots shall meet at least one of the following requirements:
1. The lot is served by existing water and sewer connections; or
 2. The lot is fifteen thousand (15,000) square feet in area and is served by either an existing public water or public sewer connection; or
 3. The applicable public water or sewer agency has entered into a written agreement to provide water or sewer service as required in (1) and (2) above; or
 4. The lot is at least 40,000 square feet in area which may or may not be served by public water or public sewer connections.
- H. Fire Service:** The applicant shall provide written evidence in a form acceptable to the Director that the agency responsible for fire protection has certified that existing fire protection facilities meet the requirements of the Uniform Fire Code for access roads and water supply.
- I. Streets:** The street(s) serving the lot and the lot frontage(s) within the “AV” district shall meet or exceed a street surfacing standard of double chip seal or another surface as approved by the City Engineer.

Chapter 18-15: Planned Development (PD) Combining Zone**Sections:**

18-15.010	Purpose.
18-15.020	Applicability.
18-15.030	Preliminary development plan.
18-15.040	Actions of the Planning Commission.
18-15.050	Actions of the Council.
18-15.060	Required findings.
18-15.070	Requirement for development plan.
18-15.080	Final development plan.
18-15.090	Phasing.
18-15.100	Amendment of final development plan.
18-15.110	Revocation of PD zoning.

18-15.010 Purpose.

The PD overlay zone is intended to provide for flexibility in the application of zoning standards to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design and more effective design responses to site features, land uses on adjoining properties and environmental impacts, than the development standards of the underlying zone would produce without adjustment. The City expects each planned development project to be of significantly higher design quality, including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency and the more efficient use of resources, than would be achieved through conventional design practices and standards.

18-15.020 Applicability.

- A. Timing of rezoning.** PD rezoning shall occur simultaneously with the approval of a specific project through the Planned Development process.
- B. Where allowed.** The PD zone may be applied to any parcel or contiguous parcels of at least one acre.
- C. General Plan compliance.** The preparation, review and approval of a PD overlay zone shall require strict compliance with the Clearlake General Plan and any applicable specific plan.
- D. Relationship of PD overlay to primary zoning district.**
 - 1.** Allowable land uses. Any use or combination of uses allowed by Section 18-18.010 (Uses Allowed by Zones) within the underlying zoning district may be established within the PD overlay zone, subject to any additional limitations on specific land uses provided by the overlay as adopted. No

PD overlay shall allow a land use that is not allowed in the primary zoning district or by the General Plan or any applicable specific plan. **However, those identified as land uses listed as limited and subject to use permits in Chapter 18-18 of the Code may be permitted in the Planned Development if the Plan identifies those on the final development plan.**

2. Planning permit requirements. Development and new uses within the PD overlay district shall obtain the permits in the underlying zone.
3. Site planning and project development standards. Development and new land uses within the PD overlay shall comply with all applicable development standards of the underlying zone, except as specifically modified, waived or augmented by the PD overlay. **A Planned Development may include supplemental procedures, design standards and guidelines to provide administration of implementing the Planned Development as long as these components are in compliance with Section 18-15.100 of this Chapter and are consistent with the City's General Plan and Zoning Code and any related applicable Specific Plan.**
4. **A Planned Development may include amendments to the base zoning map as long as the new zoning created is substantially consistent with the General Plan (refer to Table 3, Section 18-02.040, General Plan Land Use Consistency).**

- E. Scope of approval.** The application of the PD overlay to property may include the adjustment or modification, where necessary and justifiable, of any applicable development standard of these Zoning Regulations (e.g., building height, floor area ratio, parcel size, parking, setbacks, etc.) or of the City's Subdivision Regulations. The maximum density as allowed by cross-slope % may be adjusted but shall not exceed the maximum density allowed in the average cross-slope category 0-15% for the applicable zoning district.

18-15.030 Preliminary Development Plan.

An application for a planned development shall be made to the Community Development Department and shall consist of a preliminary development plan, to include:

- A.** A legal description of the total site involved.
- B.** A statement of the objectives to be achieved by the planned development through the particular approach to be used by the applicant.
- C.** A schedule indicating the approximate dates when construction of the development or stages of the development are to be started and completed.
- D.** A quantified description of the total number and type of dwelling units, parcel sizes, coverage, modified and natural open space, grading, residential densities and areas devoted to nonresidential uses.

- E. Identification of portions of the development which would otherwise require a variance and reason for the deviation from normal standards.
- F. A site plan and supporting maps, drawn to a suitable scale and clearly labeled, showing, if applicable:
 - 1. Existing site conditions, including contours, vegetation and water courses;
 - 2. Proposed lot designs;
 - 3. Location and floor area of existing and proposed buildings or outlines of areas within which buildings may be located;
 - 4. Location and size of all areas to be conveyed or reserved as common open spaces or for public or semipublic uses;
 - 5. Existing and proposed circulation system of arterial, collector and local streets; off street parking, loading and emergency access areas; points of access to public rights of way; proposed ownership of circulation routes;
 - 6. Existing and proposed sidewalks and paths;
 - 7. Existing and proposed utility systems, including sanitary sewer, storm drainage, water, electricity, gas and telephone;
 - 8. A general landscape plan; and
 - 9. A general grading plan.
- G. Information on land area adjacent to the proposed development, indicating important relationships between the proposal and surrounding land uses, circulation systems, public facilities and natural features.
- H. Any additional information which may be required by the Director to evaluate the character and impact of the planned development.

18-15.040 Actions of the Planning Commission.

After giving notice as provided in Section 18-28.030, the Planning Commission shall hold a public hearing on the application. The Planning Commission may approve, approve subject to conditions and certain modifications or deny the application. The decision of the Planning Commission shall be in the form of a recommendation to the Council and shall be rendered in writing, stating all modifications or conditions to be reflected in the final development plan.

18-15.050 Actions of the Council.

After giving notice as provided in Section 18-28.030 the Council shall hold a public hearing on the application and the recommendations of the Planning Commission. The Council

may approve, approve subject to certain modifications, or deny the proposal with findings. The decision of the Council shall include conditions and/or modifications that shall be reflected in the final development plan. If it approves or conditionally approves the preliminary development plan, the Council shall approve the rezoning and the official zone map shall be amended to indicate approval of the planned development.

18-15.060 Decision and findings.

Following a public hearing, the Commission may recommend and the Council may approve or disapprove a rezoning to apply the PD overlay zoning district in compliance with this Section.

A. Mandatory project features. The review authority may recommend or approve a rezoning to apply the PD overlay zoning district only for a project that incorporates a minimum of two of the following four features.

1. A minimum of 25% of the residential units within the project are affordable to households of very low, low or moderate income (Chapter 18-31, Density Bonuses) for incentives provided for affordable housing development, including density bonuses and possible fee waivers);
2. The project will achieve greater energy efficiency than standard developments through the incorporation of green building techniques, scoring at least a silver rating on the LEED or other equivalent rating system or achieving a minimum of 30% greater energy efficiency than the minimum required by California Code of Regulations Title 24;
3. The project will preserve, enhance, and/or create a significant natural feature or features with a minimum area of one-half acre; or
4. The project will provide a substantial public amenity, for example, a significant public plaza, a public park or a similar improved open space feature, including provisions for guaranteed long-term maintenance not at the expense of the City.

B. Required findings for approval. The review authority may approve a rezoning to apply the PD overlay zoning district only after first making all of the following findings:

1. The project is consistent with the General Plan and any applicable specific plan and the proposed land use is allowed within the applicable primary zoning district;
2. The project complies with all applicable provisions of these Zoning Regulations other than those modified by the PD rezoning;
3. **The project has been approved in accordance with the California Environmental Quality Act and the City's Environmental Review Guidelines.**

4. The approved modifications to the development standards of these Zoning Regulations are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses and its successful mitigation of environmental impacts;
5. The project complies with City Design Review Manual;
6. All affected public facilities, services and utilities are adequate to serve the proposed project;
7. The location, size, site planning, building design features and operating characteristics of the project are highly suited to the characteristics of the site and surrounding neighborhood and will be compatible with the character of the site and the land uses and development intended for the surrounding neighborhood according to the General Plan;
8. The site is adequate for the project in terms of size, configuration topography and other applicable features and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use; and
9. The establishment, maintenance or operation of the proposed project will not, in the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of the proposed use or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

18-15.070 Requirement for development plan.

No land division may be undertaken and no construction begun within an area zoned PD until a final development plan has been approved by the Director or as determined by the CC in the preliminary development plan.

18-15.080 Final development plan.

- A.** Within 2 years of approval or conditional approval of the development plan, the applicant shall file with the Community Development Department a final development plan. The Director may extend the time for filing the final development plan for a period or periods not exceeding a total of 3 years or two extensions approved by the Planning Commission.
- B.** The final development plan shall include those items from Section 18-15.030 (Preliminary development plan) which describe the proposal, including division of land, type and location of all buildings and improvements and so on, but it need not include information on existing conditions.
- C.** The Director shall review and take action on the final development plan within 30 days of filing. The Director may approve it upon finding that it is in substantial compliance with the preliminary development plan as approved or modified by the

Council. Upon approval of the final development plan, the Director shall add the number of the planned development to the official zone map (for example, PD (9999)). Subsequently, all grading, construction and landscaping shall comply with the approved final development plan.

- D. The final development plan may consist of final subdivision maps, building construction plans, grading plans and so on, that would normally be submitted in the course of development and need not be a separate submittal. The Director shall determine the extent to which any additional documentation of development plans is required.

18-15.090 Phasing.

If the construction of the planned development is to occur in phases, the open space and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given stage. At no time during construction of the project shall the density of developed land exceed the overall density established in the final development plan **unless an Amendment to the Planned Development is approved as described in Section 18-15.100.B.**

18-15.100 Amendment of final development plan.

- A. **Minor changes to an approved Planned Development may be needed either before or after construction, or establishment and operation of one or more of the approved uses. The Director may authorize minor changes to the Planned Development's Final Development Plan if the changes meet all the following standards:**
- a. **The changes are consistent with the applicable provisions of this Chapter, the Zoning Code and the General Plan.**
 - b. **The changes do not involve a feature of the project that was specifically addressed or was a:**
 - i. **Basis for findings in an environmental document under CEQA, such as a mitigated negative declaration or environmental impact report;**
 - ii. **Basis for condition of approval for the project;**
 - iii. **Specific consideration by the granting authority in the approval of the project.**
 - c. **The changes do not result in an expansion of the approved project, other than as necessitated by building code requirements. Expansion of a use precluded by this subsection may be defined to include a greater intensity of use, including uses that require increased parking and/or occupancy loads, or that require environmental review.**

- d. The changes do not allow revised access to existing and/or additional roads beyond that originally allowed.
 - e. The changes do not allow an increase in heights by more than ten percent above the building heights approved in the final development plan or, if building heights are not shown in the final plan, building heights that are greater than the height requirements of the Zoning Code.
- B.** The Director shall inform the City Council and/or Planning Commission of the minor differences between the approved development plan and construction plans may be allowed by the Director.
- C.** Written requests for amendments to a final development plan may be approved by the Planning Commission after a public hearing, notice of which has been given as provided in Section 18-28.030. Amendments shall be limited to changes in the size and position of buildings; the number, area or configuration of lots; landscape treatment; phasing and the like.
- D.** Amendments may not include changes in proposed use, overall density or overall configuration of the land uses and circulation features. Changes to these aspects may be accomplished only by reapplication and submittal of a new preliminary development plan.
- E.** These procedures apply whether or not all or part of the development has been built.

18-15.110 Revocation of PD zoning.

If the Planned Development has not been implemented substantially in accordance with the final development plan, the City Council may remove the PD designation upon receiving recommendations from the Planning Commission in accordance with Chapter 18-27.

Chapter 18-16: Adult Entertainment (AE) Combining Zoning District**Sections:**

18-16.010	Purpose and intent.
18-16.020	Definitions.
18-16.030	Location of adult entertainment businesses.
18-16.040	Design and performance standards.
18-16.050	Severance clause.
18-16.060	Violations.

18-16.010 Purpose and intent.

The purpose and intent of this Chapter is to regulate adult businesses which, unless closely regulated, tend to have serious secondary effects on the community, including, but not limited to, the following: depreciation of property values; increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owner's enjoyment of their properties when such properties are located in the vicinity of adult businesses, as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blight conditions such as inadequate maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses.

It is neither the intent nor the effect of these regulations to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult business to their intended lawful market.

Nothing in these regulations are intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.

18-16.020 Definitions.

For the purposes of this Chapter the following terms shall be defined as follows:

- A.** "Adult entertainment business" shall mean those businesses as defined as follows:
1. Adult bookstore, adult novelty store or adult video store is an establishment with more than 25% of: (a) its floor area devoted to; or (b) stock-in-trade consisting of; or (c) gross revenues derived from and offering for sale for any form of consideration, any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records or other visual or audio representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - b. Instruments, devices or paraphernalia which are designed to be used in connection with “specified sexual activities;” or c. Goods which are replicas of or which simulate “specified anatomical areas,” or goods which are designed to be placed on or in “specified anatomical areas” or to be used in conjunction with “specified sexual activities.”
2. “Adult live entertainment theater” means any place, building, enclosure or structure, partially or entirely used for “live adult entertainment” performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons or customers therein.
3. “Live adult entertainment” means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering “specified anatomical areas” for entertainment value for any form of consideration.
4. “Adult motion picture or video arcade” means any business wherein coin, paper, note or token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas.
5. “Adult motion picture theater” means any business, other than a hotel or motel which provides closed circuit viewing to each individual room as a secondary service to its motel customers, with the capacity for five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as defined in this Section. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen or a television set.

6. “Exceptions.” An “adult entertainment business” shall not include:
- a. Bona fide medical establishments operated by properly licensed and registered medical and psychological personnel with appropriate medical or professional credentials for the treatment of patients.
 - b. Persons depicting “specified anatomical areas” in a modeling class operated:
 - i. By a college, junior college or university supported entirely or partly by public revenue;
 - ii. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by public revenue; or
 - iii. In a structure operated either as a profit or not-for-profit facility:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.
 - (c) The practice of massage in compliance with Section 51030 et.seq. of the California Government Code.
- B.** “Establish.” “Establish” shall mean and include any of the following:
1. The opening or commencement of any adult entertainment business as defined in this Section; or
 2. The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business as defined in this Section; or
 3. The relocation of any adult entertainment business; or
 4. The addition of any of the “adult entertainment businesses” defined herein to any other existing adult entertainment business.
- C.** “Specified anatomical areas.” “Specified anatomical areas” shall include the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, and/or the female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- D.** “Specified sexual activities.” “Specified sexual activities” shall include the following:
1. Actual or simulated sexual intercourse, oral copulation and intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 3. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 6. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal irrigations.
- E.** “Operate.” “Operate” shall mean to own, lease (as lessor or lessee), rent (as landlord or tenant or as agent for the purpose of representing a principal in the management, rental or operation of the property of such principal), manage, conduct, direct or be employed in an adult entertainment business.
- F.** “Operator.” “Operator” shall mean and include the owner, custodian, manager or person in charge of any adult entertainment business.
- G.** “Parcel of land.” “Parcel of land” means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
- H.** “Person.” “Person” shall mean an individual, proprietorship, partnership, corporation, association or other legal entity.
- I.** “Religious institution.” “Religious institution” shall mean any church, synagogue, mosque, temple or building which used primarily for religious worship, religious education incidental thereto and related religious activities.

- J. “Residential zone.” “Residential zone shall mean property which has a zoning designation of RR, LDR, MDR, HDR or such other residential zones as may be created by ordinance or a mobile home park as defined in this Code.
- K. “School.” “School” shall mean any public or private educational facility primarily attended by minors, including but not limited to, large family day care homes, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools and special education schools and includes school grounds.
- L. “Sensitive uses.” “Sensitive uses” shall include religious institutions, residential zones and schools.

18-16.030 Location of adult entertainment businesses.

- A. No person shall operate or establish an “adult entertainment business,” as defined in this Code, in any area of the City, except as noted in Section 18-16.030-B
- B. No building permit or zoning clearance, business license or other permit or entitlement for business use shall be legally valid unless it is operated within the AE, Adult Entertainment Combining Zone.
- C. Any adult entertainment business proposed to be operated or established in the AE, Adult Entertainment Combining Zone shall be subject to the following restrictions:
 - 1. The establishment or operation of an adult entertainment business shall be subject to the locational criteria setting forth minimum distances from the sensitive uses and zones as follows:
 - a. Seven hundred feet from any parcel of land which is located in a residential zone.
 - b. Seven hundred feet from any parcel of land upon which a religious institution or school is located.
 - c. **Adult entertainment businesses shall not be located closer than seven hundred feet from each other.**
 - 2. For the purpose of this Chapter, all distances shall be measured in a straight line, without regard for intervening structures, using the closest property lines of the parcels of the land involved.

18-16.040 Design and performance standards.

The establishment or operation of an adult entertainment business shall comply with the applicable fees and site development standards, including, but not limited to, parking and design review and the requirements of the Uniform Codes adopted pursuant to Chapter 9 of the Clearlake Municipal Code. An adult entertainment business shall comply with the City's applicable business tax requirements. In addition, adult entertainment businesses shall comply with the following design and performance standards:

- A.** Signs, advertisements, displays or other promotional materials depicting or describing “specified anatomical areas” or “specified sexual activities” or displaying instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities” shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- B.** Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.
- C.** All building openings, entries and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
- D.** No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- E.** The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.
- F.** No loudspeakers or sound equipment shall be used by adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- G.** Each adult entertainment business shall be provided with a manager's station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.
- H.** The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult entertainment business to which any patron is permitted access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager's stations designated, then the interior of the adult entertainment

business shall be configured in such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is permitted access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

- I. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
- J. Off-street parking shall be provided for the adult entertainment business as specified in accordance with the parking provisions of Clearlake Municipal Code Section 18-20.090.
- K. An off-site security program shall be prepared and implemented including the following items:
 - 1. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of 1 foot-candle (10 lux) (1 candlepower) of light on the parking surface and/or walkway.
 - 2. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than 2 foot-candles (20 lux) (2 candlepower) of light on the floor surface.

18-16.050 Severance clause.

If any section, subsection, paragraph, subparagraph or provision of this Chapter or the application thereof to any person, property or circumstance is held invalid, the remainder of the Chapter and the application of such to other persons, properties or circumstances shall not be affected thereby.

18-16.060 Violations.

It shall be unlawful to establish or operate an adult entertainment business in violation of this Chapter. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. Nothing in this Chapter shall be deemed or constituted to prevent the City from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance.

2024 Zoning Regulations

Chapter 18-17: Commercial Cannabis Business (CB) and Commercial Cannabis Dispensary (CBR) Combining Zone

Sections:

- 18-17.010 Purpose and application.
- 18-17.020 Allowed uses.
- 18-17.030 Property development standards.

18-17.010 Purpose and application.

The Commercial Cannabis Business Combining Zone (CB) is intended to provide for commercial cannabis activities as defined and provided for in Chapter 18-43 of the Zoning Code. The Commercial Cannabis Dispensary Combining Zone (CBR) is intended to provide for commercial cannabis dispensaries within limited areas referenced as CBR on the Zoning Map.

18-17.020 Allowed uses.

For Commercial Cannabis activities, allowed subject to obtaining a use permit from the Planning Commission, may be allowed as defined and provided for in Section 18-19.150 of the Zoning Code. For Commercial Cannabis Dispensary activities, allowed subject to obtaining a use permit from the Planning Commission, may be allowed as defined and provided for in Section 18-19-140 of the Zoning Code.

18-17.030 Property development standards.

For Commercial Cannabis activities, allowed subject to obtaining a use permit from the Planning Commission, shall be subject to certain performance standards as defined and provided for in Chapter 18-43 of the Zoning Code. For Commercial Cannabis Dispensary activities, shall be subject to certain performance standards as defined and provided for in Chapter 5, section 5-20 of the Municipal Code.

Chapter 18-18: Use Regulations**Sections:**

- 18-18.010 Uses allowed by zones.
- 18-18.020 Residential, agricultural and institutional uses allowed by zones.
- 18-18.030 Commercial, recreation and amusement uses allowed by zones.
- 18-18.040 Industrial, communications and transportation uses allowed by zones.
- 18-18.050 Temporary uses allowed by zones.

18-18.010 Uses allowed by zones.

A. Status of uses. Uses within zones shall be as provided in Tables 4, 5, 6 and 7 subject to parts B through F below. In Table 4, symbols shall have these meanings:

1. P = The use is allowed, including meeting all applicable Federal, State and local agency requirements/design standards.
2. ZP: Zoning Permit = The use is subject to a Zoning Permit (limited uses) in accordance with Chapter 18-28 of the Zoning Code, subject to:
 - a. The standards for permitted uses that are set out in this Zoning Ordinance.
 - b. The applicable limited use standards for the specified use.
 - c. All applicable Federal, State, and local agency requirements and design standards.
3. AU = The use is subject to an administrative use permit (Limited Use) as provided in Section 18-28 of the Zoning Code, approved by the Director and subject to:
 - a. The standards for permitted uses that are set out in this Zoning Ordinance.
 - b. The applicable limited use standards for the specified use.
 - c. All applicable Federal, State, and local agency requirements and design standards.

4. **CU** = The use is subject to a **conditional** use permit by the Planning Commission in accordance with Chapter 18-28 of the Zoning Code. If the Planning Commission approves a **conditional** use permit the use shall be subject to:
 - a. Standards for permitted uses that are set out in this Zoning Ordinance.
 - b. The applicable limited use standards for the specified use.
 - c. The conditional use standards of Section TBD, Conditional Use Procedures, which apply to all conditional uses.
 - d. **All applicable Federal, State, and local agency requirements and design standards.**
 5. “–” means that the use is Prohibited in the specified zoning district.
 6. Special notes affecting the status of uses are indicated by number that may be found at the end of the table.
- B. Interpretation of use listing.** These regulations are intended to permit similar types of uses within each zone. The Director, subject to the appeal procedures of Chapter 18-36, shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to a zone.
- C. Principal and accessory uses.** Listed uses are principal uses. Accessory uses are allowed with principal uses.
- D. Production and sales.** Where manufacturing is allowed, incidental sale of items made on the premises is allowed. When sale of a particular type of item is allowed, craftsman-type production of such an item for sale on the premises is allowed.
- E. Prohibition of mineral extraction.** Commercial mining is prohibited in City limits.
- F. Specific plan consistency.** Some land subject to City zoning is also subject to one of several Specific Plans, which are intended to provide additional direction for the development of those areas. Land within Specific Plans, designated by the SP zoning, may be subject to further restrictions. The list of uses and permit requirements in the Specific Plan shall prevail.

18-18.020 Residential, Agricultural and institutional uses allowed by zones.

A. Residential, Agricultural and institutional land use table. Residential, agricultural and institutional uses are allowed in each zoning district.as provided in Table 4

Table 4 Residential, Agricultural and Institutional Uses								
P=Use Allowed; ZP = Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Permit from Planning Commission; “- “ Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industria I	Open Space
	RR &LDR	MDR	HDR	GC	CD	MUX	IN	O
Residential Uses								
Single-Family Detached Dwelling	P	P	CU	CU	AU	AU	CU	P
Accessory Structure(s) on a vacant parcel without an established or primary use	-	-	-	-	-	-	-	-
Collector’s Permit.	AU	AU	AU	-	-	AU	-	-
Manufactured Home (F see below)	P	P	CU	CU	AU	AU	CU	P
Live-Work	AU	AU	-	-	AU	AU	CU	-
Micro Primary Dwelling (400-749 sf.)	AU	AU	AU	-	-	-	-	-
Accessory and Junior Accessory Dwelling Units	P	P	P	CU	P	P	CU	P
Multiplex / Multifamily / Multi-Dwelling Developments (such as apartment, condos, duplexes, triplexes, fourplexes, etc.). Refer to Multi Family/Multi Development Definition. Dwellings for two or more families living independently of each other as separate units, including apartment houses, condominiums, duplexes, triplexes and fourplexes	AU	P	P	CU	P	P	CU	CU
Employee/Farm Worker Housing (See J Below)	P	P	P	-	-	-	-	P

Table 4 Residential, Agricultural and Institutional Uses								
P=Use Allowed; ZP = Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Permit from Planning Commission; “- “ Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industria I	Open Space
	RR &LDR	MDR	HDR	GC	CD	MUX	IN	O
Residential Neighborhoods (Requires a minimum area for the parcel proposed for development. See Subsection ----- Residential Development Area and Density Standards.								
Mixed-Use Housing	-	AU	CU	CU	P	P	CU	-
Cohousing (see D. below for HDR District)	P	P	P	-	AU	AU	CU	-
Manufactured Home Park	CU	CU	CU	-	-	CU	-	-
Agricultural Uses								
Agriculture, Support / Rural Services (H see below)	P	P	-	-	-	-	P	P
Greenhouses, hothouses	CU	-	-	-	-	-	AU	AU
Institutional Uses								
Assisted Living Facilities / Congregate Care	AU	AU	AU	P	AU	CU	-	-
College / University / Vo-Tech	CU	CU	-	P	AU	CU	CU	CU
Emergency Shelter	CU	CU	P	CU	CU	CU	-	CU
Low Barrier Navigation Center (see J below)	-	CU	P	P	P	P	P	-
Hospital / Walk-In Clinic / Birthing Center / Surgical Facility	-	-	-	CU	CU	CU	CU	-
Nursing Home	AU	AU	AU	AU	AU	CU	-	-
Personal Marijuana Cultivation	AU	AU	AU	AU	AU	AU	AU	AU
Police or Fire Station	P	P	P	P	P	P	P	P
Prison / Protective Care	-	-	-	-	--	-	CU	-
Private Club	CU	CU	CU	P	AU	CU	CU	AU
Public Assembly (; preschools; elementary, middle and high	AU	AU	AU	AU	AU	CU	CU	CU

Table 4 Residential, Agricultural and Institutional Uses								
P=Use Allowed; ZP = Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Permit from Planning Commission; “- “ Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
schools; libraries; community centers;								
Church/Places of Worship	Refer to Section 18-19.370							
Child/Adult Daycare 14 patrons and greater	AU	AU	AU	AU	AU	AU	AU	AU
Recreational Vehicle Park	See Table 5							
Safe Parking	CU	CU	CU	AU	CU	CU	AU	CU
Senior Independent Living Center	AU	AU	-	AU	AU	AU	CU	-
*To comply with California Government Code Section 65583.2(c) to allow residential uses by right for housing developments which at least 20 percent of the units are affordable to lower income households on vacant sites that were identified in the two previous housing elements as referenced in Table 8.39 (or equivalent Table of the General Plan Housing Element.								

- B. Production and sales.** Where manufacturing is allowed, incidental sale of items made on the premises is allowed.
- C. Dwelling units on the first floor.** Dwelling units that are proposed for the first floor of any building located in the CD district shall not be established unless a Conditional Use Permit has been granted.
- D. Minimum Dwelling Unit Sizes:** Except as required for Accessory and Junior Accessory Dwellings, per Section 18-19.320 single-family detached dwellings, including manufactured homes, shall have a minimum 750 square feet floor area (exclusive of garages and carports), **including meeting all requirements in the adopted design standards (i.e. minimum dwelling width, foundation, driveway, roofing pitch/design, etc.)** A primary dwelling unit size from 400 to 749 square feet (micro primary dwelling) may be approved in any residential zoning district with approval of an administrative use permit. Duplexes, townhomes, and multiplex/multiple family dwellings shall have a minimum 450 square feet of floor area.
- E. Residential care facilities.**
 - 1. Small residential care facilities. A small residential care facility is permitted in the same district as a single-family or multi-family use, provided that:

- a. It meets all of the regulations of this Zoning Code that apply to the type of housing that is proposed for the care facility; and
 - b. It is duly licensed by the State of California.
2. Large residential care facilities. All large residential care facilities are a conditional use in the same districts as a single-family or multi-family use, provided that:
 - a. A conditional use permit has been granted by the City of Clearlake;
 - b. It meets all regulations of this Zoning Code that apply to the type of housing that is proposed for the care facility; and
3.
 - c. The facility is duly licensed by the State of California. Supportive housing and transitional housing. Supportive housing and transitional housing are permitted in the same district as a single-family or multi-family use, provided that:
 - a. It meets all regulations of this Zoning Code that apply to the type of housing that is proposed for the facility; and
 - b. The facility is duly licensed by the State of California.
 - c. **In accordance with Government Code Section 65583 supportive and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.**
4. Multi-plex and multi-family housing in the HDR District.
 - a. Multi-plex and multi-family housing is limited use in the HDR District, provided that it is a minimum of 16 dwelling units per acre.
 - b. Multi-plex and multi-family housing that is less than 16 dwelling unit per acre shall not be permitted unless a conditional use permit has been granted by the City.
 - c. Housing other than multi-family housing is not permitted in the HDR District, unless a conditional use permit has been issued. Such developments are limited to the following types:
 - i. Mixed-housing cluster; or
 - ii. Traditional neighborhood development.

- F. Personal cannabis cultivation.** Personal cannabis cultivation, typically conducted in residential zones, shall comply with regulations concerning cannabis uses established by Ordinance 200-17, 2017 and incorporated into this Zoning Code as Chapter 18-41, in order to avoid adverse effects that may result from the use, as set forth in more detail in the ordinance and associated ordinance provisions that remains in full force and effect.
- G. Older mobile homes.** Mobile homes that were constructed more than 10 years from the date of proposed installation shall be prohibited.
- H. Agricultural Operations**
1. Definitions
 - a. “Adult” refers to an animal over six (6) months of age. Offspring are not counted up until this point.
 - b. “Livestock” includes but is not limited to:
 - i. Small: poultry (including, ducks, chickens), rabbit
 - ii. Medium: sheep, mules, goats
 - iii. Large: horse, cow, swine
 2. Growing and harvesting of trees, vines, vegetables, fields crops, grains, pasture and other agricultural commodities.
 3. Sale of agricultural products, including sale at roadside stands, if the products are produced on the property where the sale is conducted.
 4. Raising of small livestock (up to four (4) adults per 5,000SF in LDR & MDR when occupied with a single-family dwelling; otherwise up to 50 per acre), excluding roosters in LDR & MDR.
 5. Bee keeping (one beehive per half acre, no less than 20 feet from property lines in LDR & MDR when occupied with a single-family dwelling; otherwise unlimited as long as no more than two (2) hives within one mile of a populated area).
 6. 4-H/FFA projects permitted without limitation with a minimum of ½ acre.
 7. Excluding LDR & MDR:
 - a. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services including, but not limited to large animal veterinary practices, blacksmiths, farm management offices, custom meat cutting, and other agriculturally dependent uses which are of a similar character and not substantially different from the list above.

- b. Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of five thousand (5,000) square feet.
 - c. Open space uses including, but not limited to wildlife habitat, wetlands and game preserves but not including hunting clubs.
 - d. Raising of medium livestock, up to ten (10) adults per acre.
 - e. Raising of large livestock, up to two (2) adults per acre.
- I. **Low barrier navigation center.** In accordance with California Government Code Sections 65662, this use is considered to be a use allowed by right in all mixed-use and non-residential zones. In MDR and HDR Zones, this use is permitted by right subject to permitting multifamily uses if it meets the specified requirements.
- J. **Temporary Employee & Farmworker Housing:** In accordance with California Government Health and Safety Code §17021.6 any employee housing consisting of no more than 36 beds in a group quarter, or 12 units or spaces designed for use of a single family or household shall be deemed an agricultural land use designation and be allowed by right. All employee and farmworker housing shall adhere to the CA Building Code. If the employee and farmworker housing exceed 36 beds in a group quarter(s) or 12 units or spaces, shall be subject to obtaining a Conditional Use Permit from the Planning Commission.

18-18.030 Commercial, Recreation and Amusement Uses Allowed By Zones.

Commercial, recreation and amusement use table: Commercial, recreation and amusement uses are allowed in each zoning district.as provided in Table 5.

Table 5. Commercial, Recreation and Amusement Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU = Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Commercial Uses								
Adult-Oriented Businesses (A)	-	-	-	-	-	-	-	--
Alcoholic beverage regulations	Refer to Section 18-19.120 (Special Uses)							
Automobile Repairs	-	-	-	CU	CU	-	AU	-
Automobile Sales	-	-	-	CU	CU	CU	CU	-
Auto Sound Installation (C)	-	-	-	AU	AU	-	AU	CU
Bed & Breakfast Inn	AU	AU	-	P	P	P	AU	-
Campground	CU(RR Only)	-	-	-	-	CU	CU	CU
Cannabis Dispensary (includes delivery and non-delivery and Micro-businesses) (B)	-	-	-	CU*	CU*	-	CU*	-
Commercial Retail / Business Services /Personal Services / Shopping Centers	-	-	-	P	P	P	P	-
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	C	AU	CU	-	-
Gas Station / Light Automobile Service / Car Wash (except for electrical vehicle charging stations)	-	-	-	AU	A	CU	AU	-
General Professional, Medical Office	-	-	-	P	P	CU	P	-
Heavy Retail, Home Center	-	-	-	CU	P	CU	P	-

Table 5. Commercial, Recreation and Amusement Uses

P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU = Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use

Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Hotels, Motels	-	-	-	P	P	CU	AU	-
Restaurant; No Drive-Through	-	-	-	P	P	AU	AU	-
Restaurant; With Drive-Through	-	-	-	AU	AU	AU	AU	-
Recreational Vehicle Park	CU (RR Only)	-	-	CU	-	CU	-	-
Secondhand Dealers & Pawn Brokers, including Thrift Stores	-	-	-	AU	AU	CU	AU	-
Small Animal Veterinarian	-	-	-	AU	P	AU	AU	-
Tattoo Parlor	-	-	-	CU	CU	CU	CU	-
Tobacco Sales	-	-	-	CU	CU	CU	CU	-
Truck Stop / Truck Wash	-	-	-	CU	CU	CU	CU	-
24-Hour Commercial Retail	-	-	-	AU	P	CU	AU	-
24-Hour Restaurant; No Drive-Through	-	-	-	AU	P	CU	AU	-
24-Hour Restaurant; With Drive-Through	-	-	-	AU	AU	CU	AU	-
Indoor Commercial Amusement	-	-	-	P	P	CU	AU	CU
Indoor Recreation / Personal Fitness	AU	AU	AU	P	P	CU	CU	-
Indoor Shooting Range	-	-	-	CU	CU	CU	CU	-
Other Outdoor Commercial Amusement	-	-	-	CU	CU	CU	CU	CU
Outdoor Recreation (excludes camping) and RV parks)	P	P	P	P	P	P	P	P
Outdoor Shooting or Archery Range	-	-	-	-	-	CU	CU	CU
Stadiums / Amphitheaters / Arenas /Outdoor Performing Arts Facilities	-	-	-	CU	CU	CU	CU	CU

Table 5. Commercial, Recreation and Amusement Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU = Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Vacation Rentals	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Wholesale Business	-	-	-	AU	AU	-	CU	-

- A. Adult oriented businesses.** Regulations concerning Adult Oriented Businesses are addressed in Chapter 18-16 of the Zoning Code, in order to avoid adverse effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that have been incorporated. Minor sales of adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, in IN, GC and CD Zones not exceeding 25% of the floor area of the business may be allowed.
- B. Cannabis dispensaries.**
 - 1. Delivery only cannabis dispensaries must be located within the CBR Combining District. Regulations concerning cannabis uses established by Ordinances 200-17 and 229-2019 incorporated into this Zoning Code, and Chapter 5, Section 5-21 of the Municipal Code are set forth to avoid adverse effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that adopted the CBR Combining Zoning District and associated ordinance provisions, which remain in full force and effect.
 - 2. Retail only cannabis dispensaries and cannabis micro-businesses must be located within CBR Combining District. Regulations concerning cannabis uses in accordance with Chapter 18-19.140 of this Ordinance, and as set forth in more detail in Chapter 5, section 5-20 of the Municipal Code are established in order to avoid adverse effects that may result from the operation of such businesses.
- C. Auto sound system installation.** Auto sound installation services may be approved only as an accessory use to the retail sales of auto sound systems on the same site subject to approval of an administrative use permit. Administrative use permit review shall consider parking space displacement, noise from the operation and the appearance and visibility of the installation area.

18-18.040 Industrial, Communications and Transportation Uses Allowed By Zones.

Industrial, communications and transportation land use table. Industrial, communications and transportation uses are allowed in each in each zoning district.as provided in Table 6.

Table 6. Industrial, Communications and Transportation Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Industrial Uses								
Broadcasting Center / Satellite Farm / Server Farm / Switching Facility	-	-	-	AU	-	-	P	-
*Commercial Cannabis (see A below)								
Disposal-Composting Facility	CU (RR Only)	-	-	-	-	-	CU	-
Disposal	-	-	-	-	-	-	CU	CU
Extraction	-	-	-	-	-	-	CU	CU
Heavy Industry	-	-	-	-	-	-	CU	-
Heavy Retail, Lumberyards and Equipment	-	-	-	CU	-	-	CU	-
Light Industry	-	-	-	AU	-	AU	P	-
Power Generation, Fossil Fuel	-	-	-	-	-	-	AUL	-
Power Generation, Renewable Fuel	CU	CU	CU	AU	AU	AU	P	P
Recycling Centers	-	-	-	C	C	C	C	-
Reverse Vending Machines inside or outside a building when associated with active commercial use	-	-	-	ZP	ZP	ZP	ZP	-
Small Recycling Center				CU	CU	CU	CU	-
Large Recycling Center	-	-	-	-	-	-	CU	-

Table 6. Industrial, Communications and Transportation Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Recycling Process Center	-	-	-	-	-	-	CU	-
Research / Testing Laboratory	-	-	-	AU	AU	P	P	-
Salvage Yard	-	-	-	-	-	CU	P	-
Storage Yard	-	-	-	-	-	AU	P	-
Trucking	-	-	-	-	-	AU	P	-
Waste Transfer Station	-	-	-	-	-	CU	P	-
Transportation and Storage Uses								
Airport	-	-	-	-	-	-	CU	CU
Bus Depot	-	-	-	CU	CU	CU	P	-
Electrical Vehicle Charging Stations	AU	AU	AU	P	P	P	P	P
Helicopter Facilities (except for emergency service facilities)- refer to Section 18-19.355, and Definitions Section regarding Helicopter Facilities	-	-	-	CU	CU	-	CU	CU
Emergency Service Helicopter facilities that consist of rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities- refer to Section 18-19.355, and Definitions Section regarding Helicopter Facilities	P	P	P	P	P	P	P	P
Commercial Impound/tow Yard	-	-	-	CU	-	-	P	-
Self-Storage	-	-	-	AU	-	-	P	-

Table 6. Industrial, Communications and Transportation Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Warehousing and Logistics / Distribution Centers	-	-	-	-	-	P	P	-
Wireless Telecommunications Facilities								
Attached Facilities	-	-	-	AU	AU	CU	P	P
Non-Stealth Freestanding Facilities	-	-	-	-	CU	CU	CU	CU
Stealth Freestanding Facilities	-	-	-	AU	AU	AU	AU	AU

- A. Commercial cannabis business uses.** Cannabis business uses must be located with the CB Combining District which is referenced on a separate Zoning Map. Regulations concerning cannabis uses in accordance with Section 18-19.150, are established in order to avoid adverse effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that adopted the combining zone and associated ordinance provisions, which remain in full force and effect.
- B. Electric vehicle charging stations.** Chapter 18-19.230 of this Ordinance provides for expedited permit processing for electric vehicle charging stations.
- C.** Manufacturing and production uses in the MUX Zone are limited to uses less than 5,000 square feet with a retail outlet.

18-18.050 Temporary uses allowed by zones.

A. Temporary Land Use Table. Temporary uses are allowed in each in each zoning district, as provided in Table 7.

Table 7. Temporary Uses								
P=Use Allowed; ZP: Subject to Zoning Permit; AU= Subject to Administrative Permit; CU= Subject to Conditional Use Permit from Planning Commission								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Temporary Uses								
Asphalt or Concrete Plant	-	-	-	-	-	-	AU	-
Farmers' Markets	-	-	-	ZP	ZP	ZP	-	ZP
Farm Stand	ZP	-	-	ZP	ZP	ZP	-	ZP
Model Homes / On-Site Real Estate Offices	AU	AU	AU	-	-	AU	-	-
Portable Classrooms	AU	AU	AU	AU	AU	Au		
Temporary Construction Yard	AU	AU	AU	AU	AU	AU	AU	AU
Tent Sale / Outdoor Sales Event	-	-	-	AU	AU	AU	AU	AU
Temporary Use of a Recreational Vehicle, Travel Trailer, Truck Camper and/or similar vehicle	Refer Section 18-19.010							

B. Uses not listed. If a proposed use is not listed in this Section and the Director has made a determination that the use is either a subcategory of a permitted, limited or conditional use or a use that is functionally similar to a permitted, limited or conditional use, the Director will authorize a proposed use. If the Director determines that a proposed use is not a subcategory of or functionally similar to, a permitted, limited or conditional use, then the use is a prohibited use. The Director may refer a proposed use to the Planning Commission for determination.

C. Older mobile homes. Mobile homes that were constructed more than 10 years from the date of proposed installation shall be prohibited.

Chapter 18-19: Special Uses Allowed In Several Zones**Sections:**

18-19.010	Temporary and intermittent uses.
18-19.020	Outdoor sales on commercial and residential lots.
18-19.030	Public utilities.
18-19.040	Mineral extraction.
18-19.050	Gas stations.
18-19.060	Car washes.
18-19.070	Drive-through facilities.
18-19.080	Secondhand dealers -and goods.
18-19.090	Agri-tourism.
18-19.100	Wineries.
18-19.110	Alcoholic beverage regulations.
18-19.120	Tobacco product sales.
18-19.130	Personal marijuana cultivation.
18-19.140	Cannabis dispensaries.
18-19.150	Commercial cannabis.
18-19.160	Adult entertainment businesses.
18-19.170	Recycling facilities.
18-19.180	Cargo containers.
18-19.190	Vending machines.
18-19.200	Small residential solar energy systems.
18-19.210	Small wind energy systems.
18-19.220	Satellite dish antenna.
18-19.230	Electric vehicle charging stations.
18-19.240	Wireless telecommunication facilities.
18-19.250	Home occupations.
18-19.260	Child and adult day care.
18-19.270	Bed and breakfast establishments.
18-19.280	Vacation rentals.
18-19.300	Emergency shelters.
18-19.310	Warming shelters.
18-19.320	Accessory dwelling units.
18-19.330	Guest quarters.
18-19.340	Housing developments.
19-19.345	Recreational Vehicle Parks and Campgrounds.
18-19.350	Safe parking
18-19.353	Helicopter Facilities
18-19.360	Other accessory structures.
18-19.370	Other uses generally allowed.
18-19.371	Temporary Employee & Farm Worker Housing

18-19.010 Temporary and Intermittent Uses.

- A. Purpose and intent.** The provisions codified in this Chapter provide for certain temporary and intermittent uses. It establishes standards and procedures to assure that such uses are compatible with their surroundings and the intent of these regulations.

In approving a temporary or an intermittent use, the Director may establish requirements related to, but not limited to, days and hours of operation, parking, temporary structures and site planning, in addition to performance standards specified below. The Director shall determine the extent to which any permanent on-site parking and other facilities may satisfy the requirements for the proposed use. A temporary use approval is not intended to allow a land use that is not allowed in the primary zoning district, other than in the specific cases listed in Section C.

The Director may refer any proposed temporary or intermittent use to an administrative hearing or to the Planning Commission for action.

- B. Definitions.** A temporary use is one which is established at a particular location for less than 1 year. An intermittent use is one which occurs no more than 90 days in a (calendar) year, but which may continue from year to year. Temporary and intermittent uses for businesses shall consist of activities that represent a variation from the normal business operations, e.g., parking lot sales, benefits and special events. Temporary and Intermittent Uses are not intended to serve the primary purpose of allowing flexibility from Sign Regulations or other City Codes.

C. Specific cases.

1. Real estate sales offices in residential tracts. A temporary real estate sales office may be established in a residential development for the initial sale of property in that development, upon written approval by the Director. Such an office may be located within a residence or a common or temporary building. If a temporary building is used, it shall be removed upon termination of the use.
2. Portable buildings used for construction offices.
 - a. Temporary Office: A zoning permit is required to allow a mobile home to be used as a temporary office at a construction site when associated with an active building permit. Said zoning permit shall not be valid for more than 6 months and shall be subject to any conditions deemed necessary to protect the health, safety and general welfare of the public. The mobile home must be properly connected to municipal utilities or have other safe means of waste/water disposal. Upon written request received prior to expiration, the use may be continued for 6-month periods, not to exceed a total of 18 months, by the director. if.

- b. Temporary onsite caretaker/resident guard for a construction site: A zoning permit is required to allow a mobile home to be used as a temporary onsite caretaker/resident guard when associated with an active building permit. Said zoning permit shall not be valid for more than 6 months and shall be subject to any conditions deemed necessary to protect the health, safety and general welfare of the public. The mobile home must be properly connected to municipal utilities or have other safe means of waste/water disposal. Upon written request received prior to expiration, the use may be continued for 6-month periods, not to exceed a total of 18 months, by the ~~director~~. ~~as a temporary construction office when the mobile home is not located on the same property as the construction site. The same time limitations as stipulated above for an on-site mobile home would apply, with approvals for extensions of the use made by the Director. Also, with the Building Official's or Director's approval, the mobile home may be occupied by a resident guard or caretaker, provided it is properly connected to municipal utilities or other safe means of waste disposal is assured.~~
3. Temporary Use of a Recreational Vehicle (RV), Travel Trailer, Camper or similar vehicle
- a. Temporary use of a recreational vehicle, travel trailer and/or similar vehicle may be lawfully operated in a mobile home park, travel trailer park, recreational vehicle park or campground.
- b. Parking of vehicles for purposes of overnight camping or sleeping within city streets, areas of the public right-of-way and City-owned parking areas, is prohibited unless otherwise specifically allowed in this code, such as Safe Parking provisions of Section 18-19.350.

- c. Temporary dwelling during the construction primary residence: A Zoning Permit is required to allow one (1) travel trailer, recreational vehicle, truck camper or similar vehicle to be used as a temporary dwelling in 6-month intervals, not to exceed a total of 18 months when associate with an active Building Permit to construct a single-family dwelling. Said temporary use shall adhere to the following conditions:
- Shall be placed on the lot where the residence will be constructed.
 - Shall be placed where it will not interfere with development of the parcel.
 - Shall not be placed with the public right-of-way, within easements and/or block emergency access.
 - Property owner shall secure and maintain an active building permit to construct a single-family dwelling(s) and complete the construction in a timely manner. If the Building Permit expires and/or the applicant fails to make building progress, including passing inspections, the Zoning Permit shall become null, and void and the temporary dwelling shall be removed from the site.
 - The temporary dwelling shall be connected to the sanitary sewer/water system, or a well or be self-contained. If self-contained, the unit must have a contract with a disposal agency to service the unit on a regular basis. A copy of the agreement must be provided to city representatives upon request.
 - Upon securing temporary occupancy and/or final inspection, the recreational vehicle, travel trailer, truck camper or similar vehicle shall be disconnected from all utilities and stored onsite as accessory to the primary established use and/or stored off site at an appropriate storage facility.
 - The City may require and/or impose additional requirements as necessary, including revoking the zoning permit if found in violation of City Municipal Code Standards.

- d. Recreational vehicle as a guest residence: A Zoning Permit may allow a recreational vehicle to be parked in a residential parking space and/or driveway of a parcel with an established residential dwelling for a period not to exceed 7 days, for the purpose of housing guests. Said temporary use shall adhere to the following conditions:
- The temporary guest recreational vehicle shall not be parked to prevent residence of any dwellings on the site from using their assigned parking spaces.
 - The temporary guest recreational vehicle shall not be placed with the public right-of-way, within easements and/or block emergency access.
 - The temporary guest recreational vehicle shall not discharge waste or sewage into the sanitary sewage system.
 - No hose, electrical cord, pipe, wire, or other device extending from the vehicle may be permitted to encroach on any access easement or sidewalk.
 - Upon expiration of the Zoning Permit (7 days from date of issuance), the temporary guest recreational vehicle shall be removed and stored in compliance with all applicable codes and requirements.
 - The City may require and/or impose additional requirements as necessary, including revoking the zoning permit if found in violation of City Municipal Code Standards.
- e. Vacant/Undeveloped Parcels: No recreational vehicle, motorhomes, travel trailers, camper shells, automobiles, or similar vehicles and equipment shall be placed, stored and/or used for living or sleeping quarters on undeveloped/vacant parcels, except in Subsection C or D.

~~Mobile home as temporary residence at building site. Upon written approval by the Building Official, a mobile home, trailer or recreational vehicle may be parked on a lot and occupied by the lot owner while he/she is building a dwelling on the lot for his/her own occupancy. The mobile home or vehicle shall be connected to the sanitary sewer system or shall be self-contained, with disposal contracted for. Approval shall be renewable by the Building Official in 6 month intervals, not to exceed a total of 18 months.~~

- ~~4. Recreational vehicle as temporary dwelling or guest residence. Notwithstanding the prohibition set forth in Section 18-20.030, a recreational vehicle may be parked in a residential parking space or driveway for periods not to exceed 7 days, for the purpose of housing guests of on-site residents only. Such recreational vehicle shall not be parked so as to prevent residents of any~~

~~dwelling on the site from using their assigned parking spaces, nor shall it discharge waste or sewage into the sanitary sewage system. No hose, electrical cord, pipe, wire or other device extending from the vehicle may be permitted to encroach on any access easement or sidewalk.~~

5. Construction activities. Construction and demolition, including fabrication of building components and other activities normally associated with property development and maintenance, may be conducted in any zone, provided they are pursued according to plans and procedures approved by the Building Official.
6. Parades, carnivals, fairs and festivals. Use of privately-owned property for parades, carnivals, fairs and festivals requires approval of an administrative use permit. Where these events involve public property, coordination with the City Clerk's Office is required.
7. Other temporary or intermittent uses. Upon approval of an **zoning permit** or administrative use permit, the Director may approve other temporary or intermittent uses, including but not limited to: musical events, auctions, estate sales, clothing outlet sales, nonprofit benefits, parking lot sales and car shows. At the discretion of the Director, certain small-scale events with limited duration, consisting of activities with no potential to detrimentally affect those working and living in the vicinity may be allowed through administrative action without a public hearing.

18-19.020 Outdoor sales on commercial and residential lots.

- A. Sales of Christmas trees and other agricultural products.** Upon written approval by the Director, premises within non-residential zones may be used for the sale of Christmas trees, pumpkins, flowers or seasonal produce, subject to the following requirements and any other conditions that the Director deems necessary to improve land use compatibility and/or assure the public's health and safety.
1. Sales shall be limited to Christmas trees, pumpkins or seasonal produce and related accessory items only, as specified in the letter of approval.
 2. Sales of Christmas trees shall not be conducted before Thanksgiving or after December 26. The duration of pumpkin and seasonal produce sales shall be subject to Director approval.
 3. The site shall be maintained in a neat and orderly manner at all times. All sales items, sales equipment, temporary power poles, other temporary structures and signage shall be kept behind a 10-foot setback from all street rights-of-way and they shall be removed within 10 days after the close of the sale. Trash and recycling receptacles shall be provided in a convenient location for customers.

4. A camper or trailer for overnight security may be parked on-site, subject to the approval of the **Director**, for the duration of the permit, if kept more than 10 feet back from the street right-of-way.
5. A sign permit shall be obtained for any proposed signage. Maximum sign area shall not exceed 32 square feet. No bunting strips, banners, flags, whirligigs or other attention-getting devices shall be displayed on site without Director approval.
6. When the use is temporary or intermittent, the applicant may be required to post a refundable deposit, set by the Director to assure site clean-up, if necessary. Deposit shall be in the form of a cashier's check to the City and shall be made prior to occupying the site.
7. Outdoor sales lots are subject to all fire safety measures, including location of fire extinguishers, subject to approval by the Fire Chief.
8. Any Christmas trees sold for use in public facilities shall be flame-proofed with a state Fire Marshal-approved material by a state-licensed application.
9. Applicant shall obtain a City business tax certificate. A copy of the Director's approval and the business tax certificate shall be posted in a conspicuous location at all times when the use is in operation.
10. The applicant shall secure a building permit for any structure requiring a permit, associated with the use. The plan shall include a site plan that shows the proposed vehicular circulation pattern, parking layout and location of structures. Plans shall also demonstrate compliance with Title 24 requirements for disabled accessibility.
11. The use shall comply with all requirements of the County Environmental Health Department.
12. Restroom facilities shall be provided either on-site or on a nearby property, subject to approval of the **Director**.
13. No sales or display shall take place in the public right-of-way.
14. Upon written receipt of complaints from the public or the Police Department, the Director's approval may be scheduled for administrative hearing review. At the public hearing, the Hearing Officer may add, delete or modify conditions of approval or may revoke the approval.

- B. Other outdoor sales.** Outdoor sales of nonagricultural products, such as **mobile food facilities**, barbecues and swap meets shall be limited to the types of retail sales allowed in the location's zone. "Outdoor sales" may be temporary, intermittent or permanent. "Outdoor sales" do not include incidental outdoor display of merchandise associated with a business occupying a building on the site, nor sale of things usually sold outdoors, such as boats, vehicles and building or landscape materials. (See also Chapter 5.16 – Solicitors and Peddlers and Chapter 5.48 – Sales on Streets and Sidewalks.)
1. Other outdoor sales require approval of an administrative use permit, except in cases where the Director determines a Planning Commission use permit would be more appropriate. Parking requirements, setbacks to sales or storage areas, safety and aesthetic screening and other development standards usually related to buildings shall be established by use permit approval.
- C. Garage and yard sales.** On residentially developed parcels, garage or yard sales are allowed a maximum of four times within a 12-month period subject to the following requirements:
1. Each garage or yard sale may not exceed 3 consecutive days.
 2. Each unit within multi-family or condominium projects and common interest subdivisions may have up to four garage/ yard sales in approved common areas with the permission of the Homeowner's Association for sales within common areas, property owner or property manager.
 3. Items shall consist of normally accumulated household items (clothing, furniture, etc.).
 4. One on-site sign not to exceed 4 square feet shall be permitted during the sale. No other signs are permitted in the area and no signs may be displayed in the public right-of-way. On-site signs shall be consistent with applicable Sign Regulations.
 5. Garage/yard sales are not permitted on vacant lots.

18-19.030 Public utilities.

- A.** Distribution facilities may be located in any zone; provided that equipment on the ground in residential zones shall be screened by landscaped visual barriers.
- B.** Transmission lines may be located in any zone, provided the route is approved by the Planning Commission. Where feasible, transmission lines shall be located underground.
- C.** Other unmanned public utility structures may be located in any zone, provided an administrative use permit is approved by the Director.

18-19.040 Mineral extraction.

Commercial mining, including geothermal activities is prohibited within city limits.

18-19.050 Gas stations and ~~vehicle repair facilities~~ Automobile Repair (VRF).

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of gas stations and **automobile repair** in commercial zones. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, idling vehicles and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Gas stations and **automobile repair** are permitted subject to a **conditional** use permit as specified in the zoning district regulations, subject to certain performance standards:
- C. Performance standards.** All gas stations and **automobile repair** shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
1. Premises adjoining residential zones shall be screened from gas stations and **automobile repair** by a 6-foot high landscaped visual barrier, subject to the limitations of Section 18-20.070, Fences, walls and hedges.
 2. Street frontage between driveways shall have a low wall or other landscape barrier to prevent vehicles from being driven or parked on the sidewalk.
 3. Bells or other sound signals shall be turned off between 10:00 p.m. and 7:00 a.m. if the gas station and/or **automobile repair** is located next to a residential zone or next to a residence.
 4. Pump islands shall be located at least 15 feet from any street right-of-way line or setback line, except that roofs may extend to a point at least 5 feet from such lines.
 5. Repair work shall be conducted and dismantled vehicles shall be stored inside a building or area screened so that it is not visible from off the premises.

18-19.060 Car Washes.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that have car wash facilities in commercial zones. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, idling vehicles and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Car washes are permitted subject to a **conditional** use permit as specified in the zoning district regulations, subject to the following standards:
- C. Performance standards.** All car washes shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

Automated Car Washes.

1. No automated car wash building or structure shall be located within 25 feet of any public street right-of-way or within 25 feet of a residentially zoned or developed property.
2. Walls. Other than along a street frontage, an automated car wash facility shall be separated from an adjacent property by a masonry wall of not less than 5 feet nor more than 6 feet in height. If the location of the ingress and egress areas of the site may hinder or obstruct vehicular visibility to and from the subject site, the Planning Commission may allow the wall to be reduced to a minimum of 3 feet in height for a maximum distance of 18 feet from the street frontage property line. Materials, texture, colors and design of all walls shall be compatible with the design of the principal structures on the subject site.
3. No automated car wash building can exceed 20 feet in width, 50 feet in depth and 20 feet in height.

Manual and automated car washes.

4. Queuing of vehicles. An on-site queuing plan shall be approved by the City Engineer. Traffic circulation shall be designed to ensure efficient circulation on and off the subject site and ensure that the car wash will not obstruct the use of the service station gasoline dispensers, drive aisles, back-up areas or parking spaces. Furthermore, vehicles should not queue onto a public street, alley or driveway.

5. Water recycling. Recycling of water used for vehicle washing shall be maximized. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal guidelines/standards and must be approved by Lake County Special Districts (if located within District).
6. Noise. All car washes must comply with the City's Noise Ordinance. The use of outdoor loudspeakers or public address systems is prohibited.

18-19.070 Drive-through Facilities.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that have drive-through facilities in commercial zones. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, idling vehicles and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Drive-through facilities are permitted subject to a **conditional** use permit as specified in the zoning district regulations, subject to the following performance standards:
- C. Performance standards.** All drive-through facilities shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
 1. Entries and/or exits to drive-through facilities should be a minimum of 100 feet from any intersection or from another drive-through facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the City Engineer determines that public safety and/or the efficiency of traffic circulation will not be compromised.
 2. Drive-through stacking lanes should be a minimum 100 feet from any residential zoned lot.
 3. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary to mitigate drive through speaker and traffic noise on nearby residential uses.
 4. Drive-through aisles should have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.
 5. Drive-through aisles should provide sufficient stacking area behind the menu board to accommodate a minimum six cars (approximately 114 feet).

6. No drive-through aisles should exit directly into a public right-of-way. Aisles should be integrated with the on-site circulation and should merge with the driveway.
7. Drive-through aisles should be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City approval.
8. Landscaping should screen drive-through aisles to the extent feasible.

18-19.080 Secondhand Dealers, Pawn Brokers & Thrift Stores

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that sell second-hand goods, including antiques, pawn shops. Also, in accordance with California Business and Professional Code Sections 21300 and 21641, these regulations provide for licensing of these types of businesses by the City. These regulations, by their nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit and clearances required.** Any retail sales of second-hand goods, including antique stores, second hand or thrift shops, and/or pawn shops shall require clearance from the Police Department and a seller's permit from the from the California Board of Equalization. Second hand, thrift shops, and/or pawn shops shall require a use permit as specified in the zoning district regulations (**Refer to Table 5**), subject to the following performance standards:
- C. Performance standards.** All retail sales of second hand goods shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment. Where applicable donation drop-off activities shall either take place inside the building with donators entering the building and leaving items with an employee or if done outside the building the Items must be directly given to a store employee.
 1. All donations at retail storefront sites are to be accepted during normal business hours as there are to be no donations accepted or left outside the facility after normal business hours. Donation drop-off activities shall either take place inside the building with donators entering the building and leaving items with an employee or if done outside the building the Items must be directly given to a store employee.
 2. All storage and sales of second-hand goods, including drop off items shall be within an enclosed building.

D. Unattended Donation Boxes

1. Definitions (for donation box facilities are referenced in Chapter 18-45 under donation box facilities).
2. Purpose. The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended donation/collection boxes (UDCBs). This includes establishing criteria to ensure that material is not allowed to accumulate outside of the UDCBs, the UDCBs remain free of graffiti and blight, UDCBs are maintained in sanitary conditions, and residents and/or users are fully informed of those who operate the UDCBs so that they can be contacted if there are any blight-related questions or concerns.
3. Responsibility. The parcel owner and the UDCB operator (operator) have joint and several liability for blight-related conditions and/or compliance with this chapter, including fees, administrative citations, civil actions, and/or legal remedies relating to a UDCB. The parcel owner remains liable for any violation of duties imposed by this chapter even if the parcel owner has, by agreement, imposed on the operator the duty of complying with the provisions of this chapter.
4. Maintenance.
 - a. No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.
 - b. UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
 - c. UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described this section.
 - d. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
 - e. UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.

5. Standards and Requirements

- a. A UDCB is only permitted on a lot that also contains a principal building that contains at least one operating business.
- b. UDCBs are prohibited within any of the following locations:
 1. Fifty feet from lots that lie in a residential, detached unit residential, or mixed housing type residential zone as designated in the City's zoning maps;
 2. The public right-of-way and 20 feet of the public right-of-way;
 3. Five feet from any property line; or
 4. Landscaping.
- c. UDCBs cannot block or impede access to:
 1. Required parking or driveways;
 2. Pedestrian routes;
 3. Emergency vehicle routes;
 4. Building ingress and egress;
 5. Required handicapped accessibility routes;
 6. Required easements; or
 7. Trash enclosure areas or access to trash bins/trash enclosures.
- d. No more than one UDCB is permitted per parcel unless documented evidence is submitted to the Director that a second bin is required due to the volume of items delivered to the site. A UDCB must be operating at a site for at least 90 days in order to establish that a second bin is required. Both UDCBs shall have the same operator. No fee is required to submit an application for this second bin.
- e. The donation/collection area must be visible from the principal building and be no more than ten feet from a continually operating light source of at least one foot candle.

6. Contact Information Required. The UDCB must have the following information conspicuously displayed on at least two-inch type visible from the front of the UDCB:
 - a. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the UDCB and the parcel owner/owner agent;
 - b. Address and parcel number of the site;
 - c. Instructions on the process to register a complaint regarding the UDCB to the City Code Enforcement Division;
 - d. The type of material that may be deposited;
 - e. A notice stating that no material shall be left outside the UDCB;
 - f. The pickup schedule for the UDCB;
 - g. The parcel containing the UDCB shall display a sign with text in at least two-inch typeface stating that no material shall be left outside the UDCB. This sign shall be installed at a visually conspicuous location within a radius of 20 feet from the UDCB.

7. Maintenance.
 - a. No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.
 - b. UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
 - c. UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described this section.
 - d. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
 - e. UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.

18-19.090 Agri-tourism.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that are agri-tourism in any zone. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Agri-tourism businesses must be 5 acres in size or greater, and are subject to a **conditional** use permit from the Planning Commission. Those less than 40 acres are subject to an **administrative use** permit from the Director. In both cases, agri-tourism businesses shall comply with the performance standards.
- C. Performance standards.** All agri-tourism businesses shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
1. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 2. Provide sufficient parking in compliance with the City's Parking Requirements (see Section 18-20.090).
 3. Parking areas and access roads shall have an active dust control program.
 4. All uses shall be accessory and supplemental to permitted agricultural use on site.

18-19.100 Wineries.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of wineries in any zone. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Wineries are permitted subject to a conditional use permit as specified in the zoning district regulations, subject to the performance standards.
- C. Performance standards.** All wineries shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. Provide sufficient parking in compliance with the City's Parking Requirements (see Section 18-20.090)
2. Access roads to winery structures shall meet state and local fire safe standards as determined by the Fire District. Alternative design allowances and/or requirements may be determined on a case-by-case basis for modification to the standards, dependent upon anticipated level of use, site constraints, turnout opportunities, road length, slope and other site-specific issues.
3. If a winery is accessed from a county, City or State maintained road/highway, an encroachment permit may be required to address ingress, egress and sight-distance requirements.
4. If a winery is accessed by a private road, the applicant shall provide reasonable proof of access rights as determined by the City Engineer.
5. If the winery is served by well water and there are more than twenty-five (25) people on-site in a 60-day period, employees and guests shall be provided with bottled water for consumption, unless otherwise approved by the County Environmental Health Division. Well water shall meet potable water standards for the purposes of dishwashing and hand washing.
6. All solid waste shall be stored in a manner that prevents the propagation, harborage or attraction of flies, rodents, vector or other nuisance conditions. Pomace, culls, lees and stems may be recycled, onsite in accordance with the report of waste discharge approved for each individual winery by the regional water quality control board.
7. Standards for waste disposal shall be set, where applicable, by the regional water quality control board and shall be stipulated in the report of waste discharge.
8. If public sanitary sewer is not available, then the on-site sewage disposal system shall be designed in compliance with City code and sized to accommodate employee, tasting room and commercial sewage flows. Portable toilets may be approved by the City for temporary and promotional events.
9. The primary focus of the tasting area shall be the marketing and sale of the wine and grape products produced at the winery. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of the California Retail Food Code.

18-19.110 Alcoholic Beverage Regulations:

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that sell alcohol for on-sale or off-sale consumption in commercial zones. Also, in accordance with California Alcoholic Beverage Control (ABC) Act, as may be amended from time to time, these regulations provide for licensing of these types of businesses by the City. It is recognized that these establishments, by their very nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary.
- B. Permit and clearances required.** Alcoholic beverage sales, including adding to the capacity, floor area or shelf space devoted to alcoholic beverages, may be permitted once applicants have secured clearances from the California Alcoholic Beverage Control Department, the Clearlake Police Department. **and a** upon securing **the appropriate use permit** defined in Table 8.

Table 8. Alcoholic Beverage Sales and Onsite Consumption Uses	
Sales Activity	Required Permit
Alcoholic Beverage Sales and onsite consumption when associated with a sit-down restaurant	Permitted
Sells and serves beer and wine only	Administrative Use Permit
Sells or serves alcoholic beverage (except beer and wine alone)	Conditional Use Permit

- C. Performance standards.** All alcoholic beverage sales shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
- D. Criteria for approving an alcoholic beverage use permit.** When approving a use permit for alcoholic beverage sales, the following circumstances related public convenience or necessity shall be considered by the decision-making body:
 1. The number of businesses having authority to sell alcoholic beverages in the census tract of applicant;
 2. The extent to which crime reporting has been experienced within the project vicinity neighborhood or area;

3. The extent to which the ratio of on-sale retail establishments or off-sale retail establishments, including consideration of the size of those establishments, of the census tract in which the project is located exceeds the population ratio of on-sale or off-sale, respectively, of county;
 4. The concentration of other similar liquor-related businesses within the project vicinity or area;
 5. The proximity of the project to schools, parks, playgrounds, recreational centers, day cares or similar use.
 6. Other criteria that may come under consideration when reviewing the application for the use permit, including, but not limited to:
 - a. The proposed establishment will promote the City's economic health, contribute to Clearlake General Plan policies or further district purposes;
 - b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales;
 - c. The applicant has not operated a licensed establishment, which has been the subject of verified, complaints or violations regarding alcohol, public safety or nuisance statutes or regulations;
 - d. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area;
 - e. The extent to which products other than alcoholic beverages are sold by applicant and the extent to which alcoholic beverages are incidental to the other products; and
 - f. The extent to which the particular alcohol products being sold may be subject to abuse.
- E. Performance standards:** All alcoholic beverage sales shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment as referenced in Table 9.

Table 9. Alcoholic Beverage Performance Standards	
Performance Standards for Alcoholic Beverage Sales	
NSB-On Site Alcoholic Beverage Sales	
FSB-Off Site Alcoholic Beverage Sales	
Applicable to:	Performance Standard
NSB/FSB	All servers within 90 days of employment receive “responsible beverage service training,” and the City have documentation of this training, retained on the premises.
NSB/FSB	All graffiti shall be removed on any part of the property within 48 hours of its appearance.
NSB/FSB	A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted on the site at all time.
NSB/FSB	A copy of the conditions of approval must be kept on premises and available upon request.
NSB/FSB	Trash receptacles shall be located at convenient locations outside the establishment and operators of the business shall remove all trash on a daily basis.
NSB/FSB	If any of conditions are found to be disregarded, the use permit for alcohol sales may be revoked and this aspect of the business operation may be immediately suspended
NSB	No sale of alcohol for off-site consumption.
NSB	Establish and maintain a “complaint response/community relations” program with the Police Department.
FSB	No sale of alcohol for on-site consumption;

18-19.120 Tobacco Products.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that sell tobacco in commercial zones. It is recognized that these establishments, by their very nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary.
- B. Permit and clearances required.** Tobacco product sales, including adding to the capacity, floor area or shelf space devoted to tobacco products, may be permitted upon securing clearances from the Police Department, a Cigarette and Tobacco Products Retailer’s License from the California Department of Tax and Fee Administration in accordance with Section 22971 of the Business and Professions Code and upon securing either a use permit from the Planning Commission or may be permitted by right depending on the specific sales activity as defined in Table 10: as defined in Section 22971(p) of the Business and Professions Code) must have a Cigarette and Tobacco Products Retailer’s License.

Table 10. Tobacco Products Use	
Sales Activity	Required Permit
Tobacco product non-specialized retail sales.	Allowed by right within commercial zoning and mixed-use zoning districts (subject to compliance of Performance Standards referenced is Section 18-19.120 (C) of this Code.
Tobacco product specialized retail sales.	Conditional Use Permit

C. Performance standards. All tobacco retail sales shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. No self-service displays or vending machines for tobacco products, paraphernalia or electronic smoking devices shall be allowed.
2. Tobacco product retail sales shall be located within a fixed location within an enclosed building.
3. No tobacco product specialized retail sales shall be located within 600 feet of any public school as measured from the closest point on the property line of the parcels containing the tobacco sales and the school.

18-19.130 Personal Cannabis Cultivation.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate personal cultivation of cannabis within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability.** Personal cultivation of cannabis within the City is subject to the provisions of Chapter 18-41 (Personal Marijuana Cultivation).

18-19.140 Cannabis Dispensaries.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate cannabis dispensaries within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability Limitation.** Cannabis dispensaries and Cannabis Micro-businesses may be allowed in the CBR Combining District, but shall be limited to a maximum of three (3) cumulatively within the City.

- C. Cannabis Business Use Permit Required:** Cannabis business use permits, which may be revocable, conditional or valid for a term period, may be issued by the Planning Commission for any of the uses or purposes for which such permits are required or permitted by, and subject to all of the provisions of, Chapter 5, section 5-21 of the Municipal Code. (Ord. #200-2017; Ord. #229-2019)

18-19.150 Commercial Cannabis Businesses.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate commercial cannabis businesses, such as commercial cultivation, manufacturing, distribution and testing within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability.** Commercial cannabis businesses, such as commercial cultivation, manufacturing, distribution, testing laboratories, micro-businesses, dispensaries and delivery only dispensaries may be allowed in certain zones in accordance with the City's Use Regulations (Chapter 18-18).

18-19.160 Adult Entertainment Businesses.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate adult oriented entertainment businesses in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability.** Adult entertainment may be allowed in certain areas within the IN-AE Industrial Base Zoning District, Adult Entertainment Combining District in accordance with the City's Use Regulations, Chapter 18-18 and subject to the provisions of Chapter 18-16 (Adult Entertainment Combining District regulations).

18-19.170 Recycling Facilities.

- A. Purpose and intent.** The purpose and intent of the City is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and to increase the recycling of reusable materials and to regulate the construction, installation, location and activities of recycling facilities and to adopt a comprehensive and easily understood program of permitting and regulating such uses. However, it is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts that require special consideration. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary.
- B. Exempt facilities.** Exemptions to the provisions of this Chapter shall be granted by the City subject to the provisions of state law. Recycling facilities intended for use by the City are exempt from the regulations of this Chapter. Reverse vending machines located within an existing commercial or industrial building are commercial or industrial accessory uses and are exempt subject to compliance with performance standards.

C. Permit required. Unless exempt from this Chapter, recycling facilities may be permitted subject to a use permit as specified in the zoning district regulations, subject to the performance standards referenced in Table 11 provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.as referenced in the following table. Reverse vending machines located outside a building shall be subject to a use permit.

Table 11. Recycling Facilities Performance Standards	
RVM-Reverse Vending Machines (outside a building) SRC-Small Recycling Centers LRC-Large Recycling Centers RPC-Recycling Process Centers	
Applicable to:	Performance Standard
RSM	Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.
RSM, SRC	Shall not occupy parking spaces required by the primary use.
	Shall occupy no more than 50 square feet of floor area per installation, including any protective enclosure and shall be no more than 8 feet in height.
RSM	Shall be constructed and maintained with durable waterproof and rustproof material
RSM	Shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to contact if the machine is inoperative.
RSM	Machines shall be maintained in good appearance and condition and kept clean.
RSM	Shall be in operation at least during the operating hours of the host use.
RSM	Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn. All illumination shall require prior City authorization.
SRC	Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil shall not be accepted in commercial zoning districts.
SRC	Shall not use power-driven processing equipment except for reverse vending machines.
SRC/LRC/RPC	Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is unattended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule.
SRC	Shall store all recyclable material in containers or in the mobile unit vehicle and shall not leave materials outside of containers when attendant is not present.
SRC/LRC	Shall be maintained free of litter and any other undesirable materials; mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day; containers shall be maintained in good appearance and condition and be kept clean.
SRC/LRC	Recycling facilities shall not be located within 50 feet of a residential property; attended facilities located within 100 feet of a residential property shall operate only during the

Table 11. Recycling Facilities Performance Standards	
RVM-Reverse Vending Machines (outside a building) SRC-Small Recycling Centers LRC-Large Recycling Centers RPC-Recycling Process Centers	
Applicable to:	Performance Standard
	hours between 8:00 a.m. and 5:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on weekends.
SRC/LRC	Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and/or acoustical shielding between the containers and the residential use.
SRC	Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.
SRC	Shall be landscaped for screening purposes as determined by the Planning Commission.
SRC	Shall operate at least 30 hours per week between the hours of 9:00 a.m. and 5:00 p.m., of which 5 hours must be on Saturday.
LRC/RPC	Does not abut a property zoned or planned for residential use or is at least 150 feet from property zoned or planned for residential use.
LRC	Shall be screened from the public right-of-way by operating in an enclosed building or located within an area enclosed by a screening fence or wall between 6 to 8 feet in height with landscaping.
LRC	All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the City Official. No storage, excluding trailers and transport containers, will be visible above the height of the fencing. Trailers and transport containers shall not be stacked on top of each other.
RPC	Shall operate in a wholly enclosed building except for incidental storage or within an area enclosed on all sides by a screening fence or wall not less than 8 feet in height and landscaped on all street frontages; such fences or wall shall be set back a minimum of 20 feet from the front property line,
RPC	Power-driven processing shall be permitted, provided all noise level requirements are met. Recycling Processing Centers shall be limited to baling, briquetting, crushing, compacting, grinding, shredding and shorting of source-separated recyclable materials and repairing of reusable materials.
RPC	Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Fire Chief. No storage, excluding truck trailers and transport containers, will be visible above the height of the fencing; trailers and transport containers shall not be stacked on top of each other.

18-19.180 Cargo Containers.

- A. Purpose and intent.** The purpose of these regulations is to allow limited use and/or installations of cargo containers (containers that were originally designed as an intermodal freight container that could be transported by ships, trains, cargo planes and trucks) with reasonable standards to preserve neighborhood character and quality of appearance.
- B. Permit required.** Temporary cargo containers (those used for no more than 6 months for construction projects, ~~storage for events or industrial uses in the IN~~ are subject to ~~a zoning permit administrative~~ approval by the Director and subject to certain performance requirements provided in this Section. Permanent cargo container installations within the **Industrial Zoning Designations** shall require approval of an Administrative Use Permit ~~issued by the Director and shall be subject to certain performance requirements provided in this Chapter.~~ Administrative use permits are subject to approval by the Director, who may add, delete or modify conditions to further the intent of the ordinance. **Permanent cargo containers are prohibited in LDR, MDR, HDR, MUX, CD, RR, and Open Space.**
- C. Performance standards.** All cargo containers shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
1. Temporary storage for Industrial Uses. Cargo containers may be permitted as temporary storage for industrial uses and shall be subject to the following standards:
 - a. **Shall be visually** screened from residential areas if located within 100 feet of a residential zone;
 - b. Shall Not be stacked;
 - c. **Shall** Not occupy any required parking spaces, landscaped area or pedestrian access (may occupy parking areas if there is sufficient parking and they don't preclude safe access);
 - d. **Shall be** painted a uniform color approved by the Director;
 - e. **Shall not** incorporate any signs or advertising;
 - f. **Shall be** maintained free of graffiti; and
 - g. **Shall not** be used for any human occupancy.
 - h. **Shall be removed within 30 days of completion of project (i.e. final sign off, occupancy, etc.)**

Temporary cargo containers that don't comply with these performance standards may be approved with a use permit from the Planning Commission.

2. Permanent Storage for Industrial Uses. Any other installation of cargo containers (other than temporary storage) shall be considered permanent structures, shall only be permitted in the IN Zone and shall be subject to all zoning requirements and design review, including installation on a permanent foundation. Cargo containers as permanent installations shall be subject to the following standards:
 - a. **Shall be** visually screened from residential areas if located within 100 feet of a residential zone **or if located within a known scenic corridor. Said screening includes but is not limited to buildings, fencing, landscaping, walls, wood/decorative siding/cladding and a roof**
 - b. **Shall not** be stacked;
 - c. **Shall not** occupy any required parking spaces, landscaped area or pedestrian access (may occupy parking areas if there is sufficient parking and they don't preclude safe access);
 - d. **Shall be** painted a uniform color on the project site approved by the Director;
 - e. **Shall be equipped with a mechanical latch to hold the door in the open position or equipped with a mechanism to unlock the door from the inside when the structure is occupied**
 - f. **Shall be maintained free of graffiti;**
 - g. **Shall not** be used for human habitation; and
 - h. **Shall not** have separate sewer, water or electrical services except for needed lighting purposes.

Permanent cargo containers that don't comply with these performance standards are subject to design review in accordance with Section 18-33 and may be approved with a **conditional** use permit from the Planning Commission.

18-19.190 Vending Machines.

- A. Purpose and intent.** The purpose of these regulations is to allow limited use and/or installations of vending machines with reasonable standards to preserve neighborhood character and quality of appearance.
- B. Allowed and performance standards.** Indoor vending machines are accessory to allowed uses. Outdoor vending machines are allowed in all commercial, mixed-use and industrial zones subject to the following performance standards:
1. Shall be located along the face of a building or against a structure designed to accommodate them;
 2. Shall be visible from access drives or public streets;
 3. Shall occupy not more than 10% the length of the wall facing the street or access drive or 20 feet, whichever is less;
 4. Shall not obstruct private pedestrian walkways; a minimum of 44 inches shall be kept clear of obstructions or more if pedestrian traffic volume warrants. They are not allowed on public sidewalks.

Vending machines that don't comply with these performance standards are subject to design review approval in accordance with Section 18-39.

18-19.200 Small Residential Solar Energy Systems.

- A. Purpose and intent.** The purpose and intent of these regulations is to encourage energy sustainability by allowing the development of small residential solar energy systems for the production of electricity in order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community
- B. Permit required and expedited processing.** Small residential solar energy systems may be allowed in all zones subject to design review in accordance with Chapter 18-33 subject to certain performance standards referenced in this Section. The permit process for residential rooftop solar systems shall be expedited consistent with the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
- C. Performance standards.** All small solar energy systems shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Design Review Board, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. They shall meet applicable health and safety standards and requirements imposed by the City and the State of California.
2. Systems that heat water shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
3. Systems that produce electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

18-19.210 Small Wind Energy Systems.

- B. Purpose and intent.** The purpose and intent of these regulations is to encourage energy sustainability by allowing the development of small wind energy systems for the production of electricity in order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community. These systems consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than ten (10 kW) of power.
- C. Permit required.** Small wind energy systems may be allowed in all zones subject to design review in accordance with Section 18-33 subject to certain performance standards referenced in this Section.
- D. Performance standards.** All small wind energy systems shall meet the applicable criteria and standards as required by this Section or any other regulation of the City, provided that the Director, Design Review Board, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
1. They must have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the Commission's Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
 2. A minimum parcel size of 5,000 square feet is required for the placement of any small wind energy system. The maximum rated capacity for lots less than 0.5 acres is 2 kW and less. The maximum rated capacity for lots greater than 0.5 acres is 10 kW and less.
 3. No part of a small wind energy system shall be located within or over drainage, utility or other established easements.

4. A maximum of one small wind energy system per parcel is permitted on parcels less than 1 acre in size. A maximum of 1 small wind energy system per acre is permitted on parcels greater than 1 acre in size.
5. They shall comply with the minimum setbacks for the zoning district. The location may be modified as part of the design review process to place the wind energy system as far as possible from the property lines. The small wind energy systems shall not be allowed in the front yard or a side yard with frontage.
6. The maximum height of a small wind energy system for lots less than 0.5 acres is 30 feet and 40 feet for lots greater than 0.5 acres. Tower height shall mean the height above grade of the fixed portion of the tower, excluding the wind turbine itself.
7. No portion of the turbine or tower shall be illuminated.
8. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section so it cannot readily be climbed.
9. Each small wind energy system shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 10 feet as measured at the lowest point of the arc of the blades.
10. No small wind energy system or combination of small wind energy systems on a single parcel shall create noise that exceeds a maximum of 60 CNEL (Community Noise Equivalent Level), as measured at the closest neighboring dwelling. These levels, however, may be exceeded during short-term events such as utility outages and severe wind storms.
11. The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy color that visually blends with the surrounding natural and built environments.
12. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
13. They shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards and shall be free from rust.
14. Signs/Labels. All signs, with the exception of manufacturer's, installer's identification, appropriate warning signs or owner identification, are prohibited.

15. They shall comply with applicable FAA (Federal Aviation Administration) regulations, including any necessary approvals for installations.
16. If found to be unsafe by the Building Official they shall immediately cease operation upon notification by City and shall be repaired by the owner to meet Federal, State and local safety standards or be removed within 6 months.
17. Small wind energy systems that are not operated for a continuous period of 12 months shall be removed by the owner of the small wind energy system.
18. When a small wind energy system is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this Section, non-operation shall be deemed to include, but shall not be limited to, the blades of the small wind energy system remaining stationary so that wind resources are not being converted into electric or mechanical energy.

18-19.220 Satellite Dish Antenna.

- A. Purpose and intent.** To establish regulations which regulate the installation of dish-type satellite antenna to help protect public safety and preserve view corridors and neighborhood character.
- B. Residential performance standards.**

The installation of dish-type satellite antenna may be permitted in all residential zones subject to the following criteria:

1. Antenna size: Maximum diameter to be 10 feet.
2. Setback: No part of a satellite dish antenna may be located in any required street or other yard. Antennas located outside a street yard setback but between the residence and the street are prohibited.
3. Height: Maximum antenna height to be 13 feet. All satellite dishes higher than side or rear yard fences shall be screened from neighboring properties. Roof-mounted installations or pole-mounted installations attached to eaves are prohibited except by use permit. Any antenna that may block significant views from neighboring buildings or from public areas shall be subject to design review.
4. Number: One dish type satellite antenna is allowed per site, in addition to normal television and radio antennas.

- C. Commercial performance standards.** The installation of dish-type satellite antenna may be permitted in the office, commercial and industrial zones subject to the following criteria:
1. Installation shall be subject to design review in accordance with the adopted Design Review Committee Ordinance and guidelines.
 2. Installations shall not be permitted within street yard.
 3. Installations shall be located so as to minimize visibility from adjoining properties and rights-of-way.
- D. Exceptions.**
1. Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building.
 2. Dish-type satellite antenna installations that cannot meet the performance standards included in paragraphs C and D above may be considered if an administrative use permit is obtained. Conditions imposed as part of use permit approval would typically include requirements to minimize the visibility of the installation, including blockage of significant public and private views of hillsides, city vistas or open space areas. Acceptable techniques to reduce the visibility of dish installations include use of alternative materials (wire mesh instead of solid surface), painting the dish in a subdued or natural color and landscaped screening.
- E. Open Space/Conservation Standards.** The installation of dish type satellite antennas may be permitted in the Open Space/Conservation Zone subject to an administrative use permit and subject to design review in accordance with the adopted ARC ordinance and guidelines.
- F. Building Permit Required.** All satellite dish installations require issuance of a building permit. This is to ensure that dishes are structurally sound and properly grounded. Plans submitted for a building permit for a roof-mounted or pole-mounted installation require certification by a registered engineer.

18-19.230 Electric Vehicle Charging Stations.

- A. Purpose and intent.** The purpose and intent of these regulations is to encourage energy sustainability by allowing the development of electric vehicle charging stations for the production of electricity in order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community.

- B. Permit required and expedited processing.** Electric vehicle charging stations may be allowed in all zones subject to design review in accordance with Section 18-33 subject to certain performance standards. Consistent with Government Code Section 65850.7, the process of reviewing an electric vehicle charging station shall be expedited consistent with the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. **For larger commercial level electric vehicle charging stations that are a single, and primary use, a separate use permit may be required (see Table 5).**
- C. Performance standards.** All electric vehicle charging stations shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Design Review Board, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Section or to protect the health, safety and welfare of the public, community and the environment.
1. Shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association and accredited testing laboratories such as Underwriters Laboratories and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
 2. Shall meet the electrical code requirements of Article 625 and all applicable provisions of the California Electrical Code.
 3. Shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
 4. Shall be anchored by either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy and the provisions of the manufacturer’s installation instructions. Mounting of charging stations shall not adversely affect building elements.

18-19.240 Wireless Telecommunication Facilities.

- A. Purpose.** To establish standards for the development, siting and installation of wireless telecommunications facilities; to protect and promote public health, safety and welfare; and to preserve view corridors and avoiding adverse visual and environmental impacts. These standards are not intended to be all-inclusive. Projects may be subject to additional standards deemed appropriate through design review and use permit application processing to address site-specific conditions.
- B. Exempt facilities.** The following wireless telecommunication facilities are exempt from the requirements of this Section:
1. Government-owned communications facilities used primarily to protect public health, welfare and safety.
 2. Facilities operated by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.
 3. Satellite dish antennas for residential and commercial use, solely for the use of the occupants of the site, subject to compliance with development standards set forth in Section 18-19.220 et al of the zoning ordinance.
 4. Any facility specifically exempted under federal or state law.
- C. Planning applications and approvals required.**
1. Installation of a new wireless telecommunication facility or significant modification as determined by the Director, of an existing installation shall require administrative use permit approval and design review.
 2. The co-location of a new wireless telecommunication facility with an existing approved installation or minor modification of an existing installation shall subject to design review approval.
 3. The applicant shall submit application materials and fees as required by the Community Development Department.
- D. Building permit required.** Wireless communications facilities shall not be constructed, installed or modified prior to obtaining a City building permit.
- E. Site development and performance standards.**
1. **Setbacks.** All facility towers and accessory structures shall comply with the setback requirements of the applicable zoning district.
 2. **Height.** The height of any antenna or support equipment shall be determined as part of the use permit on a case-by-case basis. All facilities shall be designed to the minimum necessary functional height.

3. Site access. Telecommunication facilities should use existing roads and parking whenever possible. New and existing access roads and parking shall be improved and surfaced where necessary to the satisfaction of the Director.
4. Aesthetics and visibility. Facilities shall be creatively designed to minimize the visual impact to the greatest extent possible by means of placement, screening and camouflage. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives. Each installation shall be designed to blend into its surroundings so that the antenna(s) and equipment are not apparent to the casual observer.
 - a. Building mounted facilities shall appear as an integral part of the structure. Equipment and antennas shall be compatible and in scale with existing architectural elements, building materials and site characteristics. Wall mounted antennas shall be integrated architecturally with the style and character of the structure. If possible, antennas and equipment shall be located entirely within an existing or newly created architectural feature so as to be effectively unnoticeable.
 - b. Ground mounted support equipment shall be undergrounded or otherwise screened from view so as to be effectively unnoticeable.
 - c. All connections and conduits between the base of the antenna(s) and support equipment shall be undergrounded. Connections and conduit above ground shall be fully enclosed to the satisfaction of the Director. Electrical and telephone service to the support equipment shall be undergrounded.
 - d. Ground mounted antennas, poles, structures, equipment or other parts of a telecommunication's facility, which would extend above a ridgeline so as to silhouette against the sky shall be discouraged. Where allowed, they shall be designed to be indistinguishable from the natural surroundings.
5. Lighting. All telecommunication facilities, not otherwise required to have lighting pursuant to Federal Aviation Administration rules, shall be unlit, except when authorized personnel are actually present at night and except for exempt facilities.
6. Equipment upgrades. It shall be the responsibility of the owner/operator of a telecommunications facility to provide the City with a notice of intent to modify site equipment in any way. At the time of modification, co-location or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and modified to reduce aesthetic impacts by reducing the size of the facility or introducing camouflaging techniques to the satisfaction of the Director. Unused or obsolete

equipment or towers shall be removed from the site within 90 days after their use has ceased.

7. Number of facilities per site. The City shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites in order to prevent negative visual impacts associated with multiple facilities.
8. Co-location. All facilities shall provide co-location opportunities to other operators to the extent technically feasible without significant impairment to broadcast or reception capabilities. All applicants shall demonstrate reasonable efforts in developing a colocation alternative for their proposal. Facilities shall also provide co-location opportunities to accommodate governmental emergency communication equipment and operation to the extent that such communication equipment and related operations will not adversely affect broadcast or reception capabilities of the applicant's facility. Failure to comply with colocation requirements may result in the denial of a permit request or revocation of an existing permit.
9. Noise. Each facility shall be operated in a manner that minimizes any possible disruption caused by noise to people working and living in the vicinity. At no time shall equipment noise from any source exceed an exterior noise level of 55 dB at the property line or within 20 feet of such equipment, whichever is less. This requirement may be modified at the discretion of the Director where typical ambient noise levels exceed 55 dB. Outdoor noise producing construction activities shall take place only on weekdays between the hours of 8:00 am and 5:00 pm unless a different schedule is approved as part of the use permit.
10. Backup generators. Unless specifically exempt by the Planning Commission, all facilities shall use a temporary backup generator that can provide backup power for a minimum for 72 hours. These generators shall be required to meet or exceed Air Pollution Control District Standards. All generators shall be fitted with approved air pollution control devices. Projects that propose to include backup generators shall require review and approval from the Air Pollution Control district. Project plans shall indicate location, size, horsepower and type of fuel used for any proposed generator. Generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 am and 5:00 pm.
11. Biological impacts. Wireless telecommunication facility shall minimize potential impacts to biological resources.
12. Cultural impacts. Wireless telecommunication facility shall minimize potential impacts to cultural resources (including Native American resources).

13. Radio interference. Interference with municipal radio communication is prohibited. Any telecommunication facility that the City has reason to believe is interfering with municipal radio communication shall cease operation immediately upon notice from the City and shall be subject to use permit review and possible revocation. Testing shall be done prior to any permanent installation and frequencies shall be monitored at regular intervals after installation established by the use permit, at the expense of the facility owner/operator.
14. Radio frequencies and electromagnetic exposure.
 - a. Wireless telecommunications facilities operating alone or in conjunction with other telecommunications facilities shall not produce radio frequency radiation in excess of the standards for permissible human exposure as adopted by the Federal Communications Commission (FCC). Applications for facilities shall include a radio frequency radiation (RFR) report that measures the predicted levels of RF radiation emitted by the proposed facility. The radio frequency radiation report shall compare proposed project levels to levels allowed by the FCC and shall show output of the proposed facility in combination with other facilities located or proposed in the vicinity.
 - b. The City may require one or more post-construction RFR reports as a condition of project approval, to verify that the actual levels of RFR emitted by the approved facilities, operating alone or in combination with other approved facilities, substantially conform to the pre-approval RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.
15. Signs. Explanatory warning signs shall be posted at all access points to cellular telecommunication facilities in compliance with the American National Standards Institute (ANSI) C95.2 color, symbol and content conventions.
16. Nuisance. Facility generators, mechanical equipment, construction, testing and maintenance shall be operated or performed in such a manner that no nuisance results. At the discretion of the Director, upon receipt of written complaints, the use permit allowing a telecommunications facility may be scheduled for public review. At the hearing, conditions of approval may be added, deleted or modified or the use permit may be revoked.
17. Interference with public services and facilities. Telecommunication facilities within public parks shall not interfere with park operations or limit public use of park facilities. Installations in conjunction with other public facilities shall be held to a similar standard.

18. City inspection. The City shall have the right to access facilities after 24-hours written or verbal notice.

F. Abandonment. It shall be the responsibility of the owner/operator of a telecommunications facility to provide the City with a notice of intent to vacate the site a minimum of 30 days prior to ceasing operation. Any wireless telecommunication facility that is not operated for a continuous period of 90 days shall be removed within 90 days of the date upon which the operation ceased.

G. Revocation of a permit. Wireless telecommunication service providers shall fully comply with all conditions related to any permit or approval granted under this Section. Failure to comply with any condition shall constitute grounds for revocation. If a condition is not remedied within a reasonable period, the Director may schedule a public hearing before the Director to consider revocation of the permit.

18-19.250 Home Occupation.

A. Purpose and intent. The provisions set forth in this Section are intended to allow the conduct of home as an accessory activity of a non-residential nature which is performed within a living unit or within a garage or accessory building reserved by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. These uses are intended to be incidental to and compatible with surrounding residential neighborhood. A “home occupation” is gainful employment engaged in by the occupants of a dwelling.

B. Permit required.

1. The conduct of home occupation requires the approval of a home occupation permit from the Director, who may establish additional conditions to further the intent of this Section. A permit is required when a person does business in his/her home, uses his/her home address as a business address on business licenses and tax certificates. Home occupations may be conducted from dwellings located in residential zones or from dwellings located in commercial zones where dwellings are an allowed or conditionally allowed use. Home occupation permits are not required for employees telecommuting.
2. State licensed child day care centers for fourteen or fewer children are exempt from home occupation regulations or as provided under applicable sections of the Health and Safety Code.

C. General requirements.

1. Home occupations shall not involve customer access or have other characteristics which would reduce residents’ enjoyment of their neighborhoods. The peace and quiet of residential areas shall be maintained.

2. There shall be no customers or clients except for:
 - a. Private instruction, such as education tutoring, music or art, on an individual basis, provided there are not more than eight visits in any one day.
 - b. Physical therapists, including massage or other therapists, who shall have no more than one client on site at any time and no more than eight visits in any one day.
 - c. Attorneys, accountants and other low visitation consultants who shall have no more than one client on site at any time (except for overlapping appointments) and no more than eight visits in any one day.
 - d. Businesses with customer access shall maintain at least one (1) on-site customer parking space in addition to their required residential parking. For the purposes of this Section only, parking in a driveway that has a minimum depth of 20 feet from the back of sidewalk or street right of way (whichever is more restrictive) and is made available to customers during business hours of operation shall meet the definition of a parking space.
3. Activities shall be conducted entirely within the dwelling unit or an enclosed accessory building and shall not alter the appearance of such structures. (Horticultural activities may be conducted outdoors.)
4. There shall be no sales, rental or display on the premises (internet and phone sales allowed).
5. There shall be no signs other than address and names of residents.
6. There shall be no advertising of the home occupation by street address except that street address may be included on business cards and business correspondence originating from the home.
7. No vehicle larger than a van or three-quarter-ton truck may be used in connection with a home occupation. A marked commercial vehicle used in conjunction with the occupation shall have no more than 2 square feet of advertising. Licensed vehicles and trailers used in connection with a home occupation are limited to 1 additional vehicle and/or trailer.
8. The home occupation shall not encroach on any required parking, yard or open space area.
9. Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.

10. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for residential use.
11. No use shall create or cause noise, dust, vibration, smell, smoke, glare or electrical interference or other hazard or nuisance.
12. No employees other than residents of the dwelling shall be allowed to work on-site. (Visitors, babysitters or domestic servants are not considered employees of a home occupation.)
13. Clients or customers shall not visit the home occupation between the hours of 7:00 p.m. and 7:00 a.m.
14. If the home occupation is to be conducted from rental property, the property owner's written authorization for the proposed use shall be submitted to the Director.
15. No delivery or commercial pick-up shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.). Direct customer pick-up is prohibited.

D. Prohibited uses. The following uses by their operation or nature may interfere with residential welfare and diminish the convenience intended for commercial zones and therefore shall not be permitted as home occupations; however, off-site work is permitted:

1. Automotive repair (body or mechanical) or detailing, sound systems, upholstery or painting of automobiles, when performed on the same site as the home occupation.
2. Personal services, such as beauticians and estheticians.
3. Carpentry or cabinet making.
4. Welding or machining.
5. Medical offices, clinics, laboratories, except that counseling is permitted, when no more than one client visit or group session is held at one time.
6. Appliance, radio or television repair.
7. Print shop or photograph development; digital photo production is permitted.
8. Gun or ammunition sales, except for off-site sales (subject to approval by the Police Chief).
9. Storage, repair or reconditioning of motorized vehicles boats or recreational vehicles or large equipment, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers,

dishwashers, stoves, heating and air conditioning equipment when performed on the same site as the home occupation.

10. Tow truck and ambulance services.

18-19.260 Child and Adult Day Care.

A. Purpose and intent. The provisions set forth in this Section are intended to enable child and adult day care opportunities throughout the City, to ensure that day care facilities will be compatible with residential uses and to comply with applicable sections of the Health and Safety Code of the State of California.

B. Permits required.

1. Adult day care facilities serving six or fewer clients on site at one time and small family day care homes for eight or fewer children are considered residential uses for the purposes of zoning regulation. They may be established in all zones where dwellings are allowed. No use permit is required.
2. Adult day care facilities serving seven to 12 clients on site at one time and large family day care homes for children may be established in any zone where dwellings are allowed, subject to performance standards listed below. These facilities require written approval by the Director, consistent with the following review procedures:
 - a. Public notice. Mailed notice of the proposed use shall be given to all property owners within no more than a 100-foot radius of the exterior boundaries of the proposed facility site, no fewer than 10 days prior to the Director's action to approve or deny an application for a day care facility serving seven to 12 adults or 9 to 14 children. If no written request for hearing is received by the Community Development Department within 10 days from the mailing of these notices, the Director may approve the requested use upon submission of all required information and without further notice or public hearing.
 - b. Public hearing. A public hearing shall be required if requested in writing by the applicant or any other affected person.
 - c. Approval. The Director is authorized to approve day care facilities serving seven to 12 adults or 7 to 14 children. In accordance with applicable sections of the California Health and Safety Code, the Director shall approve the use when the Director determines that the proposed facility:
 - i. Complies with all applicable provisions of the Fire Code regarding health and safety; and

- ii. Complies with property development standards Chapter 18-04 and with sign regulations, Chapter 18-05 of this Title; and
 - iii. Has been issued a day care license from the State of California, Department of Social Services; and
 - iv. Will satisfy performance standards of this Section relating to noise, traffic and parking.
 - d. City regulatory authority for family day care homes: In accordance with the California Health and Safety Code, the City cannot deny an application for a large family day care home, but can apply standards of conditions of approval to address concentrations of these types of uses within a neighborhood, traffic control and parking and noise control. Also, in accordance with State law, the City may not impose fees for small or large family day care home applications or business licenses.
3. Day care facilities serving more than 12 adults, or more than 14 children require approval of an administrative use permit where not otherwise allowed or prohibited, consistent with Section 18-18.010 Uses Allowed by Zone and Section 18-28 Use Permits. These facilities are subject to the performance standards outlined below.

C. Performance standards for day care facilities serving more than six adults or more than fourteen children.

1. Noise. The day care facility shall be subject to all applicable provisions of the City's Noise Regulations and General Plan Noise Element. Where the day care facility is adjacent to housing in a residential zone, outdoor play and activities shall be prohibited prior to 9:00 a.m.
2. Traffic. Designated delivery and pick-up areas shall not pose any traffic or safety hazards. Operators of day care facilities shall provide carpool-matching services to all clients.
3. Parking.
 - a. Day care facilities with seven to 12 adults or nine to 14 children, one on-site parking space is required, in addition to parking required for the residence, except when the Director finds that adequate on-street parking exists for dropping off and picking up clients.
 - b. Day care centers with more than 12 adults or more than 14 children must provide two spaces per facility and one space for each 12 day care clients (based on the facility's license), rounded to the nearest whole number, in addition to any spaces required for the residential use.

- D. Day care as an accessory use.** When day care facilities are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches and where an employer provides on-site childcare to 14 or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets City parking standards.
- E. Exceptions.** Nothing in this Section shall prohibit applicants from requesting exceptions or variances from the strict interpretation of the Zoning Regulations to the extent allowed by said regulations. The Director may authorize minor exceptions to performance standards upon finding that:
1. The modification is in accordance with the intent and purpose of the Zoning Regulations and consistent with City day care policy.
- F. Nonconforming status.** All day care facilities licensed by the State at the time of ordinance adoption (2020) shall be considered legal nonconforming uses, consistent with Chapter 18-23 of these regulations, except that nonconforming day care facilities may not be changed to another nonconforming use.

18-19.270 Bed and Breakfast Businesses.

- A. Purpose and intent.** To establish standards for the development and operation of bed and breakfast establishments within all residential zones of the City upon conforming to set criteria and conditions. The intent of these standards is to ensure that the location, concentration and design of bed and breakfast establishments is consistent with or does not negatively affect the character or function of the neighborhood and surroundings. Bed and Breakfast businesses located in mixed-use and commercial zoning districts are considered hotels and not subject to the criteria of this Section.
- B. Applications and approvals required.** A Bed and Breakfast Inn is allowed as specified in Chapter 18-18.030 of the Clearlake Municipal Code. In addition to the applicable Use Permit requirement, review by the Design Review Committee may be required depending upon the type of changes proposed to any structure intended for use as a Bed and Breakfast Inn.
- C. Performance standards.** These standards apply to all bed and breakfast homes or inns.
1. The use permit is subject to review at any time and may be revoked after a hearing by the Planning Commission and a finding by the Planning Commission that the use has become detrimental to the surrounding neighborhood.
 2. A bed and breakfast inn must comply with all other provisions of the zone in which it is located and must comply with all other ordinances of the City.
 3. A City business license is required and remittance of transient occupancy tax and short-term rentals is required.

4. Any other conditions deemed essential and desirable by the Planning Commission may be imposed on such a use.
5. The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.
6. Meals, if provided, shall be served only to residents and overnight guests of the bed and breakfast home.
7. There shall be no separate or additional kitchen facility for the guests.
8. No alteration shall be allowed to the exterior of the dwelling or yard that alters the residential characteristics of the premises.
9. Any signage for a bed and breakfast establishment shall comply with the City's Sign Regulations (refer to Section 18-21 of this Code).
10. The main building of the Bed and Breakfast establishment must be the "primary residence" of the "owner" or "manager" of the bed and breakfast use.
11. Accessory buildings and structures may also be used for bed and breakfast guest rooms.
12. Factors used in determining the appropriate number of guest rooms that may be permitted in any location shall include the relationship of the site to parking, access, character, size and scale of surrounding uses.
13. All bed and breakfast facilities shall maintain garbage and recycling services from City's selected service agency.
14. Provision of parking in compliance with Section 18-20.090-W (Parking and Loading for Special Uses) of this Code.

18-19.280 Vacation Rentals.

- A. Purpose and intent.** To establish standards for the development and operation of vacation rentals within all residential and mixed-use zones in the City as described in Section 18-18.030 (Table 5). The purpose of these regulations is to allow rental of a residential dwelling unit as a vacation rental (as that term is defined in Chapter 18-45: owner-occupied dwelling unit where bedrooms are provided for compensation for fewer than thirty consecutive days) in the City with reasonable standards to preserve the residential neighborhood character and quality of life.
- B. Violation-Nuisance-Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Clearlake to cause,

permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists. Vacation rentals shall not be permitted in non-habitable structures. Vacation rentals shall also not be permitted within secondary, accessory or junior accessory dwelling units, nor in structures or dwellings with City covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under a Williamson Act Contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.

- C. Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a vacation rental permit through a **Zoning Permit** by the Director, who may add, delete or modify conditions to further the intent of the ordinance.
- D. Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property.
- E. Permit Requirements.**
1. **Maximum Number of Guestrooms.** Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five(5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated to be determined by the approval of a use permit from the Planning Commission. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
 2. **Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.
 3. **Maximum Number of Guests and Daytime Visitors.** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18)

persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours (10 pm to 7 am).

4. **Owner Occupancy.** All vacation rentals shall be owner occupied which means that the owner of the vacation rental unit shall occupy the rental dwelling unit at least 51% of the time during the year.
5. **Parking.** Parking shall be provided in compliance with the City's Parking requirements (see Section 18-20.090).
6. **Noise Limits.** All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.
7. **Amplified Sound.** Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
8. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
9. **Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.
10. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.
11. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per- room sewer fee may be applied.
12. **Transient Occupancy Tax.** The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.

13. **24-hour Property Manager.** All vacation rentals operating within the City must have a verified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Verified property managers may be professional property managers, realtors, property owners, or other designated person provided that the individual is identified on the property's permit application, all contracts or rental agreements and in any advertising or websites. Property managers must be located within a 30-mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. Any requested change to the property manager for a vacation rental property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the City and shall include the signature of the property manager and the desired effective date of the change. In no case may a vacation rental operate without a current verified property manager. Operation of a vacation rental without a verified property manager shall be considered a violation of this Section. The name and 24-hour contact information of the verified property manager shall be provided to any interested party upon request. Owner occupancy requirements under Subsection E-4 of this Section will require owner to also comply with this provision.

14. **Emergency Access.** The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by law enforcement or fire services departments.

15. **Posting and Neighbor Notification of Permit and Standards.** Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within six (6) feet of the front door of the vacation rental and include them as part of all rental agreements. At the permit holder's expense, the City shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard 300' property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

16. **Requirements for All Internet Advertisements and Listings.** All online advertisements and/or listings for the vacation rental property shall include the following:
- i. Maximum occupancy, not including children under 3;
 - ii. Maximum number of vehicles;
 - iii. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
 - iv. Notification that no outdoor amplified sound is allowed; and,
 - v. The Transient Occupancy Tax Certificate number for that particular property.

F. Enforcement Process.

1. **Initial complaints** on vacation rentals shall be directed to the property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available 24 hours during all times when the property is rented and shall be available by phone during these hours. Should a problem or arise and be reported to the verified property manager, the property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected. The property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to the City within 24 hours of the occurrence. Failure to respond to complaints or report them to City shall be considered a violation of this section and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by City code enforcement who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Police reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued, and a penalty may be imposed in accordance with the Clearlake Municipal Code.

At the discretion of the Director, the zoning permit may be revoked. If the permit is revoked, a zoning permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year after revocation.

2. **Enhanced penalty for non-permitted rentals.** A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.

3. **Three Strikes Penalty.** Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

4. **Violation of Performance Standards – Administrative Citations.** In addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of the City Code, this subsection provides for Administrative Citations.
 - i. Use of Administrative Citations shall be at the sole discretion of the City.
 - ii. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
 - iii. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
 1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
 2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;
 3. Noise violations, as set forth in Subsection F-1 of this Section, above, including the use of outdoor amplified sound;
 4. Violations of quiet hours (10:00 PM – 7:00 AM),
 5. Exceeding maximum number of vehicles
 6. Exceeding fire limits, including lighting fires during bans

7. Unsecured pets and/or nuisance barking;
8. Operation of a vacation rental without a certified property manager;
9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
10. Failure to include the individual property's Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;
11. Failure of the property owner to maintain current Transient Occupancy Tax status.

G. Monitoring and Enforcement Fee.

1. An annual fee may be adopted by the City Council and collected by the City to pay for monitoring and enforcement of vacation rentals.

18-19.300 Emergency Shelters and Low Barrier Navigation Centers.

- A. Purpose and intent.** The purpose of these regulations is to allow operation of emergency shelters and low barrier navigation centers in the City to help people in need of housing that are temporarily homeless. Reasonable standards have been established to preserve the neighborhood character and quality of life in Clearlake. Low barrier navigation centers may be permitted for the time determined valid under Government Code Sections 65660 through 65668.
- B. Application and permit required.** Emergency shelters are allowed by right subject to approval of an administrative permit from the Director, within the Urban High Density (HDR) Zone subject to the below standards. These standards may be applied to an emergency shelter proposed in any other zoning district with a use permit from the Planning Commission. Emergency shelters which require use permit approval may be subject to conditions of approval with requirements that vary from and supplement these standards. Low barrier navigation centers meeting the requirements of Govt. Code section 65662 are allowed by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses.
- C. Standards for emergency shelters and low barrier navigation centers.** All emergency shelters and low barrier navigation centers shall be subject to the following standards:
1. The emergency shelter or low barrier navigation center shall be operated by a responsible social service provider.

2. The emergency shelter or low barrier navigation center shall provide at least one qualified on-site supervisors at all times, plus one attendant for each 50 occupants.
3. An emergency shelter shall not be approved when another emergency shelter exists within 300 feet of the proposed site. This requirement may be modified by obtaining a use permit from the PC.
4. Emergency shelters proposed in residential neighborhoods shall require design review to ensure the shelter design provides for adequate privacy between uses and minimizes potential impacts of the proposed shelter to adjacent residences.
5. Parking shall be supplied in accordance with Sections 18-20.090 and 18-20.100.
6. Each emergency shelter shall be limited to a maximum occupancy of 250 persons (in total), including warming shelters and daytime facilities.
7. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum the length of time which clients may be accommodated.
8. Low barrier navigation center applications shall be process in accordance with Cal Gov Code Section 65664 provides timelines for action; the City must notify the developer within 30 days if the application is complete under § 65493 and then must act on the application within 60 days from the date the application has been deemed complete.

18-19.310 Warming Shelters.

- A. Purpose and intent.** The purpose of these regulations is to allow temporary operation of a warming shelter in the City to help people in need to stay warm during inclement weather. Reasonable standards are hereby established to preserve the neighborhood character and quality of life in Clearlake.
- B. Application and permit required.** Warming shelters are subject to approval of an administrative use permit from the Director within the Industrial (I) Zone, and may be established in any other zoning district with a use permit. Warming shelters which require use permit approval may be subject to conditions of approval with requirements that vary from these standards.

C. Standards for warming shelters

1. No more than one warming shelter shall be permitted within the City temporarily on an annual basis.
2. Maximum operation time shall not exceed 2 months, unless an extension is approved by the Police Chief. Extensions shall not exceed 30 days.
3. Use permits for warming shelters may be denied based on past performance and experiences that the City has had that have exceeded the City's expectations for public services, such as police and fire services and impacts on the neighborhood.
4. Off-street parking shall be provided in accordance with Section 18-20.090 and 18-20.100.
5. There shall be adequate space inside the structure such that prospective and current users are not required to wait on sidewalks or any other public rights-of-way.
6. Lighting shall be provided for appropriate surveillance subject to approval of the Police Department.
7. A management plan shall be provided to address management experience and good neighbor issues. Such plan shall be submitted to and approved by the City. Minimum standards and practices in the plan shall be as follows:
 - i. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
 - ii. The shelter shall have an identified administrator and representative to address community concerns.
 - iii. A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
 - iv. The shelter shall be maintained in a safe and clean manner and free from refuse or discarded goods.

- D. Appeal.** Appeal procedures for this Section shall be as provided by Chapter 18-36.

- E. Revocation of a permit.** Upon receipt by the Director of substantiated written complaints from any citizen, Code Enforcement Officer or Police Department Officer, which includes information and/or evidence supporting a conclusion that a violation of the permit or of City ordinances or regulations applicable to the property or operation of the facility has occurred, the Director may set a permit review hearing before the Planning Commission. At the time of permit review, to ensure compliance with applicable laws and conditions of the permit, conditions of approval may be added, deleted, modified or the permit may be revoked. Review by the Planning Commission shall be subject to a public review process as provided under Section 18-28.030.

18-19.320 Accessory and Junior Accessory dwelling units.

- A. Purpose and intent.** The purpose of this Section is to establish regulations for the development of accessory and junior accessory dwelling units as an accessory use (allowed by right) to a residential unit based on the following criteria:

1. This Section is intended to implement Government Code Section 65852(.150) and (.2), which allows the City to perform administrative design review and apply specific development standards to accessory and junior accessory dwelling units in all zones where allowed.
2. The City intends to regulate accessory dwelling units as permitted by California Government Code Section 65852 and other applicable sections.
3. The City recognizes opportunities to implement certain policies and programs of the City's Housing Element of the Clearlake General Plan by providing for, encouraging the development and regulating accessory and junior accessory dwelling units.
4. Implementation of this Section is meant to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods. Accessory and junior accessory dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants.

- B. Requirements.** Accessory and Junior Accessory Dwellings shall be allowed and created in all zones, including mixed use zones, that allow single family and multiple family residential uses including all related development and design standards in accordance with California Government Code Sections 65852.1 and 65852.2 as may be amended from time to time except the following additional local standards shall apply:

1. For sites within a Flood Hazard Area on the adopted Federal Emergency Management Agency Flood Insurance Rate Map, the finished floor of any new or legalized accessory dwelling unit shall be elevated at least one (1) foot above the Base Flood Elevation as "new construction" under Chapter

17 of this Municipal Code, Floodplain Management, The applicant shall submit an Elevation Certificate based on construction drawings with the building permit plans and a final Elevation Certificate shall be required prior to project final.

2. The Building Official and the Lake County Fire Protection District shall confirm that side and rear setbacks are sufficient for fire safety.
 3. In accordance with California Government Code Section 65852.2 (c), Fire sprinklers shall not be required for accessory or junior accessory units if they are not required for the primary unit.
- C. Administration.** **Unless otherwise provided by State Law**, any person proposing to create or construct an accessory dwelling unit or junior accessory dwelling, shall submit a building permit application to the Building Department with a site plan, elevations, color and materials samples, and any other information deemed necessary to administer this chapter, even if no construction is proposed. The City shall consider the building permit application ministerially, without discretionary review or a hearing. The City shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the City receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create 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 lot, the City may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
- D. Costs for Processing Permits and Development Impact Fees.** **Unless otherwise provided by State Law**, except for accessory and junior accessory dwelling units that are less than 750 square feet, the City may authorize a fee for development impact fees, conditional use permits, variances, and the ministerial review of accessory and junior accessory dwelling units. Also, the City may only collect development impact fees for accessory dwelling units (not junior accessory dwelling units) that exceed 750 square feet, proportionate in relation to the size of the primary dwelling unit square footage (e.g., the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling). For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service, nor do they include charges for garbage or recycling service.

18-19.330 Guest Quarters.

- A. Purpose and intent.** Guest quarters consist of attached or detached building space, which contains bathroom facilities including toilets, bathing facilities, showers or sinks but does not contain a kitchen. The purpose of this Section is to establish regulations for the development of guest quarters as an approved accessory use to a primary residential unit based on the following criteria:
1. Regulations on guest quarters are established to prevent conversion of guest quarters into unpermitted living space to ensure that such structures are not used as separate dwelling units.
 2. Unpermitted conversion of guest quarters could result in effects detrimental to the public health, safety and welfare of the community, including but not limited to fire and life safety threats, adverse neighborhood parking, traffic congestion and noise impacts and creation of nuisances related to increased, unpermitted residential density without appropriate permit conditions and mitigations and the maintenance of unsafe or unsanitary permanent living quarters not permitted or intended to support primary residential uses.
- B. General requirements.** Upon meeting the requirements of this Section, guest quarters may be established in the LDR, MDR and MUX Zones, when the primary use on the site is a single-family dwelling and shall be subject to the following requirements. The Director, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
1. This Section does not apply to legally established accessory structures permitted prior to the effective date of this ordinance.
 2. Guest quarters shall conform to all applicable zoning regulations such as height, yards, parking, building coverage.
 3. Density and size. The structure must be consistent with density provisions and development standards of the underlying zone. For the purposes of calculating density in multi-family zones, guest quarters will be considered an additional bedroom, accessory to the primary unit. The structure may not exceed 450 square feet.
 4. Areas prohibited. Guest quarters shall not be allowed on non-conforming lots. Guest quarters shall not be established in any condominium or planned development project unless specifically addressed in the planned development ordinance as adopted or amended or any mobile home subdivision or trailer park.
 5. Owner occupancy. The property must be occupied by the property owner as the owner's primary place of residence. If a property can no longer be

occupied as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g. office, pool house, art studio) but can no longer be used as overnight sleeping quarters,

6. No separate rental. Guest quarters may not be rented separately from the primary dwelling unit.
7. No kitchen facilities. Kitchens may not be installed and plumbing shall be provided for bathroom use only.
8. Design review required. All requests shall be reviewed for consistency with the City's Design Review Manual.

18-19.340 Housing Developments

A. Purpose, intent and applicability. The purpose of this Section is to establish regulations related to the development of housing projects in compliance with Government Code Sections 65940 to 65950 regarding the review process for residential developments.

1. The City's Design procedure outlines the requirements for the ministerial review and approval of housing development (Chapter 18-33).
2. If the project constitutes an affordable housing development, it shall not be subject to discretionary review, including environmental review. Otherwise, the project shall be processed in accordance with the Housing Accountability Act of 2019 as amended, California Government Code Section 65940 (until the Act's expiration).
3. If the project is considered a "Streamline Housing Development project, the project shall be subject to the submittal of a complete application as required by California Government Code 65913.4 and shall comply with the objective design standards the City adopts by resolution of the City Council which are in accordance with California Government Code Section 66300 (b) (1) C) that limits design approval to objective criteria that involves no personal or subjective judgment.
4. The Community Development Department shall maintain a required checklist of information for submittal for a complete application in accordance with California Government Code Section 65940, this list shall be limited to only those items noted by law as being required.
5. In accordance with California Government Code Section 65905.5 the City may not conduct more than five public hearings on a housing development project if the project complies with objective general plan and zoning standards in effect at the time the application is deemed complete. Public hearings include workshops and reviews by the Planning Commission and/or City Council. They don't include legislative hearings to address

general or specific plan or zoning amendments that may be needed to accommodate the project.

19-19.345 Campgrounds and Recreational Vehicle Parks.

- A. Purpose and Intent.** These regulations address the particular operational characteristics of campground uses and recreational vehicle parks. The provisions set forth in this Section enable these uses in various zoning districts in the city subject to specific performance standards and permit requirements. It is the purpose and intent of this Chapter to provide for the orderly regulation of campgrounds and recreational vehicle parks in the City. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, smoke, and traffic conflicts. In order to protect and preserve public health, safety and welfare, these special regulations are necessary. These standards and requirements are intended to ensure that campgrounds and recreational vehicle parks will be compatible with surrounding uses. Refer to Section 18-20.030 regarding using a recreational vehicle as dwelling unit which is different from the uses outlined in this section.
- B. Permit Required.** The establishment of a campground and/or recreational vehicle park in various zone districts shall require a Conditional Use Permit from the Planning Commission as reflected in in Tables 4 and 5 of this Code in addition to the applicable Use Permit requirement.
- C. Performance Standards.**
1. **Access to Site.** Access to campgrounds or recreational vehicle parks shall be by means of a paved road with a minimum width of twenty-five (25) feet and two four-foot native shoulders, designed and constructed to county standards. A recorded legal easement not less than forty (40) feet wide shall be established from a city or county maintained road to the campground or recreational vehicle park.
 2. **Number of Spaces.** Two spaces per lot or campsite. Four spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall be provided at the park entrance for guest registration.
 3. **Screening Required.** Parking areas and campsites shall be screened from public roads, or roads that serve other properties.
 4. **Location of Parking.** When parking is proposed adjacent to roadways, the spaces shall be in addition to the required width of the roadway so as to not restrict traffic movement.
 5. **Public Improvements.** Improvements to a city or county road may be required along the frontage of the project. Off-site improvements may be required to provide safe and adequate access.

6. **Numbering.** Campsites shall be numbered, with the numbers visible on each campsite.
7. **Commercial Uses.** A campground or recreational vehicle park may contain commercial uses for the convenience of campers, provided that such uses shall not occupy more than five hundred (500) square feet for each fifty (50) spaces.
8. **Manager's Quarters.** Living quarters may be provided for the use of a caretaker or manager and employee housing.
9. **Density for RV Parks.** A maximum of fifteen (15) units per acre, or lower density as required by the approval body.

18-19.350 Safe Parking.

- A. **Purpose and Intent.** Safe parking provides homeless individuals and families with vehicles a safe place to temporarily park overnight in order to facilitate the transition to permanent housing. The provisions set forth in this Section enable safe parking in various zoning districts in the city subject to specific performance standards and permit requirements. It is the purpose and intent of this Chapter to provide for the orderly regulation for safe parking in the City. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts. In order to protect and preserve public health, safety and welfare these special regulations are necessary. These standards and requirements are intended to ensure that safe parking facilities will be compatible with surrounding uses and effective at facilitating participants' transition to permanent housing.
- B. **Permit Required.** The establishment of a safe parking use in various zone districts shall either require an administrative Use Permit from the Director or a Use Permit from the Planning Commission as reflected in in Table 4 of this Code. In addition to the applicable Use Permit requirement, review by the Design Review Committee may be required depending upon the type of changes proposed to the parking lot and any structures intended for use a safe parking facility.
- C. **Performance standards.** These standards apply to all safe parking uses.
 1. The use permit is subject to review at any time and may be revoked after a hearing by the original approval body (Director, Planning Commission, or City Council) and a finding is made by that body that the use has become detrimental to the surrounding neighborhood.
 2. The use/facility shall be managed by a qualified social service provider
 3. Participants must be paired with a case manager and enrolled in a self-sufficiency program to facilitate the transition to permanent housing.
 4. Prospective participants shall submit to a criminal history background check. Participant exclusion shall be determined by the social service

provider on a case-by-case basis

5. Restroom, water and trash facilities shall be provided, maintained and accessible to participants during safe parking facility hours.
6. Monitoring and oversight shall be provided by the social service provider during safe parking facility hours.
7. Social service provider shall give preference to those with proof of residency in Lake County for a minimum period of six months within the last two years. Evidence of residency may include, but not limited to, items such as rental agreements, mortgage, utility, hotel and medical facility bills, paystubs and intake from homeless service programs.
8. Participant vehicles shall maintain a minimum buffer of 50 feet from any property that contains a residential use. Buffers less than 50 feet may be permitted through the use permit application review process on a case-by-case basis when determined to be compatible with the neighborhood. Buffers greater than 50 feet may be necessary for neighborhood compatibility, which will be determined on a case-by-case basis as part of the Use Permit review process.
9. Social service provider shall ensure that only vehicles registered in the program are parked overnight during program hours. A parking permit shall be provided to all participants to be displayed in vehicle windows in a form to be approved by the Police Chief.
10. At all times, the social service provider shall maintain a roster of the names and vehicle license numbers of each participant who is authorized to park overnight.
11. A neighborhood relations plan shall be provided for each safe parking facility location to address any complaints in a timely manner, including consistency with any adopted Good Neighbor Policy.
12. Only participants who have entered into a written agreement with a social service provider shall be allowed to use parking spaces overnight. The written agreement between the social service provider and participant must include, but not limited to, the following terms and conditions:
 - a. Only one vehicle is allowed per participant.
 - b. At least one participant per vehicle shall possess a current driver's license, vehicle registration, and insurance for the vehicle that will be parked overnight. Social service provider shall keep a copy of all three on record.
 - c. Vehicles may only be occupied by participants and approved registered household members. Guests shall not be allowed.

- d. Participants shall not use or possess any illegal drugs or alcohol either on their person or in their vehicle.
- e. Participants shall not use or possess any weapons or firearms of any kind in program vehicles.
- f. No fires of any kind shall be permitted.
- g. No music may be played that is audible outside participants' vehicles.
- h. No cooking or food preparation shall be performed outside of the participants' vehicles. Cooking inside vehicles is prohibited unless the vehicle was manufactured with cooking appliances.
- i. Camping tarps or equipment beyond the participant's vehicle are prohibited.
- j. Participants shall maintain control of animals. Animals shall be kept on a leash at all times and animal waste shall be picked up immediately and disposed of properly.
- k. Participants shall not dump sewage or other waste fluids or solids, deposit excreta outside a vehicle, or park vehicles that leak excessive fluids (i.e. gasoline, transmission or radiator fluid, or engine oil).

18-19.353 Helicopter Facilities.

- A. Purpose and Intent.** Helicopter facilities provide necessary transportation for community services and public and private entities (refer to Definitions Section regarding Helicopter Facilities). The provisions set forth in this Section enable helicopter facilities in various zoning districts in the city subject to specific performance standards and permit requirements. It is the purpose and intent of this Chapter to provide for the orderly regulation for heliports in the City. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and air traffic conflicts. In order to protect and preserve public health, safety and welfare these special regulations are necessary.
- B. Helicopter Facilities Allowed:** As referenced in Table 6, helicopter facilities including heliports, helistops, hospital heliports, rooftop emergency heliports, temporary helicopter landings sites, and similar emergency use facilities are subject to a Use Permit from the Planning Commission as reflected in in Table 6 of this Code.
 - 1. A General Aviation permitted heliport;
 - 2. A hospital heliport;
 - 3. A rooftop emergency facility, with the authorization of the Fire Chief;

4. An emergency medical services helicopter landing site established in conformance with the state regulations and subject to approval by the Fire Chief/Marshall
5. A temporary helicopter landing site established in conformance with the state regulations and with the prior authorization of the Fire Chief;
6. An emergency use facility under the direction of the Fire Chief/Marshall.

C. Performance standards. These standards apply to helicopter facilities:

1. All terms and conditions of approval for the heliport or helistop required by the California Department of Transportation Division of Aeronautics, the Federal Aviation Administration, or any other state or federal agency are conditions of approval of the conditional use permit.
- 2.. Each use permit, if required, shall be conditioned on the owner and operator of the heliport or helistop complying at all times with the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations section 3525 et seq.), including the recommendations contained in the Federal Aviation Administration's Advisory Circular AC 150/5390-2C and all other ACs referenced by or incorporated into the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics.
3. General Aviation Heliports. General aviation heliports are subject to and shall be designed to conform with all applicable State regulations, including, but not limited to, AC 150/5390-2B Chapter 2.
4. On buildings supporting a helistop construction of the touchdown area shall be noncombustible. The surface of the touchdown and adjacent area shall be covered with an impervious and noncombustible material. Surfaces must be properly drained.
5. Hospital Heliports. Hospital heliports are subject to and shall be designed to conform with all applicable State regulations, including, but not limited to, AC 150/5390-2B Chapter 4.
6. Except as otherwise provided in this chapter, heliports shall be subject to and conform with the fire safety operational requirements for the protection of persons, aircraft, and other property contained in the National Fire Protection Association's Standard for Heliports (NFPA 418 (2001 ed.)) to the satisfaction of the fire chief.
7. No refueling or repairing is to be accomplished at an elevated helistop or rooftop emergency facility except in extreme emergency, and then only as approved by the fire chief.

8. Rooftop emergency facilities touchdown and lift-off area (TLOF) and any TLOF supporting structures of elevated heliports and rooftop emergency facilities shall be subject to and conform with the construction standards contained in the state regulations, including, but not limited to, AC 150/5390-2B Chapter 8.
9. The TLOF and any TLOF supporting structures of elevated heliports and rooftop emergency facilities shall be subject to and conform with the surface characteristics standards contained in the state regulations, including, but not limited to, AC 150/5390-2B Chapters 2 and 4.
10. Rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities are not heliports, and are allowed in any zone subject to compliance with all related performance standards of this Section.

18-19.360 Other Accessory Structures.

A. Purpose and intent. The purpose of this Section is to establish regulations for the development of accessory structures, other than accessory dwelling units and guest quarters, such as a garage, storage shed or shop, approved as an accessory use based on the following criteria:

1. Regulations on accessory structures are established to provide a distinction between non-habitable accessory structures (e.g. garage, storage shed, shop building) and accessory living spaces (e.g. accessory dwelling units, guest quarters, office, pool house, etc.). These regulations establish standards which prevent the conversion of accessory structures into unpermitted living space to ensure that such structures are not used as separate dwelling units.
2. Unpermitted conversion of accessory structures is detrimental to the public health, safety and welfare of the community.

B. General requirements – Accessory structures. “Accessory structures” are located upon the same site as the structure or use to which it is accessory. Acc shall be subject to the following requirements: The Director may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. Accessory structure use and size: Accessory structures may consist of detached structures or additions to primary structures. The use of an accessory structure is incidental and subordinate to the use of the principle structure or to the principle land use of the site.
2. This Section does not apply to legally established dwellings or accessory dwelling units and guest quarters.

3. This Section does not apply to legally established accessory structures permitted prior to the effective date of this ordinance.
4. Accessory structures shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc.
5. No kitchen facilities. Kitchens may not be installed and plumbing shall be provided for bathroom use only.
6. Design review required. All requests shall be reviewed for consistency with the City's Design Review Manual in accordance with Chapter 18-33. The Director shall determine, upon receiving a complete application, whether the project shall be forwarded to the Design Review Committee for review.
7. Owners agreement with the City. Prior to the issuance of construction permits, the Director may require a covenant agreement shall be recorded which discloses the structures approved floor plan and status as an "accessory structure" which cannot contain living space, including bathing facilities or a kitchen. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections and to allow the City upon reasonable time and notice, to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this Section and health and safety codes.

18-19.370 Other uses generally allowed.

- A. Purpose and intent.** The purpose of this Section is to establish regulations for the addressing uses not defined specifically in this ordinance, but that possess characteristics of unique and special form as to make their use acceptable in any district under certain specific conditions, compatible with the neighborhood. Conditions may be established through the use permit process by the Planning Commission to avoid life safety threats, adverse neighborhood parking, traffic congestion and noise/vibration impacts, characteristics and avoid the creation of nuisances.
- B. General requirements.** Uses not otherwise identified in this code, such as Section 18-18.010 of this Code, as determined by the Director may be allowed in any zone subject to a use permit from the Planning Commission as follows:
1. Airport, landing field, heliport.
 2. Geothermal development.
 3. Hospital, convalescent hospital, sanitarium.
 4. Cemetery, columbarium, crematory, mausoleum.

5. Marinas and similar facilities.
6. Community clubs, private clubs or fraternal organizations.
7. Churches, schools, colleges, except those that are exempt under this Code.
8. Country clubs and golf courses.
9. Utility and communication buildings unless specifically referenced in this Code.
10. Public and quasi-public uses of an administrative, public services or cultural type including special district, City, County, State or Federal facilities.

Chapter 18-20: Property Development Standards

Sections:

- 18-20.010 Applicability of other provisions.
- 18-20.020 Residential density and design.
- 18-20.030 Recreational vehicles as dwelling units.
- 18-20.040 Yards.
- 18-20.050 Coverage.
- 18-20.060 Height.
- 18-20.070 Fences, walls and hedges.
- 18-20.080 Location of pool and pool equipment.
- 18-20.090 Parking space requirements.
- 18-20.100 Parking and driveway design and exceptions.
- 18-20.110 Screening of outdoor sales and storage.
- 18-20.120 Night sky preservation.
- 18-20.130 Water efficient landscaping

18-20.010 Applicability of other provisions.

- A.** Development of property within the City may be subject to provisions of this code not contained in this Section or Chapter, including, but not limited to, the following:
 1. Building Codes and Regulations, Chapter 9
 2. Sanitation Regulations, Chapter 11
 3. Storm Water Management Ordinance, Chapter 14
 4. Floodplain Management Regulations, Chapter 17
 5. Environmental Review Guidelines, adopted by Council Resolution 2016-67
- B.** Where provisions of this Chapter conflict with provisions of other applicable laws, the more restrictive provision shall prevail.

18-20.020 Residential Density.**A. Determination of allowed development.**

1. “Density” is the number of dwellings per net acre, measured in density units. A dwelling unit, including single-family, studio apartment, one to four bedroom apartments, count as a density unit. Accessory and junior accessory dwelling units are not included when calculating density.
2. The following procedure shall be used to determine the maximum development allowed on a given lot or land area:
 - a. Determine the average cross-slope of the site. “Average cross-slope” is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which the slope is measured shall run essentially perpendicular to the contours.
 - i. Where a site does not slope uniformly, average cross-slope is to be determined by proportional weighting of the cross-slopes of uniformly sloping sub-areas, as determined by the Director.
 - ii. Cross-slope determinations shall be based on the existing topography of the net site area after subtracting the area for any future on-site grading necessary to accommodate proposed right-of-way improvements and other on-site improvements.
 - iii. Cross-slope shall be calculated only for the net area as defined in Sub-Section A2b below.
 - iv. When the calculation of cross slope results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
 - v. No slope-rated density reduction is required in the MUX, CD, GC and IN Zones.
 - vi. The maximum development allowed for each average cross-slope category is referenced in Table 12.

Table 12. Maximum Cross Slope Density						
Average Cross-Slope in %	Maximum Density Allowed (density units per net acre)					
	RR	LDR	MDR	HDR	MUX*, CD	C, IN
0-15	1	8	15	25	25	18
16-20	1	6	9	12	25	18
21-25	1	4	6	8	25	18
26+	1	2	3	4	25	18
<p>*In the MUX Zone, the maximum allowed density is 25 units per acre except when the underlying General Plan Land Use Designation for the property is less (such as Medium Density Residential, which is a maximum of 15 units per acre).</p> <p>Accessory and Junior Accessory dwellings shall not be included in maximum density requirements.</p>						

- b. Determine the Net Area of the Site. “Net area” is all the area within the property lines of the development site, excluding the following:
 - i. Street right-of-way dedicated and proposed to be dedicated to the City;
 - ii. Habitat occupied by species listed as “endangered” or “threatened” by the U.S. Fish and Wildlife Service or the California Fish and Wildlife Service or as “plants of highest priority” by the California Native Plant Society, unless the Director determines there is no “practical alternative;”
- c. Multiply the resulting area (in whole and fractional acres) by the maximum density allowed (in density units per acre) according to Table 12 of this Section.
- d. The resulting number (in density units, carried out to the nearest one-hundredth unit) will be the maximum residential development potential. Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential.

B. Density Transfer.

- 1. Development potential may be transferred within the area covered by a Planned Development (PD) Zone, in conformance with the requirements of Chapter 18-15.

2. Where a portion of a lot is within a zone or zones that allow residential use and the rest of the lot is in a O Zone and the portion within the O-P Zone is not large enough to allow one dwelling, the fractional dwelling unit potential from the O Zone may be transferred to the other portion of the lot, without planned development rezoning.
- C. Density averaging.** Where portions of a lot are within two or more different zones that allow different maximum densities and any portion is not of the size required for a lot in that zone, density may be averaged over the whole lot, with each portion contributing to the overall maximum development potential in proportion to its area and maximum allowed density.
- D. Density bonus for low-income and moderate-income housing.** Pursuant to California Government Code Section 65915, the City may negotiate a density bonus or other benefits in exchange for provision of housing affordable to households with low or moderate income, as defined in the Government Code and as stipulated in Chapter 18.31 (Density Bonus) of these regulations.
- E. Exceptions for dwellings rebuilt after involuntarily destroyed.** Residences in RR, LDR, MDR, HDR, CD, GC and MUX Zones, which have been involuntarily damaged or destroyed by fire, other catastrophic event or the public enemy by more than 50% of their pre-damaged value, may be rebuilt at the same density and up to the same size, under the following circumstances:
1. All construction must conform to current building codes, zoning regulations and architectural guidelines, except that the previously existing number of dwelling units and size of buildings will be allowed.
 2. A building permit for the replacement structure(s) must be obtained within 3 years of the date of the damage or destruction. This time limit may be extended by the Director on a case by case basis.
 3. Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the Director makes one of the following findings:
 - a. The reconstruction, restoration or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons living or working in the neighborhood.
 - b. The reconstruction, restoration or rebuilding will be detrimental or injurious to property and improvements in the neighborhood.
 - c. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.
 - d. There no longer exists a zone in which the existing nonconforming use is permitted.

18-20.040 Yards.

A. Definitions and purpose.

1. A “yard” is an area along a property line within which no structures, parking spaces or parking backup spaces may be located, except as otherwise provided in these regulations. Yards are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Yards are further intended to help provide landscape beauty, air circulation, views and exposure to sunlight for both natural illumination and use of solar energy.
2. These regulations provide for two types of yards:
 - a. “Street yard” means a yard fronting and/or adjacent to a local street or State highway. Frontages on Highway SR 53 are not street yards.
 - b. An “other yard” is any yard other than a street yard (i.e. side and rear yards).

B. Measurement of yards. Street yards shall be measured from the right of way line to the nearest point of the wall of any building. Other yards shall be measured from the property line to the nearest point of the wall of any building.

C. Yard standards.

1. Street yards shall comply with Table 13, as follows:

Table 13. Minimum Street Yards	
Zone	Minimum Street Yards
RR	20 feet
LDR	20 feet
MDR	15 feet
HDR	15 feet
MUX	As provided in zone of adjacent lot*
CD	As provided in zone of adjacent lot*
GC	As provided in zone of adjacent lot*
IN	As provided in zone of adjacent lot*
O	20 feet

Table 13. Minimum Street Yards	
Zone	Minimum Street Yards
Notes: * If the zone of adjacent lot does not have its own standard, no street yard is required. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest yard shall be required.	

2. Other yards shall comply with Tables 14, 15, 16 and 17 as follows:

Table 14. Minimum Other Yards In RR, LDR, MDR, and HDR Zones	
Rear Yard	Side Yard
10'	5'
Except for accessory and junior accessory dwellings in accordance with Section 18-19.320	

Table 15. Minimum Other Yards In MUX, GC, CD, O and IN Zones	
Zone	Minimum Other Yard
MUX	As provided in zone of adjacent lot *
GC	As provided in zone of adjacent lot *
IN	As provided in zone of adjacent lot *

3. Yards with City-required landscape plans and storm water facilities shall be landscaped and maintained in accordance with approved plans.

D. What may and may not occupy yards.

1. Prohibited encroachments. Table 16 summarizes what may not occupy yards.

Table 16. Prohibited Encroachments within Yards	
Description	Prohibited Encroachments
A. Intersection visibility	At the intersections not controlled by a stop sign or traffic signal, no plant, structure or other solid object over 3 feet high which would obstruct visibility may be located within the area indicated in Figure 1. At controlled intersections, the Public Works Director may determine visibility requirements for proper sight distance.
B. Front yard paving (See Figure 2)	No more than 50% of any residential front yard (see definition of "front yard"), no covered by concrete or any other impervious material, including driveways, landscape features (see Table 18 (F) for exceptions).

<p>C. Vehicles parked in front Yard areas of residential lots (See Figure 3)</p>	<p>Vehicles may only be parked in areas within the driveways leading to garage parking or other approved parking spaces allowed in accordance with the City's Parking and Driveway Standards. Vehicle parking on pavement or other surfaces outside the driveway area that does not meet the definition of Figure 3 shall be prohibited. Vehicles may be parked in tandem (one behind another) provided there is sufficient space that no part of the vehicle overhangs the property line or sidewalk.</p>

Figure 1.

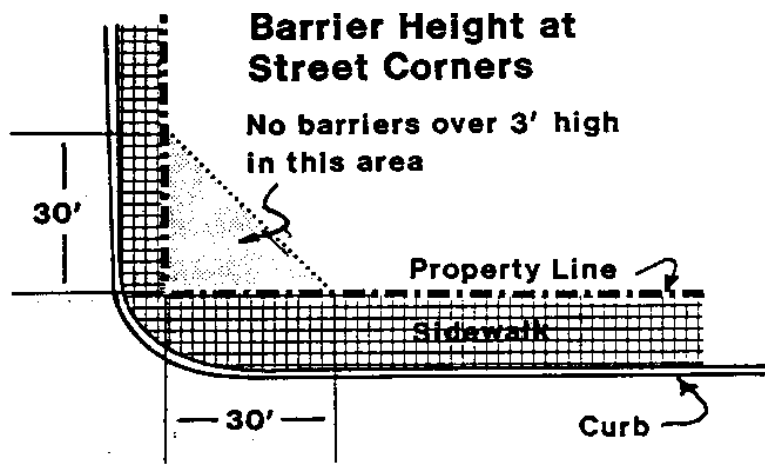


Figure 2.

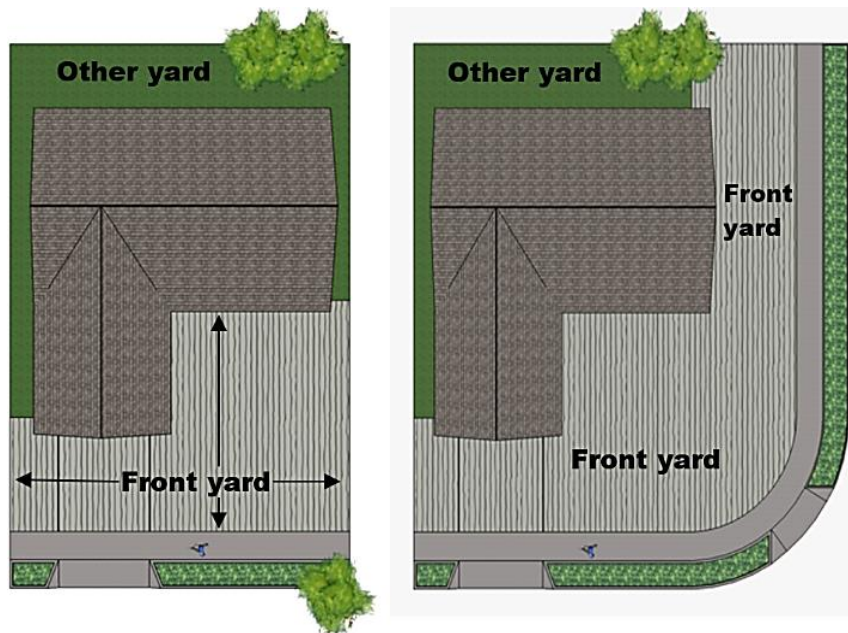


Figure 3.

Examples of allowed front yard parking for typical two-car garage and side loaded two-car garage. Vehicles are parked in driveway within area leading to approved parking in garage.



2. Allowed encroachments. Table 17 summarizes what may occupy yards. Upon approval of an administrative use permit or in conjunction with tandem parking approval, the Director may reductions in yard standards as provided for in Table 18.

Table 17. What May Occupy Yards			
Location / Projection	Permitted Encroachments		
	(A) Into Yard	(B) From Lot Line	(C) Into Right-of-Way
All Yards			
A. Awnings without supports that extend to ground, not less than 8 feet above sidewalk, and no interference with traffic flow	To the lot line	Generally, 2 ft.; 0 ft. in CD	Generally, not permitted; 10 ft. in CD over a sidewalk or pedestrian area or on sites with frontage along the downtown fringe streets, but not closer than 5 ft. from back of curb. ¹
B. Steps, 4 feet or less above grade, which are necessary for access to a building, or for access to a lot from a street or alley	Permitted as necessary for pedestrian access	Permitted as necessary for pedestrian access	Permitted as necessary for pedestrian access; shall not interfere with vehicular traffic
C. Chimneys	2 ft.	-	Not permitted
D. Arbors and trellises	-	5 ft.	Not permitted

E. Flagpoles	-	5 ft.	Not permitted
F. Fences, walls and hedges. Fences, walls and hedges may occupy yards to the extent provided in Section 18-20.070.	-	-	Not permitted
G. Signs in conformance with the Sign Regulations in Chapter 18-21 may occupy yards to the extent provided in those regulations.	-	-	Overhangs per Chapter 18-27
H. Trash enclosures which have been approved by the Director or Design Review Committee.	-	-	No part of the enclosure is less than 3 feet from any right of way.
I. Unenclosed vehicle parking and loading spaces in conformance with Section 18-20.100. Unenclosed. J. Tandem Parking Spaces. Except for accessory and junior accessory dwelling units where tandem parking is allowed by right tandem parking for single family dwellings may be approved by the Director when determined to be safe and compatible with the surrounding neighborhood (see Section 18-20.100 B-2.	-	-	Not permitted
K. On corner lots in the RR, and LDR Zones, the street yard along the lot frontage having the longer dimension shall be not less than 10 feet, as in Figure 4 (unless Subsections L and M below applies).	-	-	Not permitted
L. Street yards on corner lots where each corner lot has its longer frontage along the cross street. In the LDR and MDR Zones, when each corner lot on a cross street has its longer frontage along the cross street, as in Figure 5, the street yard along the longest frontage shall be not less than 10 feet (unless Subsection K or M applies).	-	-	Not permitted
M. Street yard averaging (developed areas). Where these regulations require street yards and where buildings have been erected on at least one half of the lots in a block as of the effective date of the regulations codified in this Section, the minimum required street yard shall be the average of the street yards of the developed	-	-	Not permitted

lots, but in no case less than 10 feet nor more than would otherwise be required.			
N. Discretionary Exceptions. Upon approval of an administrative use permit the Director may approve reductions in yard standards as provided for in Table 18.	-	-	-
Front Yard			
O. Overhanging eaves and gutters	2.5 ft.	-	Generally, not permitted; permitted in CD or on sites with frontage along downtown streets but shall not interfere with vehicular traffic in the roadway or with pedestrian traffic along the sidewalk
P. Outdoor dining area in conjunction with an existing restaurant	To the lot line in CD and along downtown streets	0 ft. in CD and along downtown streets	Generally, not permitted; 10 ft. in CD over a sidewalk or pedestrian area and along downtown streets, but not closer than 5 ft. from back of curb
Q. Patios or decks, provided that decks are not more than 6 feet above grade	15 ft.	5 ft.	Not permitted
Side Yard			
R. Overhanging eaves and gutters	2 ft.	1 ft.	Generally, not permitted; 5 ft. in CD or on sites with frontage along downtown streets over a sidewalk or pedestrian area and along the downtown fringe streets, but not closer than 5 ft. from back of curb
S. Air conditioning units	6 ft. if screened from view by a fence, wall, or hedge that is one foot taller than the equipment	2.5 ft.	Not permitted
T. Decks, less than six feet above grade	-	3 ft.; 0 ft. if located adjacent to	Not permitted

		permanent open space	
U. Decks, six feet or more above grade	Generally, 6 ft.; 0 ft. in CD and on sites with frontage along downtown streets	Generally, 2 ft.; 0 ft. in CD	Not permitted
Rear Yard			
V. Overhanging eaves and gutters	2.5 ft.	1 ft.	Generally, not permitted; 5 ft. in CD or on sites with frontage along downtown streets over a sidewalk or pedestrian area and along the downtown fringe streets, but not closer than 5 ft. from back of curb
W. Air Conditioning Units	6 ft. if screened from view by a fence, wall, or hedge that is one foot taller than the equipment	5 ft.	Not permitted
X. Decks, less than six feet above grade	-	10 ft.	Not permitted
Y. Decks, six feet or more above grade	15'	5 ft.; 0 ft. if located adjacent to permanent open space	Not permitted

Notes: Right-of-Way Encroachment Permit Required. If a structure/encroachment or portion thereof is permitted to project into the right-of-way in this Section, then a right-of-way encroachment permit as provided in the City of Clearlake Municipal Code, shall be required prior to installation of the projection.

Figure 4.

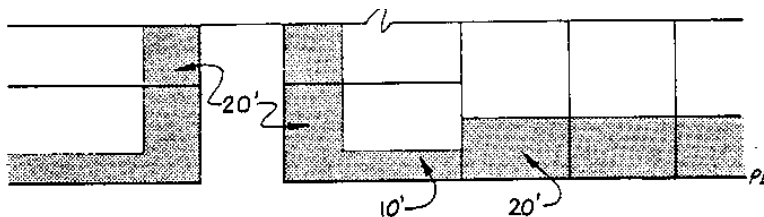
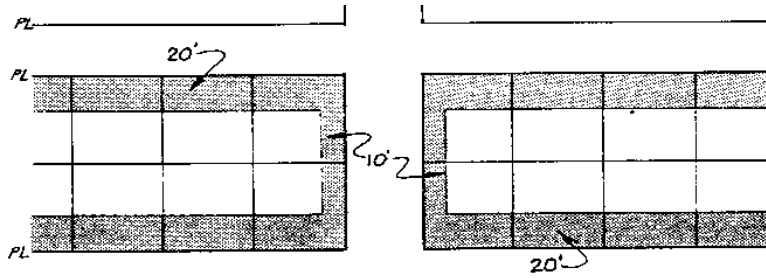


Figure 5.



3. Discretionary encroachments: Upon approval of an administrative use permit or in conjunction with tandem parking approval, the Director may reductions in yard standards as provided for in Table 17.

Table 18. Discretionary Exceptions to What May Occupy Yards	
Description	Permitted Encroachments
A. Reduced street yards	Street yards may be reduced to 10-feet for structures including carports. Reductions may be approved for garages when the driveway is long enough to accommodate a parked car that doesn't overhang the sidewalk (18 feet minimum).
B. Variable street yards in new subdivisions	In new residential subdivisions, the entity approving the subdivision may approve variable street yards, to be noted on the approved map, provided the average of the yards on a block is at least 15 feet and no yard is less than 10 feet. Garages or carports which back directly onto the public right-of-way shall maintain a minimum setback so that a parked car doesn't overhang the sidewalk (18 feet).
C. Variable other than street yards in new subdivisions	In new residential subdivisions, the entity approving the subdivision map may approve exceptions to the other yard standards, with the exceptions to be noted on the map, provided a separation of at least 10 feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by alternative yard requirements or private
D. Other yard variations in previously subdivided areas.	Other yards may be reduced to zero under either of the following circumstances: i. When there exists adequate recorded agreement running with the land to maintain at least 10 feet of separation between buildings on adjacent parcels; or ii. When the reduction is for either a minor addition to an existing legal structure which is non-conforming with regard to yard requirements or for a detached single-story accessory structure provided that the Director makes the following findings:

	<p>iii. In the case of a minor addition, that the minor addition is a logical extension of the existing non-conforming structure;</p> <p>iv. In the case of a detached single-story accessory structure, that the accessory structure is consistent with the traditional development pattern of the neighborhood and will have a greater street yard setback than the main structure;</p> <p>v. That adjacent affected properties will not be deprived of reasonable solar exposure;</p> <p>vi. That no useful purpose would be realized by requiring the full yard;</p> <p>vii. That no significant fire protection, emergency access, privacy or security impacts are likely from the addition; and</p> <p>viii. That it is impractical to obtain a 10 foot separation easement pursuant to Subsection i above.</p> <p>All such minor additions and new accessory structures shall comply with applicable provisions of the City’s adopted Building Code.</p>
<p>E. Other yard exceptions</p>	<p>Except for accessory and junior accessory dwellings exceptions may be provided to the standards referenced in Tables 14, 15, 16 and 17. Such exceptions may be granted in any of the following and similar circumstances, but in no case shall exceptions be granted for less than the minimum yard required:</p> <p>i. When the property that will be shaded by the excepted development will not be developed or will not be deprived of reasonable solar exposure, considering its topography and zoning;</p> <p>ii. When the exception is of a minor nature, involving an insignificant portion of total available solar exposure;</p> <p>iii. When the properties at issue are within an area where use of solar energy is generally infeasible because of landform shading;</p> <p>iv. When adequate recorded agreement running with the land exists to protect established solar collectors and probable collector locations;</p> <p>v. When the property to be shaded is a street.</p> <p>vi. Where no significant fire protection, emergency access, privacy or security impacts are likely to result from the exception.</p>
<p>F. Front yard paving of more than 50% in residential front yards (see Table 16, Section B)</p>	<p>Exceptions to this requirement may be approved subject to appropriate conditions and upon finding that:</p> <p>1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;</p> <p>2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and</p>

	3. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property.
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18-20.050 Coverage.

A. Definition. "Coverage" means the area of a lot covered by the footprint of all structures, as well as decks, balconies, porches and similar architectural features, expressed as a percentage of the total lot area. Uncovered decks or porches which are 30 inches or less from the ground shall not be included in the determination of coverage. (See Figures 6 and 7).

Figure 6.

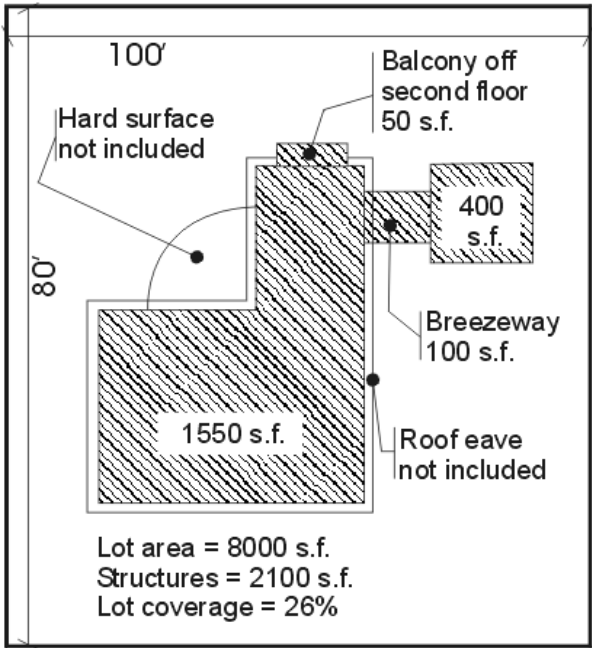
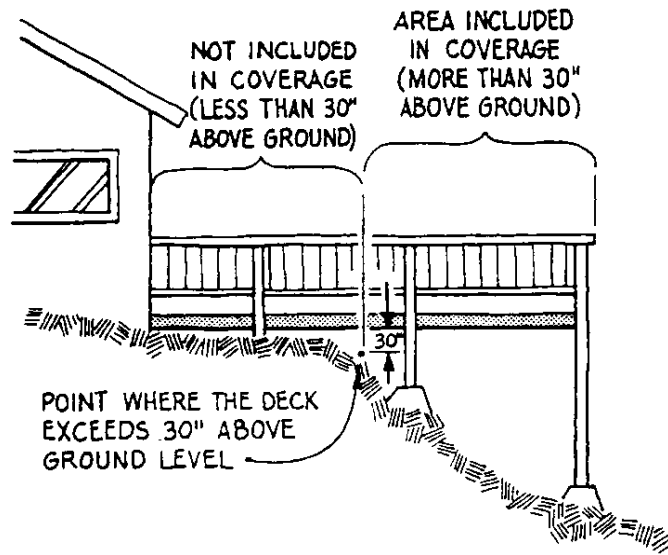


Figure 7.

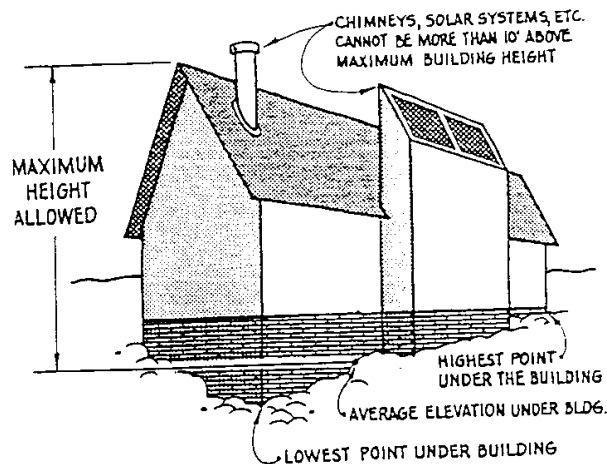


- B. Application and exception.** Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapter 18-20 inclusive, except that the Planning Commission may grant exceptions to maximum coverage for public assembly and institutional uses, in any zone, subject to approval of a use permit.

18-20.060 Height.

- A.** The height of a building is the vertical distance from the average level of the ground under the building to the topmost point of the roof, including parapets. The average level of the ground is determined by adding the elevation of the lowest point of the part of the lot covered by the building to the elevation of the highest point of the part of the lot covered by the building and dividing by two. (See Figure 8) Height measurements shall be based on existing topography of the site, before grading for proposed on-site improvements.

Figure 8.



- B. Maximum building height shall be provided by zoning district in accordance with Table 19, as follows:

Table 19. Maximum Height by Zone	
Zone	Maximum Height
RR and LDR	35 ft. (up to 45 feet with approval of an administrative use permit)
MDR	35 feet
HDR	35 feet
MUX	35 feet
CD	35 feet (maximum 25 feet on lake side of Lakeshore Drive)
GC	45 feet (maximum 25 feet on lake side of Lakeshore Drive)
IN	35 feet

- C. Components of solar energy systems, chimneys, elevator towers, screening for mechanical equipment that is not integral with building parapets, vents, antennae and steeples shall extend not more than 10 feet above the maximum building height.
- D. Commercial and governmental agency antennae may exceed the height limits for the zone in which they are located if such an exception is approved by the Director.
- E. Any other exception to the height limits requires approval of a variance as provided in Chapter 18-29.
- F. For height limits of signs, see Chapter 18-21.

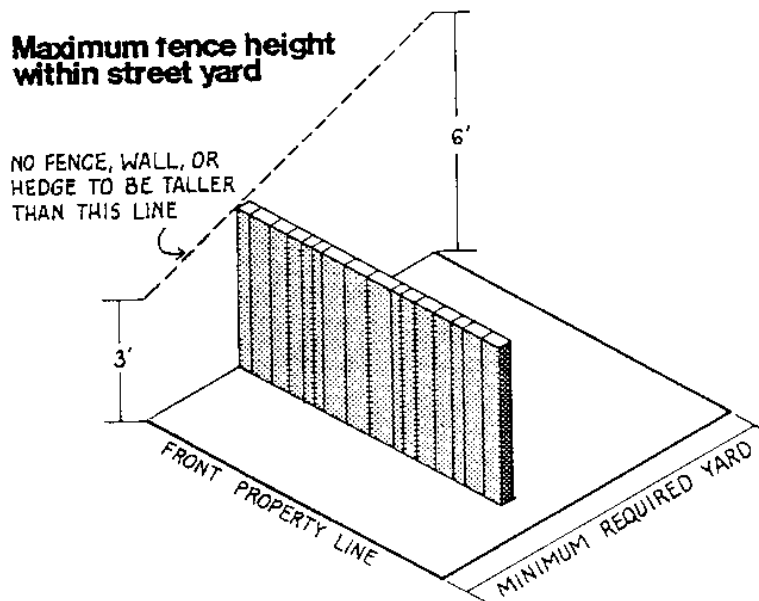
18-20.070 Fences, Walls, Trash Enclosures and Hedges.

A. Purpose and application.

1. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, contain trash and recyclables, and to ensure the provision of adequate light, air and public safety.
2. These regulations apply to any type of visible or tangible obstruction which has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to: any type of artificially constructed barriers of wood, metal or concrete posts connected by boards, rails, panels, wire or mesh and any type of natural growth such as hedges and screen plantings. **Refer to the City’s Fencing Design Standards which are adopted by separate resolution by the City. City Council.**

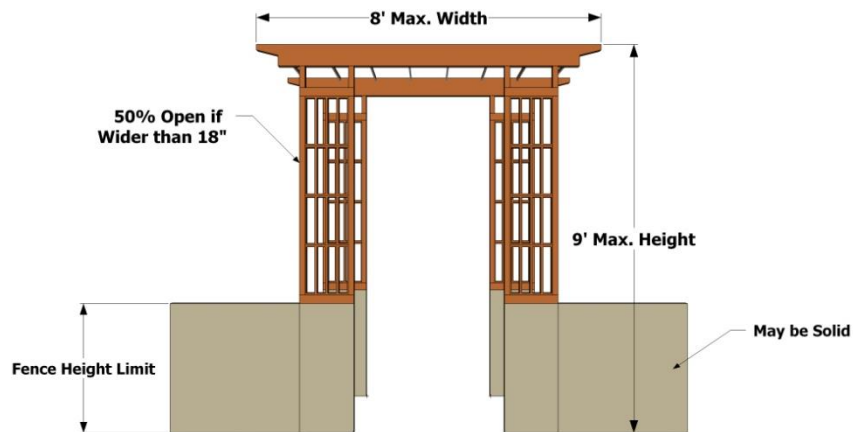
B. Fences, walls or hedges may be placed within required yards, provided:

1. The maximum height in any street yard shall be as shown in Figure 9.
2. The maximum height in any other yard shall be 6 feet.
3. Arbors, trellises and other lightweight ornamental landscape elements are allowed within a required yard, subject to the same height limits that apply to fences and hedges.

Figure 9

1. **Fences or walls may be placed outside required yards, provided:** The maximum height is 8 feet.
2. Arbors, trellises and other ornamental features are allowed within a required yard, subject to the same height limits that apply to fences and hedges except as provided below;
3. Arbors. Up to one such feature per street frontage may be allowed with a maximum height of 9 feet and an area of not more than 40 square feet as measured by the perimeter formed by the vertical projection to the ground of the outermost elements of the feature and no horizontal dimension shall exceed 8 feet in length. Any portion of such a feature wider than 18 inches and that exceeds the usual fence height requirements of this Section shall be of an open design such that a person standing on the adjacent public right-of-way can see completely through at least 50% of the structure to the depth of the required street yard (Figure 10). Such features within required yards shall not be connected to a building and shall comply with intersection visibility requirements in Figure 4.

Figure 10.



4. Decorative pilasters, statuary, flower pots and similar ornamental elements attached to or incorporated into the design of conforming fences or walls may exceed the required height limit up to 18 inches provided that the decorative element is not wider than 18 inches and that such elements are used to define a gateway or other entryway or are otherwise at least 4 feet apart.

C. Fence height. Fence height is measured from the adjacent grade along the lower side of the wall or fence, directly at the base of the wall or fence.

D. Measurement of height where fences or walls are located on retaining walls.

1. Where fences or walls are located on front yard retaining walls, the height of the retaining wall shall be considered as part of the overall height of the fence or wall. Walls or fences must have a minimum spacing of 5 feet to be considered separate structures for purposes of measuring overall height.
2. Where fences are located on a berm or mound the height of fence shall include the berm or mound directly beneath the fence and above natural grade in the overall height measurement.
3. Where fences are located on retaining walls within other yards(excluding front yards), fences not to exceed 6 feet as measured from the uphill side may be erected or replaced on top of the retaining walls provided no modification of grade has occurred from the original subdivision improvements and/or design approvals. A building permit is required for the combined fence and retaining wall height that exceed 6 feet and if there is evidence that a modification to the grade has occurred from the original subdivision/design approvals the height must be authorized through a fence height exception.

- E. Exceptions.** The Director may grant exceptions to these standards subject to a finding that no public purpose would be served by strict compliance with these standards.
- F. Public notice required.** A public notice shall be posted at the site of each proposed fence height exception. If anyone informs the Community Development Department of a reasonable objection concerning the proposed fence height exception within 5 days of the posting, the Director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the Community Development Department within 5 days after posting, the Director may issue a letter of approval upon submission of all required information and without further notice or public hearing.
- G. Fence design standards.** Fencing design and installation shall comply with the requirements of the City's Fencing Design Standards adopted by Council resolution.
- H. Trash/Recycling enclosure requirements and standards.** Trash and/or recycling enclosures shall be provided, designed and installed in accordance with the City's Trash and Recycling Enclosure Design Standards adopted by Council resolution.

18-20.080 Location of pool and pool equipment.

- A.** A swimming pool shall not be located in a required front or side yard unless an administrative use permit is approved by the Director.
- B.** A swimming pool shall not be located within 5 feet of a property line.
- C.** Pool equipment shall not be located in a required front yard. To minimize the potential impact of noise, equipment shall be located not less than 10 feet from any window or other opening into a dwelling or other habitable building on an adjacent property.
- D.** Pool equipment shall be enclosed or screened from street and adjoining property view.

18-20.090 Parking space requirements.

- A. Intent.** This Section is intended to ensure provision of adequate off-street parking, considering the demands likely to result from various uses, combinations of uses and settings. It is the City's intent, where possible, to consolidate parking and to minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities. Varying standards apply to the downtown area in accordance with Section 18-20.090 (H).

B. Parking and Driveway Design and Exceptions.

1. Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by Council resolution.
2. The Director may grant exceptions to the standards subject to appropriate conditions and upon finding that:
 - a. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;
 - b. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and
 - c. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property.

C. Shared parking reduction. Where two or more uses share common parking areas, the total number of parking spaces required may be reduced by up to 10%, with approval of an administrative use permit. Where shared parking is located on more than one parcel, affected parties must record an agreement governing the shared parking, to the satisfaction of the Director.

D. Mixed-use parking reduction. By approving an administrative use permit, the Director may reduce the parking requirement for projects sharing parking by up to 20%, in addition to the shared parking reduction, for a total maximum parking reduction of 30%, upon finding that the times of maximum parking demand from various uses will not coincide.

E. Automobile trip reduction. By approving an administrative use permit, the Director may reduce the parking requirement for projects implementing non-auto travel, particularly for commuting, when it can be demonstrated that reduction of on-site parking will be safe and will not be detrimental to the surrounding area or cause a decline in quality of life. The applicant shall provide reasonable justification for the reduction, including innovative project design, transportation demand management (TDM) or incentives, which will reduce single-occupant vehicle travel to and from the site. These may include, but are not limited to programs such as carsharing, employer-paid transit passes (i.e. trip reduction incentive plans) or off-peak work hours.

F. Off-site parking. The Director may, by approving an administrative use permit, allow some or all of the required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed or within commercial or industrial zones. It shall be within 300 feet of the use and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use.

G. Bicycle and motorcycle spaces. Each use or development, which requires 10 or more spaces, shall provide facilities for parking bicycles and motorcycles as follows:

1. **Motorcycle spaces.** Parking for motorcycles shall be provided at the rate of one space for each 20 car spaces. Projects that provide more motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five motorcycle spaces, up to a 10% reduction, subject to the approval of the Director.
2. **Bicycle spaces.** Parking for bicycles shall be provided in accordance with Table 17. All bicycle spaces shall be located at the ground floor level. Additional City standards and guidelines for bicycle parking can be found in the City’s Parking Standards and Design Review Manual. Projects which provide more bicycle and/or motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five bicycle spaces, up to a 10% reduction, subject to the approval of the Director. All bicycle parking that exceeds the required number of spaces shall be apportioned between short-term and long-term bicycle spaces as stipulated by Table 20.

Table 20. Bicycle Parking Space Requirements	
Zone	Number of bicycle spaces as a percentage of required auto spaces ^{a b}
MDR, HDR, MUX	5%
CD, GC, IN	15%
Notes:	
a. All parking shall be provided on site.	
b. Requirements apply to uses that require 10 or more vehicle parking spaces. When less than ½ space is calculated, 1 space is required.	

H. Downtown area: Within the Downtown-Commercial (CD) Zone the following parking standards and incentives shall apply

1. Parking space reductions noted in items B through E above shall not be applicable in the CD Zone, as the reduced parking rates established herein are intended to provide flexibility in meeting parking requirements and rely on the consolidation of parking.
2. Restaurants, sandwich shops, take-out food, bars, taverns, night clubs, other food service or entertainment establishments, theaters, auditoriums, convention halls and churches: One-half that required in Table 23; provided, however, that in no case the requirement shall exceed one space per 350 square feet gross floor area.

3. Dwellings, motels, hotels and bed and breakfast inns: One-half that required in Table 21. In order to support and encourage residential uses in the CD Zone, additional options for meeting parking requirements for residential uses are available as listed in Subsection 7 below.
4. All other uses: One space per 500 square feet gross floor area.
5. In determining the total number of required spaces, all fractions shall be rounded to the nearest whole number. Fractions of one-half or greater shall be rounded to one; fractions less than one-half shall be rounded to zero.
6. For existing buildings, only the parking needed for additions thereto or for changes in occupancy which increase parking requirement relative to prior uses shall be required.
7. The parking space requirement may be met by:
 - a. Providing the required spaces on the site occupied by the use;
 - b. The Director may, by approving an administrative use permit, allow some or all of the parking to be located on a site different from the use. Such off-site parking shall not be within a residential zone. It shall be within reasonable walking distance and no greater than 500 feet of the use and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use.
 - c. Participating in a commonly held and maintained off-site parking lot where other businesses maintain their required spaces; Participating in a parking district that provides parking spaces through a fee or assessment program.
 - d. Participating in an in-lieu fee program as may be established by the City Council. Any parking agreement approved prior to adoption of the parking standards contained in subsections (1) through (3) of this Section may be adjusted to conform with those standards, subject to approval by the Director and City Attorney;
 - e. In order to facilitate housing development in the downtown, the Director may reduce the parking requirement for any residential element of a project in the CD district by 10% or one space, whichever is greater. In allowing this reduction, the Director may require a vehicle trip reduction plan be submitted for approval and such other conditions deemed necessary to reduce parking demand. Requests for parking reductions greater than 10% shall be reviewed by the Planning Commission and shall require a use permit. In granting such additional reduction, the Commission must find that the increased demand for parking in the Downtown resulting from the

project is not significant due to such considerations as the project's design, location, size or other features. The Commission may require a trip reduction plan and other conditions deemed necessary to reduce parking demand.

I. Requirements by type of use.

1. Except as otherwise provided in these regulations, for every structure erected or enlarged and for any land or structure devoted to a new use requiring more spaces according to the schedule set out in this subsection, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided.
2. The right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers.
3. Parking, in addition to these requirements, may be required as a condition of use permit approval.

J. Uses not listed. The Director shall determine the parking requirement for uses which are not listed. His/her determination shall be based on similarity to listed uses and may be appealed to the Planning Commission.

K. Parking calculations.

1. The parking requirement is based on the gross floor area of the entire use, unless stated otherwise.
2. When the calculation of required parking results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
3. Where there has been a reduction in required parking, all resulting spaces must be available for common use and not exclusively assigned to any individual use. In mixed-use projects, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.

L. Tandem parking.

1. For residential uses (when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) subject to approval of the Director. Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern. Tandem parking shall not be used to provide for the conversion of garage spaces. However, tandem parking is allowed by right for accessory and junior accessory units which may not be denied by the Director.
2. Hotel and Restaurant Projects (New and Existing). Tandem parking may be used for hotel and restaurant development in the CD Zone where parking service is provided, subject to the approval of a Parking Management Plan by the Director and Public Works Director. A Parking Management Plan is a document that outlines how site parking will be regulated and includes provisions to reduce parking demand, including but not limited to, availability of transit in close proximity, access to a car share program and access to information regarding alternative transportation programs.
3. Tandem parking may be considered in commercial office development if all of the following requirements are satisfied:
 - a. With review of the location and design by the Design Review Committee, where adequate maneuverability and access arrangements are provided; and
 - b. When the tandem spaces are set aside for the exclusive use of on-site employees; and
 - c. Where the total number of tandem spaces does not exceed 30% of the total parking provided for projects that require 10 vehicle parking spaces or less and 15% of the total parking provided for projects that require 11 or more vehicle parking spaces; and
 - d. With the approval of a Parking Management Plan by the Director and Public Works Director to ensure that proper management and oversight of the use of the proposed tandem spaces will occur.
4. For existing office development where there is a desire to upgrade or modify the parking layout to increase efficiency or better meet standards and review by the Design Review Committee would not be required, the approval of new tandem parking spaces would require the approval of an administrative use permit, where adequate maneuverability and access arrangements are provided.

- M. Senior or Elderly housing parking.** Housing occupied exclusively by persons aged 62 or older may provide one-half space per dwelling unit or one space per four occupants of a group quarters.
- N. Low-income housing parking.** Housing occupied exclusively by very low or low-income households, as defined by the State, may provide for reduced parking requirements of one car and one bicycle space per dwelling unit.
- O. Additions and changes in use for existing uses or structures which do not meet current parking standards.**
1. Minor additions. Minor additions to existing legal structures or uses, which are non-conforming because they do not meet current parking standards, may be permitted if they meet the following requirements:
 - a. The parking spaces required for the addition are provided in conformance with this Chapter, in addition to all parking spaces already provided for the existing use or structure; and
 - b. All existing parking shall be in substantial compliance with parking and driveway standards; and
 - c. The addition is not more than 25% of the existing gross floor area or 1000 square feet, whichever is greater; and
 - d. For residential projects, at least one legally conforming space is provided for each existing unit **except that in accordance with California Government Code Section 65863.3. (a) additional parking may not be required by the City for remodels, renovations, and/or additions to single-family units.**
 2. Larger additions. Existing legal structures or uses which are non-conforming because they do not meet current parking standards may be expanded more than 25% of the existing gross floor area or 1,000 square feet, subject to the following:
 - a. All existing parking shall be in substantial compliance with parking and driveway standards; and
 - b. All required parking for the existing use or structure plus that required for the addition is provided; or an administrative use permit is obtained and parking is provided pursuant to Table 21:

Table 21. Parking Requirements for Larger Building Additions		
Increase in Gross Floor Area	Parking for Addition in Existing Lot	Parking Provided for Existing Use or Structure is at Least:
25 - 49%	100%	50%
50-74%	100%	75%
>75%	100%	100%
Notes: For residential projects, at least one legally conforming space is provided for each existing unit, in addition to all parking required for the addition itself.		

3. Use changes. Changes in use, which increase the total parking demand from existing legal uses which are non-conforming because they do not meet current parking requirements, may be permitted so long as the number of spaces equal to the difference between the number required by the previous use and the number required by the new use is provided, in addition to all spaces already provided for the previous use.

P. Electrical Charging Stations. Electric charging stations for vehicles shall be provided in accordance with the City’s Building Codes as adopted.

Q. Required parking for residential uses. The parking requirements for residential uses are set out in Table 21, Required Parking for Residential Uses.

Table 22 - Required Parking for Residential Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Accessory and Junior Accessory Dwelling Units	Refer to Section 18-20.100 B-2 of this Chapter	N/A
Single-Family Detached	2 covered spaces / dwelling unit except for AV Zone which requires two spaces one of which must be covered. Relaxation of this requirement is provided for accessory and junior accessory dwellings, senior housing, and other types of housing in accordance with State Law.	N/A
Single-Family Attached	2 spaces / dwelling unit. Relaxation of this requirement is provided for accessory and junior accessory dwellings senior, low income housing,	N/A

Table 22 - Required Parking for Residential Uses

Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
	and other types of housing in accordance with State Law .	
Multiplex and Multifamily	<p>Spaces per the bedroom configuration:</p> <p>1.5 spaces for 1 and 2 bedroom units</p> <p>2 spaces for 3 to 4 bedroom units</p> <p>2.5 spaces for 4 plus bedroom units</p> <p>In addition to the following:</p> <p>0.5 spaces for Guest space/dwelling unit</p> <p>1 space for Recreational vehicle per five (5) dwelling units as may be required by Director or Planning Commission.</p> <p>Parking requirements of no more than one space per dwelling for multi-family development that comply with low-income criteria of the State's housing code</p> <p>Additional relaxation of this standard is proved for accessory and junior accessory units senior housing, and other types of housing in accordance with State Law.</p>	N/A
Manufactured Home (outside manufactured home park or subdivision)	Same as for Single-Family Detached	N/A
Manufactured Home (inside manufactured home park or subdivision)	2 spaces per dwelling unit + 1 guest space per 4 dwelling units. Relaxation of this standard is provided for accessory and junior accessory dwelling units senior housing, and other types of housing in accordance with State Law.	N/A
Senior Independent Living Center	1 space per dwelling unit or as provided by State Law.	N/A
Emergency Shelters and Warming Shelters	1.5 spaces per employee during maximum occupancy at shelter.	1 space per shared kitchen facility; not required if kitchen facilities are not shared. In accordance with Government Code Section 65583 (a)(4) sufficient parking shall be provided to accommodate all staff

Table 22 - Required Parking for Residential Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
		working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

R. **Required parking for institutional uses.** The parking requirements for institutional uses are set out in Table 22, Required Parking and Loading for Institutional Uses.

Table 22. Required Parking and Loading for Institutional Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Cemetery	Greater of: Sum of 1 space per 100 sf. of indoor assembly space + 3 spaces per 1,000 sf. of office floor area; or 20 spaces per acre of grave sites	1 space per building with a floor area of 50,000 sf. or greater
College / University / Vocational Technical schools	1 space per 200 sf. of floor area (except auditoriums, theaters, gymnasiums and stadiums) + 1/3 space per person times the capacity (persons) of auditoriums, theaters, gymnasiums and stadiums	1 space per building with a floor area of 50,000 sf. or greater
Hospitals	1 space per 2 beds + parking required for medical offices for out-patient serving areas	1 space per building with a floor area of 50,000 sf. or greater
Institutional Residential	1 space per 3 beds or as provided by State Law.	1 space per 30 beds
Place of Public Assembly: Adult Day Care	1 space per 300 sf.	N/A
Places of Public Assembly including Day Care / Preschool	1 space per 100 sf. or Special Parking Study by Licensed Traffic Engineer or as required by Director	N/A
Places of Public Assembly: Elementary School	3 spaces per classroom or as provided in accordance with State Law.	1 space per 40,000 sf.

Table 22. Required Parking and Loading for Institutional Uses

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Places of Public Assembly: Middle School	4 spaces per classroom or as provided in accordance with State Law.	1 space per 40,000 sf.
Places of Public Assembly: High School	Special Study by Licensed Traffic Engineer or as required by Director or as provided in accordance with State Law.	1 space per building with a floor area of 50,000 sf. or greater
Places of Public Assembly: Library or Museum	1/3 space per person times building capacity (in persons)	1 space per 75,000 sf. of floor area
Places of Public Assembly: Other	Greater of: 1 space per 6 seats in auditorium; or 1 space per 250 sf. of floor area	N/A
Private Club: No Food Service	1 space per 250 sf. of floor area used for assembly	Over-the-curb loading allowed during off-peak hours, otherwise 1 space per building
Private Club: With Food Service	1 space per 100 sf. of floor area used for assembly	1 space per 25,000 sf.
Protective Care: Jail or Prison	1 per 5 cells	1 per 30 cells
Protective Care: Other	1 space per 4 beds	1 space per 20 sleeping rooms
Public Service: Fire Station	4 spaces per emergency vehicle bay	N/A
Public Service: Police Station	1 space per 250 sf.	1 space per 60,000 sf. if the building is larger than 40,000 sf.
Public Service: Post Office	1 space per 200 sf. + 1 space per postal vehicle stored on-site or as provided in accordance with Federal Law.	1 space per 10,000 sf.
Public Service: Other	1 space per 300 sf. or as provided in accordance with State Law.	N/A
Residential Eldercare Facilities: Assisted Living	1 space per dwelling unit + 1 space per 3 beds in shared living facilities or as provided in accordance with State Law.	1 space per site
Residential Eldercare Facilities: Congregate Care	1 space per dwelling unit or as provided in accordance with State Law.	N/A

Table 22. Required Parking and Loading for Institutional Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Residential Eldercare Facilities: Nursing Home	1 space per 3 beds or as provided in accordance with State Law.	1 space per 20 sleeping rooms

S. Required parking for commercial uses. The parking requirements for commercial uses are set out in Table 23, Required Parking and Loading for Commercial Uses. Relaxed parking requirements are provided for the Downtown Parking area (refer to Section 18-20.090 (H) of this Chapter).

Table 23. Required Parking and Loading for Commercial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Agricultural Support / Other Rural Services: Equipment Dealers and Feed Stores	1 space per 300 sf. of office + 1 space per 750 sf. of other use	1 space per 75,000 sf.
Agricultural Support / Other Rural Services: Crop Storage / Packing	1 space per 500 sf. of floor area	1 space per 15,000 sf.
Agritourism	1 space per 3 persons of the maximum capacity.	N/A
Alcoholic Beverage Sales: Package	1 space per 200 sf.	1 space per 15,000 sf.
Alcoholic Beverage Sales: Other, See Restaurants and Bars, below	See Restaurants and Bars, below	See Restaurants and Bars, below
Boarding or Rooming House	1 space per 12 beds	N/A
Car Wash	3 spaces + 2 spaces per bay or stall	N/A
Commercial Cannabis	Refer to Table 23	
Commercial Lodging: Full Service Hotel	1 space per guest room + 2 spaces per 10 guest rooms + 1 space per 100 sf. of meeting space + 1/2 of required parking for accessory retail, restaurant and alcoholic beverage sales uses	1 space + 1 space per 50,000 sf. meeting rooms, restaurants and shops
Commercial Lodging: Other	1 space per guest room + 2 spaces per 10 guest rooms	1 space per 75 rooms

Table 23. Required Parking and Loading for Commercial Uses

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Commercial Retail: 0 to 2,000 structure's square feet of floor area	1 space per 250 sf.	1 space per 25,000 sf.
Commercial Retail: 2,001 to 5,000 structure's square feet of floor area – greater of minimum requirement or space per floor area	8 spaces minimum requirement or 1 / 300	1 space per 25,000 sf.
Commercial Retail: 5,000 plus structure's square feet of floor area greater of minimum requirement or space per floor area.	17 spaces minimum requirement, or 1 / 400	1 space per 25,000 sf.
Gas Stations with Convenient Store	1 space per 200 sf.	N/A
Heavy Retail: Home Center	1 space per 500 sf. of floor area	1 space per 50,000 sf.
Heavy Retail: Lumberyard	1 space per 500 sf. of office + 1 space per 1,000 sf. yard space	1 space per 50,000 sf. of area put to the heavy retail use
Kennel	1 space per 250 sf.	1 space if the use is larger than 10,000 sf.
Light Automobile Service	4 spaces + 1 space per service bay (pump stations are not counted)	1 space
Marijuana Dispensary		
a. Retail	1 space per 200 sf.	N/A
b. Delivery Only	2 spaces per delivery vehicle	N/A
Mixed-Use	As approved by Special Study	1 space per 25,000 sf. of nonresidential uses
Office: Financial Institutions	1 space per 300 sf.	1 space per 33,000 sf.
Office: Medical	1 space per 250 sf.	1 space per 33,000 sf.
Office: Call Center	7 spaces per 1,000 sf.	1 space per 33,000 sf.
Office: Other	3 spaces per 1,000 sf.	1 space per 33,000 sf.
Restaurant: Drive-In or Drive-Through	1 space per 60 sf.	1 space

Table 23. Required Parking and Loading for Commercial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Restaurants and Bars, with or without Dancing	1 space per 60 sf. of dining space + 1 space per 100 sf. of kitchen space + 1 space per 500 sf. of outdoor dining	1 space
Services: Beauty or Nail Salon, Barber Shop, Spa	4 spaces per 1,000 sf.	N/A
Services: Dry Cleaner	3 spaces per 1,000 sf.	1 space if dry cleaning is done off-site
Services: Other	3 spaces per 1,000 sf. + 1 space per stored company vehicle	1 space per 75,000 sf.
Vehicle Sales, Rental and Service	1 space per 400 sf. of office + 1 space per 600 sf. of showroom + 1 space per 500 sf. of service area	1 space + 1 space per 25,000 sf. of service area
Veterinarian	1 space per 250 sf.	N/A
Warehousing, Mini-Storage	1 space per 300 sf. of office; but in no case less than 2 spaces visitor parking + 1 space per caretaker unit	N/A

T. Required parking for recreation and amusement uses. The parking requirements for recreation and amusement uses are set out in Table 24 Required Parking and Loading for Recreation and Amusement Uses.

Table 24. Required Parking and Loading for Recreation and Amusement Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Adult Entertainment Uses	Greater of 4 spaces per 5 seats; or 1 space per 150 sf. of floor area	1 space
Campgrounds	2 spaces per campsite. Four spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall be provided at the park entrance for guest registration.	N/A
Indoor Commercial Amusement: Bowling Alley	5 spaces per lane	1 space

Table 24. Required Parking and Loading for Recreation and Amusement Uses

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Indoor Amusement: Commercial Movie Theaters	1 space per 3 seats + 3 spaces per screen	1 space
Indoor Amusement: Commercial Skating Rinks	1 space per 100 sf. of rink surface	1 space
Indoor Amusement: Commercial Other	6 spaces per 1,000 sf.	1 space
Outdoor Amusement: Commercial Outdoor Arenas	1 space per 3 seats	1 space per 500 seats
Outdoor Amusement: Commercial Other	Per approved parking study	Per approved parking study
Indoor Recreation: Swimming Pool	1 space per 2 persons capacity	1 space
Indoor Recreation: Tennis, Racquetball; Handball	2 spaces + 1 space per court + 1 space per 5 courts	1 space
Indoor Recreation: Community Recreation Center	1 space per 400 sf.	1 space per 50,000 sf.
Indoor Recreation: Other	1 space per 400 sf.	1 space
Outdoor Recreation: Athletic Fields	Greater of: 1 space per 4 seats (spectator); or 30 spaces per athletic field	N/A
Outdoor Recreation: Day Camp	1 space per 4 campers	N/A
Outdoor Recreation: Driving Range	3 spaces per 4 stations	N/A
Outdoor Recreation: Mini Golf	4 spaces per hole	N/A
Outdoor Recreation: Golf Course	4 spaces per hole	N/A
Outdoor Recreation: Playgrounds	12 spaces per acre	N/A
Outdoor Recreation: Swimming Pool	1 space per 250 sf. of pool	N/A

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Outdoor Recreation: Tennis Courts	2 spaces per court + 1 space per 250 sf. of clubhouse or pro shop	N/A
Outdoor Recreation: Other Active Recreation	12 spaces per acre	N/A
Outdoor Recreation: Passive Recreation	2 spaces per acre	N/A
Recreational Vehicle Parks	2 spaces per lot. 4 spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall be provided at the park entrance for guest registration.	
Wineries		
Areas for use by or for patrons, including tasting rooms and reception areas and office or administration areas	1 space per 300 square feet	N/A
Production, storage or warehousing areas	1 space per 1,500 square feet	N/A
Promotional event parking	1 space per 2.5 persons	N/A

U. Required parking for industrial uses. The parking requirements for industrial uses are set out in Table 25, Required Parking and Loading for Industrial Uses.

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Disposal	5 spaces per 4 disposal vehicles	1 space per disposal vehicle
Heavy Industry	Per approved parking study	Per approved parking study
Light Industry: Laboratories, Research and Development, Testing	1 space per 300 sf.	1 space per 20,000 sf.
Light Industry: Other	1 space per 750 sf. or in accordance with a Special Study prepared by a	1 space per 20,000 sf.

Table 25. Required Parking and Loading for Industrial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
	licensed traffic engineer or as required by the Director	
Recycling/Salvage	Per approved parking study	Per approved parking study
Utilities, Community	Per approved parking study	Per approved parking study
Utilities, Neighborhood	1 space (may be grass)	N/A
Warehousing and Transportation	1 space per 300 sf. of office + 1 space per 1,000 sf. of warehouse + 1 space per loading dock	Greater of: 1 space per 20,000 sf.; or 1 space per loading bay

V. Required parking for agricultural uses. The parking requirements for agricultural uses are set out in Table 26, Required Parking and Loading for Agricultural uses.

Table 26. Required Parking and Loading for Agricultural Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Agriculture or Forestry	2 spaces per dwelling unit used as a farm residence	N/A
Agri-tourism	1 space per 3 persons of the maximum capacity.	N/A
Commercial Stables	1 space per 6 stalls	1 space per 24 stalls
Nursery or Greenhouse: Wholesale	3 spaces per 1,000 sf. of office or sales floor area + 10 spaces per acre of outdoor nursery area	2 spaces per 5 acres
Nursery or Greenhouse: Retail	1 space per 250 sf. of enclosed floor area + 15 spaces per acre of outdoor nursery area	3 spaces per 5 acres
Wineries (as follows:)		
Areas for use by or for patrons, including tasting rooms and reception areas and office or administration areas	1 space per 300 square feet	N/A
Production, storage or warehousing areas	1 space per 1,500 square feet	N/A

Table 26. Required Parking and Loading for Agricultural Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Promotional event parking	1 space per 2.5 persons	N/A

W. Required parking for special uses. The parking requirements for special uses are set out in Table 27, Required Parking and Loading for Special Uses.

Table 27. Required Parking and Loading for Special Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Airports	Per approved parking study or as provided in accordance with State Law.	Per approved parking study
Bed and Breakfast Establishments and vacation rentals	1 space per guest room	N/A
Commercial Cannabis		
a. Distributor or Manufacturer	1 space per 800 sf processing area and 300 sf of office area.	1 space per 20,000 sf.
b. Nursery/Cultivation	1 space per 1,000 sf nursery or cultivation area and 1 space per 300 sf of office or processing floor area	1 space per 20,000 sf.
c. Testing Lab	1 space per 300 sf.	1 space per 20,000 sf.
Parking and Transit Facilities: Stand Alone Parking Lot	N/A	N/A
Parking and Transit Facilities: Transit Facility	Per approved parking study	Per approved parking study
Self-Storage Facilities	1 space per 20 storage units + 1 space per on-site caretaker residence	N/A
Wireless Telecommunications Facilities	1 per freestanding facility (may be grass)	N/A

18-20.100 Parking and Driveway Design and Exceptions.

- A.** Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by Council resolution.
- B.** The Director may grant exceptions to the standards subject to appropriate conditions and upon finding that:
1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;
 2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and
 3. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property.

18-20.110 Screening of outdoor sales and storage.

Screening shall be required for all outdoor sales and storage. Such screening shall consist of a solid fence, wall or mature hedge or other screen planting at least 6 feet high. The Director may waive the screening requirement when the use customarily is not screened from public view, such as auto sales or displays at gas stations. The Director may defer the screening requirement where the sales or storage is adjacent to vacant land and where it is not visible from a public street. Such waiver or deferral may be by approval of whatever type of use permit may be required for the use. If no use permit is required, the waiver or deferral shall be in writing and shall set forth the circumstances justifying the action.

18-20.120 Night Sky Preservation.

- A. Purpose and intent.** To establish outdoor lighting regulations that encourage lighting practices and systems that will:
1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambience of night;
 2. Curtail and reverse any degradation of the nighttime visual environment and the night sky;
 3. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive or unnecessary;
 4. Help protect the natural environment from the damaging effects of night lighting;
 5. Meet the minimum requirements of the California Code of Regulations for Outdoor Lighting and Signs (Title 24, Chapter 6).

6. Comply with other laws or ordinances may require minimum illumination levels for specific applications and may conflict with these regulations. In such cases, those laws or ordinances shall govern.

B. Application requirements. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, and/or approval of any development project, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Department to determine whether the proposed lighting will comply with the provisions of this Section. The application shall include information determined appropriate by the Community Development Department that accurately describes projected illumination levels which shall include working drawings and details as described in the City's Lighting Checklist as provided and maintained by the Director. The application Fees commensurate with the costs of processing and reviewing applications and administering this Chapter shall be collected at the time the application is filed.

C. Operational standards. Outdoor lighting shall be designed, installed and maintained to prevent nighttime sky light pollution, preserve and enhance visibility of stars and use energy efficiently by lighting only those areas or objects necessary for safety and security. **Outdoor lighting design and requirements are also referred to in the City's Lighting Design Standards that are adopted by Council resolution.** All outdoor lighting shall conform to the following regulations:

1. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way.
2. No lighting on private property shall produce an illumination level greater than two maintained horizontal foot-candles at grade on any property within a residential zoning district except on the site of the light source.
3. The maximum light intensity on a residential site shall not exceed a maintained value of 10 foot-candles, when measured at finished grade.
4. The maximum light intensity on a nonresidential site, except auto sales lots, ATMs and sports fields, shall not exceed a maintained value of 10 foot-candles, when measured at finished grade.
5. The maximum light intensity on an ATM shall not exceed a maintained value of 20 foot-candles, when measured at finished grade.
6. The maximum light intensity on an auto sales lot shall not exceed a maintained value of 40 foot-candles, when measured at finished grade.
7. The maximum light intensity on a sports field shall not exceed a maintained value of 50 foot-candles, when measured 3 feet above grade. Baseball field lighting and lighting for other recreational uses may be increased to a maintained value of 100 foot-candles with approval of the Director.

8. Outdoor lighting shall be completely turned off or significantly dimmed at the close of business hours unless lighting is essential for security or safety (e.g. illumination of parking areas, ATMs and plazas).
 9. Outdoor lighting shall not blink, flash or rotate.
 10. Outdoor flood light projection above the horizontal plane is prohibited, unless exempted by Section 18-20.120(E).
 11. All upward directed sign lighting, including illumination of billboards, is prohibited, unless exempted by Section 18-20.120(E).
 12. Outdoor sports fields shall not be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
- D. Lighting standards.** Lighting shall comply with the requirements of the City's Lighting Design Standards adopted by Council resolution.
- E. Exemptions.** The following lighting fixtures are exempt from the requirements of this Section:

1. Neon and other low intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through design review.
2. Outdoor lighting fixtures on public rights-of-way provided that measures have been taken to mitigate impacts on surrounding properties and the night sky.
3. Emergency lighting operated by public agencies or for the purpose of aviation safety.
4. All temporary lighting used for the construction or repair of roadways, utilities and other public infrastructure.
5. Non-electric lighting such as gas lamps or kerosene lanterns.
6. Temporary lighting equipment and seasonal lighting equipment provided that individual lamps are 10 watts or less.
7. Accent lighting for architectural features, national flags, statues, public art, signage or other objects of interest provided the fixture emits a very narrow cone of light for the purpose of confining the light to the object of interest and minimizing spill-light and glare. Accent lighting is subject to Director's approval.

18-20.130 Water Efficient Landscaping.

- A. Purpose and intent.** To establish water efficient landscaping regulations in compliance with compliance with State law and enhance the appearance of the community through the development of attractive landscapes throughout the City.
- B. Applicability.** The provisions of this Section shall apply to the following landscape projects:
1. New construction and rehabilitated landscapes for institutional, commercial and multi-family development projects with a landscape area equal to or greater than 2,500 square feet which are otherwise subject to a building permit or development review.
 2. Developer-installed single-family residential landscapes and common areas of a project with a landscape area equal to or greater than 2,500 square feet which are otherwise subject to a building permit or development review. Where model homes are included, the developer shall install at least 2 model homes with landscapes that comply with the requirements of this Chapter and include signs and printed materials explaining design strategies and plant materials for water conservation.

3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit or development review.
 4. Homeowners associations and common interest developments' architectural guidelines (i.e., CC&Rs) shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group. Further, the guidelines shall not prohibit the removal of turf, nor restrict or prohibit the reduction of turf in lieu of more water-efficient alternatives (Civil Code Section 1353.8).
- C. Landscaping design standards and guidelines.** Landscaping design and installation shall comply with the requirements of the City's Landscaping Design Standards and Guidelines adopted by Council resolution.
- D. Applicable Projects:** Projects that fall under the applicable thresholds cited shall submit the following:
1. Landscape design plan which meets the maximum applied water allowance calculation and design criteria in the City Engineering Standards uniform design criteria for landscaping and irrigation; and
 2. Irrigation design plan which meets the design criteria in the City Engineering Standards uniform design criteria for landscaping and irrigation.
- E. Exempt Activities.** The provisions of this Section shall not apply to the following activities:
1. Registered local, state or federal historical sites;
 2. Ecological restoration projects that do not require a permanent irrigation system; or
 3. Plant collections, as part of botanical gardens and arboretums open to the public.
- F. Submittal requirements.**
1. **Landscape design plan.** For the efficient use of water, a landscape shall be designed and planned for the intended function of the project. For each landscape project subject to this Section, applicants shall submit a landscape design plan as described in the City 's Landscaping and Design Standards and Guidelines.
 2. **Irrigation design plan.** The irrigation system and its related components shall be planned and designed to allow for proper installation, management and maintenance. For each landscape project subject to this Chapter,

applicants shall submit an irrigation design plan that is designed and installed to meet irrigation efficiency criteria as described in the City's Landscaping Design Standards and Guidelines.

3. **Soils management report.** In order to reduce runoff and encourage healthy plant growth, soil amendment, mulching and soil conditioning recommendations shall be prepared by a licensed landscape architect, licensed landscape contractor, licensed civil engineer or licensed architect as described in the City's Landscaping Design Standards and Guidelines.
4. **Grading design plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff and water waste as described in the C City's Landscaping Design Standards and Guidelines.
5. **Storm water management.** Storm water management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing storm water best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are required. Project applicants shall refer to Chapter 17 and the City's Design and Construction Standards Engineering Standards.

G. Implementation procedures. For projects that require development review (tentative parcel map, tentative tract, development plan or conditional use permit), project applicants shall submit the following documentation:

1. A completed maximum applied water allowance for the conceptual landscape design.
2. A conceptual landscape design plan which demonstrates that the landscape will meet the landscape design specifications of the City Engineering Standards uniform design criteria for landscaping and irrigation.
3. A conceptual irrigation design plan which notes the irrigation methods and design actions that will be employed to meet the irrigation specifications of the City Engineering Standards uniform design criteria for landscaping and irrigation.
4. A grading plan which demonstrates the landscape will meet the specifications of the City Engineering Standards uniform design criteria for landscaping and irrigation.

H. Building Application. Prior to the issuance of a building permit, project applicants shall submit the following:

1. A completed maximum applied water allowance form (appendices, City Engineering Standards) based on the final landscape design plan.

2. A final landscape design plan that includes all the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
3. A final irrigation plan that includes all the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
4. A soils management report that includes at a minimum the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
5. A final grading plan that includes all the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
6. A hydrozone table (refer to City's Landscaping and Irrigation Standards City Engineering Standards).

I. Project completion. Upon completion of the installation of the landscape and irrigation system and prior to the issuance of the certificate of occupancy, the project applicant shall submit the following:

1. A certification of completion (appendices, City Landscape Design Standards and Guidelines) signed by the professional of record for the landscape and irrigation design certifying that the project was installed per the City-approved landscape design, irrigation and grading plans and meets or exceeds an average landscape irrigation efficiency of 0.71. The City reserves the right to inspect and audit any irrigation system which has received an approval through the provisions of this Chapter.
2. A project applicant shall develop and provide to the owner or owner representative and the City an irrigation schedule that assists in the water management of the project and utilizes the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the criteria in the City's Landscape Design Standards and Guidelines.
3. A regular maintenance schedule shall be submitted by the project applicant with the certificate of completion that includes: routine inspections, adjustment and repairs to the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning and weeding. The maintenance schedule will be provided to the owner or owner representative.

18-20-140 - Curb, Gutter, Sidewalks Installation

A. **Purpose** Establish pedestrian safe corridors by providing a uniform procedure for the installation of curb, gutter, and sidewalks; to impose a reasonable public property improvement requirement as a condition of construction of buildings or other improvements for the orderly development and improvement of public property consistent with public health, safety and enhancing the appearance of the City.

B. General Provisions:

1. **Property Improvements:** When property improvements exceed \$50,000 on a parcel, the installation of curb, gutter and sidewalk improvements shall be required to applicable road standards. If the existing right-of-way improvements are damaged or in a state of disrepair they shall be reconstructed to comply with the current standards. This requirement shall apply to all Land Use Zoning Designations within the City.
2. **Discretionary/Entitlement Permits:** The installation of Curb, Gutter, Sidewalks Improvements shall be a standard condition of approval for all Discretionary Land Use Permits/Entitlements (Administrative Use Permits, Conditional Use Permits, Parcel/Subdivision Maps, Rezones, General Plan Amendments, Planned Development Projects, etc.)
3. **Exemptions:** The following property improvements are exempt from these requirements:
 - Repairs made to comply with state or local health and safety regulations to assure safe living conditions.
 - Repairs made to restore a structure to its pre-existing condition when the damage has been caused by a natural disaster (such as fires, earthquakes, floods, slides, and/or a strong wind events).
 - Routine property maintenance such as re-roofing, replacement of heating/cooling equipment, sewer/water line repairs, electrical/plumbing repairs, existing foundation repair, and required upgrades to bring a structure into compliance with the Americans Disabilities Act (ADA).
 - Improvements to elevate structures within a floodplain to current FEMA and local agency requirements.

C. Submittal & Completion Requirements:

1. Plan Requirements: All Curb, Gutter and Sidewalk Improvement Plans shall be prepared and stamped by a California Licensed Civil Engineer and prepared in accordance with all applicable Federal, State, and local agency requirements, including the City of Clearlake Municipal Code and Design/Construction Standards.
2. Inspection of Right-of-Way Improvements: The City Manager or designee shall have the power to appoint qualified persons to inspect construction of the work specified in this chapter. If the inspection requires a Licensed Special Inspector, it shall be the responsibility of the applicant to secure such inspection.
3. Permit Requirements: Prior to installation, the applicant shall apply for and secure all required Federal, State and local agency permits, including an Encroachment Permit with the City.
4. Installation Requirements: All Curb, Gutter and Sidewalk Improvements shall be installed on all street frontages prior to final inspection and/or occupancy.

D. Construction Requirement Waiver.

- a. A waiver from requiring curb, gutter, and sidewalk to be installed in conjunction with the improvements to the abutting property may be granted under the following circumstances:
 - i. Where the upon request by application the City Manager or designee finds and determines there are circumstances applying to the project site, such as size, shape or topography, which do not apply generally to land within the vicinity. Such circumstances shall not constitute a grant of special privilege/entitlement inconsistent with the limitations upon other properties in the vicinity; or
 - ii. If the project parcel is located within a City Roadway Improvement Project, in lieu of installing such improvements, as normally required, the applicant shall pay a fee to the City equal to the cost of installing the improvements to the City. Said fee shall be determined by the City Engineer; or
 - iii. Enter into an Improvement Deferral Agreement approved by the City Attorney which shall contain, required timelines for installation among other provisions determined by the city, agreement by applicant to furnish improvement security by cash deposit or bond(s) duly authorized corporate surety with the City. The amount of said improvement security shall be determined by the City Engineer and shall be equal to the City's Engineers estimate of the cost of the improvement to be deferred, plus ten (10) percent. The security shall run with the land and shall be binding upon successors in interest to the property receiving deferral. Said Improvement Deferral Agreement shall be record at the Lake County Assessor/Recorders Office.

Chapter 18-21: Sign Regulations**Sections:**

18-21-010	Purpose and intent.
18-21-020	General principles
18-21-030	Permit application process.
18-21-040	General regulations.
18-21-050	Signs in residential and agricultural zones.
18-21-060	Signs in commercial and industrial zones.
18-21-070	Off-site signs.
18-21-080	Temporary signs.
18-21-090	Specific regulations regarding murals.
18-21.100	Enforcement.
18-21.110	Non-conforming signs.
18-21-120	Signs on public property.

18-21.010 Purpose and intent.

- A. Purpose and intent.** It is the purpose and intent of this Chapter is to provide minimum standards to safeguard life, health, property, aesthetics and public welfare and safety by regulating and controlling the type, size, number, design, quality of materials, construction, illumination, location and maintenance of all signs in the City of Clearlake.
- B. Adoption of sign regulations.** By adopting this Chapter, the City intends to balance several competing interests, including:
1. To regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech;
 2. To provide adequate opportunity for persons to express themselves by displaying an image or message on a sign;
 3. To preserve and enhance the aesthetic, traffic safety and environmental values of our community;
 4. To minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage;
 5. To safeguard and preserve the health, property and public welfare of Clearlake residents by regulating the physical design, location and maintenance of signs;
 6. To provide a method for abatement of illegal and abandoned signs; and
 7. To implement the Clearlake General Plan.

18-21.020 General principals.

- A. Regulatory scope.** This Chapter regulates signs on City property, regulates signs, as defined herein, which are located on or displayed from private property located within the City, as well as signs located on public property owned by public agencies other than the City over which the City has land use regulatory authority.
- B. Owner's consent.** No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property, except that a landlord's consent is not required for a tenant to display signs as specified in Civil Code Section 1940.4.
- C. Noncommercial messages.** There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.
- D. Message substitution.** Any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.
- E. Permit generally required.** Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City. It is unlawful for any person, association, corporation or other entity to erect in any manner within the City a sign, except in conformance with the provisions of this Chapter and all other applicable laws, rules and regulations, and policies.
- F. Discretionary approvals.** Whenever a sign or a proposed sign is subject to any discretionary review, permit or approval, such discretion may be exercised only as to the compatibility of the sign within its location and other structural, architectural and locational factors and consistency with the City's Design Review Manual in accordance with Section 18-33 of this Chapter.
- G. Administrator interpretations.** All interpretations of this Chapter shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed and the type is neither expressly allowed nor prohibited by this Chapter or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City, then the Planning Commission or Director or his/her authorized representative, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Chapter.

- H. Compatibility factors.** In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1) Style or character of existing improvements upon the site and properties adjacent to the site; (2) visual elements such as construction materials, physical design details and the number and spacing of signs in the area; (3) the sign's height, size and location, in relation to its proposed location and use; (4) potential effect of the proposed sign on driver and pedestrian safety; (5) potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (6) potential obstruction of views of users of adjacent buildings to side yards, front yards, open space or parks; (7) potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (8) whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape. In addition, in accordance with Section 18-33 of this Code, sign review must include evaluation for consistency with certain standards and guidelines contained in the City's Design Review Manual.
- I. Federally Registered Marks.** The provisions of this Chapter shall not require alteration of the display of any registered mark or any trademark, service mark, trade name or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. However, the City does have discretion of the size of the display in relation to compatibility factors. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.

18-21.030 Permit Application Process.

- A.** All sign permit applications shall be consistent with the provisions of this Chapter. All signs that are not expressly exempted from the sign permit requirements may be installed, erected or displayed only pursuant to a sign permit. There are three types of sign processes that require City review, including: (1) review of some exempt signs that don't require permits; (2) Sign Installation Permits; and (3) Comprehensive Sign Package Permits. The following addresses Sign Installation and Comprehensive Sign Package Permits.
1. Sign installation permit and fee. Application for a Sign Installation Permit may be filed with the City upon forms furnished by the City. The application shall include working drawings and details as described in the City's Sign Application Checklist as provided and maintained by the Director. Fees commensurate with the costs of processing and reviewing applications and administering this Chapter shall be collected at the time the application is filed in accordance with Section 18-37 of this Chapter.

2. Comprehensive sign package and fees. Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package to the City on forms furnished by the City prior to the issuance of the first sign permit for the building complex. Such sign package shall include a sign program and other information as described in the City's Comprehensive Sign Package Application Checklist as provided and maintained by the Director. Fees commensurate with the costs of processing and reviewing applications and administering this Chapter shall be collected at the time the application is filed in accordance with Section 18-37 of this Chapter.

B. Approving authority. The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

1. Sign installation permit. The Director or his/her authorized representative, is authorized to issue a Sign Installation Permit if said application complies with the provisions of this Chapter and all other applicable laws, rules, regulations, procedures, design guidelines and standards and policies, including all applicable health and safety codes. In accordance with the City's Design Review Procedures, the Sign Installation Permit may also be subject to review by the Design Review Committee and/or the Planning Commission. The Director or authorized representative may also refer Sign Installation Permit to the Planning Commission if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Chapter. The Design Review Committee, Planning Commission or Director or authorized representative as the case may be, may approve a Sign Installation Permit if on the basis of the application, plans, materials and testimony submitted, finds:
 - a. The proposed sign(s) conform to the criteria set forth in this Chapter;
 - b. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;
 - c. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic;
 - d. The proposed sign(s) will not have an adverse visual impact on adjoining land uses; and
 - e. The proposed is consistent with the Design Review Manual in accordance with Section 18-33 of this Code.

The Director or authorized representative may approve a Sign Installation Permit application subject to such conditions, modifications or limitations as the committee and/or commission deems appropriate to carry out the purposes and goals of this Chapter.

2. Comprehensive sign package. The Director or authorized representative shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Chapter and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes. The Director or authorized representative may approve a Comprehensive Sign Package application subject to such conditions, modifications or limitations as the Director or authorized representative deems appropriate to carry out the purposes and goals of this Chapter. In accordance with the City's Design Review Procedures, the Comprehensive Sign Package may be subject to review by the Design Review Committee and/or the Planning Commission. The Director or authorized representative may also refer Comprehensive Sign Packages to the Design Review Committee and/or Planning Commission if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Chapter. The Design Review Committee, Planning Commission or Director or authorized representative as the case may be, may approve a Comprehensive Sign Package if on the basis of the application, plans, materials and testimony submitted, finds:
 - a. The proposed sign(s) conform with the criteria set forth in this Chapter;
 - b. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;
 - c. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; The proposed sign(s) will not have an adverse visual impact on adjoining land uses; and
 - d. The proposed sign (s) is/are consistent with the Design Review Manual in accordance with Section 18-39 of this Chapter.
3. Time required between substantially similar applications. In accordance with Section 18-35 of this Section, the City shall not accept any application that is substantially similar to an application that was denied within the 6 months from the date the application is denied.
4. Public hearing process. Any application for a Sign Installation Permit or Comprehensive Sign Package which was denied is appealable in accordance with the provisions in Section 18-36 of this Section.
5. Installation and expiration. Signs shall be installed substantially consistent with the plans approved by the approval authority within 6 months of the approval or the sign approval will be deemed to have expired and becomes null and void. Prior to sign installation, a sign building permit shall be obtained as required by the Uniform Sign Code and/or related City's regulations.

18-21.040 General Regulations.

- A. Sign installation and maintenance.** The installation of signs and their supports shall be in accordance with applicable provisions of the California Building Code, as adopted and applied by the City pursuant to Chapter 15.04 of this Code and the California Electrical Code, as adopted and other applicable codes, statutes, ordinances and regulations. The owner of any parcel on which a sign is located shall properly maintain or cause to be maintained, in good condition and repair every sign and its parts, structure, supports and surrounding landscape areas, if any.

- B. Exempt signs.** An exemption from a Sign Installation Permit or Comprehensive Sign Package shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Chapter or consistent with the Design Review Manual, nor any provisions of the codes of the City. All signs that have an electrical system shall require an electrical permit issued by the Building Department. Some signs that may qualify to be exempt from permit requirements may be subject to approval by the Director. However, if after initial review of a sign that may be listed as exempt is found not to be in compliance with this Chapter and/or not consistent with the Design Review Manual, the Director may qualify the sign as subject to a Sign Installation Permit. Signs that have been deemed subject to a Sign Installation Permit are then subject to all provisions of Section 18-20.030 of this Chapter. Sign types are generally exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals as shown below in Table 28:

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
1. Temporary Signs (see Section 18-21.080)	X	
2. Window Signs (See Section 18-21.060 (4))	X	
3. Feather Banners (See Section 18-21.060 (8))	X	
4. Commercial Mascots (See Section 18-21.060 (9)).		X
5. Address numerals and other such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants or other similar identification on a site.		X
6. Official flags of national, State or local governments or nationally recognized fraternal, public service or religious organizations, provided the length of the flag shall not exceed one-fourth the height of the flagpole and the flag is not used for commercial advertising.		X

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
7. Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.		X
8. Decorative or architectural features of buildings, (not including lettering or trademarks or moving parts) which do not perform a communicative function (examples include color stripes around an office building or retail store).	X	
9. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages.		X
10. Aerial banners towed behind aircraft.		X
11. Kiosks, including Automated teller Machines (ATMs, when not used for general advertising).	X	
12. Historical monuments, plaques and tablets.		X
13. Signs or displays located entirely inside of a structure and not clearly visible from public view.		X
14. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.		X
15. Symbols embedded in architecture- symbols of noncommercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or base relief doors or walls, bells and religious statuary.		X
16. Directional signs less than 4 square feet in size.		X
17. Accessory signs not exceeding 4 square feet in area within non-residential zones.		X
18. Real estate signs. a. Residential Zones. One non-illuminated real estate sign not more than 8 square feet in area, including riders, advertising, the lease, rent or sale of a parcel or structure, may be located on the property it advertises. b. Non-Residential Zones. One non-illuminated real estate sign not more than 32 square feet, with a		X

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
maximum height for freestanding signs of 8 feet, for each parcel street frontage.		
19. Subject to the provisions of Section 18-21.120 of this Chapter regarding signs on public property, government signs posted by the City on City Property to express its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City’s governmental functions.		X
20. Grave markers, gravestones, headstones, mausoleums, shrines and other markers of the deceased.		X
21. Subject to the provisions of Section 18-5.120 of this Chapter regarding signs on public property, picketing and the personal carrying of signs “picketing,” displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public rights-of-way. For safety reasons, picketing is allowed from sunrise until 10:00 p.m. In order to serve the City’s interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles and persons displaying signs on public sidewalks must give at least 3 feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.		X
22. Fuel pump accessory signs that don’t exceed 4 square feet for each side of a pump.		X
23. Gas station island advertising signs that don’t exceed 8 square feet for each side of a gas island.		X
24. Menu signs that don’t exceed 12 square feet for each drive-through lane.		X
25. Gas station price signs required by State law, not exceeding the number and area required by State law and subject to review by the City.	X	
26. Wall or freestanding signs not exceeding 10 square feet each for sales of food sales from produce primarily grown on the same site.		X
27. A-frame or T-Frame signs in commercial zones that comply with Section 18-021.060 (7) of this Chapter.		X
28. Replacement or change of a changeable copy sign.	X	

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
<p>29. Small off-site signs on vehicles in all non-residential zones in the City, subject to the following conditions and regulations:</p> <ul style="list-style-type: none"> a. Signs shall be painted on, placed on or affixed to a vehicle. No more than one sign per location permitted. b. Signs shall be placed only on operable vehicles with current California Department of Motor Vehicles registration. c. No sign shall exceed 32 square feet in size. Double-sided signs shall be permitted, in which case each side shall not exceed 32 square feet in size. d. All vehicles with signs parked in the City shall comply with all applicable state and City vehicle stopping and parking regulations. e. No vehicle with a sign permitted by this Section shall be parked in any manner that the vehicle or sign or both, will or reasonably may be expected to: (a) obstruct the free flow of vehicular and pedestrian traffic; (b) obstruct the view of motorists and/or pedestrians; (c) obstruct the view of or conflict with any traffic sign, signal or device; or (d) otherwise be detrimental to public safety. 		X

C. Prohibited signs.

1. Types of prohibited signs. All signs not expressly allowed by this Chapter shall be prohibited.
2. Examples of prohibited signs. Examples of prohibited signs include the following:
 - a. Flashing, rotating, moving, blinking, reflecting and/or florescent painted signs or signs which emit smoke, fumes, flashes, sparks or sound;
 - b. Signs on trees, shrubs, stones, fences or utility poles;
 - c. Any sign erected in such a manner that it will or reasonably may be expected to, obstruct the view of or conflict with any traffic sign, signal or device, obstruct the view of pedestrian or vehicular traffic or otherwise be detrimental to public safety;
 - d. Animated Signs, including electronic message display signs and variable intensity, blinking or flashing signs, balloons, inflatable signs or other similar attention getting devices or signs that emit a

- varying intensity of light or color (except for commercial mascot signs).
- e. Roof signs excepting therefrom signs permitted explicitly in this Chapter.
 - f. Abandoned signs.
 - g. Illegal signs.
 - h. Signs displayed without permission of owner or lessee.
 - i. Signs that are hazardous or unsafe by virtue of their physical condition.
 - j. Search lights used for advertising or attention getting.
 - k. Signs that are activated by air, forced air, forced gas or wind.
 - l. Signs that interrupt or encroach into the corner clear zone.
 - m. Private party signs placed on City property without consent.
 - n. Digital display/electronic message signs, excepting therefrom signs permitted explicitly in this Chapter.
 - o. Flags, except as specifically allowed Section 18-21.080 of this Chapter.
 - p. Inflatable or tethered signs or devices.
 - q. Obscene signs, such as graphic images of human anatomical areas or specified sexual activities as more completely described in Section 18-19.160.
 - r. Off-premises signs, except as permitted under the provisions of this Section.
 - s. Except for cannabis dispensaries and cannabis microbusinesses, which shall have a sign program approved as a component of a use permit for the microbusiness, there shall be no signage or markings on the premises or off site which in any way evidences that commercial cannabis operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building. (Ord. #200-2017; Ord. #229-2019, § 2)

D. Illumination of signs. Sign illumination shall be from an interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

1. No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis, subject to Director or authorized representative approval, if it is made an integral part of the sign design and computed within the sign area.
2. No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.
3. Halo or back lighting shall not count toward the total sign area.
4. The light illuminating a sign shall not be of a brightness or intensity that will interfere with the reasonable enjoyment of residential properties. Refer to Section 18-20.120 of this Code for specific sign illumination requirements.
5. Sign illumination shall not blink, flash, flutter or change light brightness, color or intensity.
6. Permanently installed illuminated panels, visible tubing and strings of lights outlining all or a portion of a structure, other than lighting that is primarily for indirectly illuminating architectural features, signs or landscaping, shall be deemed “signs” subject to this Chapter and shall be counted as part of the allowed maximum sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least 6 inches for the purpose of calculating sign area.
7. Neon lighting tubing for signs or architectural elements shall be allowed in commercial zones only.
8. Neon tubing shall not exceed 0.5 inches in diameter.
9. Neon signs and linear tubing shall be UL (Underwriters Laboratories) listed with a maximum 30 milliamps per circuit and be designed to accommodate a dimmer in order to reduce the brightness of the neon.

E. Sign maintenance.

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning property at all times.
2. A repair to a sign shall be of equal or better quality of materials and design as the original sign.

3. A sign that is not properly maintained and is dilapidated and has been deemed a public nuisance and may be abated in compliance with this Code.
4. When an existing sign is removed or replaced, all brackets, poles and other supports that are no longer required shall be removed.
5. Unpainted areas of a sign and supporting structure and hardware shall be painted to match the adjacent portion of the structure or the sign support structure.

F. Sign relocation. A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

G. Flags. Flags are considered signage meeting the definition of “flag” in Section 18-45 of this Chapter.

18-21.050 Signs in Residential and Agricultural Zones.

A. Signage for residential uses.

Signage for residential uses is allowed, unless specifically prohibited by this ordinance, if complying with the following standards:

1. Signs on single- and multi-family residences (individual dwelling units). Single-family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection.
 - a. Sign area. At all times, the total display area of all signs shall not exceed 5 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 8 square feet.
 - b. Height. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.
 - c. Number of signs. Not limited
 - d. Location. Not on public property or public right of- way or mounted on utility structures or poles or trees or vegetation.
 - e. Prohibited signs. A-frame signs, digital displays, interior illuminated signs, feather banners and roof signs are prohibited in residential zones.
2. Project entrance signs. New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this Subsection are in addition to those authorized for individual dwelling units.

- a. Number of signs. Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.
 - b. Location. Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.
 - c. Size and height. Maximum 24 square feet (per side); maximum 4 feet high.
3. Tourist oriented directional signs in compliance with Section 18-21.060(10) of this Chapter.
 4. Bed and breakfast establishment signs. One non-internally illuminated sign may be erected on the property not to exceed 10 square feet in size per street frontage. Lighting level shall comply with City sign regulations for the zoning district. The sign shall compliment the nature of the use and shall be architecturally integrated into the architecture of the main building; The sign shall contain no information other than identification of the premises as the named bed and breakfast establishment.

B. Agricultural or Open Space Signs. The following signs are allowed in agricultural or open space zones or easements:

1. Wall signs. Wall sign area shall not exceed 40 square feet.
2. Monument signs. Monument signs shall not exceed 20 square feet or 5 feet in height. Monument signs shall be placed within a landscaped area.
3. Tourist oriented directional signs. Tourist oriented directional signs in compliance with Section 18-21.060(10) of this Chapter.

18-21.060 Signs in Commercial and Industrial Zones.

A. Permanent signs. The following types of signs may be mounted, erected, installed and is played on commercial, institutional and industrial uses in the CD, GC, MUX and IN Zones, subject to the rules stated in this Section. All commercial messages shall be on-site only.

1. Freestanding signs. Freestanding sign types include pole signs, ground signs or monument signs.
 - a. Pole or ground signs. A pole or a ground sign may be permitted if all of the following design standards are met.
 - i. Frontage requirement. The site shall have a street frontage of at least 200 feet.
 - ii. Number of signs. The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign. The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1,000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign. Off-site retail center signs may exceed this requirement.
 - iii. Sign area. The total sign area of all freestanding pole or ground signs for a 3 single building or a building complex shall not exceed that shown in Table 29. Off-site retail center signs may exceed this requirement.

Table 29. Sign Area Allowances for Freestanding Signs	
Total Building(s) Area (s.f.)	Total Sign Area (s.f.)
0 – 10,000	50
10,001 – 20,000	100
20,001 – 50,000	150
50,001 – 100,000	200
100,001 – 200,000	250
Over 200,000	300 max.

- iv. Sign height. The height of a freestanding pole or ground sign shall not exceed that shown in Table 30.

Table 30. Sign Height Allowances for Freestanding Signs	
Total Building(s) Area (s.f.)	Maximum Allowable Height
0 – 20,000	20
20,001 – 75,000	25
Over 75,000	30
Height Exception	25% increase in height for signs incorporating City Logo or City reference on the top section of sign-design subject to approval by the Planning Commission.

- v. Location. Freestanding pole or ground signs shall not be placed within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.
 - vi. Setback/freestanding pole or ground signs shall be set back a minimum 5 feet from a street or interior property line and a minimum 10 feet from the edge of a driveway.
 - vii. Readability. Freestanding pole or ground signs shall have a minimum letter size of 4 inches. Sign copy shall not be located closer than one half letter height to the sign edge or other line of copy.
 - viii. Landscaping. Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the sign or 75 square feet, whichever is greater. For example, a 40 square foot sign will need to provide at least 880 square feet of landscaped area. The review authority may waive or modify this requirement on a case-by-case basis to take into account existing site conditions.
 - ix. Address. Freestanding pole or ground signs shall incorporate the street address to assist emergency response personnel in located the site.
- b. Monument signs. Freestanding monument signs may be permitted subject to following design standards.
- i. Building complexes. Limited to one monument sign per each 150 feet of street frontage.
 - ii. Frontage requirement. No more than one monument sign shall be allowed per street frontage.
 - iii. Sign area. For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border

or frame does not exceed an additional 25% of the sign area. The sign area of a monument sign shall not exceed that shown in Table 31:

Table 31. Sign Height Allowances for Freestanding Signs	
Total Building(s) Area (s.f.)	Total Sign Area (s.f.)
0 – 10,000	20
10,001 – 25,000	30
Over 250,000	40 max.

- ii. Sign height. No monument sign including a frame, border or base shall exceed 6 feet in height as measured from existing grade.
- iii. Sign location. A minimum distance of 75 feet must be maintained between monument signs. The sign shall be set back a minimum of 5 feet from a street or interior property line and a minimum of 10 feet from the edge of a driveway. The sign shall not be placed within a corner clear zone and shall be located as to not create a pedestrian or traffic hazard. No portion of the sign shall project over public property, vehicular easements or rights-of-way.
- iv. Sign structure. The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.
- v. Address. To assist emergency personnel, monument signs shall incorporate the street address. Numbers shall be a minimum of 6 inches in height, but may not be included in the calculations for allowed maximum sign area.
- vi. Readability. To ensure the readability of the sign, the minimum letter size allowed shall be 4 inches. Sign copy shall not be located closer than half-letter height to the sign edge or other line of copy.
- vii. Landscaping. Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the monument style sign or 75 square feet, whichever is greater. For example, a 40 square foot monument sign would need to have at least 80 square feet of landscaping area. The review authority may waive or modify this requirement on a case-by-case basis to take into account existing site conditions.

2. Wall signs. The following specific design standards shall apply wall signs.
 - a. Sign area. The maximum size of a wall sign, including a logo, shall be 2 square feet of sign area for each lineal foot of primary tenant frontage and 0.5 additional square feet for each linear foot of secondary tenant frontage or 10% of the area of the building façade on which the sign is mounted or painted, including the area of windows, doors and recesses, whichever is less. The total area of all signs on a primary frontage shall not exceed 100 square feet and total area of all signs on a secondary frontage shall not exceed 50 square feet. Wall signs for second story tenants shall not exceed 12 square feet. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.
 - b. Sign copy and readability. Wall signs shall be limited to a maximum of 2 lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between or the distance between the top of the sign face and the bottom of the sign face. To ensure the readability of the sign, the minimum letter size allowed shall be 4 inches. Sign copy shall not be located closer than half-letter height to the sign edge or other line of copy.
 - c. Location. The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.
 - d. Projection. A wall sign shall not project more than 12 inches from the surface to which it is attached.
3. Projecting, canopy or suspended signs. The following specific design standards shall apply to projecting, overhead and suspended signs.
 - a. Sign area. A projecting sign shall not exceed 30 square feet. Signs that are suspended from a canopy or other roof structure over the sidewalk or building entrance shall not exceed 12 square feet. Projecting, canopy, and/or suspended signs shall count towards the maximum allowable sign area.
 - b. Number of signs. Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed 8 square feet and the total projecting signage for the use does not exceed 30 square feet).
 - c. Sign clearance. The bottom of any projecting sign shall be at least 8 feet above the walkway.

- d. Horizontal distance. The minimum horizontal clearance between a sign and the curb line shall be 2 feet. The maximum projection over a public sidewalk shall be $\frac{2}{3}$ and the width of a public sidewalk below or 6 feet, whichever is less. Any projection over a public right-of-way shall require an Encroachment Permit.
4. Window signs. The following specific design standards shall apply to window signs.
 - a. Sign area. Permanent window signs shall not occupy more than 15% of the total window area. Window sign area shall count towards the maximum allowable sign area.
 - b. Sign location. Signs shall be allowed only on windows located on the ground level and second story of a structure frontage.
 - c. Sign materials. Signs shall consist of individual letters, logos or symbols applied on, stenciled on or etched into the glass surface, however, neon signs with transparent backgrounds may be hung inside the window glass.
 5. Directional signs. Directional signs shall be no more than 3 feet high and 3 square feet. They are not limited by number or location.
 6. Awning signs. The following specific design standards apply to awning signs.
 - a. Signs on awnings are limited to ground level or second story occupancies only.
 - b. Awnings or awning signs shall not be internally illuminated. Direct exterior lighting may be allowed.
 7. A-Frame signs (also T-Frame type signs). The following specific standards apply to a-frame and other portable signs.
 - a. Sign area. An A-frame sign must not exceed 6 square feet in area on each side.
 - b. Timing. A-frame signs must be removed at the end of each business day.
 - c. Location. A-frame signs must be located at ground level on-site of the business and located as closely as possible to the building face so as to leave the maximum available clear area for pedestrian traffic. Signs may not be located in the City street right-of-way, they cannot block the sidewalk or interfere with traffic, either pedestrian or vehicular, and they must be anchored or weighted to keep them safely in place.

- d. Number of signs. One per business.
8. Feather banners. Feather banners authorized by this Section are in addition to the maximum allowable signage which is otherwise permitted. Feather banners shall be maintained in good condition at all times, without faded, frayed or torn fabric. The following specific standards apply to feather banners.
 - a. Location. Feather banners may only be installed on private property and shall not extend over the public right-of-way. Minimum spacing between feather banners shall be 8 feet. Signs shall not create a traffic sight obstruction or other pedestrian or traffic hazard and shall comply with applicable engineering design standards.
 - b. Height. Maximum height for feather banners shall be the lesser of 15 feet or the height of the building.
 - c. Number of signs. Two per business.
 - d. Illumination. Feather banners may not be illuminated.
 9. Commercial mascots. Commercial mascots authorized by this Section are in addition to the maximum allowable signage which is otherwise permitted. The following specific standards apply to commercial mascots.
 - a. Private property. No more than one commercial mascot may be allowed on private property per business location only within commercial zones.
 - b. Public property. On public sidewalk areas during the daytime hours between sunrise and sunset, as specified by the United States Naval Observatory (USNO) data. Commercial mascots may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. In order to serve the City's interests in traffic flow and safety, persons displaying signs on public sidewalks must give at least 3 feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area. No more than one commercial mascot shall be allowed to occupy a street intersection corner area. No more than one commercial mascot shall be allowed for each business and the business must be within 300 feet from the location where the commercial mascot is performing. A 10-foot minimum separation shall be maintained between commercial mascots. The total sign area displayed shall not exceed 20 square feet. Sign display exhibits involving airborne signage shall not be permitted.
 - c. Illumination. Commercial mascots shall not utilize any form of illumination or lighting.

10. Tourist oriented directional signs. Tourist oriented directional signs are allowed in all zones subject to a use permit from the Planning Commission and subject to the following requirements.
 - a. The signs shall be smaller in size, each not exceeding 5 square feet in area.
 - b. The signs shall be non-illuminated in order to be compatible with their generally rural surroundings.
 - c. The signs shall be hand crafted, generally made of wood or other natural materials.
 - d. The signs shall be subject to the issuance of an Encroachment Permit.

11. Off-site retail center signs. Additional off-site freestanding signs for providing improved visibility for retail centers located within 500 feet of the retail center premises off-site may be allowed in all zones subject to a use permit from the Planning Commission and subject to the following requirements.
 - a. Maximum size, heights and design of signs shall comply with Tables 29 and 30 of this Chapter.
 - b. Property owner shall approve of the sign. This shall include a covenant on the property, that includes the City, that can transfer ownership and long term maintenance of the sign. An agreement, or other system shall be provided to ensure proper maintenance of the sign and any accompanying landscaping.
 - c. Prior to installation, a bond or other financial security approved by the Director shall be posted with the City for the total cost of removal and disposal of the sign if it becomes non-conforming in accordance with Section 18-21.110 of this Chapter.
 - d. The sign may only identify the retail center and related businesses that occupy the retail center which it is intended to identify except for minor identification of events to be held at the retail center or to identify City and other public events that may be approved by the Director.
 - e. If the sign is located near Highway 53, within Caltrans jurisdictional area, the sign review and installation shall be subject to the provisions of the Outdoor Advertising Act (Business and Professions Code Sections 5200 through 5486), and no sign permit shall be issued until after any necessary permit has been issued by the Director of Transportation of the State of California or his/her authorized agent.

12. Message center signs. Message center signs may be approved in all Mixed Use and non-residential zones subject to Design Review approval and subject to certain performance standards. Message center signs may also be approved with a use permit issued by the Planning Commission in any residential zone, also subject to the certain performance standards as provided as follows:
 - a. If the sign includes any illuminated features it shall comply with the following standards:
 - i. The lighting shall shine onto a street in such a way as to threaten to cause distractions or glare for passing motorists.
 - ii. All light sources shall be directed or covered with a translucent cover or other suitable measure to prevent the actual source of the lighting (such as the filament of an incandescent bulb) from being visible from another lot or a street.
 - iii. In residential zones, the sign shall incorporate measures to minimize the production of glare that is perceptible beyond the property line of the lot on which the operation is situated, through the use of shielding, luminaire reflectors or other suitable measures, minimizing the intensity of lighting. No more than 0.5 foot-candle of light from lighting or signs shall fall upon any residentially used lot between the hours of 9:00 p.m. and 6:00 a.m.
 - b. If the sign contains any digital display it shall comply with the following standards:
 - i. The message displayed shall be static and nonanimated and shall remain fixed for a minimum of 10 seconds. Fading or dissolving images are permitted.
 - ii. It shall not display any message that moves, appears to move, scrolls, or changes in intensity during the fixed display period.
 - iii. The transition time between changes in the sign face or message shall be less than one second.
 - iv. It must be equipped with brightness controls which shall be used to reduce the intensity of the light based on outside ambient light levels.
 - v. It shall include an automatic shut-off system in case of failure.

- vi. The digital LED display shall not have lighting that would compete with or distract from traffic signal lighting.

18-21.070 Highway Oriented Signs.

Off-site signs other than tourist oriented directional, retail center, and City entry signs are prohibited. Highway oriented signs may only be allowed with a sign installation permit subject to approval of a use permit by the Planning Commission. If the highway oriented is subject to the provisions of the Outdoor Advertising Act (Business and Professions Code Sections 5200 through 5486), no sign permit shall be issued until after any necessary permit has been issued by the Director of Transportation of the State of California or his/her authorized agent.

18-21.080 Temporary Signs.

Temporary signs authorized by this Section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot, are subject to the following requirements:

- A. Height.** Maximum height for freestanding temporary signs is 5 feet.
- B. Number of signs.** Unless otherwise stated, the maximum number of separate, temporary signs is 4 within commercial, institutional or industrial zones and 2 within residential, agricultural or open space zones.
- C. Location.** Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.
- D. Time period.**
 1. Non-residential zones. Temporary commercial message signs may be displayed for up to three separate periods per calendar year from 1 to 15 days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed 5 per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).
 2. Residential, agricultural, open space zones. Temporary commercial message signs may be displayed for up to three separate periods per calendar year from 1 to 15 days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.
 3. Temporary signs displaying protected noncommercial speech. Temporary signage used to display protected noncommercial speech is allowed at all

times, however the sum of commercial and noncommercial speech temporary sign display area(s) at any given point shall not exceed the maximum area permitted within the zone it is located. During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area for these signs shall be limited to 16 square feet per sign for commercial and industrial uses and 8 square feet per sign within residential, agricultural or open space zones.

- a. Exceeding time allowance. If the duration of temporary sign display of commercial messages exceeds the applicable maximum time period for temporary signs, then the sign shall be deemed permanent and the area thereof shall be counted against the allowable area for permanent signage for the site or lot. A sign permit must be obtained or the sign must be removed.

E. Sign area.

1. Commercial, institutional or industrial uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs and similar attention-getting devices not displaying written messages shall not be included.
2. Residential, agricultural and open space zones. The maximum allowable temporary sign area is 8 square feet.

18-21.090 Murals.

Murals shall be reviewed by the Director. The Director may refer mural applications to the Planning Commission for consideration. The application shall include a detailed drawing or sketch of the mural plus other details as prescribed on the application

- A.** In approving or denying the proposed mural, the Director shall consider the extent to which the proposal fulfills the following standards:
1. The mural shall demonstrate superior artistic quality or theme as opposed to direct or indirect illustrative advertising.
 2. The mural or graphic shall be designed to enhance or distinguish the architectural features of the structure on which it is placed.
 3. The design and colors used shall be harmonious with the surrounding environment and shall not be used for the exclusive purpose of calling attention to the mural or graphic.
 4. The mural shall not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.

5. The proposed mural, by its design, construction and location, will not have a substantial adverse effect on abutting property or the permitted use thereof and will contribute to the City's unique character and quality of life.
6. The paint to be used and applied shall be appropriate for use in an outdoor locale, for an artistic rendition and shall be of a permanent, long-lasting variety.

18-21.100 Enforcement.

- A.** Any sign installed contrary to the provisions of this Chapter shall be unlawful and a public nuisance, which nuisance may be abated by the City and the cost of abatement shall be made a lien or special assessment against the property upon which the sign is located. The City may order a sign removed from the public right-of-way at any time at no cost to the City for purposes of utilizing the right-of-way for any public purpose. In the event of emergencies or urgent circumstances, the Code Enforcement Officer may summarily remove a sign located in the public right-of-way without notice.
- B.** With the consent of the owner or occupier of any building, structure or premises or under an inspection warrant and upon prior notice to the owner of the subject property, the Code Enforcement Officer may enter at all reasonable times any building, structure or premises in the City to investigate all purported violations of this Chapter and to otherwise take such measures as are necessary and expedient to enforce and secure compliance with the provisions of this Chapter and to perform any duty imposed by this Chapter.
- C.** Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided in Section 18-44 (Enforcement). Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable as provided in this Section.
- D.** The remedies provided for in this Chapter shall be cumulative and not exclusive.

18-21.110 Non-Conforming Signs.

- A. Purpose and intent.** It is the purpose and intent of this Section to encourage and promote compliance of existing signs with the provisions of this Chapter and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Chapter is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, Section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

B. Legal non-conforming signs. Every on-site sign becoming non-conforming as a result of this Chapter shall not be required to be removed, except as provided for in California Business & Professions Code Sections 5492, 5493, 5495 and 5497. An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Chapter or other regulation will be allowed to remain unless any of the following occurs:

1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration;
2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code; or
3. The sign or sign structure is replaced (excluding change of copy).

Upon the occurrence of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured or shall be removed in accordance with the City's nuisance abatement procedures.

C. Sign removal. Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code Sections 5412, 5412.1, 5412.2 and 5412.3. All illegal signs listed below shall be removed in accordance with the City's nuisance abatement procedures:

1. A sign which was legal but non-conforming that becomes illegal and non-conforming by the occurrence of B1, B2 or B3 above.
2. Any illegal sign.
3. An abandoned sign.
4. A display existing without permission of owner or lessee.

D. Identification and inventory. As often as may be desirable, but no less frequently than required by State law, the Director or authorized representative shall authorize an identification and inventory of all illegal and abandoned signs within the City in accordance with the requirements of State law.

18-21.120 Signs on Public Property.

- A.** In adopting this Section, the City Council acts in its proprietary capacity as to City property. This Section states City policies and rules for the display of signs on City property.
- B. Intent as to public forum.** The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.
- C. General prohibition.** Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only after obtaining a sign permit. Any permit application which is denied may be appealed in the same manner as described in Section 18-36 of this Chapter.
- D. Temporary inanimate signs in the public right-of-way.** Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to 30 days prior and 5 days after any official local, state, regional or national authorized election. Such sign display by private persons is subject to a sign permit and the following rules:
1. Sign area. The maximum allowable sign area is 6 square feet per sign (measured on both sides).
 2. Height. Maximum height of freestanding signs is 5 feet.
 3. Posting on structures. All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole or structure supporting a traffic control sign or signal, fire hydrant or similar structures in the public right-of-way.
 4. Safety of placement. Temporary signs posted in the public right-of-way shall meet the following criteria:
 - a. When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.
 - b. Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs or signals or otherwise represent a hazard to vehicular or pedestrian traffic.
 - c. Signs shall not impede a pedestrian's free use of the sidewalk.
 - d. Signs shall be securely affixed to the property on which they are placed.
 - e. Signs shall not be placed in the center of public roadway or medians.

5. Sign removal. Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the sign permit application.

2024 Zoning Regulations

Chapter 18-22 : Performance Standards

Sections :

- 18-22.010 Noise.
- 18-22.020 Vibration.
- 18-22.030 Illumination.
- 18-22.040 Air contaminants.
- 18-22.050 Discharges to water and public sewer.
- 18-22.060 Heat.
- 18-22.070 Solid waste.
- 18-22.080 Energy conservation.
- 18-22.090 Odors.
- 18-22.100 Flammable material.
- 18-22.110 Electromagnetic interference.
- 18-22.120 Viewshed analysis.
- 18-22.130 General and special conditions.

18-22.010 Noise.

No use shall be established, nor any activity conducted which violates the standards of the Clearlake General Plan Noise Element or Noise Ordinance.

18-22.020 Vibration.

No activity shall be conducted which causes ground vibrations perceptible at the property line.

18-22.030 Illumination.

No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other property.

18-22.040 Air contaminants.

- A.** No use or activity shall be conducted without first obtaining any required permit from the County Air Pollution Control District.
- B.** Uses shall be conducted to prevent dust or other airborne material from crossing property lines.

18-22.050 Discharges to water and public sewer system.

- A.** Discharges to groundwater or waterways, whether direct or indirect, shall conform with the requirements of the Regional Water Quality Control Board, Lake County Water Resources Department and the California Fish and Wildlife Service Department.

- B. Discharge of liquid waste into rivers, creeks, ditches or Clear Lake is prohibited.
- C. Liquid waste shall not be discharged into a public sewer system unless it has been pretreated to a level required by the jurisdiction managing the wastewater treatment system.

18-22.060 Heat.

No activity shall be conducted which causes radiant heat or a stream of heated air resulting in a temperature increase of more than 20 degrees Fahrenheit at any property line or any public right-of-way.

18-22.070 Solid Waste.

Solid wastes shall be handled and stored so as to prevent nuisances, health and fire hazards and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash by animals. Suitable space and containers shall be provided to encourage on-site sorting and collection of recyclables (see also Chapter 11 of this Code).

18-22.080 Energy Conservation.

The use of conventional energy sources for space heating and cooling, water heating and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.

18-22.090 Odors.

The emission of odorous matter shall not be readily detectable beyond the property line so as to become a public nuisance or hazard.

18-22.100 Flammable Material.

All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, State and Federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment.

18-22.110 Electromagnetic Interference.

No use shall produce electromagnetic interference with any activity on other properties. Utilities and communications facilities shall comply with all applicable State and Federal regulations.

18-22.120 General and Special Conditions.

These performance standards are general requirements and shall not be construed to prevent the Director, Council, Planning Commission or Design Review Committee from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

Chapter 18-23: Non-Conforming Uses

Sections:

- 18-23.010 Intent.
- 18-23.020 Regulations.

18-23.010 Intent.

Within the districts established by this Zoning Code or amendments thereto, there exist land uses and characteristics of uses which were lawful prior to the adoption of or amendments to this Zoning Code, but which, by reason of such adoption or amendment, fail to conform to the present requirements of the zoning district. It is the purpose of this Chapter to:

- A.** Permit the continued operation of such uses while guarding against such uses becoming a threat to more appropriate development; and
- B.** Provide for the eventual elimination of those uses likely to be most objectionable to their neighbors and which are deemed to be harmful to the community environment and not in the best public interest.

18-23.020 Regulations.

- A. Existing uses.** Except as otherwise specified, any use existing when a zoning ordinance amendment rendered the use nonconforming, may be continued, even though such use may not conform with the provisions of this title for the district in which it is located; provided, that:
 - 1. The use was not established in violation of any zoning regulation previously in effect in the area which constitutes the City, unless such use now conforms with this Zoning Code; and
 - 2. Such use does not constitute a nuisance.
- B. Conditional uses.** Any use which was a permitted use until the date this Zoning Code changed the use to a use for which a conditional use permit is required in the applicable district shall be and remain a nonconforming use until a conditional use permit is obtained as provided in Chapter 18-28.
- C. Enlargement and alteration of nonconforming uses.** Except for dwellings, no building existing on the date that this Zoning Code rendered the use nonconforming, that is devoted to a use not permitted in the zoning district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located and except as provided in Subsection D, Substitution or alteration of a nonconforming use

D. Substitution or alteration of a nonconforming use. Nonconforming uses shall not be reconstituted or substituted or substantially altered, unless the use thereof is changed to a use permitted in the district in which such building, structure or land is located or except upon approval of a conditional use permit by the planning commission pursuant to Subsection B, Conditional use approval and to the criteria of this subsection. The proposed alteration of a nonconforming use shall result in a lesser discrepancy between the existing conditions and the zoning requirements for the district based on the following criteria:

1. The new use serves a need which is directly related or complementary to permitted uses of the property;
2. The new use results in reduced parking, traffic or congestion problems;
3. The new use is not to be detrimental to the habitability of adjacent properties throughout the period of its continued use; and
4. The new use and resulting general appearance will not detract from the neighborhood character or desirability.

The Director may approve a one-time expansion to an industrial use that is legally nonconforming due to the fact that the property is not zoned for the existing use. Approvals shall be subject to the following:

5. The area of expansion shall be consistent with the Design Review Manual in accordance with Chapter 18-33;
6. Existing storage and areas of outdoor operation shall be fully screened; and
7. The site shall be brought up to standards in terms of complying with performance standards referenced in Chapter 18-22.

E. Cessation of use.

1. If a nonconforming use ceases for a continuous period of 6 months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the zoning district in which it is located.
2. Abandonment or discontinuance shall include cessation of a use for any reason, regardless of intent to resume the use.
3. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

2024 Zoning Regulations

Chapter 18-24: Non-Conforming Lots

Sections:

- 18-24.010 Intent.
- 18-24.020 Regulations.

18-24.010 Intent.

A lot having less area, width, depth or frontage than required by the Zoning Code and Subdivision Regulations, for the zone in which it is located, but which was lawfully created prior to the effective date of regulations requiring such greater area or dimension, shall be considered a nonconforming lot. These regulations are intended to provide for the reasonable use of such nonconforming lots, consistent with other standards adopted to protect the public health, safety and general welfare.

18-24.020 Regulations.

- A.** If a nonconforming lot has been held in common ownership with any contiguous property at any time since November 16, 1987 (Ordinance No. 4-87) and it otherwise meets the requirements for parcel merger under Government Code Section 66451.11, it may not be individually developed. The area within such a lot may be developed only after it has been merged with contiguous property or otherwise re-subdivided in conjunction with the contiguous property to create one or more conforming parcels or one parcel which more nearly conforms.

An exception to the above merger requirement may be requested through an administrative use permit. To approve the administrative use permit, the Director must find that retention of the property line(s) will not adversely impact neighborhood character. Factors that assure that neighborhood character is maintained include:

1. The regular spacing of buildings on the affected lots, when viewed from the street, is consistent with other developed properties within the same block;
 2. Convenient and conforming access and parking is available to serve site uses.
- B.** In LDR and MDR zones, the merger or re-subdivision requirement set forth in the first paragraph of this Subsection shall not apply to a nonconforming lot and contiguous commonly owned property where each of the parcels has an area, width, depth and frontage equal to at least 80% of the minimum required in this code.

2024 Zoning Regulations

Chapter 18-25: Non-conforming Structures

Sections:

- 18-25.010 Intent.
- 18-25.020 Regulations.

18-25.010 Intent.

Within the districts established by this Zoning Code or amendments thereto, there exist structures and characteristics of uses which were lawful prior to the adoption of or amendments to this Zoning Code, but which, by reason of such adoption or amendment, fail to conform to the present requirements of the zoning district. It is the purpose of this Chapter to:

- A.** Permit the continued operation of such structure while guarding against such uses becoming a threat to more appropriate development;
- B.** Provide for the eventual elimination of those structures likely to be most objectionable to their neighbors and which are deemed to be harmful to the community environment and not in the best public interest; and
- C.** Limit the number and extent of nonconforming structures by prohibiting their movement, alteration or enlargement in a manner that would increase the discrepancy between existing conditions and standards prescribed in this Zoning Ordinance and by regulating their restoration after major damage.

18-25.020 Regulations.

A. Replacement of damaged or destroyed nonconforming structures.

- 1. Any nonconforming building or structure that has been damaged by more than 60% of its then appraised value for tax purposes, exclusive of the foundations at the time of damage, shall not be restored or reconstructed and used as before such damage or destruction.
- 2. If less than 60% of the nonconforming building or structure is damaged above the foundation, it may be restored, reconstructed or used as before; provided, that all restoration or reconstruction shall be substantially completed within 6 months of such damage or destruction.
- 3. Increasing the square footage of a nonconforming residential structure does not constitute adding to or enlarging for purposes of this Section; provided, that no additional dwelling unit is created and such increase otherwise conforms to applicable development standards.

B. Repairs, Alterations and Relocation.

1. Repairs. Such repairs and maintenance work as required to keep the nonconforming building or structure in sound condition may be made.
2. Alterations.
 - a. In general. Enlargements or alterations may be made to a nonconforming structure only if the enlargements or alterations are consistent with all applicable district standards.
 - b. Single-family and duplex structures. Nonconforming single-family and duplex structures may be altered if the structure was legally built prior to the effective date the zoning ordinance amendment rendered the structure nonconforming.
 - c. Accessory structures and garages. Accessory structures, including garages, which were legally built prior to the date a zoning ordinance amendment rendered the structure nonconforming may be altered or expanded, provided the alterations comply with applicable parking requirements. Nonconforming garages or storage buildings may not be expanded to include a habitable space nor converted to a habitable space.
 - d. An accessory or junior accessory dwelling unit that conforms with the standards in this chapter will not be required to correct a non-conforming zoning condition.

C. Relocation. A nonconforming structure shall not be moved unless it conforms to the standards of all applicable district standards at its new location.

Chapter 18-26: General Plan Amendment Regulations**Sections:**

18-26.010	Title.
18-26.020	Amendments to be made in manner provided in this Chapter.
18-26.030	Purpose.
18-26.040	Initiation of amendments – Applications.
18-26.050	Schedule for amendments.
18-26.060	Planning Commission actions.
18-26,070	City Council actions.
18-26.080	Coordination of plan amendments.

18-26.010 Title.

This Chapter shall be known and may be cited as the “General Plan amendment regulations of the City.” (Prior code § 9600)

18-26.020 Amendments to be made in manner provided in this Chapter.

The Clearlake General Plan or any part or element thereof shall be amended in the manner provided in this Chapter. (Prior code § 9601)

18-26.030 Purpose.

It is the purpose of this Chapter to provide for the orderly processing of General Plan amendments in a manner consistent with the overall goals of the community’s planning program and the requirements of the California law. In particular, this Chapter is intended to:

- A.** Assure that the General Plan is amended for good reason and with due consideration of community-wide interests;
- B.** Help achieve and maintain internal consistency of General Plan elements and conformance between the General Plan and implementing techniques, such as zoning; and
- C.** Establish rights and assign responsibilities for the persons and agencies involved in General Plan administration so each can perform fairly and effectively (prior code § 9602).

18-26.040 Initiation of amendments – Applications.

- A. Initiation of amendment by the City Council.** The City Council may initiate General Plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing, as provided in Section 18-27..
- B. Applications to initiate amendments.** Any person may request an amendment of the General Plan by filing an application with the department of community development. Such application shall include:
1. A description of the proposed amendment, including, as may be necessary, additions or modifications to the text and graphics of adopted General Plan elements or reports;
 2. A statement explaining how the proposed change will better reflect community desires as expressed in General Plan goals and policies;
 3. If the amendment involves change of a basic goal or policy, why the change is warranted by new information or reevaluation of community needs;
 4. An analysis of how the proposed change will beneficially and detrimentally affect adjacent areas or shared resources. This analysis may take the form of a draft environmental impact report;
 5. A description of how the amendment of one policy may reinforce or conflict with related policies, including those in other elements;
 6. Such other supporting data as the director may require to enable evaluation of the proposal; and
 7. A fee sufficient to cover the expected costs incurred in processing the application, to be established by resolution of the council.

18-26.050 Schedule for Amendments.

Any element of the General Plan may be amended not more than 4 times per year. Each amendment may include more than one change to the General Plan. Such amendments may be scheduled at any time deemed necessary or convenient. The Planning Commission may review individual amendments as often as necessary, but the City Council must consider them in no more than 4 batches per year, so that cumulative effects of such amendments can be considered.

18-26.060 Planning Commission Actions.

- A. Public Hearings – Notice.** The Planning Commission shall hold at least one public hearing before taking action on any General Plan amendment. Notice of the date, time and place of the hearing shall be given at least 10 calendar days before the hearing by publication of the notice, describing the nature of the proposed amendment(s), in a newspaper of general circulation within the City.
- B. Resolution.** The approval of the Planning Commission of any amendment to the General Plan shall be by resolution of the commission adopted by the affirmative vote of not less than a majority of its total voting members.
- C. Transmittal to Council.** Upon approval by the Planning Commission of any General Plan amendment or denial of a City Council initiated amendment, it shall be transmitted to the council with the Planning Commission's report and recommendation.
- D. Appeals.** Any denial by the Planning Commission may be appealed to the City Council.
- E. Other situations.** When neither a majority of the commission recommends approval nor a majority of a quorum recommends denial, the Planning Commission may transmit the amendment to the council with a report explaining the situation and stating the recommendations of the individual commissioners.

18-26.070 City Council Actions.

- A. Public Hearings – Notice.** Upon transmittal from the Planning Commission or upon appeal from the applicant, the council shall hold at least one public hearing on proposed General Plan amendments. Notice of the time, place and subject of the hearing shall be given as provided in Section 18-26.060(A).
- B. Resolution.** Any amendment of the General Plan shall be adopted by resolution of the council adopted by the affirmative vote of not less than three of its members.
- C. Referral of Council changes.** In adopting any General Plan amendment which has been approved by the Planning Commission, the council shall not make any substantive changes or additions involving issues not considered by the Planning Commission in their review, until the proposed change or addition has been referred to the Planning Commission for a report and the report has been filed with the council. Failure of the Planning Commission to report within 40 calendar days after the referral or such longer period as may be designated by the council, shall be deemed to be approval of the change or addition.

18-26.080 Coordination of plan amendments.

Changes in policy or land use designations which involve more than one element shall be made as concurrent amendments to the related elements in order to maintain internal plan consistency

2024 Zoning Regulations

Chapter 18-27: Zoning Amendments

Sections:

- 18-27.010 Scope.
- 18-27.020 Initiation.
- 18-27.030 Planning Commission action.
- 18-27.040 Council action.
- 18-27.050 Annexation and pre-zoning.
- 18-27.060 Other requirements.

18-27.010 Scope.

An amendment to these regulations which changes any property from one zone to another shall be adopted as set forth in Sections 18-27.020 through 18-27.060. Any other amendment to these regulations may be adopted as other ordinances and amendments to the Municipal Code are adopted.

An amendment to these regulations may be initiated by:

- A.** A resolution of intention of the Planning Commission;
- B.** A resolution of intention of the City Council; or
- C.** An application by the Director or any other person or agency in the form prescribed by the Director.

18-27.020 Planning Commission Action.

- A.** Before taking any action on a proposed zone change, the Planning Commission shall hold a public hearing. Notice of the time, date, place and purpose of the hearing shall be given in each of the following ways at least 10 calendar days before the hearing:
 - 1. Publication in a newspaper of general circulation within the City;
 - 2. Posting each street frontage of the property to be rezoned or the nearest street access if the property does not abut a dedicated street; and
 - 3. First-class mail to owners of the property to be rezoned and of property within a radius of 300 feet, as listed in the most recent annual revision of the County Assessor's roll.
- B.** Failure to post or notify by mail shall not invalidate any amendments duly adopted.

- C. If the Planning Commission approves a rezoning or denies a Council-initiated rezoning, its action shall be a written recommendation to the Council, including any findings required for approval.
- D. If the Planning Commission denies a rezoning which it or a private party has initiated, the action shall be final unless appealed. It shall be rendered in writing and shall state the reasons for denial.

18-27.040 Council Action.

Before taking action on a recommendation of the Planning Commission, the Council shall hold a public hearing for which notice shall be given as provided in Section 18-30.110 and 18-30.120.

18-27.050 Annexation and Pre-zoning.

Any area annexed to the City shall be pre-zoned consist with the Clearlake General Plan or classified C/OS until rezoned after annexation.

18-27.060 Other Requirements.

Procedures for pre-zoning and adoption of urgency interim regulations shall be as provided in the California Government Code. Requirements for the scheduling of zoning hearings in relation to General Plan amendments, reports from the Planning Commission to the Council upon referral and all other matters not prescribed in greater detail in these regulations shall be as provided in the Government Code.

2024 Zoning Regulations

Chapter 18-28: Zoning Permits and Use Permits

Sections:

- 18-28.010 Purpose and intent.
- 18-28.020 Application form.
- 18-28.030 Procedures.
- 18-28.040 Findings.
- 18-28.050 Conditions of approval.
- 18-28.060 Criteria for approval.
- 18-28.070 Requirement for and compliance with use permits.

18-28.010 Purpose and intent.

It is intended that zoning and use permits allow flexibility in providing for, regulating or preventing various uses, so they will be compatible with existing or desired conditions in their neighborhoods. The permit approval is required for certain uses so that their detrimental effects can be reduced or avoided and potential conflicts in land use can be prevented. This is necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community.

18-28.020 Application form.

Application shall be made to the Community Development Department in the form prescribed by the Director, including, as may be necessary, site plans, written descriptions of activities to be conducted, technical studies of site characteristics.

18-28.030 Procedures.

A. Zoning Permits.

1. Before acting on the zoning permit, the director shall verify that it is an allowable use in said zoning district and that it is able to meet all applicable requirements.
2. The Director may add conditions of approval, or may or deny the zoning permit. If the Director denies an application for a zoning permit the Director will include findings as to the reasons the permit is denied. The Director's decision shall be final unless appealed to the Planning Commission
3. If the Director determines that the zoning permit application could adversely impact the neighborhood, the Director may convert the zoning permit application to an administrative use permit and follow all requirements under Subsection B of this Section. Alternatively, the Director may refer a zoning permit application to the Planning Commission, pursuant to the requirements in Subsection C of this Section, when the Director determines the application involves a major policy issue or public controversy that would be resolved more suitably by the Commission.

4. Expiration: When a use that was allowed by approval of a an zoning permit ceases operation for 1 year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new zoning permit.

5. B. Administrative Use Permits.

1. Before acting on any administrative use permit application, the Director may hold a public hearing conducted according to its By-Laws. Notice of the time, date, place and purpose of the hearing shall be given by posting on the property and/or publishing an advertisement in a local newspaper of general circulation at least 10 days before the hearing.
 - i. Decisions of the Director shall be rendered in writing within 10 days of the hearing. They shall state the conditions of approval, if any or the reasons for denial. The Director's decision shall be final unless appealed.
 - ii. The Director may refer an administrative use permit to the Planning Commission, pursuant to the requirements in Subsection B of this Section, when the director determines the application involves a major policy issue or public controversy that would be resolved more suitably by the Planning Commission.
2. **Manner of giving public notice.** Public notice requirements shall be met by:
 - i. Mailing, Email or delivery to the applicant and to all owners of real property within three hundred feet of the property included in the project.
 - ii. Notify (i.e email, mailings, etc.) any person who has filed a written request for such notice with the Director, and
 - iii. Publication at least once in a local newspaper of general circulation published and circulated in the City. Said notice shall be published at least 10 days before the hearing date and shall include: (a) the time and place of the public hearing and (b) a general project description, including the property location, proposed land uses and applicant's name. The written notice shall declare that the requested administrative use permit may be issued without a public hearing if no written request for public hearing is filed within ten (10) calendar days of the date of mailing and/or by the referenced date within the legal notice.

D. Expiration of administrative use permits.

- i. When a use that was allowed by approval of a an administrative use permit ceases operation for 1 year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new administrative use permit.

- ii. The Director may extend the 1-year limit stated in D.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation.

a. E. Planning Commission Conditional Use Permits

1. Before acting on any use permit application, the Planning Commission shall hold a public hearing conducted according to its By-Laws. Notice of the time, date, place and purpose of the hearing shall be given by posting the property and publishing an advertisement in a local newspaper of general circulation at least 10 days before the hearing.
2. Decisions of the Planning Commission shall be rendered in writing within 10 days of the hearing. They shall state the conditions of approval, if any or the reasons for denial. The Planning Commission's decision shall be final unless appealed to the City Council.
3. When a use permit application is presented before the Planning Commission, the Commission may act to impose additional development standards beyond those indicated in this Code. Use permit findings and procedures shall apply as provided in relevant sections of these regulations.
4. Public notice for use permit applications, in order to fulfill the intent of this Section, shall be sufficiently general so the public will be aware of the type of project proposed and the types of actions the Commission may take, without further notice, to approve or conditionally approve the project.
5. Minor amendments to a conditional use permit may be approved by the Director in accordance with Section 18-28.80.

C. Manner of giving public notice. Public notice requirements shall be met by:

1. Mailing, Emailing or delivery to the applicant and to all owners of real property within three hundred feet of the property included in the project;
2. Notify (i.e. email, mailings, etc.) to any person who has filed a written request for such notice with the Director, and
3. Publication at least once in a newspaper of general circulation published and circulated in the City. Said notice shall be published at least 10 days before the hearing date and shall include: (a) the time and place of the public hearing and (b) a general project description, including the property location, proposed land uses and applicant's name.

D. Expiration of Use Permit.

1. When a use that was allowed by approval of a use permit ceases operation for 1 year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new use permit.
2. The Director may extend the 1-year limit stated in D.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation.

18-28.040 Findings for Administrative and Conditional Use Permits.

In order to grant an administrative or conditional use permit, the Community Development Director or Planning Commission or on appeal, the Council, must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record.

18-28.050 Conditions of Approval.

- A.** Conditions imposed by the Director, Planning Commission or Council may include, but are not limited to, the following:
1. Modification or limitation to activities, including times and types of operation;
 2. Special yards or open spaces;
 3. Fences, walls or landscape screens;
 4. Provision and arrangement of parking and vehicular and pedestrian circulation;
 5. On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
 6. Noise generation and attenuation;
 7. Dedication of right-of-way or easements or access rights;
 8. Arrangement of buildings and use areas on the site;
 9. Special hazard reduction measures, such as slope planting;
 10. Minimum site area;

11. Other conditions which may be found necessary to address unusual site conditions;
12. Establishment of an expiration date, after which the use must cease at that site;
13. Recycling and solid waste plans; and
14. Conditions may not be imposed that restrict the use to a specific person or group.

18-28.060 Criteria for Approval.

- A.** In deciding whether a proposal is acceptable at a given location, the Director, Planning Commission and Council shall consider whether the proposal could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings. Appropriate criteria may be found in the following sources, without limitation:
1. Clearlake General Plan elements (such as Land Use, Circulation, Housing, Noise, Seismic Safety, Public Safety, Open Space and Conservation):
 2. Specific plans and special studies; and
 3. Standards and recommendations of agencies commenting on environmental documents for the proposal or for similar projects.
 4. That the application has been processed in accordance with all applicable Federal, State and local agency requirements, including the California Environmental Quality Act (CEQA) and the City of Clearlake Environmental Review Guidelines.

18-28.70 Requirement for and Compliance with Use Permits.

- A.** When more than one use permit - including more than one type of use permit - is required by individual uses per these regulations, only one use permit application shall be filed and acted upon. . If a use permit for site development exceptions and/or requests for shared and mixed-use parking reductions is required, and review by the Design Review Committee are required, then only the design review application shall be filed.
- B.** The modification or addition to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premises occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Director shall determine when such an addition or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.

- C.** Any conditions established pursuant to these regulations shall be met before the use is established, except that the Director, Planning Commission or on appeal, the Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
- D.** If a land use authorized by use permit is not established within 1 year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire. If a structure or associated site development authorized by use permit is not issued building permits (if building permits are required) within 3 years of the date of approval, the use permit shall expire. Upon written request received prior to expiration, the Director may grant renewals of use permit approval for successive periods of not more than 1 year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed. Renewal of a use permit shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Director must make the findings required for initial approval.

18-27.80 Amendments to Approved Conditional Use Permits:

- A.** Amendments to a Planning Commission may be made upon application to the City in the form of either a major or minor modification of the project. Major amendments are subject to Planning Commission review in compliance with processing a new conditional use permit in accordance with Section 18-27-30 E. Minor amendments may be reviewed by the Community Development Director as determined appropriate and are subject to the same process provided for an administrative use permit under Section 18-27.40.
- B.** Major Amendments to a Planning Commission Use Permit are determined necessary when the modification will result in a material change in the nature of a project. The following are deemed major modifications for purposes of this section. This list is not inclusive, and the fact that a particular change is not included does not limit discretion or authority of the decision-maker to determine that a particular proposed change or set of changes to the permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:
- a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the permit;
 - b. Any increase in the density of dwelling units per acre;
 - c. Any material changes in the orientation or location of structures on the parcel.
 - d. Will involve an increased intensification of land use that results in environmental impacts that were not previously evaluated under the current conditional use.

- C.** For Minor amendments of a Planning Commission Conditional Use Permit, the Community Development Director may establish requirements related to, but not limited to, days and hours of operation, parking, temporary structures and site planning, in addition to performance standards beyond those issued by the Planning Commission under the original Conditional Use. The Community Development Director may refer any proposed minor amendments to Planning Commission Conditional Use Permits to the Planning Commission regardless of what constitutes a major or minor amendment under this Chapter.

Chapter 18-29: Variances**Sections:**

18-29.010	Intent.
18-29.020	Scope.
18-29.030	Procedure.
18-29.040	Findings.
18-29.050	Expiration.

18.29.010 Intent.

The variance procedure is intended to allow minor relaxation by the Director of certain standards that would otherwise prevent a property from being used in the same manner as other, similar property, where the intent of these regulations is not compromised by such minor relaxation.

18-29.020 Scope.

Yards, height limits, coverage and parking space requirements may be relaxed. No variance to use regulations or density standards may be granted.

18-29.030 Procedure.

- A. Application shall be in the form prescribed by the Director, shall state the precise nature of the grounds for the variance sought and shall generally follow the form established for use permits.
- B. Notification requirements and actions of the Director shall be as provided for administrative use permits in Section 18-28.030.

18-29.040 Findings.

In order to approve a variance, the Director, Planning Commission or Council must make each of the following findings:

- A. That there are circumstances applying to the site, such as size, shape or topography, which do not apply generally to land in the vicinity with the same zoning;
- B. That the variance will not constitute a grant of special privilege - an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and
- C. That the variance will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity.

- D.** That the application has been processed in accordance with all applicable Federal, State and local agency requirements, including the California Environmental Quality Act (CEQA) and the City of Clearlake Environmental Review Guidelines.

18-29.050 Expiration.

If building permits are not issued for site development_authorized by variance (if building permits are required) within 3 years of the date of approval or such longer time as may be stipulated as a condition of approval, the variance shall expire. Upon written request received prior to expiration, the Director may grant renewals of variance approval for successive periods of not more than 1 year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the variance was originally approved have substantially changed. Renewal of a variance shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Director must make the findings required for initial approval.

2024 Zoning Regulations

Chapter 18-30: Development Agreements

Sections:

- 18-30.010 Authority.
- 18-30.020 Initiation of hearings.
- 18-30.030 Fees
- 18-30.040 Application – Contents
- 18-30.050 Public notice.
- 18-30.060 Failure to receive notice.
- 18-30.070 Planning Commission hearing and recommendation.
- 18-30.080 City Council hearing.
- 18-30.090 City Council action.
- 18-30.100 Recordation of executed agreement.
- 18-30.110 Amendment – Time extension – Cancellation.
- 18-30.120 Review for compliance – Director’s authority.
- 18-30.130 Consequences of termination.
- 18-30.140 Irregularity in proceedings.
- 18-30.1540 Coordination of approvals.

18-30.010 Authority.

This Chapter establishes procedures and requirements for Development Agreements as authorized by Article 2.5, Chapter 4, Title 7 of the Government Code, Sections 65864 et seq. The Planning Commission may recommend and the City Council may enter into a Development Agreement for the development of real property with any person having a legal or equitable interest in such property, as provided below. At its sole discretion, the council may, but is not required to, approve a Development Agreement where a clear public benefit or public purpose can be demonstrated.

18-30.020 Initiation of Hearings.

Hearings on a Development Agreement may be initiated: (a) upon the filing of an application as provided below; or (b) by the council by a simple majority vote.

18-30.030 Fees.

The council shall establish and from time to time may amend, a schedule of fees to cover the City’s costs of processing applications for Development Agreements.

18-30.040 Application – Contents.

- A.** A Development Agreement application shall include the following information:
 - 1. A planning application and processing fee;

2. Evidence that the applicant has a legal or equitable interest in the property involved or written permission from a person having a legal or equitable interest to make such application;
 3. Location of the subject property by address and vicinity map;
 4. Legal description of the property, including a statement of total area involved;
 5. Such other information as the director may require.
- B.** The director may waive the filing of one or more of the above items where the required information is filed with an application for a rezoning, use permit, variance, subdivision approval or other development entitlement to be considered concurrently with the Development Agreement.
1. The Director may reject any application that does not supply the required information or may reject incomplete applications.
 2. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

18-30.050 Public Notice.

When the Director certifies that the application is complete, the item shall be scheduled for planning commission hearing; and the Director shall give notice of the public hearing.

18-30.060 Failure to Receive Notice.

The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.

18-30.070 Planning Commission Hearing and Recommendation.

- A.** The Planning Commission shall consider the proposed Development Agreement and shall make its recommendation to the council. The recommendation shall include whether or not the proposed Development Agreement meets the following findings:
1. The proposed Development Agreement is consistent with the Clearlake General Plan and any applicable Specific Plan;
 2. The proposed Development Agreement complies with zoning, subdivision and other applicable ordinances and regulations;
 3. The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning and provides substantial public benefits or necessary public improvements, making it in the City's interest to enter into the Development Agreement with the applicant; and

4. The proposed project and Development Agreement:
 - a. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area;
 - b. Will be appropriate at the proposed location and will be compatible with adjacent land uses; or
 - c. Will not have a significant adverse impact on the environment.

18-30.080 City Council Hearing.

After the recommendation of the Planning Commission, the director shall give notice of a public hearing before the City Council in the manner provided for in Section 18-28.030.

18-30.090 City Council Action.

- A. Referral.** After it completes the public hearing and considers the commission's recommendation, the council may approve, conditionally approve, modify or disapprove the proposed Development Agreement. The council may refer matters not previously considered by the commission during its hearing back to the commission for review and recommendation.
- B. Approval.** The Development Agreement may be approved if the City Council makes the findings for approval listed in Section 18-28.030

18-30.100 Recordation of Executed Agreement.

Following the execution of a Development Agreement by the City Administrative Officer, the City Clerk shall record the executed agreement with the County Recorder.

18-30.110 Amendment – Time extension – Cancellation.

A Development Agreement may be amended, extended or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment, time extensions or cancellation of the Development Agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement.

18-30.120 Review for Compliance – Director's Authority.

- A.** Every Development Agreement entered into by the City Council shall provide for director review of compliance with the Development Agreement at time intervals as specified in the agreement, but not less than once every 12 months.
- B.** It is the duty of the applicant or his or her successor in interest to provide evidence of good faith compliance with the agreement to the director's satisfaction at the time of the director's review. Refusal by the applicant or his or her successor in interest to provide the required information shall be prima facie evidence of violation of such agreement.

18-30.130 Consequences of Termination.

Upon termination or expiration of the Development Agreement, the owner shall otherwise comply with City codes, regulations, development standards and other applicable laws in effect at the time of termination of the agreement.

18-30.140 Irregularity in Proceedings.

No action, inaction or recommendation regarding the proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was prejudicial and that a different result would have been probable if the error had not occurred or existed.

18-30.150 Coordination of Approvals.

- A. Public hearings.** Where an application for a Development Agreement is concurrently filed with an application for a zone change, use permit, variance, minor subdivision or tract map or annexation and the applications may be feasibly processed together, public hearings may be concurrently held.
- B. Zoning or subdivision exceptions.** Yards, building height, coverage, parking requirements, density and other design standards may be modified or relaxed during consideration of a Development Agreement. The council may modify or relax development or subdivision standards when: (1) such modification or relaxation is otherwise allowed by this municipal code, (2) the council makes findings as required by zoning and subdivision regulations and (3) the council determines that such modification or relaxation of standards is consistent with the General Plan and reasonably necessary to allow the safe, efficient or attractive development of the subject property.

2024 Zoning Regulations

Chapter 18-31: Density Bonuses

Sections:

- 18-31.010 Purpose.
- 18-31.020 Bonus requirements for residential projects.
- 18-31.030 Eligibility for density bonus, incentives or concessions.
- 18-31.040 Inclusionary housing.
- 18-31.050 Allowed incentives or concessions.
- 18-31.060 Processing of bonus requests.
- 18-31.070 Density bonus agreement.

18-31.010 Purpose.

The purpose of this Section is to implement State law requirements under California Government Code, Sections 65915-65918, as they may be amended from time to time or the current equivalent to encourage the development of residential development that offers a percentage of its units to be made available to families of low or moderate income.

18-31.020 Bonus Requirements for Residential Projects.

Pursuant to Government Code Section 65915 and 65917, the City must grant to an applicant of a qualifying housing development who seeks a density bonus (“developer”) either 1) a density bonus or 2) a density bonus with an additional incentive(s) as set forth in this Article. A density bonus housing agreement shall be made a condition of any density bonus approved pursuant to this Section. The agreement shall be recorded as a covenant on the property on which the designated affordable dwelling units will be constructed, which covenant shall run with the land.

18-31.030 Eligibility for Density Bonus, Incentives or Concessions.

The following are eligibility requirements for a density bonus, incentives or concessions applicable to this Section:

- A. Affordability.** A developer entering into **density bonus** agreement to construct a housing development may qualify for a density bonus as **provided under Government Code Section 65915**. Government Code Section 65915.5 shall govern the availability of bonus incentives for projects which convert apartments to condominium projects which include at least 33% of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code or 15% of the total units to lower income households as defined in Section 50079.5 of the Health and Safety Code.

B. Allowed density bonus. Qualifying developments are eligible for a density bonus and one or more additional incentives or concessions as follows:

1. Low-income households. A housing development eligible for a bonus in compliance with criteria of Subsection A.2 above (10% of lower income households), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915 (f)(1).
2. Very low-income households. A housing development eligible for a bonus in compliance with criteria of Subsection A.1 above (5% of very low-income households), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915 (f)(2).
3. Senior citizen development. A housing development eligible for a bonus in compliance with criteria of Subsection A.3 above (senior citizen development or mobile home park), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915 (f)(3).
4. Common interest development. A housing development in compliance with criteria of Subsection A.4 above (10% for moderate income households), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915(f)(4).
5. Density bonus for land donation. When an applicant for a tentative subdivision map, parcel map or other residential development approval donates land to the City, the maximum allowable residential development shall be as set forth under the applicable zoning ordinance and Clearlake General Plan, as permitted by Government Code 65915(g)(1). This increase shall be in addition to any other density bonus. The applicant shall meet the conditions in Government Code Section 65915(g) in order to qualify for the additional development.
6. Density bonus for housing with childcare facilities. The City shall grant a housing development that includes a childcare facility in compliance with Government Code Section 65915(h).
7. Any additional qualifying density bonus, incentive, or concession allowable under Government Code Section 65915 as amended from time to time.

C. Development Standards. Projects qualifying under this Section shall comply with the following development standards.

1. Designated affordable units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project and shall be compatible with the design or use of the remaining units in terms of appearance, materials and finished quality.

2. If the project is phased, the density bonus units shall be phased in in the same proportion as the non-density bonus units or phased in another sequence acceptable to the City.

18-31.040 Inclusionary Housing.

At the time of adoption of this Density Bonus Ordinance, the City does not have an inclusionary housing policy in place. However, if an inclusionary housing policy is adopted, designated affordable units shall count towards the requirements of the City's inclusionary housing requirements.

18-31.050 Allowed Incentives or Concessions.

The following are allowed incentives or concessions that can be made for projects qualifying under this Section:

- A. Applicant request and City approval.** An applicant for a density bonus may submit to the City a proposal for the specific incentives or concessions listed that the applicant requests and may request a meeting with the City staff prior to submitting the development application. The City Council shall grant an incentive or concession request that complies with the requirements of this Section and State Law, unless the City Council makes in writing, based on substantial evidence, the findings established in Government Code Sections 65915(d)(1)(A), 65915(d)(1)(B) or 65915(d)(1)(C).
- B. Number of incentives.** The applicant shall receive other concessions or incentives, as listed in Subsection C below, which significantly contribute to the economic feasibility of construction or the qualifying development project. The number of concessions or incentives will be determined by Government Code Section 65915(d)(2).
- C. Types of incentives.** For the purposes of this Section, bonus concessions or incentives which the City may provide include, but are not limited to, any of the following, as established in Government Code Section 65915(k).
 1. A reduction in site development standards or a modification of zoning code requirements of architectural design requirements that exceed the minimum State of California Building Standard pursuant to California Government Code Section 65915(k).
 2. A modification of zoning ordinance requirements or design standards requirements that result in identifiable financially sufficient and actual cost reductions that exceed the minimum State of California Building Standards pursuant to California Government Code Section 65915(k), including but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
 3. 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

4. Any other incentive or concession proposed by the Developer or the City that results in an identifiable, financially sufficient and actual cost reductions.

18-31.060 Processing of Bonus Requests.

The following is required for processing a bonus request:

- A. Permit requirement.** A request for a density bonus and other incentives and concessions shall be evaluated and decided through the permit process in as though it were a use permit application through the Planning Commission and then recommended to the City Council for approval.
- B. Finding for approval.** The approval of a density bonus and other incentives and concessions shall require that the review authority first make all the following findings:
 1. The residential development will be consistent with the General Plan,
 2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.
 3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Chapter.
 4. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

18-31.070 Density Bonus Agreement.

The following is required for a density bonus agreement:

- A. Agreement required and provisions.** An applicant requesting a density bonus agreement shall agree to enter into a recordable density bonus agreement (“agreement”) with the City in a form approved by the City Attorney. The executed agreement shall be recorded on the property designated for the construction of the designated affordable units. The approval and recordation shall take place prior to final map approval or where a map is not being process, prior to issuance of building permits for such properties.
- B. Project information.** The agreement shall include at least the following information about the project:
 1. The total number of units approved for the housing development, including the number of designated affordable units.

2. A description of the household income group to be accommodated by the housing development and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with U.S. Department of Housing and Urban Development (“HUD”) Guidelines.
3. The marketing plan for the affordable units.
4. The location, unit sizes (square feet) and number of bedrooms of the designated affordable dwelling units.
5. Tenure of the use restrictions for designated affordable dwelling units of the time periods required by this Section and Government Code Section 65915.
6. A schedule for completion and occupancy of the designated affordable dwelling units.
7. A description of the additional incentives being provided by the City.
8. A description of the remedies for breach of the agreement by the owners.
9. Other provisions to ensure successful implementation and compliance with this Section and Government Code Section 65915.

C. Minimum requirements. The agreement shall provide, at a minimum, that:

1. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all the designated affordable dwelling units at the appraised value.
2. The deeds to the designated affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet or otherwise transfer any interest for designated affordable dwelling units without the written approval of the City.’
3. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated affordable dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD.
4. The City shall have the authority to enter into other agreements with the developer or purchasers of the designated affordable dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households.
5. Applicable deed restrictions, in the form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance or withdrawal of the Certificate of Occupancy.

6. In any action taken to enforce compliance with deed restrictions, the City Attorney may take all action allowed by law to recover all of the City's costs of action including legal services and reasonable attorney's fees.
7. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.
8. The designated affordable dwelling units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the requirements of Government Code Section 65915(c).

D. For-sale housing conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated affordable dwelling units during the applicable restriction period:

1. A requirement that designated affordable dwelling units shall be owner-occupied by eligible households or by qualified residents in the case of senior housing.
2. Provisions as the City may require ensuring continued compliance with maintaining affordable dwelling units in compliance with this Section and State law.
3. Terms for future sales and recapture of any equity to ensure continued affordability of dwelling units for the requisite time period, as prescribed by Government Code Section 65915(c).

E. Rental housing conditions. In the case of rental housing development, the agreement shall provide for the following conditions governing the use of designated affordable dwelling units during the restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and maintaining the designated affordable dwelling units for qualified tenants.
2. Provisions requiring owners to annually verify to the City tenant incomes and maintain books and record to demonstrate compliance with this Section.
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address and income of each person occupying the designated affordable dwelling units and which identifies the bedroom size and monthly rent or cost of each unit.
4. The applicable use restriction shall comply with the time limits for continued availability in compliance with this Section.

- F. Execution of Agreement.** Following City Council approval of the agreement and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated affordable dwelling units, at the County Recorder’s Office.
- G.** The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the project.
- H.** The agreement shall be binding on all future owners, developer and/or successors-in-interest.

Chapter 18-32: Environmental Guidelines

Sections:

18-32.010 Purpose and intent

18-32.010 Purpose and intent.

The City Council shall, by resolution, establish and maintain Environmental Review Guidelines for the review of all projects that are subject to the provisions of the California Environmental Quality Act, Sections 15350 to 15387 of the California Public Resources Code.

Chapter 18-33: Design Review**Sections:**

- 18-33.010 Purpose and intent.
- 18-33.020 Application forms and fees.
- 18-33.030 Procedures.
- 18-33.040 Affordable housing development application
- 18-33.050 Design Review Committee.
- 18-33.060 Findings.
- 18-33.070 Design Review Manual.
- 18-33.080 Conditions of approval.
- 18-33.090 Requirements for and compliance with use permits.

18-33.010 Purpose and Intent.

Consistent with the Clearlake General Plan, the Design Review Committee is hereby established for the purpose of review of new development, signs and related community appearance changes to enhance the design characteristic in all neighborhoods within the City of Clearlake.

18-33.020 Application Forms and Fees.

Projects which are subject to design review shall require submittal of a complete application, in accordance with information requirements checklists maintained by the Director. Application review and process shall be subject to payment of fees in accordance with the City's Fee Schedule to defray the City's cost to process applications.

18-33.030 Procedures.

The City Council shall, by resolution, establish and maintain Procedures for implementing Design Review in accordance with the Zoning Code.

18-33.040 Affordable Housing Development Applications.

Certain qualifying housing projects shall be processed in a manner in accordance with Government Code Sections 65903, 65913, 65943 and 65950. This provision shall remain in effect for the terms prescribed by the Government Code and as described in Section 18-19.340 of the Zoning Code.

18-33.050 Design Review Committee.

The City Council shall appoint a Design Review Committee consisting of two Planning Commissioners. A third member shall consist of the Community Development Director. Terms of office and duties are provided in the Design Review Procedures in accordance with Section 18-33.030 of this Chapter.

18-33.060 Findings.

All projects subject to design review shall be designed consistent with the Design Review Manual. Decisions regarding projects that are subject to design review must include findings of consistency that the project is consistent with the Design Review Manual.

18-33.070 Design Review Manual.

The City Council shall, by resolution, establish and maintain a Design Review Manual consisting of a planning document for guidance to the City decision makers, property owners, merchants, real estate interests, architects, designers and building contractors in designing new development and signs related to community appearance changes in the City of Clearlake to carry out the purpose of design review.

18-33.080 Conditions of Approval.

Decisions pertaining to projects that are subject to design review may include conditions to assure that they are designed consistent with the Design Review Manual.

18-33.090 Requirements For and Compliance with Use Permits.

Use permits which involve appearance impacts on the City may also be subject to design review approval.

2024 Zoning Regulations

Chapter 18-34: Repeat Applications

Sections:

18-34.010 Waiting period of 1 year required – Exceptions

18-34.010 Waiting period of 1 year required when – Exceptions.

- A.** When any application made pursuant to these regulations has been denied, no new application which is substantially the same shall be filed within 1 year of the date of the previous denial unless the Planning Commission or City Council, for good cause, shall grant permission to do so. The Commission or Council shall initiate such application based on whether the project was denied by the Commission or Council. If the decision to deny an application reviewed by the Commission is finally determined on appeal by the Council, the Council shall grant permission

- B.** The Director shall determine when an application is substantially the same as a previous application, subject to the appeal procedures of Chapter 18-36.

2024 Zoning Regulations

Chapter 18-35: Inactive Applications

Sections:

18-35.010 Applications deemed withdrawn after 180 days of inactivity.

18-35.010 Applications deemed withdrawn after 180 days of inactivity.

An application will be classified as “inactive” when the applicant has not adequately responded within 180 days to submittal items required by staff for further processing as provided in an incomplete letter. The Director shall determine when an application is in an “inactive status” and 30-day extensions may be granted at the discretion of the Director. Any determination of inactive status is subject to appeal procedures of Chapter 18-36.

2024 Zoning Regulations

Chapter 18-36: Appeals

Sections:

- 18-36.010 Standing to appeal.
- 18-36.020 Time limits.
- 18-36.030 Course of appeals.
- 18-36.040 Content of appeals.
- 18-36.050 Hearings and notice.

18-36.010 Standing to Appeal.

Any person may appeal a decision of any official body...

18-36.020 Time Limits.

Appeals must be filed within 10 calendar days of the rendering of a decision which is being appealed. If the tenth day is a Saturday, Sunday or holiday, the appeal period shall extend to the next business day.

18-36.030 Course of Appeals.

- A. Decisions of the Director shall be appealed to the Planning Commission. Such appeals shall be filed with the Director.
- B. Decisions of the Planning Commission shall be appealed to the Council. Such appeals shall be filed with the City Clerk.

18-36.040 Content of Appeals.

The appeal shall concern a specific action and shall state the grounds for appeal (Ord. 941 - 1 (part), 1982; prior code - 9204.8(D)).

18-36.050 Hearings and Notice.

- A. Action on appeals shall be considered at the same type of hearing and after the same notice that is required for the original decision.
- B. Once an appeal has been filed, it shall be scheduled for the earliest available meeting, considering public notice requirements, unless the appellant agrees to a later date.

Chapter 18-37: Fees

Sections:

18-37.010 Establishment authority.

18-37.010 Establishment Authority.

The City Council may, by resolution, establish fees for applications and procedures required by these regulations, to the extent such fees have a reasonable relationship to the costs incurred in processing the applications and providing public notice.

2024 Zoning Regulations

Chapter 18-38: Reasonable Accommodation

Sections:

- 18-38.010 Purpose.
- 18-38.020 Definitions.
- 18-38.030 Review authority.
- 18-38.040 Requests for reasonable accommodation.
- 18-38.050 Application requirements.
- 18-38.060 Required findings.
- 18-38.070 Performance standard.
- 18-38.080 Conditions of approval.
- 18-38.090 Appeals.

18-38.010 Purpose.

The reasonable accommodation provisions allow for flexibility in the application of regulations and procedures to ensure equal access to housing. The provisions set forth in this Section provide a procedure under which a disabled person may request a reasonable accommodation in the application of zoning requirements. This Section is based on requirements of the federal and state fair housing laws and is designed to eliminate barriers to housing opportunities.

18-38.020 Definitions.

Refer to Chapter 45, Definitions, for disabled person, fair housing laws and reasonable accommodation.

18-38.030 Review Authority.

- A. Director.** Requests for reasonable accommodation shall be reviewed by the Director, if no approval is sought other than the request for reasonable accommodation. The Director may refer the matter to any advisory commission or committee, as appropriate.
- B. Other review authority.** Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the application.

18-38.040 Requests for Reasonable Accommodation.

- A. Request.** A request for reasonable accommodation in the application of land use and zoning regulations may be made by a disabled person, his or her representative or a developer or provider of housing for individuals with disabilities.

A request for reasonable accommodation may include a modification or exception to the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers. A reasonable accommodation cannot waive a requirement for a conditional use permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.

- B. Assistance.** If an applicant needs assistance in making the request, the planning division will endeavor to provide the assistance necessary to ensure that the process is available to the applicant.
- C. Balancing rights and requirements.** The City will attempt to balance (1) the privacy rights and reasonable request of an applicant for confidentiality, with (2) the land use requirements for notice and public hearing, factual findings and rights to appeal, in the City's request for information, considering an application, preparing written findings and maintaining records for a request for reasonable accommodation.

18-38.050 Application Requirements.

- A.** Whenever a request for reasonable accommodation is submitted for consideration, as a part of said application, sufficient information shall be submitted to the Community Development Department to determine whether the reasonable accommodation request complies with the provisions of this Section. In addition to the required Administrative Approval Application checklist items, the application shall include the following:
1. The basis for the claim that the individual is considered disabled under the fair housing laws. Identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations.
 2. The rule, policy, practice and/or procedure of the City for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested.
 3. Type of accommodation sought.
 4. The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation.

18-38.060 Required Findings.

- A.** The approval of a reasonable accommodation shall require that the review authority first find that:
1. The housing will be used by a disabled person;
 2. The requested accommodation is necessary to make housing available to a disabled person;
 3. The requested accommodation would not pose an undue financial or administrative burden on the City; and
 4. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

18-38.070 Performance Standard.

Occupancy. A modification approved under this Section is considered a personal accommodation for the individual applicant and does not run with the land.

18-38.080 Conditions of Approval.

- A.** Conditions imposed by the review authority may include, but are not limited to, the following:
1. Inspection of the property periodically, as specified, to verify compliance with this Section and any conditions of approval.
 2. Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists.
 3. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
 4. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists.
 5. Measures in consideration of the physical attributes of the property and structures.
 6. Other reasonable accommodations that may provide an equivalent level of benefit and/or that will not result in an encroachment into required setbacks, exceedance of maximum height, lot coverage or floor area ratio requirements specified for the zone district.

18-38.090 Appeals.

The Director shall administer and interpret these requirements, subject to the applicable codes and City procedures. Decisions of the Director or other review authority are appealable; subject to the Zoning Regulations appeal provisions Chapter 18-36.

Chapter 18-39: Reserved

2024 Zoning Regulations

Chapter 18-40: Native Tree Protection

Sections:

- 18-40.010 Purpose.
- 18-40.020 Protected trees.
- 18-40.030 Exemption from protection and removal regulations.
- 18-40.040 Tree protection regulations.
- 18-40.050 Removal regulations.
- 18-40.060 Heritage trees.
- 18-40.070 Penalty

18-40.010 Purpose.

A. The purpose of this Chapter is to ensure the preservation and protection of resources that cannot be replaced while also balancing the needs of commerce, industry and the human population within the City. Trees are a valuable asset to make the City environment a healthier and more aesthetically appealing place to live. Given these recognized benefits and constraints, the intent and objectives of this Chapter are to:

1. Protect and enhance the aesthetic qualities of the community provided by mature native trees;
2. Promote a healthy and attractive urban landscape as the community grows;
3. Limit the indiscriminate felling, removal and destruction of certain trees;
4. Require the replacement of certain trees that are removed, where appropriate; and
5. Promote the preservation of existing trees during development.

18-40.020 Protected Trees

A. A Native Tree Removal Permit shall be required for the following, unless exempted under Subsection 18-40.030:

1. Native oak trees with the following diameter at breast height (DBH):
 - a. Blue Oak (*Quercus douglasii*) greater than 6-inch DBH
 - b. Valley Oak (*Quercus lobata*) greater than 6-inch DBH
 - c. Interior Live Oak (*Quercus wislizeni*) greater than 6-inch DBH
 - d. California Black Oak (*Quercus kelloggii*) greater than 6-inch DBH

- e. Canyon Live Oak (*Quercus chrysolepsis*) greater than 6-inch DBH
 - f. Oregon White Oak (*Quercus garryana*) greater than 6-inch DBH
2. Any other tree designated by the City Council as a “Heritage Tree” as described in Subsection 18-40.030.

18-40.030 Exemption from Protection and Removal Regulations.

- A. No protected trees meeting the standards in Subsection 18-40.020 may be removed until Zoning Clearance is granted pursuant to this Section. In the following situations, protected trees may be removed without the need for planting replacement trees as described in Subsection 18-40.050c, but are first required to obtain a Zoning Clearance:
 1. The removal of dead or hopelessly diseased trees.
 2. The removal of trees judged to be hazardous to life or property;
 3. The removal of trees judged by a public utility company to be a hazard to the safety of high voltage power lines in accordance with Public Resources Code 4293.
 4. The removal of trees that must be felled to accommodate public improvements by the City, County or public utility company.
 5. The removal of trees that pose a fire safety hazard as certified by the Lake County Fire Protection District.
 6. The removal of trees whose dripline falls within the footprint of a proposed single-family dwelling, garage and driveway on an existing lot where the trees cannot be reasonably avoided for construction.
 7. The thinning of a stand of trees to improve the overall health of the stand. In this instance, the Planning and Community Development Director shall have discretion to approve which trees shall be removed.
- B. An administrative use permit shall be issued for removal of a heritage tree meeting criteria in Subsection A.6 above.

18-40.040 Tree Protection Regulations

- A. Any disturbances including, but not limited to, the following, which might cause harm to a protected tree, are strictly prohibited within the Root Protection Zone (RPZ) of that tree:
 1. Removing, moving or failing to install and maintain proper temporary protection fencing in the vicinity of construction prior to completion of on-site work;

2. Trenching;
3. Any permanent or temporary structures, however temporary structures not fixed to the ground shall be allowed as long as they will not compact the soil;
4. Grading, cutting, filling or changing the natural grade in any way;
5. Installation of an irrigation system;
6. Covering with any substance impermeable to air and rain water, such as asphalt, concrete, plastic, etc.; however, pervious surfacing such as pavers, gravel, pervious asphalt or other such materials may be used to within one-half (1/2) the distance from the dripline of the tree to the trunk;
7. Burning, open fires or open flames;
8. Compaction of the soil;
9. Girdling; and/or
10. Topping.

18-40.050 Removal Regulations.

- A. Removal criteria.** Unless exempt under Subsection 18-40.030, no Heritage Tree shall be approved for removal unless first declassified in accordance with Subsection 18-40.030b. Native Tree Removal Permits may be issued for all other protected trees meeting the following criteria unless a waiver is granted for a parking reduction in accordance with Subsection B below:
1. Protected trees that cannot be avoided and associated with residential or non-residential construction, remodels, renovations, expansions or grading that does not meet exemption criteria;
 2. Installation of temporary structures such as above-ground pools, sheds or other structures that are not fixed to the ground.
 3. A tree removal permit shall not be granted prior to the granting of all other permits required for the project in question.
- B. Waiver of parking spaces.** At the discretion of the Director, the number of required parking spaces for commercial development may be reduced by up to 2 parking spaces per protected tree that is retained within a proposed parking lot.
- C. Removal of slash and felled trees.** All slash, downed trees or tree scraps except for wood that is cut, stacked and stored for firewood, shall be chipped, burned or removed from the property by the permittee within 45 days following the felling of any tree. Should debris be burned, the permittee shall first obtain a burn permit from the Lake County Fire Protection District and comply with all burning

regulations. Exceptions to this Subsection may be approved by the Director should extenuating circumstances exist that delay the clean-up of the debris.

D. Replacement trees.

1. For each protected tree felled and/or removed, 2 replacement trees shall be planted for the first 10 inches DBH of tree removed and 1 tree for each additional 2 inches of DBH of the protected tree felled. The replacement trees shall be of the same species type as that of the removed tree and shall be planted by the permittee within 12 months of issuance of the removal permit. Replacement saplings shall be a minimum of a 5-gallon sapling. All required replacement trees shall be maintained or replaced if needed, until they are established. Should the site not contain appropriate habitat to allow for the success of same-species replacement, the Director may authorize all or partial on-site replacement of a different species from among the list of protected trees.
2. Where replacement trees cannot be reasonably accommodated on site, replacement trees shall be planted off-site at a ratio of 4 replacement trees for the 6 inches DBH of the protected tree felled and/or removed and 1 tree for each additional inch of DBH of the protected tree felled. Maintenance of replacement trees shall be as required for Subsection D.1 above.
3. Off-site replacement may be on other property owned by the applicant or on public property, in locations to be determined by the City. All off-site replanting requests shall be submitted to the Director or his/her designee at the time of the tree removal permit application.
4. For off-site replacement on public property, the applicant shall contribute to a fund established by the City to replant and maintain the trees. The fee shall be established by the City Council and shall be equivalent to the estimated cost to purchase, replant and maintain the trees until established.
5. A Tree Replacement Plan shall be submitted with all applications for a Native Tree Removal Permit where the applicant is proposing to undertake the replanting. The Plan shall be reviewed and approved by the Community Development Department prior to issuance of a permit. The Plan shall depict the proposed location and manner of tree replacement, consistent with the above requirements.

E. Security. Security shall be provided to the City, guaranteeing the maintenance of the replacement trees for a period not less than 5 years to minimize loss. The security shall be relinquished when it is determined the trees are established.

F. Inspections. The Community Development Departments may make inspections at any time during which the security is in effect to verify that the replacement trees are being maintained according to the terms of the permit.

18-40.060 Heritage Trees.**A. Designation of heritage trees.**

1. A tree owner may submit an application to the City requesting that the City Council establish by resolution the designation of a tree or group of trees located on his or her property as a heritage tree(s). Applications shall be submitted on a form supplied by the City. The Council may also, on its own motion, commence the process of designating a heritage tree. The City shall notify the owner of the proposed heritage tree(s) by mail 20 days prior to the meeting to consider the application. Once an application has been submitted and prior to Council action, the tree or trees shall be afforded the same level of statutory protection as a designated heritage tree.
2. In order to designate a tree as a heritage tree, the City Council must find that the tree is a significantly beneficial feature of the community because it possesses one or more of the following attributes:
 - a. The tree is an outstanding specimen of a desirable species;
 - b. The tree is one of the largest or oldest trees in Clearlake;
 - c. The tree is of historical interest; or
 - d. The tree is of distinctive appearance.

B. Declassification of heritage trees.

An owner of a heritage tree may submit an application to the City requesting that the City Council declassify by resolution a tree or group of trees previously designated as a heritage tree(s). The Council may also, on its own motion, commence the process of declassifying a heritage tree. The City shall notify the owner of the heritage tree(s) 20 days prior to the Council meeting scheduled for the proposed action.

The Council may declassify a heritage tree upon a finding that the tree(s) is no longer a significant community benefit because:

1. It has deteriorated in health or appearance;
2. It no longer has habitat value; or
3. It prevents reasonable use of the property.

18-40.070 Penalty.

- C. It is unlawful for any person to commit an act which is prohibited by this Section. Any violation of this Section shall constitute a misdemeanor; provided, however, the City Attorney or prosecuting attorney shall have the discretion to deem a

violation of this Section as an infraction in accordance with Section 1-5 of the City Code.

- D.** Any person found guilty of violating this Section shall be fully responsible for all costs arising from or relating to enforcement, investigation and legal costs associated with an infraction or misdemeanor. Each tree removed or damaged in violation of this Section shall constitute a separate violation.
- E.** The felling removal or damage of a tree in violation of this Section shall be punishable by a fine of \$1,000.00.
- F.** Any person who causes a tree to be removed or damaged in violation of this Section, shall repair or replace any such tree at the violator's expense pursuant to double the ratio of the tree replacement requirements set forth in Subsection 18-40.050d. The location, species and planting specification for replacement trees shall be approved by the Director prior to replanting.

2024 Zoning Regulations

Chapter 18-41: Cannabis Personal Cultivation

Sections:

- 18-41.010 Purpose and intent.
- 18-41.020 Relationship to other laws.
- 18-41.030 Personal cultivation indoors.
- 18-41.040 Personal cultivation outdoors.
- 18-41.050 Regulations applicable to indoor and outdoor personal marijuana cultivation.
- 18-41.060 Outdoor marijuana cultivation permit.
- 18-41.070 Prohibited marijuana cultivation declared a public nuisance.
- 18-41.080 Enforcement
- 18-41.090 Penalties for violation

18-41.010 Purpose and Intent.

It is the purpose and intent of this section to regulate personal cultivation of marijuana within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake. (Ord. #197-2017)

18-41.020 Relationship to Other Laws.

This section is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to any activity that is regulated by Federal or State law to the extent that application of this section would conflict with such law or would unduly interfere with the achievement of Federal or State regulatory purposes. It is the intention of the Council that this section shall be interpreted to be compatible and consistent with Federal, City, and State enactments and in furtherance of the public purposes which those enactments express. It is intended that the provisions of this section will supersede any other provisions of this Code found to be in conflict. (Ord. #197-2017)

18-41.030 Personal Cultivation – Indoors.

Indoor cultivation shall comply with all State laws, guidelines, and license requirements applicable to indoor marijuana cultivation, as well as all laws regarding building permits. Nothing in this Article shall be construed to allow a permittee to cultivate marijuana within the City of Clearlake in violation of State law. (Ord. #197-2017)

18-41.040 Personal Cultivation – Outdoors.

Persons twenty-one (21) years of age or older may cultivate marijuana for personal use outdoors on the grounds of a private residence subject to the following regulations:

- A.** Must obtain a cultivation permit from the City before beginning any outdoor cultivation.
- B.** The outdoor cultivation must occur within an area one hundred (100) square feet or less.
- C.** No outdoor cultivation is permitted in the following areas within the City:
 - 1. Outdoors within any mobile home park as defined within Clearlake Municipal Code;
 - 2. Outdoors on any property that is improved with multi-family dwellings as defined within the Clearlake Municipal Code.
 - 3. Outdoors on any parcel fronting on Clear Lake.
 - 4. Outdoors within one hundred (100') feet of Clear Lake. The setback shall be measured from where the water surface intersects the natural ground at the full lake level of 7.56 feet on the Rumsey Gauge.
 - 5. Outdoors within one hundred (100') feet from the top of banks of Borax Lake, as well as existing major, natural drainage courses, and major tributaries thereto, hereby identified as Burns Valley Creek, Miller Creek, Alvita Creek, Molesworth Creek, and Cache Creek.
 - 6. Outdoors within any commercial zone, MUR zone, Scenic Corridor zone, or “beautification zone” specifically identified as an area requiring a higher level of aesthetics.
 - 7. Within a “hoop style greenhouse” structure.
- D.** All outdoor cultivation areas shall be enclosed, with solid wood or other conforming types of solid fencing, and be constructed pursuant to provisions set forth in subsection 18-20.070 of the City of Clearlake Zoning Code pertaining to fences, walls and hedges.
- E.** The outdoor cultivation site must be enclosed/surrounded within a single, square, opaque, six (6') foot high fenced area no larger than 10' by 10', with dimensions equal on all four (4) sides.

- F. Six (6') foot high perimeter fencing of the entire yard is required, per fence ordinance and in compliance with CMC.
- G. The enclosed cultivation site must be secured by a locking mechanism and locked at all times when the owner is not tending the site.
- H. Setbacks for the cultivation site are five (5') feet from the residence and ten (10') feet from the property line. Additional setbacks or prohibitions may also apply from the City's zoning code.
- I. Outdoor cultivation must be conducted in accordance with all State law requirements.
- J. No outdoor marijuana cultivation area shall be visible from a public right-of-way. Cultivators shall take appropriate steps to shield their marijuana plants from being visible from a public right-of-way, as per paragraphs d, e. and f. above.
- K. If the person cultivating marijuana is anyone other than the owner of a private residence, the owner must give notarized, written permission authorizing the cultivation of marijuana on the grounds of the private residence. (Ord. #197-2017)

18-41.050 Regulations Applicable to Indoor and Outdoor Personal Marijuana Cultivation.

- A. Diversion of Waterways Prohibited. Diversion of water from any waterway for the purposes of cultivating marijuana is prohibited.
- B. Processing of Marijuana. Processing of marijuana that in any way alters the chemical structure is prohibited, unless otherwise permitted by state law.
- C. Personal marijuana cultivation permitted by this section shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.
- D. Use, storage, or discharge into City wastewater facilities of any hazardous chemicals in the cultivation of marijuana is strictly prohibited. Hazardous chemicals shall include, but is not limited to, any chemical or substance that is prohibited by the Federal Environmental Protection Agency or the California Department of Food and Agriculture.
- E. Water usage for cultivation of marijuana under this section shall not exceed any limitations imposed by Federal, State, or local water restrictions.

- F. Marijuana cultivation shall only be conducted on the grounds of a private residence that has its own water source, either through metered water or an on-site well. Trucked in water is prohibited as a water source for cultivation.
- G. As provided by state law, no more than a total of six (6) living marijuana plants may be cultivated on the grounds of a single private residence, whether indoor or outdoor, at one time. (Ord. #197-2017)

18-41.060 Outdoor Marijuana Cultivation Permit.

- A. Prior to commencing any marijuana cultivation outdoors, a person wishing to cultivate marijuana outdoors within the City limits must obtain an outdoor marijuana cultivation permit from the City Manager of the City of Clearlake. The permit application and/or renewal application shall be completed by the applicant, signed and notarized by the applicant, and shall contain the following information, which will be required with the initial permit application and subsequent permit extensions:
 - 1. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.
 - 2. A notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City, and when the applicant is not the sole owner of the property, then written permission of the owner's consent to allow marijuana cultivation to occur on the premises with the owner's notarized signature.
 - 3. The physical site address of where the marijuana will be cultivated.
 - 4. A signed consent form, acceptable to the City Manager, authorizing City staff, including the Chief of Police or his or her designee, to conduct a compliance inspection of the outdoor area of the residence used for the cultivation of marijuana upon twenty-four (24) hours' notice.
- B. The initial permit shall be valid for one year and each renewal permit shall be valid for one year.
- C. To the extent permitted by law, any personal information submitted with a marijuana cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this Article.
- D. The City Manager may deny any application for an outdoor marijuana cultivation permit, or extension thereof, if the applicant proposes to cultivate marijuana outdoors in an area or in a manner prohibit by this Article, or if the applicant has prior criminal conviction for a drug-related offense. Such denial shall be given to the applicant in writing and shall describe the grounds for the denial.

- E.** A person who is denied an outdoor marijuana cultivation permit under this section may appeal such denial to the Planning Commission within five (5) days of the date the City issues the written denial required by paragraph d. of this subsection.
- F.** Upon timely request by the person requesting the outdoor marijuana cultivation permit, the appeal hearing process and related procedures of a denial of its permit pursuant to this section shall proceed pursuant to the provisions of this Chapter XVIII of the Clearlake Municipal Code.
- G.** An applicant shall pay an annual permit fee to cover the reasonable cost of administering this Article. The permit fee shall initially be two hundred fifty (\$250.00) dollars and shall be updated annually in the City of Clearlake schedule of fees.
- H.** Permittees shall comply with all State laws, guidelines, and license requirements applicable to marijuana cultivation including those set forth and promulgated under the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA). Failure to comply with any State law, regulations, or license requirement pertaining to marijuana cultivation shall be grounds for City permit revocation. Nothing in this Article shall be construed to allow a permittee to cultivate marijuana within the City of Clearlake in violation of State law. (Ord. #197-2017)

18-41.070 Prohibited Marijuana Cultivation Declared a Public Nuisance.

The establishment, maintenance, or operation of any prohibited cultivation of marijuana, as defined in this section, within the City is declared to be a public nuisance and each person or responsible party is subject to abatement proceedings under Clearlake Municipal Code Chapter 10. (Ord. #197-2017)

18-41.080 Enforcement.

- A.** It is the intent of the City of Clearlake to enforce the provisions of this section on the bases of legitimate and verified complaints received from the public as well as to protect the general welfare, safety and health, as determined by any individual charged by the City to enforce the terms of this Article.
- B.** Nothing in this Article shall be construed to prevent the City of Clearlake from pursuing any and all other legal remedies that may be available, including but not limited to criminal and civil actions filed by the City of Clearlake seeking any and all appropriate relief such as civil injunctions, penalties, and forfeiture. (Ord. #197-2017)

18-41.090 Penalties for Violation.

- A.** Any existing marijuana cultivation sites located within the City of Clearlake which are operating contrary to the requirements of this article are hereby declared to be a public nuisance.
- B.** Administrative Fines. A violation of any provision of this article shall constitute a separate and distinct offense subject to an administrative fine. Violators shall also be subject to any other enforcement remedies available to the City under any applicable State or Federal statute or pursuant to any other lawful power the City may possess.
1. The administrative fine for a violation of subsection 18-41.060, subsection 18-41.070A, and subsection 18-41.060G shall be:
 - a. A fine of five hundred (\$500.00) dollars for a first violation.
 - b. A fine of seven hundred fifty (\$750.00) dollars for a second violation of the same ordinance.
 - c. A fine of one thousand (\$1,000.00) dollars for each additional violation of the same ordinance.
 2. The administrative fines set forth above shall be subject to revision by resolution of the City Council.
- C.** Suspension of Cultivation Privileges.
1. Failure to abate will result in a one (1) year suspension of cultivation privileges both for the individual in violation and for the property itself. Any fines previously assessed must be paid in full prior to lifting the suspension of cultivation privilege.
 2. A subsequent failure to abate may result in up to a five (5) year suspension of cultivation privileges, with approval for the individual in violation and for the property itself. Any fines previously assessed must be paid in full prior to lifting the suspension of cultivation privileges. A suspension is appealable to the City Manager or their designee.
- D.** Cultivation of marijuana in a manner that violates this article is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Chapter 18-42.
- E.** Each day a violation is allowed to continue shall constitute a separate and distinct offense and shall be subject to all remedies. (Ord. #197-2017; Ord. #222-2019, § 12)

Chapter 18-42: Abatement of Public Nuisances Created by Cultivation of Marijuana in Violation of Section 18-41

Sections:

18-42.010	Investigation.
18-42.020	Abatement order.
18-42.030	Immediate threat to public health or safety.
18-42.040	Request for a hearing regarding abatement order.
18-42.050	Hearing Notice.
18-42.060	Hearing and determination.
18-42.070	Failure of property owner to abate.
18-42.080	Sale of materials.
18-42.090	Accounting of abatement expenses.
18-42.100	Abatement expenses statement – posting.
18-42.110	Statement of expense – hearing.
18-42.120	Collection of unrecovered costs.
18-42.130	Refund of excess receipts.

18-42.010 Investigation.

The public official, upon receipt of information leading him/her to believe that a public nuisance, subject to this section, exists upon private property in any zone in the City, shall make a reasonable investigation of the facts and inspect the property to determine whether or not a public nuisance exists. Inspections may include photographing the conditions or obtaining samples or other physical evidence. If an owner, occupant or agent refuses permission to enter or inspect, the public official may seek an inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure Section 1822.50 through Section 1822.59. (Ord. #197-2017)

18-42.020 Abatement Order.

- A.** Upon making a reasonable determination that a public nuisance exists, the public official shall notify the property owner, as such person's name appears on the last equalized assessment roll, as well as any lessees or occupants of the property, that a public nuisance exists upon the property. Notice shall be given by means of first class mail postage prepaid and a copy shall be posted on the property. A copy of the notice shall also be sent by first class mail postage prepaid to the last known address of any responsible party if the public official determines that such responsible party directly or indirectly contributed to the condition creating the nuisance.
- B.** The notice shall describe the use or condition which constitutes the public nuisance, and shall also state what repair or other work is required in order to abate the nuisance.

- C. The notice shall order that the uses or conditions constituting the nuisance be abated within a reasonable time as determined by the public official, normally being five (5) days from the date such notice is posted.
- D. The notice shall contain instructions to the property owner describing procedures for scheduling a hearing for the purpose of presenting information as to why the property should not be considered a public nuisance.
- E. The notice shall also state that if the work is not completed within the number of days specified on the notice, or hearing has not been requested in accordance with subsection 18-10.070, the City may abate the nuisance without further notification and the property owner may be responsible for all costs associated with the investigation and abatement of the public nuisance.
- F. The notice shall also state that if the property owner fails to request a hearing, all rights to appeal any action of the City to abate the nuisance are waived. (Ord. #197-2017)

18-42.030 Immediate Threat to Public Health or Safety.

- A. The public official, upon making a finding that an immediate threat or danger exists to the health, safety or welfare of the occupants or the public, may order a summary abatement of the hazardous condition. Such abatement shall not include the eradication of marijuana plants without first obtaining an abatement warrant.
- B. Upon such finding, the public official may require immediate action on the part of the property owner or occupant to eliminate the hazardous condition.
 - 1. The public official shall make a reasonable attempt to notify the owner and occupant of the property or responsible party of the dangerous conditions that require the immediate vacation, repair, cleanup and/or securing of the property or structures thereof, either by telephone, or by personally visiting the premises; and
 - 2. If the imminently dangerous condition can be substantially relieved by the performance of minor repairs, disconnection of certain utility services, or other acts, then the public official may perform or direct such acts of work without the prior consent of, or notice to, the owners, occupants, or responsible party; and
 - 3. If such danger cannot be substantially relieved by such work and upon the failure or refusal of the occupants to voluntarily vacate such premises, then the public official may personally disconnect the electrical, gas and other utility services to such premises or may request the appropriate utility companies to do so; and

4. If the public official finds that an immediate threat to public health, safety or welfare exists, and that it is unhealthy or hazardous to delay abatement action, the public official may order City staff or contractors to abate the condition. Abatement may be, but is not limited to, clean-up and disposal of rubbish or other materials which threaten public health; and
5. Following a noticed hearing, the property owner, occupant and/or responsible party may be liable for all costs associated with this abatement, including administrative, labor (including staff time), equipment, material and other costs; and
6. The public official shall post warnings to all persons not to enter the premises stating the reasons therefor. (Ord. #197-2017)

18-42.040 Request for a Hearing Regarding Abatement Order.

- A. A hearing regarding an abatement order may be requested by filing a written request for a hearing with the City Clerk of the City of Clearlake prior to such date set for the abatement of the nuisance.
- B. The filing of such request for hearing shall stay the effectiveness of the order of abatement until such time as the case has been decided by the City Council.
- C. If a request for a hearing is not filed within the number of days to abate the nuisance as specified on the abatement order, the public official may order the work to be performed. (Ord. #197-2017)

18-42.050 Hearing Notice.

- A. Upon receipt of a request for hearing, filed in accordance with subsection 18-10.060, the public official shall schedule a hearing before the City Council. Notice of the hearing shall be sent by first class mail postage prepaid, return receipt requested, to the person filing the request and to those persons identified under subsection 18-42.060.
- B. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than five (5) days from the date of mailing and posting such notice unless mutually agreed to by the property owner or responsible party and the public official), the specific conditions or uses which constitute the public nuisance, and shall direct the owner(s) and/or lessees to appear and show cause why the specified condition or use should not be declared a public nuisance and abated.
- C. The failure of any property owner, occupant, responsible party, or other person to receive any notice required to be given or posted pursuant to the provisions of this section shall not affect in any manner the validity of any proceedings taken thereunder. (Ord. #197-2017)

18-42.060 Hearing and Determination.

- A.** At the time fixed in the notice, the City Council shall proceed to hear testimony from any interested person regarding the specified condition or use deemed by the public official to be a public nuisance, the estimated cost of its reconstruction, repair, removal or other work, and any other matter which the City Council may deem pertinent thereto.
- B.** Upon the conclusion of the hearing, the City Council will make a determination by resolution based on the evidence presented at the hearing. The resolution shall set forth the Council's decision and the findings supporting its decision. The resolution shall cite to the provisions of Section 1094.5 and 1094.6 of the Code of Civil Procedure.
- C.** In the event that the City Council declares the condition or use is a public nuisance, the Council may direct the owner(s) to abate the same within five (5) days after posting and mailing and impose an administrative fine as provided for in Clearlake Municipal Code Chapter 10. .
- D.** After the determination of the Council directing the abatement of a public nuisance, the public official shall conspicuously post a copy thereof on the building, structure or other property declared a public nuisance and shall mail a copy to the owner(s) thereof as well as to the occupants, to the mortgagees of record and trust deed beneficiaries of record, and to any responsible persons.
- E.** The City Council may grant reasonable extensions of time to abate the nuisance upon good cause shown.
- F.** If the City Council finds no public nuisance, the Council shall grant the applicant's appeal and take no further action. (Ord. #197-2017)

18-42.070 Failure of Property Owner to Abate.

If the property owner, lessee or other responsible party fails to abate the nuisance within the time specified by the City Council, or the public official, and is not granted a time extension, the public official, upon authorization of the department head may, but is not required to obtain an abatement warrant to secure, remove, demolish, raze or otherwise abate the nuisance at the expense of the owner(s). (Ord. #197-2017)

18-42.080 Sale of Materials.

Any materials used for marijuana cultivation obtained from the nuisance abatement may be sold by the City at public sale to the highest responsible bidder after not less than five (5) days' notice of the intended sale, published at least once in a newspaper of general circulation in the City, either before or after the nuisance is abated. The City may allow

contractors to consider the salvage value of the materials in the preparation of abatement bids. (Ord. #197-2017)

18-42.090 Accounting of Abatement Expenses.

The public official shall keep an itemized account of the expenses incurred in abating the nuisance and shall deduct therefrom the amounts receivable from the sale of such materials. (Ord. #197-2017)

18-42.100 Abatement Expenses Statement—Posting.

- A.** The public official shall cause to be conspicuously posted on the property from which the nuisance was abated a statement verified by the public official in charge of abating the nuisance showing the expenses of abatement, together with a notice of the time and place that the statement will be submitted to the City Council in a hearing as discussed below in subsection 18-42.100, for approval and confirmation by the City Council.
- B.** At such time and place the City Council shall consider objections or protests, if any, which may be raised by any person liable to be assessed for the cost of such abatement work, and any other interested person. A copy of the statement and notice shall be mailed to the owner and occupant of the property, and to the responsible party, in the manner prescribed in subsection 18-42.030. The time of submitting the statement to the City Council for confirmation shall be not less than five (5) days from the date of posting and mailing the statement notice. (Ord. #197-2017)

18-42.110 Statement of Expense—Hearing.

At the time fixed for hearing objections or protests to the statement of expense, the City Council shall consider the statement together with any objections or protests which may be raised. The City Council may make such revision, correction or modification in such statements as it may deem just. The Council's decisions on the statement, protests and objections shall be final and conclusive. Notice of the Council's decision shall be mailed by first class mail postage prepaid, return receipt requested, to owner(s) and lessees in accordance with the provisions of subsection 18-42.030, and shall include reference to Sections 1094.5 and 1094.6 of the Code of Civil Procedure. (Ord. #197-2017)

18-42.120 Collection of Unrecovered Costs.

- A.** In the event that the cost of abating the nuisance exceeds the proceeds received from the sale of materials, such unrecovered costs, if not paid within five (5) days after the Council's decision, shall constitute a special assessment on the real property from which the nuisance was abated.

- B.** The assessment may be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure for sale in case of delinquency as provided for ordinary taxes. All laws applicable to the levy, collection and enforcement of taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached hereon prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.
- C.** The public official shall file a notice of a lien in the office of the recorder of the County in an amount no greater than the total cost of abatement appearing in the statement of expense earlier approved by the City Council. The notice of lien shall be in a form approved by City Attorney.
- D.** From and after the date of recording the notice of lien, all persons shall be deemed to have notice of the contents thereof. The statute of limitations shall not run against the right of the City to enforce the payment of the lien.
- E.** Amounts owed to the City for abatement shall bear interest at the maximum rate allowed by law per year from the date of the abatement. (Ord. #197-2017)

18-42.130 Refund of Excess Receipts.

In the event that the amounts received from the sale of materials exceed the expenses of razing, removing or otherwise abating the nuisance, such excess shall be deposited with the Treasurer of the City to the credit of the owner of such property or to such other person legally entitled thereto. Such excess shall be payable to the owner or other person upon production of evidence of ownership, or other interest, satisfactory to the Treasurer. (Ord. #197-2017)

2024 Zoning Regulations

Chapter 18-43: Commercial Cannabis

Sections:

- 18-43.010 Purpose and findings.
- 18-43.020 Applicability.
- 18-43.030 Limitations of use.
- 18-43.040 Sensitive use setbacks.
- 18-43.050 Commercial cannabis permitting and applications.
- 18-43.060 General operating requirements.
- 18-43.070 Cultivation operating requirements.
- 18-43.080 Manufacturing operating requirements.
- 18-43.090 Distribution operating requirements.
- 18-43.100 Testing laboratory operating requirements.
- 18-43.110 Violations; enforcement.
- 18-43.120 Severability.

18-43.010 Purpose and Findings.

This article provides the development and operating standards for medical and adult use commercial cannabis uses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine, and provide opportunities for economic development.

18-43.020 Applicability.

A. Commercial Cannabis Uses. For purposes of this article, commercial cannabis uses shall include the following land use classifications:

1. Commercial cannabis cultivation;
2. Cannabis manufacturer;
3. Cannabis distributor;
4. Cannabis testing laboratory;
5. Cannabis nursery;
6. Cannabis processor;
7. Cannabis microbusiness.

Commercial cannabis uses are subject to the following provisions as set forth in this article, all other applicable provisions in the Zoning Code, and any applicable State licensing requirements. It is unlawful for any person to operate a commercial cannabis business in the City without obtaining a use permit to operate. The City may suspend,

revoke, or deny a zoning clearance or permit upon denial or revocation of a State cannabis license.

B. Where Allowed. The commercial cannabis uses that are subject to the standards of this article shall be located in compliance with the requirements of Section 18-17, CB combining zone district, and the additional specific locational requirements for each use as follows:

1. Commercial cannabis cultivation is allowed only in the CB zones when all cultivation activities are conducted entirely inside a building utilizing no natural light, or in a hybrid greenhouse east of State Route 53 in CB zones.
2. Cannabis manufacturer is allowed in all CB zones; however, a manufacturer shall only use processes for extracting or processing cannabis products after consultation, review and approval of the manufacturing process by the Lake County Fire Protection District Chief or designee.
3. Cannabis distributor is allowed in all CB zones.
4. Cannabis testing laboratory is allowed in all CB zones.
5. Cannabis nursery utilizing a hybrid greenhouse is allowed in the CB zones east of State Route 53 only. A cannabis nursery functioning completely indoors within a building utilizing no natural light and not a hybrid greenhouse is allowed in all CB zones, except the RP base zone west of State Route 53.
6. Cannabis processor is allowed in all CB zones.
7. Cannabis microbusiness is allowed, but is limited to the same locations where cannabis dispensaries are allowed, and after approval of a development agreement and use permit specific to the location of the microbusiness.

C. Cannabis Business Use Permit.

1. Prior to, or concurrently with, application for a cannabis business regulatory permit, the applicant shall process and be issued a cannabis business use permit as required by this article. Information that may be duplicative in the two (2) applications can be incorporated by reference. The cannabis business use permit shall run with the regulatory permit and not the land.
2. No cannabis business use permit shall be issued until either the City Council approves a development agreement for the site, a license agreement for the site, or until after the effective date of an approved ballot measure authorizing the taxation of commercial cannabis businesses in the City.

- D. Development Standards.** The standards for cannabis uses in this article supplement and are required in addition to those general building and development standards as required by Code.

18-43.030 Limitations on Use.

Commercial cannabis businesses shall only be allowed in compliance with the following sections and all applicable regulations set forth in the Code, including, but not limited to, building, grading, plumbing, septic, electrical, fire, hazardous materials, and public health and safety. Cannabis operators shall comply with all laws and regulations applicable to the type of use and shall comply with all zoning clearance, use permit, approval, inspection, reporting and operational requirements required by other State and Federal regulatory agencies having jurisdiction over the type of operation. Cannabis operators shall provide copies of other agency and department permits, zoning clearances, or certificates to the Community Development Director to serve as verification for such compliance. Use permits for commercial cannabis uses shall only be issued where written permission from the property owner or landlord is provided.

18-43.040 Sensitive Use Setbacks.

- A.** A cannabis business premises permitted under this article shall not be located within six hundred (600') feet of a youth-oriented facility, licensed pre-school, or post-secondary educational facility. This setback shall be measured in a straight line from the boundary line of the property on which the cannabis business is located nearest to the boundary of the property on which the building or structure, or portion of the building or structure, in which the above listed use occurs or is located; however, that if the State adopts a different method of calculating distance for purposes of setbacks, State law shall control. The City Council may waive all or part of this requirement if it determines that the proximity does not constitute a risk to public health or safety as it relates to anything other than a K-12 public or private school or a youth center.
- B.** When considering the compatibility of a cannabis business with the uses of adjacent property, the Planning Commission shall condition the use permit with appropriate setbacks and/or buffering techniques such as fencing, walls, berms or landscaping to mitigate any potential conflicts between cannabis business uses and the use of adjacent property. (Ord. #229-2019, § 4 (Ex. A))

18-43.050 Commercial Cannabis Permitting and Applications.

- A. Permit Required; Application.** The owner of a proposed commercial cannabis facility shall file an application for a use permit with the Community Development Department on a form provided by the City. The maximum number of use permits to be issued by the City shall be twelve (12) in total, based on the date the City determines an application complete. Every completed application shall be filed with a filing fee established by resolution of the City Council. The application shall include the name and address of the owner and lessor of the prospective cannabis business premises and a copy of the lease or other such proof of the legal right to

occupy and use the premises and a statement from the owner or agent of the owner of the real property where the facility will be located demonstrating the landowner has acknowledged and consented to permit the cannabis business to operate on the property, and all other information required by the Community Development Department use permit application checklist.

- B. Cannabis Business Regulatory Permit.** No person or entity shall operate a cannabis business facility within the City of Clearlake without first obtaining a cannabis business regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the cannabis business activities that will be allowed at that site. No cannabis business activities will be allowed unless specifically identified in the regulatory permit. In addition, all persons or entities who undertake any subcomponent of a cannabis business performed by a subcontractor or tenant of the holder of a cannabis business use permit within the cannabis business permitted premises shall first obtain a cannabis business regulatory permit from the City. (Ord. #229-2019, § 4 (Ex. A))

18-43.060 General Operating Requirements.

The following general operating requirements are applicable to all applications for commercial cannabis business use permits subject to the additional requirements set forth in subsections 18-43.070 (Cultivation Operating Requirements), 18-43.080 (Manufacturing Operating Requirements), 18-43.090 (Distribution Operating Requirements), and 18-43.100 (Testing Laboratory Operating Requirements), respectively.

A. Compliance with State and Local Law.

1. **State Licensing.** All cannabis operators shall be required to obtain a State cannabis license at such time as the State begins issuing such licenses pursuant to MAUCRSA, and shall comply at all times with any applicable State licensing requirements, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria. Failure to apply for, receive, maintain, and operate in full compliance with a State cannabis license, when available, shall be grounds for revocation of City approval of commercial cannabis permits as set forth in this chapter.
2. **State Law and Agency Compliance.** Compliance with the provisions of the MAUCRSA, as may be amended, as well as any and all rules and regulations for commercial cannabis as may now be adopted or hereafter promulgated by any of the State agencies and departments with oversight of cannabis activity and licensing including, but not limited to, the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, the State Water Resources Control Board, and the Department of Tax and Fee

Administration shall be considered conditions of zoning clearance or permit approval for any commercial cannabis use in the City.

3. Inventory and Tracking. Cannabis operators shall comply with any track and trace program established by the State agencies and shall operate in a manner to prevent diversion of cannabis.
- B. Building and Fire Permits.** All applicants must illustrate that their facilities are compliant with all applicable local building and fire codes.
- C. Management and on-Site Community Relations Contacts.** Each applicant for a commercial cannabis business shall provide the Community Development Department, Fire Department, and Police Department with full contact information for the person or persons having management and/or supervision of the cannabis business as well as an on-site community relations contact. Subsequently cannabis operators shall provide prompt written notice to the Planning Department, Fire Department, and Police Department of any changes to such contact information.
- D. Transfer of Ownership or Control.** A permittee shall not transfer ownership or control of a cannabis business or transfer a use permit or zoning clearance for a cannabis business to another person unless and until the transferee obtains an amendment to the permit or zoning clearance from the Community Development Director stating that the transferee is now the permittee. Such an amendment is obtained through the issuance of a zoning clearance that documents the transfer and commits the transferee to compliance with each of the conditions of the original use permit or zoning clearance.
- E. Security Plan.** Every cannabis business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. As part of an application for a cannabis use, each applicant shall prepare and submit a security plan, which plans shall remain updated and secured on file in the protective custody of the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction. Minimum security plan requirements include the following:
1. Security Cameras. Security surveillance cameras shall be installed to provide coverage on a twenty-four (24) hour basis of all areas where cannabis is cultivated, weighed, manufactured, packaged, stored and dispensed in a manner that provides clear and certain identification of individuals. Cameras shall remain in active, operable condition and capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.

2. **Alarm System.** A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The alarm system shall be installed in accordance with Section 5-13 of the City of Clearlake Municipal Code and shall include sensors to detect entry and exit from all secure areas and windows. Cannabis operators shall keep the name and contact information of the alarm system installation company as part of the business's on-site books and records.
 3. **Limited Access Areas.** A cannabis business shall establish limited access areas accessible only to authorized personnel and enforcement.
 4. **Storage.** All cannabis on the permitted premises shall be stored and secured in a store room, safe, or vault in a manner that prevents diversion, theft, and loss.
 5. **Transportation.** Each cannabis business shall provide as a part of its security plan a description of its procedures for transportation delivery, and safely and securely transporting cannabis products and currency in accordance with State law.
 6. **Locks.** All points of ingress and egress to a cannabis business shall ensure the use of commercial-grade, nonresidential door locks and window locks.
 7. **Emergency Access.** Security measures shall be designed to ensure emergency access in compliance with fire safety standards.
- F. Odor Control.** All cannabis businesses in the City shall be required to incorporate and maintain adequate odor control measures such that the odors of cannabis cannot be readily detected from outside of the structure in which the permitted premises is located. The cannabis operator shall be solely responsible for taking any and all appropriate measures to meet this standard and to install, operate and maintain appropriate odor mitigation measures consistent with the manufacturer's specifications and requirements.
- G. Lighting.** Exterior lighting shall be provided for security purposes in a manner that shall be sufficient to provide illumination and clear visibility to all outdoor areas, including all points of ingress and egress, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood, and in compliance with all illumination standards adopted by the City on a City-wide basis.
- H. Inspections.** The cannabis business shall be open for inspection by any City law enforcement officer or City Code Enforcement Officer at any time the cannabis business is operating, at any other time upon responding to a call for service related to the property where the cannabis business is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any cannabis business shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

- I. **Modifications to Premises.** A permittee shall not make physical change, alteration, or modification of the permitted premises that materially or substantially alters the permitted premises from the plans approved by the review authority without the prior written approval of the review authority. Material changes include, but are not limited to: an increase or decrease in the total square footage of the permitted premises, or modifications made for the purpose of increasing power usage, or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress.
- J. **Display of Permit.** Every commercial cannabis facility shall display at all times during business hours the use permit or zoning clearance issued pursuant to the provisions of this article for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the facility.
- K. **Hours of Operation.** Cannabis businesses shall be allowed to operate per the requirements of the underlying zone district or the use permit, whichever is the more restrictive, and subject to the City's noise and nuisance ordinances.
- L. **Permit Requirements for a Cannabis Microbusiness.** A cannabis microbusiness shall be subject to approval of a use permit by the Planning Commission.
- M. Cannabis processing operations that are an ancillary and integral part of the operations of a cannabis manufacturer or cannabis cultivator are not required to have an additional cannabis processing permit.

18-43.070 Cultivation Operating Requirements.

- A. **Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis cultivation in the City.
- B. **Permit Requirements.** In the CB combining district, all cannabis cultivation businesses shall be subject to approval of a use permit by the Planning Commission.
- C. All cultivation facilities must be secured from public access with metal security fencing and drive and pedestrian gates with electronic key code or similar access controls approved by the Chief of Police, as set forth in subsection 18-03.300.

18-43.080 Manufacturing Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis manufacturers in the City.
- B. Permit Requirements.** In the CB combining district, all cannabis manufacturing businesses shall be subject to approval of a use permit by the Planning Commission.
- C. Operating Requirements.**
1. All cannabis manufacturers shall utilize only extraction processes that are approved by the Lake County Fire Protection District Chief or designee and are generally recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act and/or use solvents exclusively within a closed loop system that meets the requirements under the Federal Food, Drug, and Cosmetic Act including use of specified solvents, prevention of off-gassing, and certification by a licensed engineer.
 2. All cannabis manufacturers shall receive and maintain approval from the Fire Department for the closed-loop system, other equipment, the extraction operation and the facility.
 3. All cannabis manufacturers shall meet required fire, safety, and building code requirements in one (1) or more of the California Fire Code, National Fire Protection Association standards, the International Building Code and the International Fire Code. Cannabis manufacturer facilities, all operations conducted therein, and all equipment used must be in compliance with all applicable State and local laws, including all building, electrical, and fire codes. Cannabis manufacturers shall prepare hazardous materials handling and safety plans as required by State law and departmental guidelines for review and approval by the Fire Chief of the Lake County Fire Protection District or his or her designee, or if the proposed location is under the jurisdiction of CalFire, review and approval by the appropriate CalFire official in coordination with the Fire Chief of the Lake County Fire Protection District.
 4. All cannabis manufacturers shall possess a valid seller's permit issued by the Department of Tax and Fee Administration.
 5. A hazardous materials disclosure/inventory statement shall be provided and kept current with the Fire Department. The cannabis manufacturer shall further provide the Fire Department with a lock box for keys to gates and doors.

6. All processing and analytical testing devices used by the cannabis manufacturer must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.
7. A cannabis manufacturer that produces edible cannabis products must comply with the provisions of all relevant State and local laws regarding the preparation, distribution, and sale of food.

18-43.090 Distribution Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis distributors in the City.
- B. Permit Requirement.** A use permit issued by the Planning Commission shall be required to operate a cannabis distribution facility, and may only be issued for cannabis distribution uses located in the CB combining zone districts.
- C. Manifests.** Cannabis distributors shall maintain records of transactions and shipping manifests at its distribution or transportation site and shall operate in full compliance with State law.

18-43.100 Testing Laboratory Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis testing laboratories in the City.
- B. Permit Requirements.** A use permit issued by the Planning Commission shall be required to operate a cannabis testing laboratory and may only be issued for a cannabis testing laboratory located in the CB combining zone districts.

18-43.110 Violation Enforcement.

- A.** Any person that violates any provision of this article shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- B.** Any use or condition caused or permitted to exist in violation of any of the provisions of this article shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Clearlake Municipal Code. Such abatement shall not include the eradication of marijuana plants without first obtaining an abatement warrant.

- C. The violation of any provision of this article shall be, and is hereby declared to be, contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

18-43.120 Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this article or of the regulatory permit issued to implement this article, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article.

2024 Zoning Regulations

Chapter 18-44: Enforcement

Sections:

- 18-44.010 Delegation of authority.
- 18-44.020 Violations.

18-44.010 Delegation of authority.

The Director shall be responsible for enforcing these regulations and shall issue no permit in conflict with them. Any such permit issued shall be void.

18-44.020 Violations.

- A. General regulations and requirements.** The Director shall enforce these regulations in accordance with provisions of this code and any other procedures as may be adopted by resolution of the City Council.
- B. Revocation of use permits, variances and home occupation permits.**
 - 1. A use permit or variance shall be automatically revoked if not used within 1 year, unless a longer period is specified in the approval or unless an extension is granted.
 - 2. All types of permits and variances may be revoked by the body that originally approved them, upon determining that any of the conditions have been violated. Procedures for revocation shall be as prescribed for issuance of the permit, including written notice to the permittee at least 10 calendar days before the hearing.

Chapter 18-45: Definitions

The following terms are used throughout this document and the City Design Review Manual. They are generally defined as stated. As interpretation questions arise with implementation of these terms, any terms that are unclear and/or not contained herein should be clarified and/or added.

A

Abandonment: The relinquishment of property or a cessation of the use of the property by the owner for a period of 2 years or more, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidence by the cessation of activities or conditions that constitute the principal use of the property.

Abatement: Eliminating a zoning violation.

Abutting: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

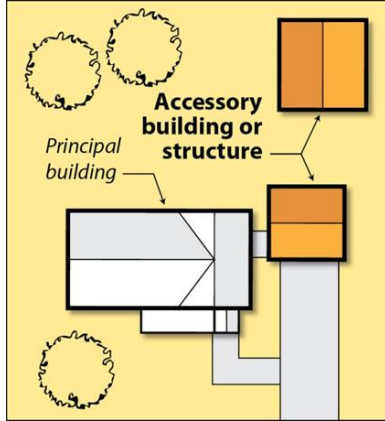
Access: A means of vehicular or non-vehicular approach or entry to or exit from a property, a street or highway.

Accessory: Incidental, appurtenant or subordinate to the principal use or structure on the same lot or parcel.

Accessory structure: A structure that is incidental and/or subordinate in size to the principal use/structure on the same lot and serving a purpose clearly incidental to the permitted principal use and/or structure(s) of the lot/property.

Buildings or structures (including sheds, barns, garages, carports, greenhouses, detached solar power generation systems or shade structures) which:

- Are customary, incidental, appropriate and subordinate to the use of the principal building or the principal use of the land;
- Do not contain a kitchen and is located upon the same lot or parcel as the principal use or structure to which it is accessory;
- Shall be constructed with or subsequent to the construction of the principal structure or subsequent to activation of the principal use structures;
- The gross floor area of which shall not exceed that of the structure(s) associated with the primary use.



Accessory sign: A sign which provides information pertaining to, but does not specifically identify, a business, product or activity, such as, “open”, “closed,” “Visa”, “phone number, website, email”, etc.



A-frame sign: A sign made of wood, cardboard, plastic or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable. Also referred to as sandwich sign and/or portable freestanding sign.



Accessory use: A subordinate use of a building, other structure or use of land that is:

- Conducted upon the same lot or parcel as the principal use or structure to which it is accessory;

- Is customary, incidental, appropriate and subordinate to the use of the principal building or the principal use or the land;
- Shall be activated with or subsequent to the construction of the principal structure or activation of the principal use, only if authorized by the permit;

Accessory uses and structures, agricultural: Those uses and structures customarily incidental and subordinate to the agricultural use of the land including but not limited to:

- Barns, storage sheds, corrals, pens, fences, windmills, watering and feed troughs;
- The storage and use of farm implements, irrigation and crop-protection equipment;
- The storage and use of fuels for heating buildings and operating farm equipment or appliances;
- Dams and reservoirs;
- Storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls or when covered with wood siding and a roof and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied; and
- Other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the agricultural use of the lot or parcel.
- Accessory use, agricultural, shall not include residences of any kind or construction equipment storage yards, mobile storage trailers, truck trailers or boxes.

Accessory uses and structures, commercial: Those uses and structures customarily incidental and subordinate to the commercial use of the land including but not limited to: trash storage areas and bins; vending machines; six (6) or fewer games/amusement devices and two (2) or fewer pool tables occupying less than 25% of the net floor area of the principal use; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculpture, paintings and other works of art; exempt wireless communication facilities; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; water and wastewater treatment facilities and systems; incidental services such as cafeterias, storage facilities and garages, sales offices, showrooms and administrative offices; permitted signs; the storage and use of commercial fleet vehicles as part of the principal use; storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls or when covered with wood siding and a roof and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure

is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied and other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the commercial use of the land. "Accessory use, commercial" shall not include mobile storage trailers, truck trailers or boxes

Accessory uses and structures, industrial: Those uses and structures customarily incidental and subordinate to the industrial use of the land including but not limited to: loading and unloading facilities and equipment; parking areas and shipping terminals; water and wastewater treatment facilities and systems; incidental services such as cafeterias, storage facilities, garages, sales offices, showrooms or administrative offices; exempt wireless communication facilities; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; the storage and use of fleet vehicles, heavy equipment or trucks as part of the principal use.

Accessory uses and structures, residential: Those uses and structures customarily incidental and subordinate to the residential use of the land including but not limited to: private garages, children's playhouses, patios, decks, fences, landings, porches, gazebos, outdoor gardens; art works including: lawn art, statuary, sculpture and other media; storage sheds; exempt wireless communication facilities; solar panels; flag poles; private boat docks, boathouses or boat ramps; private pools, pool houses, tennis courts, spas and hot tubs; domestic animal keeping of up to four cats and/or dogs over the age of 4 months; water and wastewater treatment facilities and systems for private domestic use; permitted signs; the storage and use of fuels for heating buildings or for operating light equipment or household appliances; the parking of or temporary storage of fully-operative automobiles, light trucks, boats, recreational vehicles and motorcycles.. . "Accessory use, residential" shall not include mobile storage trailers, truck trailers or boxes; or the parking of tractor-trailers or separate tractors or cargo trailers. Notwithstanding accessory structure, accessory use sea walls, bulkheads and fences, docks, piers and similar structures in compliance with other provisions of this Chapter and Code are permitted uses and structures on a residential lot or parcel which does not possess a principal use.

Accessory wind energy system: An Accessory wind energy system consists of one or more wind turbines that generate electricity primarily for the principal use on a site. (When referring to accessory wind energy systems, "primarily" means that more than 50% of the energy shall be used on site.) An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An Accessory wind energy system typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.

Accessory wind energy system height: The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

Accessory wind energy tower height: The height above grade of the fixed portion of the tower, excluding the wind turbine.

Acre: A measure of land area containing 43,560 square feet unencumbered by any public or private street right of way or roadway easement except as provided for herein. The term gross acre means all land within a given boundary. The term net acres means all land measured to remove certain features such as roads, utilities, and open space.

Addition: Any construction which increases the size of a building such as a porch, attached garage or carport or new room or wing. An addition is a form of alteration.

Adequately shielded light: The shielding of a light fixture by opaque components or materials, such that light rays are limited to the parcel of origin and the light source is not visible from another property or public right-of-way.

Adult entertainment establishment: An establishment or use devoted to adult entertainment and characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

Affordable housing development: Any development project that results in adding residential dwellings or mixed-use projects consisting of at least 2/3rds of the square footage of the buildings devoted to residential uses which are restricted to lower income families as defined in California Health and Safety Codes Sections 5-1-6 and 50106. Affordable housing development may also include supportive and transitional housing (also see "Housing development").

Agricultural family dwelling: Single-family dwellings located on and used in connection with farms.

Agricultural processing: The refinement, treatment or packaging of agricultural products. Examples of agricultural processing include but are not limited to, packing sheds, fruit dehydrators, cold storage houses and hulling operations and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto. "Agricultural processing" shall not include wineries or manufacturing of secondary products using agricultural products such as commercial kitchens, bakeries, breweries and woodworking.

Agricultural sales and supplies store (agricultural sales and service): A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agricultural service establishment: A commercial business principally established to serve farming or ranching activities, and which relies on agriculture as its major means of support. Agricultural service establishments shall include blacksmiths or farriers; commercial harvesters, irrigation or crop sprayers; farm equipment repair services; and custom meat cutters.

Agricultural structure: A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock.

Agricultural tours: Tours of agricultural land and associated facilities. Tours include, but are not limited to agricultural tours, garden/nursery tours, natural history tours, ranch/farm tours, winery/vineyard tours.

Agricultural use: The tilling of soil, the raising of crops, horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying and animal husbandry.

Agri-tourism: An agriculturally based enterprise or activity that brings visitors to a working farm, ranch or other agricultural operation or agricultural plant/facility conducted for the enjoyment and education of visitors that generates income for the owner or operator.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Airstrip: Any area of land or water used for the landing, take-off or taxiing of aircraft.

Alcohol: Any bottled or prepared beverage with more than 0.005% alcohol content per volume. This includes any beer, wine, wine cooler, frozen mixed drink, hard alcohol or spirits, liqueur or any other variation of a drink with alcoholic content.

Alcoholic Beverage Sales, Offsite Consumption: A business whose floor space is primarily devoted to the retail sale of beer, wine or other alcoholic beverages for off-premises consumption, and which requires a license under state regulations.

Alcoholic Beverage Sales, Onsite Consumption: A business whose floor space is primarily devoted to the sale of beer, wine or other alcoholic beverages for on-premises consumption, and which requires a license under state regulations.

Alley: A public or private thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

All Weather Surface: A drivable surface for parking and driveways having a surface that has weight bearing capability, as approved by the City Engineer, to support the loads of

firefighting equipment used or likely to be used by the local fire protection agency in all weather conditions.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to or diminution of a building or structure, whether horizontally or vertically or the moving of a building or structure from one location to another.

AUMA: Adult Use of Marijuana Act, also known as Proposition 64. See MAUCRSA, the state Medicinal and Adult Use of Cannabis Regulation and Safety Act

Amphitheaters: A large open area (outdoor/indoor) venue used for entertainment, (such as live performances, plays, sports venues, etc.)

Amplified voice or music: Voice or music which is augmented rebroadcast or amplified through the use of electrically powered microphones or speakers.

Amusement enterprise: Any indoor or outdoor place that is maintained or operated for the amusement, patronage or recreation of the public to include any coin-controlled amusement device of any description, commonly known as baseball, football, pinball amusements, pool tables, water slides, miniature golf courses or driving range.

Animal density: Animals per unit area of land area

Animal husbandry: The breeding, keeping, care and production of animals.

Animal keeping, household: Small animals typically kept for the sole purpose as pets or for limited 4-H purposes. Excluded are farm animals, animals raised for food and exotic animals.

Animal sales yard: Permanent structure or location specifically for the purpose of transferring ownership of livestock and/or horses.

Animal shelter: A facility used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society for the prevention of cruelty to animals or other organization devoted to the welfare, protection and humane treatment of animals.

Antenna: Any systems of wires, poles, rods, reflecting discs or similar devices for the transmission or reception of electromagnetic waves. Such a system may transmit, receive or repeat electromagnetic frequencies for purposes of communication uses such as radio, television, telephone, data, paging or other similar technologies.

Antenna, ground-mounted: Any antenna with its base placed directly on the ground or a mast less than 10 feet tall and 6 inches in diameter and not exceeding the height limit for the zoning district.

Antenna, structure-mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than 10 feet tall and 6 inches in diameter and not exceeding the height limit for the zoning district.

Antique: Any object of fine art or household furniture or appliances which were produced more than 50 years ago.

Antique store: Any premises used for the sale or trading of articles of which 80% or more of the products are antiques. An antique is a product sold or exchanged because of value derived because of oldness as respect to present age and not simply because the same is not a new product. For the purposes of this definition, an antique is typically over 50 years old or has collectable value.

Apartment: A room or suite of rooms within a building but comprising an independent self-

Apartment house: Any building or portion thereof containing five (5) or more apartments or dwelling units. See “Multi-Family Dwelling” or “Multi-Family Dwelling Group”.

Apiary: A place where bee colonies are kept.

Appurtenant: Accessory to a principal use or structure on the same site.

Aquaculture: The culture of plants or animals in water.

Applied water: The portion of water supplied by the irrigation system to the landscape.

Arcade-fun center: Any business which has on its premises six or more amusement devices.

Architectural services: The industry comprising of establishments primarily engaged in planning and designing the construction of residential, institutional, leisure, commercial and industrial buildings and other structures by applying knowledge of design, construction procedures, zoning regulations, building codes and building materials.

Asphalt or concrete plant: A concrete or asphalt batch plant that is assembled on a site for the construction of a particular improvement.

Assisted living facility: A residential facility that makes available to three or more adults’ room and board and at least the following services: Personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that is available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. This phrase does not include any facility licensed in this state as a residential care facility.

ATM: Automated Teller Machine; a computer terminal that takes the place of a human bank teller and allows the user to access basic bank services, such as making deposits and cash withdrawals from remote locations, 24 hours a day.

Attached Facilities (telecommunication): An antenna array that is attached to an existing structure or similar facility, including but not limited to utility poles, signs or water towers with any accompanying pole or device which attaches the existing building or similar facility.

Attached housing: Dwelling units that are attached to each other on at least one side, possibly divided from one another by firewalls or other physical partitions.

Automatic irrigation controller: An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Auto parts and accessories shops (automobile parts / supply, retail): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreational vehicles.

Automotive repairs, major: Repair or refurbishing of any motor vehicle including the dismantling of an engine by removal of the head or pistons; the removal of the transmission, rear-end or major assembly of any motor vehicle; includes collision repair, painting and body work.

Automotive repairs, minor: Limited repair of any motor vehicle including the sales and installation of tires or replacement of fluids or minor automotive parts including, but not limited to, spark plugs, belts, batteries, mufflers, tires and wheels. Major automotive repair, painting and body work are excluded.

Auto Sound Installation: An operation that specializes in installing and maintaining audio equipment.

Auto wrecking yards: Lands used for dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Aviary: A place for keeping birds confined for the purpose of raising, exhibiting or selling.

Awning Sign: A sign copy or logo attached to or painted on an awning.



B

Backflow prevention device: A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Background Check: A criminal records check from a variety of public sources that would provide information regarding an individual's possible criminal history.

Backup generator: A permanently installed backup electric power source that is powered by natural gas, propane or diesel fuel and is integrated with the electrical system of the facility.

Balcony: A railed projecting platform found above ground level on a building.

Baluster: One of a series of short pillars or other uprights that support a handrail.

Base: The lowest part of a column or architectural structure. A base story is the lowest story of a building.

Bay: A main division of a structure, usually containing a window or door. A building with three windows across the front is referred to as three bays wide. Also, a bay can be an enclosed space protruding from the exterior of a building such as a bay window.

Bay window: A projecting window that forms an extension to the floor space of the internal room; usually extending to the ground level.

Banking, finance and loan services (bank): A financial institution that is open to the public and engaged in deposit banking and that performs closely related functions such as making loans, investments and fiduciary activities.

Banquet Hall: A structure or a portion of a structure which is used by individuals, business or groups for the purpose of holding events.

Bar: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

Barber shop: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Barn: A building used for the shelter of livestock, the storage of agricultural products, the storage and maintenance of farm equipment or the storage of agricultural supplies.

Beauty salon: Any commercial establishment, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation; may include the training of apprentices under regulations of the California Board of Barbering and Cosmetology.

Bed and breakfast inn: A building or group of buildings providing less than 8 bedrooms or suites that are rented for overnight lodging, with a common eating area for guests, and is Owner occupied and managed, or occupied by a residential manager. A Bed and Breakfast Inn is considered a hotel in commercial zoning districts.

Berm: An earthen landform used to deflect noise, direct views or add visual interest.

Big Box Retail Center: A shopping center that includes a large retail store that occupies more than 40,000 square feet in building area and offers a large number of products and services to on a retail basis.

Bicycle path: A pathway, often paved and separated from streets and sidewalks, designed to be used by bicyclists.

Billboard sign: A sign which is used for the display of off-site commercial messages. which directs attention to a commercial messages, including, but not limited to, a business, product, or commodity conducted, sold, or offered elsewhere (off-site) not more than 500 feet from the sign location. than upon the same premises beyond where such sign is displayed.

Birthing Center: A medical facility with specialized equipment for giving birth.

Blacksmith: One that works with metals, including the making, repairing and fitting of horseshoes.

Blight: Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, rubbish, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "rubbish" shall include combustible and noncombustible waste materials, and the term shall also include the residue from the burning of wood, coal, coke, and other combustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree

branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, and dust;

Block: An area of land that is surrounded by streets or other transportation rights-of-way or by physical barriers such as water bodies or public open spaces. Blocks are normally, but not necessarily, divided into lots.

Blue-line creek: A creek, stream or watercourse indicated by a solid or broken blue line on a U.S. Geologic Survey 7.5- or 15-Minute Series topographic map.

Boat dock (boat launch/ramp): A facility to launch and retrieve recreational boats from a trailer. Some are limited to hand launching of canoes. Most ramps have breakwater protection from large waves, parking lots, a courtesy dock to assist in launching, toilets, refuse containers, lighting and telephones.

Boat, houseboat and jet-ski rentals: A facility that deals in the rental of watercraft.

Boathouse: An accessory structure constructed either wholly or partially over a body of water and designed primarily to provide shelter for watercraft or for marine-related equipment.

Boat manufacturing and repair facility: A facility where boats are repaired and stored until repairs are completed.

Bowling alley: An establishment that devotes more than 50% of its gross floor area to bowling lanes, equipment and playing area.

Broadcasting Center: Establishment containing broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television pro-grams or motion pictures.

Buildable area: The net lot area minus any required minimum yard provided the maximum lot coverage is not exceeded.

Building Envelope: The area on a lot that is bounded by setback lines, on which development of a principal building is permitted.

Buffering: An area set aside to preserve the integrity of an adjacent area and to prevent physical or aesthetic encroachment on that area.

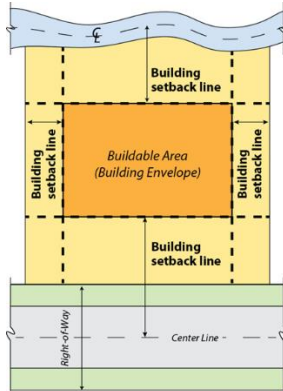
Buffer yard: A yard area that is designed to mitigate impacts of adjoining land uses through the use of landscaping and walls.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature. "Building" shall include "structure".

Building, accessory: See “Accessory building or structure”.

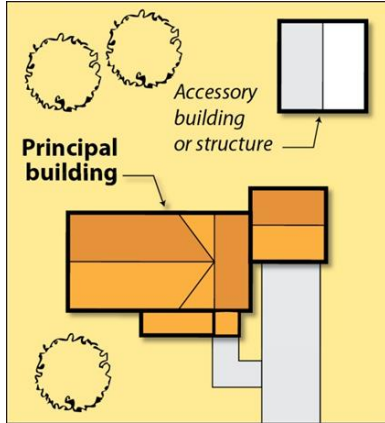
Building envelope: See “Buildable area”.

Building height: See “Maximum height”.



Building official: means the person that has been authorized by the City Manager to interpret and enforce the latest approved Building Codes for the City of Clearlake.

Building principal: A building or structure in which is conducted the principal use of the lot or parcel on which it is situated.



Bus station: Any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers.

Business (Established): A business and/or operation that has secured all necessary Federal, State, and local agency permits (such as discretionary permits, business license, etc.)

Business, retail The sale of any service, article, substance or commodity to the consumer.

Business Services: The sale, rental, or repair of equipment, or provision of professional services and supplies typically used by other commercial or industrial uses. Typical uses

include janitorial and building maintenance services, offices and commercial equipment supply firms, and printing shops.

Business, wholesale: The handling and sale of any article, substance or commodity for resale, including incidental retail sales.

C

Cabinet Sign (Can Sign): A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures that illuminate the sign face from behind.



Café: See “Coffee shop (coffee house)”

Caliper: The diameter of a tree trunk measured 6 inches above the ground for all trees less than 4 inches in caliper and 12 inches above the ground for all trees more than 4 inches in caliper.

Campground: Any area or tract of land used for outdoor overnight accommodations of one or more camping parties in tents, trailers or recreational vehicles, provided that no more than 25% of the campground spaces possess waste disposal facilities suitable for recreational vehicles, not including the occasional and temporary use by a single camping party.

Camping party: A person or group of not more than ten (10) persons occupying a campsite.

Campsite: An area within a campground designed for the purpose to be occupied by a camping party.

Cannabis: All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means Marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purposes of this section, “Cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5

of the Health and Safety Code: Cannabis is classified as an agricultural product separately from other agricultural crops.

Cannabis Business: The businesses of commercial cannabis cultivation, cannabis manufacturer, cannabis testing laboratory, micro-business and cannabis distributor.

Cannabis Cultivation Site: The premise(s), leased area(s), property, location or facility where Cannabis is planted, grown, harvested, dried, cured, graded, or trimmed or that does all or any combination of those activities.

Cannabis Delivery: The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. “Delivery” also includes the use by a licensed or permitted dispensary of any technology platform owned or accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products.

Cannabis Distributor: A Cannabis Operator permitted pursuant to this Chapter to operate a location or a facility where a Person conducts the business of procuring Cannabis from permitted Cannabis Cultivation Sites or Cannabis Manufacturers for sale to permitted Cannabis Dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to permitted Medical Cannabis Dispensaries.

Cannabis License: A State license issued pursuant to MAUCRSA, as may be amended from time to time.

Cannabis Licensee: A Person issued a Cannabis License under MAUCRSA to engage in commercial Cannabis activity.

Cannabis Manufacturer: A Person that produces, prepares, or compounds manufactured Cannabis or Cannabis Products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages Cannabis or Cannabis Products or labels or relabels its container, that holds a valid Cannabis License and that holds a valid City zoning clearance or use permit.

Cannabis Manufacturing Site: A location that produces, prepares, or compounds manufactured Cannabis or Cannabis Products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a permittee for these activities.

Cannabis Micro-Business: A location operating as a microbusiness as defined in the State regulations issued by the Bureau of Cannabis Control for cannabis microbusinesses, but must include a dispensary component and cannabis cultivation

activities are limited to nursery-only cultivation as defined by State regulations for a Type 4 nursery license.

Cannabis operator: Person or entity that is engaged in the conduct of any commercial cannabis use.

Cannabis processor: A location that dries, cures, grades, trims and packages cannabis products.

Cannabis Product: Any product containing Cannabis, including but not limited to flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use according to MAUCRSA. For the purposes of this chapter, Cannabis does not include industrial hemp, as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

Cannabis Testing Laboratory: A facility, entity, or site in the State that offers or performs tests of Cannabis or Cannabis Products and is both of the following:

- a. Accredited by an accrediting body that is independent from all other Persons involved in the Cannabis Testing Laboratory.
- b. Registered with the California Department of Public Health.

Cannabis Operator: The Person or entity that is engaged in the conduct of any commercial Cannabis use.

Commercial Cannabis Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis that is intended to be transported, processed, distributed, dispensed, delivered, or sold in accordance with MAUCRSA for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 ("Proposition 215"), found at Section 11362.5 of the Health and Safety Code or for adult use. Commercial cannabis cultivation is allowed only within a fully enclosed, permanent and secure structure, and outdoor commercial cannabis cultivation is prohibited in the City. Any cannabis cultivation which does not strictly comply with the provisions for personal cannabis cultivation set forth in Chapter 18-43 shall be considered commercial cannabis cultivation.

Cannery: A facility where fish, vegetables or other foods are canned.

Canopy: A permanent roofed structure supported in part by wall of the building on posts or stanchions.

Cargo Container: A container that was originally designed as an intermodal freight container that could be transported by ships, trains, cargo planes and trucks.

Car wash: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Card rooms: A place whose main purpose is to provide card games of chance or legal gambling.

Canopy Sign. Any sign that are part of a projecting awning, canopy or other fabric, plastic or structural protective cover over a door, entrance or window or outdoor service area.



Caretaker's quarters (caretaker's residence): A residence located on premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

Carport: A roofed structure or a portion of a building, opens on 2 or more sides for the parking of automobiles.

Case Management: A system for arranging and coordinating care and services whereby a case manager assesses the needs of the client and client's family and arranges, coordinates, monitors, and advocates for services to meet the client's needs.

Cattle and hog feed yard: Any area where cattle or hogs are held or maintained for the purpose of feeding and fattening where 60% or more of the feed for such cattle is imported or purchased; when not incidental to a farm or ranch.

Cellular service: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmitter sites called cell sited, either to the public switched network or to other mobile cellular phones.

Cemetery: Land dedicated for the burial of animal or human remains and for this Chapter including columbarium's, crematoriums, mausoleums and mortuaries.

CEQA: California Environmental Quality Act. Guidelines established to identify and prevent potentially significant environmental impacts as well to identify ways that environmental damage can be avoided or significantly reduce by the use of alternatives or mitigation measures.

Certificate of Completion: A document required that certifies that landscaping and irrigation have been completed for a project consistent with the plans approved by the City. This document must be signed by the professional of record for the landscape and irrigation design certifying that the project was installed per the City-approved landscape design, irrigation and grading plans and meets or exceeds an average landscape

irrigation efficiency of 0.71. The City reserves the right to inspect and audit any irrigation system which has received an approval through these provisions of this Code.

Changeable Copy Sign: A sign on which it is possible to change the display copy by hand or with ordinary hand tools or by electronic control.



Character: The qualities and attributes of any new structure, site, street or district.

Check valve: A valve located under a sprinkler head or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Child care, commercial: A facility, by whatever name known, that is commercially run and maintained for the whole or part of a day for the care of children who are 18-years of age or younger whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase “child care center” includes, but is not limited to, facilities commonly known as:

- Day care centers;
- School-age child care centers;
- Before and after school programs;
- Nursery schools;
- Kindergartens;
- Preschools;
- Day camps;
- Summer camps;
- Centers for developmentally disabled children; and
- Facilities that give twenty-four-hour care for children.

The term does not include any facility licensed as a family child care home nor a foster care home.

Child care, in-home, small: A private residence where a total of eight or fewer persons under the age of 18 attend for the purposes of custody, care or instruction and which persons are not a part of the resident family.

Child care, in-home, large: A private residence where a total of between nine and fourteen persons under the age of 18 attend for the purposes of custody, care or instruction and which persons are not a part of the resident family.

Christmas tree sales: A site where evergreen trees are sold for the use of Christmas decoration and ornamentation

Church: A place or facility used for worship and religious activities and gatherings

City Engineer: The City Engineer for the City of Clearlake or designee.

Claiming: Through legal manner establishing rights to resources for extraction.

Cobble: Rounded rock, variable in size, with no fine material and not material exceeding 6 inches in diameter.

Cocktail lounge: An area or room within or connected to a restaurant where alcoholic beverages are sold for consumption on the premises, structurally separated from the dining area.

Coffee shop (coffee house): An informal restaurant primarily offering coffee, tea and other beverages and where light refreshments and limited menu meals may also be sold.

Cohousing: A group of 7 to 70 residential units (cottages, single-family detached, lot lines or duplex types) that are organized according to a site plan that encourages interaction among residents and which includes a common house and other common facilities (e.g., open space, playground equipment, gardens, etc.). The residential units typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. The common house typically includes a common kitchen, dining area, sitting area, children’s playroom and laundry and also may contain a workshop, library, exercise room, crafts room and/or one or two guest rooms. Transitional or supportive housing that complies with State of California program requirements and that meets the City of Clearlake’ cohousing standards, is also included in this term.

Co-located communication facility: A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes or similar devices owned or used by more than one public or private entity.

Collectible: Any object, art, furniture, appliance or other article of personal property which is not an antique, but which was produced more than 30 years ago and whose current market value is greater than when it was produced. Examples of items which may be considered collectibles include, but are not limited to, certain rugs, dolls, coins, gems, medals, stamps, baseball cards and jukeboxes.

Collectible store: A store or shop whose inventory is substantially comprised of collectibles.

Collectors Permit: To allow the total accessory structure(s) (such as garage, carports, sheds, etc.) square footage to exceed the gross square footage of primary residential structure(s) with the following exception: although guest houses are residential accessory structures,

they are not included in the square footage calculations for purposes of determining primary use versus accessory use.

College/university/vo-tech: A community college, college, university, vocational/technical school, trade school, language school, business school, training center, beauty school, culinary school and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction or martial arts instruction.

Commercial: Buildings that house commercial activities, such as retail trade, commercial services, entertainment, restaurants, fast food and other commercial uses permitted under the Zoning Code.

Commercial amusement, indoor: Uses that provide commercial amusement indoors (except sexually oriented businesses), including, but not limited to:

- Bowling alleys and pool rooms;
- Indoor sports arenas
- Movie theaters and live theaters;
- Indoor skating rinks (ice or roller); and
- Video arcades.

Commercial amusement, outdoor: Uses that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to:

- Outdoor arenas or stadiums (including, but not limited to, amphitheaters, sports stadiums, concert facilities, rodeos and racing facilities);
- Amusement parks or theme parks;
- Fairgrounds;
- Miniature golf establishments;
- Golf driving ranges;
- Water slides; and
- Batting cages.

Commercial Cannabis Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis, including nurseries, that is intended to be transported, processed, distributed, dispensed, delivered, or sold in accordance with MAUCRSA for use by Medical Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (“Proposition 215”), found at Section 11362.5 of the Health and Safety Code or for adult use. Commercial Cannabis Cultivation is allowed only within a fully enclosed, permanent and secure structure, and outdoor commercial cannabis cultivation is prohibited in the City. Any cannabis cultivation which does not

strictly comply with the provisions for Personal Cannabis Cultivation set forth in Article 18-9 of this Chapter shall be considered Commercial Cannabis Cultivation.

Commercial retail: Commercial and retail uses that do not include regular outside storage and/or sales. This phrase includes uses that are comparable to the following:

- Furniture and home furnishings stores;
- Electronics and appliance stores;
- Paint and wallpaper stores;
- Hardware stores;
- Food and beverage stores;
- Health and personal care stores;
- Clothing and clothing accessory stores;
- Sporting goods, hobby, book and music stores;
- General merchandise stores; and
- Miscellaneous store retailers.

Commercial parking lot: A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises.

Commercial stables: The stabling, training, feeding of horses or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

Commercial vehicle: Any vehicle that has a capacity of 1.5 tons or larger and/or is consistent with California Vehicle Code Section 15210. Commercial motor vehicle does not include recreational vehicles or agricultural vehicles or implements used for agricultural purposes on the same property on which it is stored

Commercial worm farming: A facility where worms are grown to be sold or for the sale of their byproducts.

Common area: A parcel or parcels of land or an area of water or a combination of land and water within a site designated for a planned development and designed and intended for the use or enjoyment of residents of a planned development. These areas may include green open spaces and pedestrian walkways. Common areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned development. Maintenance of such areas shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

Communication facility collocated wireless: A wireless communication facility comprised of a single tower, building, water tank or other such structure supporting one or more antennas, dishes or similar devices owned or used by more than one public or private entity.

Communication facility, wireless: A public, commercial or private facility for transmission, broadcast, repeating or reception of electromagnetic or other communication signals, including, but not limited to, radio, telephone, data, paging, internet, television, telegraph, telephone or other wireless communication signals. Includes but is not limited to towers, antennas, generators, accessory equipment and buildings and the land on which they are situated. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections are not included in this definition.

Community care facility: Any facility, place or building which is maintained and operated to provide non-medical residential care, emergency shelters, adult day care or home finding agency services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. "Community care facility" shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code.

Community Development Department: The Community Development Department for the City of Clearlake.

Community garden: An area where neighbors and residents have the opportunity to contribute and manage the cultivation of fruits and vegetables

Composting Facility: A public/private facility where organic matter/yard waste is transformed into soil or fertilizer.

Comparable housing: Housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.

Common interest development: A community apartment project, condominium project, planned developments and stock cooperative per California Civil Code Section 1351.

Comparable mobile home park: Any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

Comprehensive sign package: Overall sign program for building complexes containing three or more uses or separately leasable spaces.

Condominium: The joint ownership of certain common property along with private, separate ownership of living space, including stock cooperatives and timeshare developments.

Conforming: A use, structure or site complied with all applicable development regulations at the time the use was established, the building permit for the structure was issued or the site work was begun.

Congregate Care: Congregate care is a kind of residential child care community and a residential treatment center that consists of 24-hour supervision for children in highly structured settings such as group homes, residential treatment facilities, or maternity homes

Construction process: The entire time period during which site development occurs, from initial planning surveying to final clean-up and issuance of all necessary permits and certificates.

Contractor's equipment storage yard: Storage of large equipment, vehicles or other materials commonly used in the contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Conversion: A change in the use of land or a structure from one use to another.

Corral: The primary enclosure for confining livestock.

Cottage industry: A small-scale commercial or manufacturing activity accessory to the principal residential or agricultural use.

Coverage: See "Maximum lot coverage".

Covered space: See "Parking, covered"

Cultivate or Cultivation: The planting, growing, harvesting, drying, or processing of one or more marijuana plants in any location.

Curb wall: A non-bearing, non-structural wall located underneath the exterior wall of a structure.

D

Dairy: An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment and processes.

Dams, small, medium and large: An earthen, concrete or stone wall to confine a flow of water, as a stream and raise its level. Small dams do not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Medium dams are of seven (7) to fifteen (15) feet in height from the natural bed of the

stream or watercourse at the downstream toe of the barrier. Large dams are those exceeding fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. The height of a dam shall be measured to the highest level of water that may be impounded.

Dance and art studio: An establishment where dance or art are taught or studied.

Deck: An exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Delicatessen: An establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food is provided, but excludes groceries and supermarkets.

Demolition: The process of razing or removing all or a substantial portion of a building, structure or appurtenance without the intent to restore or rehabilitate the original structure.

Design review: A process established by Chapter 18-37 of the Zoning Code for the review of new development, signs and related community appearance changes in the City of Clearlake under the provisions of the Zoning Code.

Design Review Committee: An appointed panel to conduct Design Review consisting of two Planning Commissioners and one at large citizen member, all of which shall reside within the City Limits of the City of Clearlake in accordance with Chapter 18-37 of the Zoning Code.

Design Review Manual: A planning document adopted by the City Council for guidance to the City decision makers, property owners, merchants, real estate interests, architects, designers and building contractors in designing new development and signs related to community appearance changes in the City of Clearlake under the provisions of the Zoning Code.

Density: The total number of dwelling units permitted per acre of land. Accessory dwelling units are not counted in the total number of dwelling units when calculating density.

Density bonus: A density increases over the otherwise maximum permitted density for residential dwelling units as specified by the zoning district **and as provided under Government Code Section 65915.**

Detached: Not sharing a common wall or roof.

Development: On land, in or under land or 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 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 the size 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 timber harvesting operations.

Developer: Any person, firm, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or agent in the planning or development of a subdivision or development.

Development standards: A set of regulations contained within each zoning district of this Chapter setting forth minimum requirements or specifications which must be met by all applicants for permits; including but not limited to: lot dimensions, setbacks and height limits; lot coverage; animal densities; parking and signs.

De Novo: A new hearing. The Review Authority may approve, disapprove or modify any proposed permit without regard to any previous testimony or action by another Review Authority.

Directional sign: A sign that provides directional information for drivers and pedestrians.



Director: The Planning Director for the City of Clearlake Community Development Department or the person given the authority to carry out the responsibilities of the Planning Director in the Clearlake General Plan and Municipal Code.

Disabled person: A person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code Section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons or an authorized representative of a disabled person. The term “disabled person” does not include a person who is currently using illegal substances, unless **that person** has a separate disability.

Design Review Manual: A set of standards and guidelines adopted by the City Council and periodically updated that provides design direction of the City's expectations regarding the aesthetics and functionality of new development, alterations to existing development and sign proposals in the City.

Dispatching services: An establishment for assigning employees, workers or vehicles to customers. Typical industries include taxicabs, couriers, emergency vehicles, home and commercial services include maid services, plumbing, HVAC, pest control and electricians.

Disposal: Facilities used for the disposal of non-nuclear waste or fill or the composting of organic wastes. The term includes landfill and composting facility.

District: The zoning classification with associated use and bulk regulations that apply to all parcels within the zoning classification.

Dog grooming: An establishment that cleans, beautifies, brushes and cuts hair and nails of dogs.

Donation Box Definitions: (as referenced in Section 18-19,080 regarding Second-hand goods):

- a. Accessory activity: An activity that is incidental to, and customarily associated with, a specified principal activity.
- b. Agent: A person who is authorized by the parcel owner to act on their behalf to be the applicant for a UDCB permit. To be considered an agent, a person must be given express written authorization from the parcel owner on a form provided by the City to apply specifically for a UDCB permit. For the purpose of this chapter, a person who is only given general authorization to act on the behalf of a parcel owner for various activities and transactions in regards to a property is not considered an agent.
- c. Donated/collected material: Salvageable personal property, such as clothing and books and household items that is collected for periodic transport off-site for processing or redistribution or both.
- d. Parcel owner or property owner: The owner of real property on which a UDCB is or is proposed to be placed.
- e. Principal activity: An activity that fulfills a primary function of an establishment, institution, household, or other entity.
- f. Principal building: A main building that is occupied a principal activity.
- g. UDCB operator or operator: A person or entity who utilizes or maintains a UDCB to solicit donations/collections of salvageable personal property.

- h. Unattended donation/collection boxes or UDCBs: Unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling.

Dorm (dormitory): A structure specifically designed for a long-term stay by students of a college, university or nonprofit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

Drafting services: This industry comprises establishments primarily engaged in drawing detailed layouts, plans and illustrations of buildings, structures, systems or components from engineering and architectural specifications.

Drip Irrigation: Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Drip line: An imaginary line extending from the perimeter of a tree's foliage down to the ground.

Drive-thru services: An establishment that has a devoted window(s) and driving lane that is designed and intended to be used to provide for sales to and / or service to patrons who remain in their vehicles.

Driveway: A private access for vehicles located on a single parcel, excepting that "Driveway" also includes shared, reciprocal access along both sides of a common property boundary serving no more than two (2) adjoining parcels.

Driving range: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting and which may include a snack-bar and pro-shop, but excludes miniature golf courses and "putt-putt" courses.

Drought tolerant plants: Vegetation that uses little to no water once established.

Duplex: See "Dwelling, two family". Dwelling group: A group of two (2) or more detached or semi-detached single-family, two-family or multi-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

Dwelling unit: A habitable room or group of internally connected or more habitable rooms, designed to be occupied by one family, with facilities for living, sleeping, cooking, eating and sanitation. that have permanent sleeping, cooking, eating and sanitation facilities which constitute on independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Dwelling unit, accessory dwelling unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is

located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Dwelling unit, junior accessory dwelling: A unit that complies with the requirements of Government Code Section 65852.22, as amended from time to time.

Dwelling, single-family: A single detached dwelling designed for and occupied exclusively by one family alone. Single-family dwelling includes “factory-built housing” as defined in Section 19971 of the Health and Safety Code.

Dwelling, studio unit: A one-room dwelling unit with not more than 450 square feet of gross floor area, designed for occupancy by not more than two people. The floor area in a loft is included as part of the gross floor area calculation.

Dwelling, primary unit: An existing single-family residential structure that conforms with all zoning regulations in effect, including this Section. Accessory and junior accessory dwelling units may be allowed within a non-conforming use/building.

Dwelling, two-family: A single detached building designed for and occupied by two families alone, living independently of each other as separate units and having but two kitchens. “Two-family dwelling” includes duplex. A two-family or duplex is considered a multiple family dwelling use.

E

Eave: The projecting overhand at the lower edge of a roof which may include an architectural gutter or aesthetic features.

Ecological restoration project: A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Educational Agriculture: A part of agritourism that centers on programs meant to educate the public.

Effective Date means the date that Ordinance No. _____ first became effective.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Egress: A point of vehicle, bicycle or pedestrian exit from a parking area, lot, garage, driveway or building.

Electrical Substation: A subsidiary station of an electricity generation, transmission and distribution system where voltage is transformed.

Electric vehicle charging station: An electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Election period: That period of time which begins 30 days before a special, general or primary election in which at least some registered voters in the City are eligible to vote and ends 5 days after such election.

Electroplating establishment: An establishment that performs the process of coating the surface of a conducting material with a thin layer of metal.

Emergency shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less consistent with California Health and Safety Code Section 50801(e).

Employee housing (employee quarters): Accessory residential structures that house people employed by the residents of the principal building or owners of the property and that is not used for rental purposes.

Enclosed building: A structure supported by columns, enclosed on all sides by walls and covered by a roof.

Encroachment:

- A building or structure or part thereof, that is located:
 - Between a lot line and the nearest required setback line for the building or structure; or
 - In an easement which does not allow for the building or structure; or
- A part of a building or structure that crosses a lot line:
 - Into another lot under separate ownership; or
 - Onto a right-of-way.

Electrical Vehicle (EV) Charging Station: A charging station, also known as a charge point, charge point, or electric vehicle supply equipment, is a power supply device that supplies electrical power for recharging plug-in electric vehicles.

Elevation: The vertical plane of a building façade. An elevation drawing is a view of such vertical plane.

Employee housing: housing as described in California Health and Safety Code Section 17008 and shall be subject to the provision of Health and Safety Code sections 17021.5 and 17021.6.

Environment: The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise and objects of historic or aesthetic significance.

Equipment repair, light: A shop for the restoration or the replacement of parts or machinery powered by motors of 15 horsepower or less.

Equipment repair, heavy: A shop for the restoration or the replacement of parts or machinery powered by motors greater than 15 horsepower.

Equipment storage yard: See “Contractor’s equipment storage yard”.

Equipment structure: With respect to communication facilities, a structure, shelter, cabinet or vault used to house and protect the equipment necessary for processing communication signals. Associated equipment may include, but is not limited to, switching devices, transmitters, receivers, air conditioning, backup power supplies and generators.

Erosion: The loosening and transportation of rock and soil debris by wind, rain or running water.

Established landscape: The point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or 2 years of growth.

Establishment period: The first year after installing the plant in the landscape or the first 2 years if irrigation will be terminated after establishment. Typically, most plants are established after one or 2 years of growth

Estimated Total Water Use (ETWU): The total water used for the landscape.

Exterior Features: Architectural style, general design and arrangement of the exterior of a building or other structure, including the color, the kind and texture of the material constituting or applied to the exterior walls and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other natural features such as trees and shrubbery.

Evapotranspiration Adjustment Factor (ETAf): A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A

combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor is $(0.7) = (0.5/0.71)$. ETAF for a special landscape area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration Rate (ET_o): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Event Facility: Establishment used to host mass gatherings such as festivals, exhibitions, competitions, conventions, trade shows, corporate meetings, weddings, receptions, reunions, private parties, and similar events.

Extraction: Uses that involve extraction of minerals and fossil fuels from the ground, including surface and subsurface mining and quarrying facility.

Exercise trail: A trail that combines running and exercising and may include various types of exercise stations along the trail.

F

FAA: Federal Aviation Administration.

Facade: The front exterior surface of a building.

Factory-built housing: A residential building, dwelling unit or an individual dwelling room or combination of rooms thereof or building component, assembly or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted pursuant to California Health and Safety Code Section 19990. Factory-built housing does not include a mobile home, a recreational vehicle or a commercial modular.

Fair housing laws: (1) the Federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Govt. Code § 12955 and following), including amendments to them.

Family: One or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and there is a sharing of household activities, expenses, experiences and responsibilities.

Farmer's market: A designated area where, on designated days and times, growers of farm produce and producers of value-added food products may sell directly to the public from open or semi-open facilities in accordance with these regulations.

Farm product: Warehousing, Processing and Storage means the work involved to turn agricultural products into sellable goods and the housing of such goods.

Farm stand: A temporary or permanent structure or vehicle used for the sale of agricultural produce in-season, at least 50% of which is grown by the seller or farmers within 25 miles of the city limits. Farm stand operators are not itinerant vendor sales.

Farmstead: A commercial farm, all of its buildings and the surrounding fields, operating as a unit.

Farmworker housing: Housing up to 36 beds in group quarters or up to 12 individual units designed for use by a single household that complies with the State of California program standards for farmworker housing. The term also includes employee housing.

Fascia: A flat band, usually a horizontal member of a building that covers the open end of a projecting eave.

Family: One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity or sorority house. The family shall be deemed to include necessary servants.

Family day care home, large: A residential facility providing care for 7 to 14 children consistent with California Health and Safety Code Section 1596.78.

Family day care home, small: A residential facility providing care for 8 or fewer children consistent with California Health and Safety Code Section 1596.78.

Farm labor camp: Living accommodations, including structures, tents, trailers and mobile homes, manufactured homes, mess halls, garages and accessory buildings and uses, for any number of persons, maintained in connection with any work or place where work is being performed and including the premises on which said buildings and uses are situated or the area set aside for them. Labor camp and labor quarters shall also include any such living accommodations and the premises which they occupy, which are owned, operated or maintained by any person engaged in the business of supplying lodging or meals for five (5) or more persons who are or may be employed by him or by others.

Farm labor quarters: Rooming and boarding houses, mobile homes, manufactured homes, single-family dwellings and mess halls for any number of farm help customarily employed principally on land owned by the owner of the building site occupied by said structures.

Farmer’s market: A seasonal or year-round open-air market where agricultural products are sold directly to consumers.

Farm stays: A form of agriculture tourism where paying guests are hosted tourists upon a farm where they exposed to the daily activities associated with farming or ranching.

Farrier: A person who shoes horses.

Feather banner: Feather banner or feather banner sign means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, “quill sign,” “banana banner,” “blade banner,” “flutter banner,” “flutter flag,” “bow flag,” “teardrop banners,” and others. The definition includes functionally similar display devices.



FCC: Federal Communications Commission.

Feedlot, commercial: See “Cattle and hog feed yard”.

Finger island: Used to divide up parking stalls in a parking lot. Usually planted to break up the hardscape of a parking lot.

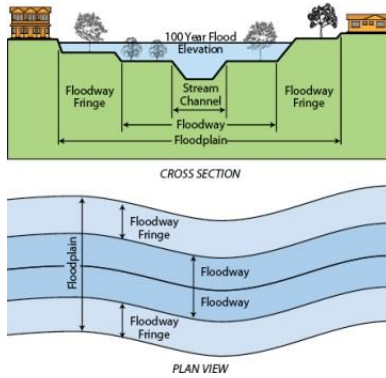
Final map: A subdivision map supported by complete engineering data, prepared in accordance with the conditions of an approved tentative map and in acceptable form for processing and filing for record, as provided in the City of Clearlake’s Subdivision ordinance.

Fire Chief: The Fire Chief for the City of Clearlake or designee, such as from the Fire District.

Fish and wildlife habitat: An area characterized by fish or wildlife that forage, nest, spawn or migrate through in search of food or shelter. Examples include forests, fields, riparian areas, wetlands and water bodies.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.

Flood plain: A floodplain is a land area adjacent to a river, stream, lake, estuary or other water body that is subject to flooding. This area, if left undisturbed, acts to store excess floodwater. The floodplain is made up of two sections: the floodway and the flood fringe.



Floodway: As determined by the Federal Insurance Administration’s Flood Insurance Study (FIS).

Floodway fringe: As determined by the Federal Insurance Administration’s Flood Insurance Study (FIS), the portion of the 100-year floodplain that is not within the floodway and in which development and other forms of encroachment may be permitted under certain circumstances.

Floor Area Ratio (FAR): The gross floor area permitted on a site, divided by the total area of the site expressed in decimals to one or two places.

Flow rate: The rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour or cubic feet per second. **Floorspace:** The gross floor area of a detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement area whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit.

Foot-candle: A unit of measure for illuminance and is equal to one lumen per square foot.

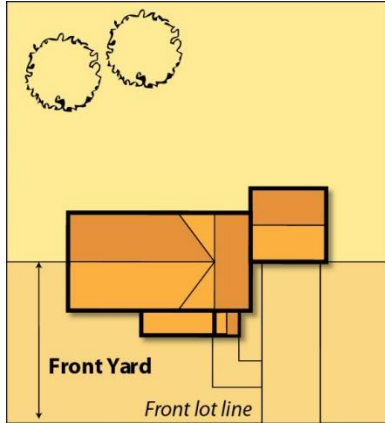
Foster family home: Any residential facility providing 24-hour care for 6 or fewer children which is owned, leased or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.

Foundation: The lowest exposed portion of the building wall, which supports the structure above.

Fourplex: A detached residential structure containing four and only four dwelling units, designed for occupancy by not more than four families living independently of each other.

Frontage: The area between a building Façade and the street lanes for vehicles.

Front yard: That yard or area located between the dwelling and front property line.



Fuel tank farm: An open-air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum products.

Fuel pump accessory sign: A sign that is attached to a gasoline pump identifying acceptable payment methods or other information related to the use of the pumps and sales of fuel.



Fully Enclosed and Secure Structure: In application of commercial cannabis, means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

Function: The use or uses accommodated by a building and its lot.

Funeral home: An establishment engaged in the undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

G

Game preserves: A public or private land area, chiefly in a natural state, set aside for the protection, enhancement and enjoyment of wild animals or birds; includes “game reserve”.

Game rooms/amusement arcades: A place wherein games/amusement devices occupy 25% or more of the net floor area and do not include any card games of chance or gambling.

Garage: An accessible and usable covered and completely enclosed space of not less than 10 feet by 20 feet per vehicle for storage of automobiles, measured from the outside of the structure, provided that a minimum dimension of 19 feet by 10 feet within the garage for a 1-car garage or 19 feet by 19 feet within the garage for a 2-car garage is free of any permanently constructed or attached fixture or appliance.

Garage sale: The temporary use of a dwelling unit or residential property to display tangible personal property for sale to the public, where the property that is offered for sale was obtained for the personal use of a resident of the premises. Garage sales are also commonly known as estate sales, yard sales, basement sales, attic sales and rummage sales.

Gas station: A retail business that sells gasoline to the public and typically also sells a variety of food and drinks.

Gas station island advertising sign: Advertising sign located on a gasoline dispensing island or above pumps.



General administrative services: Professional management work involving fiscal, administrative, personnel and related support functions for a business, group or other entity.

Go-cart track: A specialized course used for small, motorized vehicles for recreation, entertainment or racing.

Golf course: A lot or portion of a lot used for the playing of golf and shall include pitch-and-putt courses but shall not include stand-alone driving ranges, miniature golf courses or other similar commercial enterprises. A golf course may include a snack bar, pro shop and/or restaurant.

Granny residential units: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons for elderly residents. Granny residential units established prior to adoption of this ordinance may be considered legal and considered secondary dwelling units with no age restriction. Secondary dwelling units established after adoption of this ordinance may be considered accessory dwelling units that shall comply with applicable standards of this ordinance (refer to Section 18-19.320).

Green waste: Green waste includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products and construction and demolition wood waste. Green waste does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

Green waste composting facility (composting facility): A facility where organic matter that is derived primarily from off-site is to be processed by composting and / or is processed by commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing or use of compost.

Greenhouse: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross floor area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group care home: See “Community care facility”.

Guest quarters: A separate accessory space, attached or detached, which contains bathroom facilities including toilets, bathing facilities, showers or sinks but does not contain a kitchen.

H

Halo lighting: Lighting showing from the back of or from within a letter or graphic shape out towards the surface so that the letter or graphic is mounted on without having any light visible through the face of the letter or graphic.



Hardscape: All features of the landscape such as sidewalks, streets, furnishings and constructed elements.

Hazardous material: Any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste and any material that a handler or the administering agency has a reasonable basis

for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Hazardous waste disposal facility: All structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste, including all operations or storage areas, diked overflow or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled or processed.

Health care facility: Any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including after convalescence and rehabilitation and including care during and after pregnancy or for any one (1) or more of these purposes, for one (1) or more person, to which the persons are admitted for a 24-hour stay or longer. "Health care facility" shall include general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, intermediate care facility/developmentally disabled habilitative, special hospital or intermediate care facility/developmentally disabled.

Health club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Heavy equipment rental yard: An establishment that rents large pieces of machinery or vehicles, especially those used in the building industry, including bulldozers and excavators.

Height: See "Maximum height".

Height, average: See "Maximum height".

Helicopter Facility Definitions:

- Elevated heliport: A heliport located on a rooftop or some other elevated structure where the TLOF is at least thirty (30) inches above ground level.
- Emergency medical services (EMS) helicopter landing site: A site that is not permitted or licensed as a heliport or helistop and that is located at or as near as practical to a medical emergency or at or near a medical facility and is designated an EMS helicopter landing site by the fire chief under authority of Public Utilities Code Section 21662.1 and the state regulations.
- Emergency use facility: An area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop which is not used as a heliport for any other purpose.
- General aviation (GA) heliport: A heliport intended to accommodate individuals, corporations, and helicopter air taxi operators. Scheduled passenger services may

be available. GA heliports do not include emergency medical services (EMS) helicopter landing sites, emergency use facilities, hospital heliports, rooftop emergency facilities, or temporary helicopter landing sites.

- Helicopter: A type of aircraft which derives both lift and propulsion from one or more sets of horizontally revolving overhead rotors and capable of moving vertically and horizontally, the direction of motion being controlled by the pitch of the rotor blades.
- Heliport: An area of land or water or a structural surface which is used or intended to be used for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.
- Helistop: A minimally developed heliport for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected. Unless otherwise stated, all references to heliports in this chapter shall include helistops.
- Hospital heliport: A heliport limited to serving helicopters engaged in air ambulance or other hospital related functions.
- Rooftop emergency facility: A clear area of a roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet it capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations. Rooftop emergency facility is also known as an "emergency evacuation facility."
- State aeronautic regulations: The rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations Section 3525 et seq., Airports and Heliports), including the recommendations contained in the Federal Aviation Administration's Advisory Circular AC 150/5390-2B and all other ACs referenced by and/or incorporated into the rules and regulations governing airports and heliports issued by the California Department of Transportation Division of Aeronautics.
- Temporary helicopter landing site: A site, other than an emergency medical services helicopter landing site, that is not permitted or licensed as a heliport or helistop and that is used for landing and taking off of helicopters, where the use is for one year or less, except for recurrent or annual events, is not marked or lighted as a heliport, and is not used exclusively for helicopter operations. "TLOF" means touchdown and lift-off area and is a load bearing, generally paved area on which a helicopter lands or takes off. (Ord. 2006-023 § 1)

Highway oriented sign: Freestanding sign that may be on or off-site, that is designed and oriented toward Highway SR 53 located within the Scenic Corridor Combining Zoning District.

Hog farm, commercial: See “Cattle and hog feed yard”.

Home occupation: An occupation conducted principally by a person(s) residing in a primary dwelling, which is as an accessory activity of a non-residential nature which is performed within a living unit or within a garage or accessory building reserved by an occupant of the living unit and which is customarily incidental to the residential use of the living unit.

Homeowner association: An organization in a subdivision, planned community or condominium that makes and enforces rules for the properties and their residents.

Homeowner-provided landscaping: Any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this Chapter, is a person who occupies the dwelling **the homeowner** owns. This excludes speculative homes, which are not owner-occupied dwellings.

Homeowner-provided landscaping: Any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling **the homeowner** owns. The term does not include speculative homes.

Hoop Style Greenhouse: A temporary structure used as a greenhouse or a season extender and is characterized by its typical construction of polyethylene and PVC pipe. Also known as a hoop house, poly-tunnel, poly-house, or high-tunnel.

Hospital: A hospital is a licensed healthcare institution providing patient treatment with specialized health science and auxiliary healthcare staff and medical equipment

Hotel: Any building, portion thereof or group of buildings, providing transient accommodations containing six (6) or more rooms; used, designed or intended to be used, let or hired out for transient occupancy.

Hothouse: A heated greenhouse for plants that require an even, relatively warm temperature.

Housing development: Any development project that results in adding residential dwellings or mixed use projects consisting of at least 2/3rds of the square footage of the buildings devoted to residential uses. Housing development shall also include supportive and transitional housing (also see “Affordable housing development”).

Hunting cabin: A building used by hunters for hunting expeditions, not permanently occupied for residential uses. A hunting cabin located at a hunting club of one hundred (100) acres or larger and not visible from a public road may consist of one recreational vehicle, travel trailer, mobile home or cabin constructed to all City Building and County Environmental Health Department requirements, but not subject to the residential construction standards of the zoning district in which it is located. A hunting cabin or recreational building shall not be occupied for more than 90 days per calendar year.

Hunting club, commercial: An area used for hunting and available for hunting by payment of fees or on membership basis to the general public.

Hunting club, private: An area used or leased for hunting by the owners or lessees of the land or invited guests.

Hybrid Greenhouse: Hybrid greenhouses utilize dehumidifiers, chillers, lighting, coolers, HVAC systems and similar equipment to allow year around operations. The roof on a hybrid greenhouse should be made from a high-quality cladding or similar material, and the sidewalls may be constructed from metal cladding or a polycarbonate material.



Hydro-zone: A portion of the landscaped area having plants with similar water needs. A hydro-zone may be irrigated or non-irrigated.



Import/export of fill: The deposit or removal of earth in amounts exceeding one thousand (1,000) cubic yards in any one (1) lot or parcel.

Incidental: Secondary, accessory, appurtenant or subordinate to another use, structure or activity. The gross area of incidental structures shall not exceed that of the primary structure.

Indirect lighting: The illumination of a sign by a light source that is not a component part of the sign, such as spotlights.

Indirectly illuminated sign: A sign whose light source is external to the sign and which casts its light onto the sign from some distance from the sign face.



Indoors: Inside a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.

Indoor recreation facility: Any premises which offers indoor recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including, but not limited to, country clubs, shooting ranges, bowling alleys, swimming pools and other private noncommercial recreation areas and facilities or recreation centers, including private swimming pools.

Industrial use: A business use or activity at a scale greater than home industry involving manufacturing, fabrication, assembly, warehousing and / or storage.

Infill development: Development of vacant land (usually individual lots or leftover properties) within areas, which are already largely developed.

Ingress and egress: The ability to enter a site from a roadway (ingress) and exit a site onto a roadway (egress) by motorized vehicle.

Infrastructure: The basic framework for provision of municipal services including, but not limited to, streets, sidewalks, storm drains, water, sewer and other utility systems, parks and recreation.

Illuminance: The amount of light falling on a surface and is measured in foot-candles.

Infiltration rate: The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

In-home childcare: A State licensed family day care home serving children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The permitted number of children shall include children under the age of 10 years who reside at the home.

Impound yard: A place where cars towed by law enforcement are locked up.

Inoperable vehicle: See “Vehicle, inoperable”.

Interior lot: See “Lot, interior”.

Internal lighting: The illumination of a sign by a light source that is a component part of the sign itself, including neon.

Internally illuminated sign: A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign or light source which is attached to the face of the sign is perceived as a design element of the sign.



Intersection (Street Intersection): Any street that joins another street at an angle, whether or not it crosses the other street.

Invasive plant species: A species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species.

Irrigation audit: An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor.

Irrigation Efficiency (IE): The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71.

Irrigation services (irrigation): The methods of supply and application of water other than natural rainfall.

Itinerant vendor: An itinerant vendor is any person who has not established a place of business in the City and who either goes from door to door or place to place for the purpose of selling goods, wares or merchandise or who solicits orders for the sale of goods, wares or merchandise to be delivered at some future time or date or who solicits contributions for any charitable, social, fraternal or similar purpose, cause or organization.

J

Junk: Any used, waste, discarded or salvaged machinery, scrap iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials or other waste which has been abandoned from its original use and may be used again in its present or in a new form. Also including automobiles, other vehicles or dismantled vehicles in whole or part.

Junkyard: The use of any parcel or portion of a parcel of land for the commercial keeping, storage, salvaging, reconditioning, sorting, distribution, bartering or sale of “junk”, including the dismantling or wrecking of automobiles or other vehicles for sale or storage.

K

Kennels, commercial: Any lot, building, structure, enclosure or premises whereupon five (5) or more dogs or cats over the age of 4 months are kept and/or maintained, regardless of their housing arrangements.

Kennels, large: Any premises where more than 7 dogs, cats or similar animals over 4 months of age are kept or maintained for non-commercial purposes. Dogs used in herding farm animals, incidental to an agricultural use, are excluded from this definition.

Kennels, small: An accessory use of a principal residential or agricultural use where five (5) to seven (7) dogs over 4 months of age are sheltered, bred or trained.

Kitchen: Any area within any structure including one or more of the following facilities that are capable of being used for the preparation or cooking of food: oven/microwave oven, stove, hotplate, refrigerator exceeding six cubic feet, dishwasher, garbage disposal, sink having a drain outlet larger than 1.05 inches in diameter and cabinets, counter space or other areas for storing food.

Kiosk: A free-standing structure that may or may not provide a service (such as an ATM) and which provides signage and information which may or may not contain advertising.



L

Lamp: A source of light, commonly referred to as a bulb.

Landmark: Refers to a building, element or site (including a specific tree or tree species) having historic, architectural, social or cultural significance and designated for preservation by the local, state or federal government.

Landscaping: The planting of ornamental trees, shrubs and groundcovers, including mulching, borders, irrigation systems and incidental ornamental features such as fencing, wagon wheels, fountains, antique farm equipment, planters and plant containers.

Landscape area: All the planting areas, turf areas and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape project: Total area of landscape in a project as defined in “landscape area” for the purposes of this Zoning Code.

Laundromat and cleaners: A facility where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

Light food or snack: Foods eaten between meals requiring limited food preparation such as beverages, cheese crackers, candy, fruits, nuts and appetizers including potentially hazardous foods. A light food or snack does not include food items that would normally constitute a meal. The light food or snack should not be served so as to be intended as a sit-down meal (CRFC Section 113893)

Light pollution: The night sky glow caused by the scattering of artificial light in the atmosphere.

Light source: An electrical bulb, tube, diode or other device that produces artificial light or illumination.

Light trespass: Light falling across a property line onto another lot or parcel of land or onto a public right-of-way.

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

Livestock farming: The raising of livestock animals, including cattle, pigs, sheep, goats, horses and mules for use, sale, food purposes or pleasure.

Livestock grazing: The use of land for livestock to feed on growing grass or herbage.

Living space: The improved interior ‘habitable’ area within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Live work: A townhome that includes square footage in an area that is internally separated from the residential area that is devoted to occupational endeavors.

Logo: A distinctive emblem, symbol or insignia identifying a particular product, service, business, activity or entity.



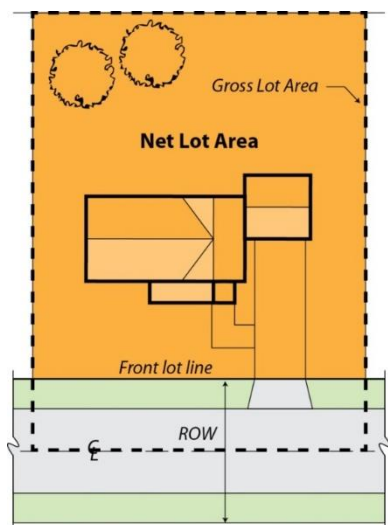
Lot: See "Lot of record".

Lot area, gross: The area included within the boundaries of a "lot of record", including any portion described in the map or deed creating the lot as lying within a public or private street right-of-way or roadway easement. For lots five (5) or more acres in size or when the zoning regulations require minimum lot size of 5 or more acres, up to, but not exceeding, 15% of the minimum lot size or maximum permitted density requirement may consist of any area required for new road dedication or one half (1/2) of any existing public right-of-way.

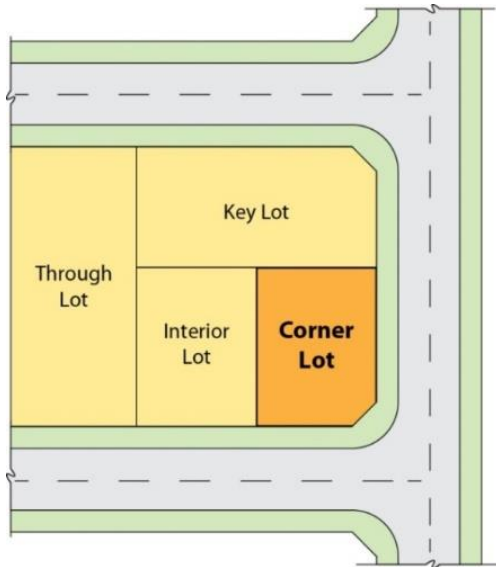
Lineal: Arrangement in a system of lines.

Lintel: A horizontal structural member that supports a load over an opening.

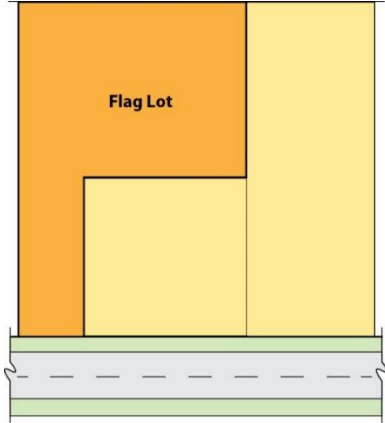
Lot area, net: The gross lot area minus any public or private street right-of-way and minus any roadway easement.



Lot, corner: A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 134 degrees.

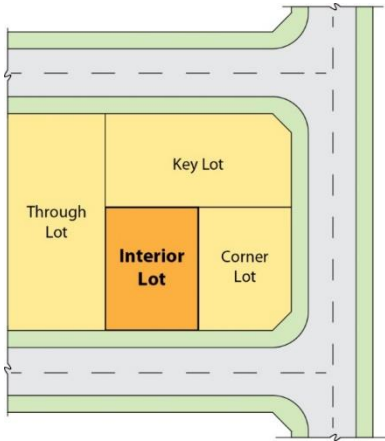


Lot, flag or panhandle: Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street. The panhandle portion of the lot shall be included when calculating residential densities but excluded when determining compliance with minimum lot size standards. The Planning Director shall determine the front, side and rear of a flag lot for purposes of identifying required setbacks and yards, guided by the relationship of the lot to surrounding lot sand structures. In general, the flag lot yards should match the yard on adjacent lots. The panhandle portion of the lot shall be excluded when determining setbacks and yards.

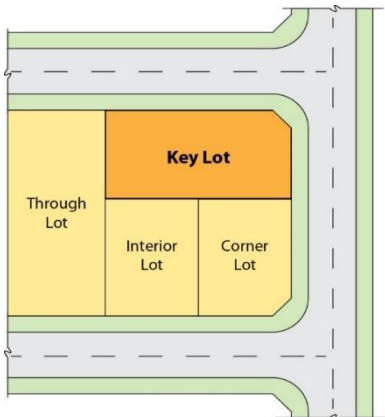


Lot coverage: See "Maximum lot coverage".

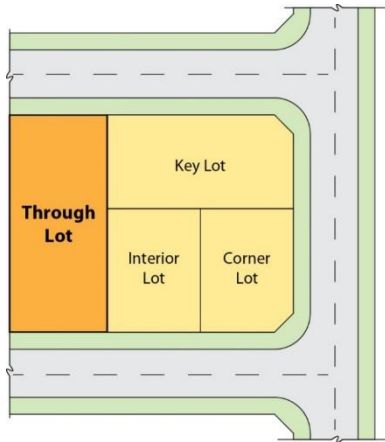
Lot, interior: A lot which is bordered on three sides by other lots and which fronts upon a street or right-of-way.



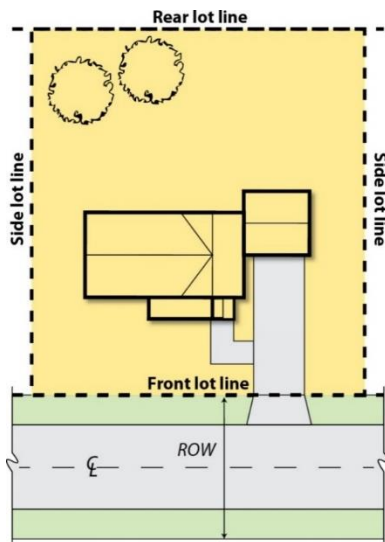
Lot, key: A lot, the sideline of which abuts the rear line of one or more adjoining lots.



Lot, through: A lot having frontage on two parallel or approximately parallel streets.



Lot line: A line separating the frontage from a street; the side from adjoining property; or the rear from an alley or street or adjoining property.



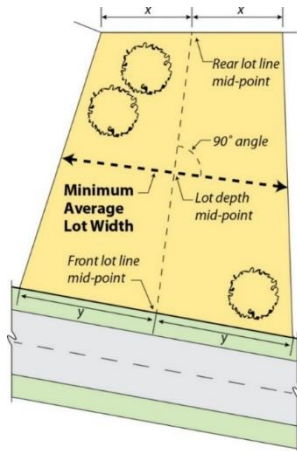
Lot line, front: A line separating a front yard of a lot from the street.

Lot line, rear: The lot line most distant from and generally opposite the front lot line; or on a lot with two front lot lines, the lot line opposite the narrowest front lot line.

Lot line, side: Any lot line not a front lot line or a rear lot line.

Lot of record: A single parcel of land, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, certificate of compliance or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or City/County Ordinance.

Lot width, minimum average: The average horizontal distance between the side lot lines measured at right angles to the lot depth of the lot at a point midway between the front and rear lot lines. In the case of triangular lots or lots that are bound by more than four straight lines or that have curvilinear side lines, the Community Development Director shall determine lot width.



Low Barrier Navigation Center: A housing shelter focused on “Housing First, low-barrier, service-enrichment for the purpose of moving people into permanent housing. In accordance with California Government Code Sections 65660 through 65668, this housing shelter use provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelters and housing.

Low-intensity lighting: Lighting designed to accent architectural features or signs that does not produce glare, such as tubular neon or LED rope lighting.

Low Volume Irrigation: The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Lumberyard: An area used for the storage, distribution and sale of lumber and lumber products, but not including the manufacture, remanufacture or fabrication of lumber, lumber products or firewood.

Lumen: A unit of luminous flux.

Luminaire: An entire lighting unit, including one or more lamp, reflector, refractor, diffuser, baffle, lenses and other devices to distribute the light and parts that position and protect the lamp and connect the lighting unit to the power supply.

M

Manufactured housing: A structure constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling unit when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and which is placed on a permanent perimeter foundation. “Manufactured home” also includes any structure that meets all the requirements of this paragraph for which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401 and following). If not placed on a permanent foundation the manufactured home is defined as a mobile home as set forth in Section 17.02.365.

Marijuana: See Cannabis.

Marquee (canopy) sign: A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.



Mass and scale: Size and shape of a building and its relationship to the surrounding structures and spaces.

Massing: Composition of a building’s volumes and surfaces that contribute to its appearance.

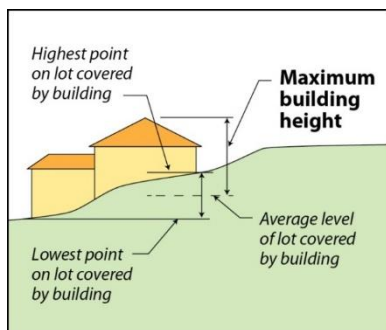
MAUCRSA: The state Medicinal and Adult Use of Cannabis Regulation and Safety Act, as may be amended.

Menu sign: A sign illustrating the menu or specials for an establishment.

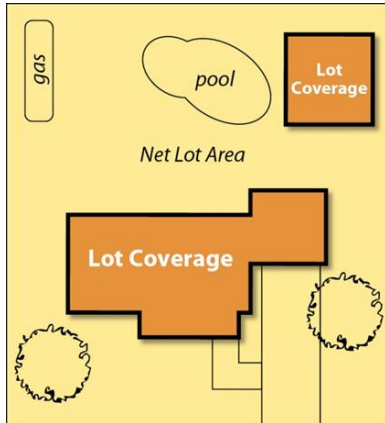


Maximum Applied Water Allowance (MAWA): The upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor and the size of the landscape area.

Maximum height: The height for any principal or accessory structure above which air space cannot be occupied by any building, structure or accessory structure. The maximum height shall be the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.



Maximum lot coverage: A development standard which shall have the following meaning: the percentage of the net lot area covered by the vertical projection of any structure, excluding any structure not extending above grade. Lot coverage shall not include swimming pools and shall not include underground accessory structures such as septic tanks, gas tanks or water and sewer lines.



Medical marijuana dispensary: Any facility or location where medical marijuana is made available to and/or distributed by or to three or more persons who are primary caregivers, qualified patients or persons with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq.

Message center sign: A mechanically variable-message sign in which changes can be made on the sign and can use computer-generated messages or some other means of changing messages and may include lamps, LEDs, LCDs, or flipper matrix.



Mineral Extraction: The exploration and/or extraction of subsurface or subterranean compounds and materials; this includes oil and gas exploration and production and the mining and production of metallic and nonmetallic minerals, or materials.

Ministerial: A governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Examples of ministerial permits of this Chapter include **building permits**, zoning clearance, minor and moderate design review, zoning and development review permits.

Mini storage warehouse: means a building or buildings used for storage which is divided into sub-spaces intended to be rented individually.

Mixed housing: means a residential development that consists of a variety of lot sizes and more than one housing type.

Mixed-use: The combining of two or more uses on a single parcel or a single structure, **including but not limited to residential, professional offices, retail or entertainment in a urban compact form.**

Mobile home: A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein as set forth in Health and Safety Code Section 18008. Mobile home includes any structure that meets all the requirements of this paragraph and is either certified under the National Mobile Home Construction and Safety Act of 1974 (42 U.S.C. Section 85401 and following) or complies with state standards for mobile homes in effect at the time of construction. Mobile home does not include any automobile, trailer, camp trailer, camper, house car, motor vehicle, recreational vehicle or other vehicle defined in the California Vehicle Code, a commercial coach or a manufactured home as defined by state law.

Mobile home park (also known as Manufactured Home Park): An area of land where two or more mobile home spaces are used, rented, leased or held out for use, rent or lease, to accommodate mobile homes for human habitation. For purposes of this Chapter, “mobile home park” shall not include a mobile home subdivision, stock cooperative or any park where there is any combination of common ownership of the entire park or individual mobile home spaces. This shall not include recreational vehicle parks or portions of parks that include recreational vehicle spaces.

Model homes / on-site real estate offices: A dwelling unit that is temporarily used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development. Sales Office means: a dwelling unit within a subdivision; a dwelling unit within a condominium; or a modular unit that is temporarily used as a sales office for a subdivision or condominium.

Modular home: See “Factory-built housing”. Monopole: A structure erected on the ground to support wireless communication antennas and connecting appurtenances and consisting of one (1) pole.

Monotonous structures: Unvarying structures marked by a sameness of pitch and intensity.

Monument sign: A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.



Mortuary: An establishment providing services such as preparing the human dead for burial and arranging and managing funerals and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums and columbaria.

Motel: See “Hotel”.

Motorhome: A “house car” as defined by the California Department of Motor Vehicles, which is any vehicle designed for human habitation.

Mulch: Any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.

Mural: A picture or painting on a wall consisting of the following:

- **Original art mural:** A hand-painted, hand-painted, hand-tiled or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered or goods produced or sold.
- **Public art installation:** A facility, amenity or project that does not contain any commercial message.



Multifamily/Multi-Dwellings Developments: A group of two (2) or more detached or semi-detached -family or multi-family dwellings that occupy a parcel of land in one ownership.

Said dwellings, includes but are not limited to apartments, condominiums, duplexes, triplexes, fourplexes, and townhomes.

N

Natural environment: The natural geographic community making up the physical features of property which has not been disturbed from grading or other man-made aspects.

Neighborhood: A geographical section of town having distinguishing physical/environmental characteristics which may be occupied or visited by people.

Non-conforming lot: A legal lot of record having less area, dimensions and/or frontage than required in the regulations of the district in which it is situated.

Non-conforming structure: A legal building or structure, where the setbacks, height and/or area of the structure does not meet the regulations of the district in which it is situated.

Non-conforming use: Any legal use of land established prior to the existing zoning district which does not conform to the regulations of the current district in which it is situated.

Nursery, retail: The retail handling of any article, substance or commodity related to the planting, maintenance or harvest of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals or other nursery goods and related products in small quantities to the consumer

Non-Stealth Free Standing Facilities (Wireless Telecommunications): A wireless telecommunication tower an supporting equipment lattice towers, monopole towers, guyed towers, or other freestanding facilities that do not meet the definition for "WTF, freestanding stealth" and consist of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines, and also means a broadcast tower.

Nursery, wholesale: The growing, storage and sale of garden plants, shrubs, trees or vines for resale; including incidental retail sales.

Nursery school: A public or private school for children usually under 5 years of age.

Nursing home: A residential facility that is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care and observing, monitoring and recording the

patient's response to treatment; and monitoring, observing and evaluating the drug regimen. "Nursing home" includes intermediate nursing facilities for the mentally retarded or developmentally disabled.

O

Office: Buildings that house both offices and supporting activities including, medical, dental, legal, architectural, engineering, contractors and banks as permitted in the Zoning Code.

Occupancy frontage: The length of that portion of a building occupied by a single business abutting a street or alley or parking area or other means of customer access such as an arcade, mall or walkway.

Off-road vehicle course: An area improved for the use of off-road vehicles, including dirt bikes, motorcycles and four-wheel drive vehicles. Includes facilities for spectators. Off-road vehicle courses are available for the general public either without charge or on an hourly, daily, weekly, monthly or yearly membership basis.

Off-site alcoholic beverage sales: The sale of alcohol or alcohol products for human consumption outside the place of sale.

Off-street parking development standards: A set of standards that have been duly adopted by the City Council and that regulate the design and layout of parking lots, including the parking stalls, access aisles, landscaped areas, buffer yard locations and other areas associated with the parking lot.

Off-site retail center sign: A freestanding sign that identifies a retail center, located off the site that the retail center is situated.

Off-site sign: A sign, including a billboard, which advertises a business, organization, event, person, place or thing that is located off the site it is situated.

On-site alcoholic beverage sales: The sale of alcohol or alcohol products for human consumption inside the place of sale.

Open or outdoor storage: The storage of new or usable supplies, materials, products, motor vehicles or other appurtenances in the "open" or in view of the general public. "Open storage" is a form of "outdoor storage" but does not include a "junkyard".

Open space: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Open to the public: Hours of operation of a commercial use when the goods or services provided are "available for use by persons other than employees".

Operating Pressure: The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

Outdoors: Any location within the City of Clearlake that is not within a fully enclosed and secure structure.

Outdoor dining area (restaurant, outdoor customer dining): A dining area with seats and/or tables located outdoors of a restaurant, coffee shop or other food service establishment and which is (a) located entirely outside the walls of the subject building, (b) enclosed on two sides or less by the walls of the building with or without a solid roof cover or (c) enclosed on three sides by the walls of the building without a solid roof cover.

Outdoor recreation, agricultural: A part of agritourism, outdoor recreational facilities located on agriculturally zoned properties which are accessory to the primary agricultural use. Uses include but are not limited to: horseback riding, hiking, non-motorized biking, guide/outfitter operations, paintball.

Outdoor recreation facility: Any premises which offers open-air recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including but not limited to golf courses, tennis courts, swimming pools, equestrian trails, private hot springs, skateboard parks, BMX tracks, miniature golf and waterslides.

Overhead sprinkler irrigation system: A system that delivers water through the air (e.g., spray heads and rotors).

Overnight accommodations: Places that offer overnight accommodations for short-term rental in increments of not less than 20 hours, including hotels and motels. This term also includes hotels that offer convention facilities or meeting rooms. This term does not include a bed & breakfast inn.

Overspray: The irrigation water which is delivered beyond the target area.

P

Packing plant: An establishment for processing and packing foods, especially meat, to be sold at wholesale.

Parcel: See "Lot of record".

Park and ride facility: A facility designed for parking automobiles, the occupants of which transfer to public transit to continue their trips.

Parking covered: An accessible and usable parking space of not less than ten (10) by twenty (20) feet in dimension located within a structure of columns and roof or enclosed by walls and roof. Includes “carport” or “garage.”

Parking lot: An area of land, a yard or other open space on a lot used for or designed for use by standing motor vehicles.

Parking management plan: A document that outlines how site parking will be regulated and includes provisions to reduce parking demand, including but not limited to, availability of transit in close proximity, access to a car share program and access to information regarding alternative transportation programs.

Parking space: An accessible and usable space on the lot for the parking of automobiles.

Passageway: A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit as defined in Government Code Section 65852.2, as amended.

Patio: A hardscaped ground level area, usually (but not necessarily) paved with concrete or decorative pavers, that adjoins a home and is designed for use as an area for outdoor lounging, dining or other comparable leisure activities.

Paved surface (also impervious surface): Area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

Pawn Shop or Pawnbroker: A business that offers secured loans to individuals, where personal property is physically held as collateral at the place of business. Property that has not purchased back by the borrower within the specified time-frame is then made available for retail sale at the place of business.

Pedestrian Networks: A connecting and linked series of pathways, sidewalks and walkways.

Performance standards: A set of regulations establishing minimum requirements or maximum allowable limits on the effects or characteristics of a use; including but not limited to performance standards on air quality, erosion, glare, landscaping, hazardous wastes, noise, outdoor storage and satellite dish antennas.

Permit holder: The person or entity who receives the City permit for operation of the wireless telecommunications facility and the entity that owns and operates the wireless telecommunications facility.

Person: Any individual, partnership, corporation, joint stock association, trustee, receiver, assignee or personal representative thereof. It also includes any city or state or any

subdivision thereof to the extent that the City has jurisdiction over their activities that are within the scope of this Zoning Code.

Personal Grow: No more than the total of six (6) marijuana or cannabis plants per residence, both indoor and outdoor, regardless of number of persons living there.

Personal services: A use that provides non-medical services that are generally used on a recurring basis and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service. Examples of personal services include beauty and barber shops and tailoring. The phrase does not include “professional services, instruction or counseling.”

Photography studio: An establishment engaged in photography for the general public including, but not limited to, portrait, passport, wedding and other special occasion photographs.

Picnic area (picnic area, group): Two or more picnic tables reserved for use by 10 or more persons equipped with picnic tables, barbeque stands and may be provided with a roofed shelter.

Pier: A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Planning Commission: The Planning as established and defined under Chapter 2-9 of the City of Clearlake Municipal Code.

Plant factor: A factor that, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6 and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species”.

Pole sign: A freestanding sign which is supported by itself, one or more uprights, poles, columns or braces in or upon the ground or by a structure other than a building and is otherwise separated from the ground by air.



Police Chief: The Police Chief for the City of Clearlake or designee.

Porch, enclosed: A covered entrance to a building or structure which is enclosed by walls or windows. Porches generally project out from the main wall of the building and may have a separate roof or a roof that is integrated with the building to which it is attached. This definition includes porches that are enclosed by solid walls that are at least 30 inches in height, used in conjunction with or instead of balustrades or railings.

Porch, open: A covered entrance to a building or structure which is not enclosed by walls or windows, but may have columns that support the porch roof and railing. Porches generally project out from the main wall of the building and may have a separate roof or a roof that is integrated with the building to which it is attached.

Power generation facility: Any electrical generating facility using thermal, wind or water energy including but not limited to, biomass plants, wind farms, coal-fired plants or geothermal power plants.

Precipitation rate: The rate of application of water measured in inches per hour.

Principal use: The primary or dominant use of the land, whether it be to farm, to ranch, to reside within a dwelling or to operate a business.

Prison: a facility where individuals are legally held as a punishment for a crime they have been convicted of and/or are awaiting trials.

Private club: Organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veterans organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses and fraternities and sororities that do not include residential facilities. The phrase "private club" does not include organizations with a principal purpose of serving alcoholic beverages to its members or others.

Private fishing and hunting club: See “Hunting club, private”.

Private recreation facility: A recreation facility open only to bona fide members and guests of the private organization operating the facility.

Private Road: A private road is a road that is located on private property and is only accessible to the owner(s) and/or a group of owners who share the use and maintenance of the road.

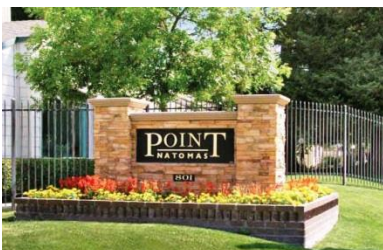
Private utility: Any utility which is not a public utility.

Produce stand: A primarily open-air venue that sells seasonal produce and various products derived from local agricultural operations.

Professional services: Offices that provide professional services such as law offices, real estate, engineering and surveying, architectural and printing services and similar uses.

Project applicant: An individual or entity submitting a landscape and irrigation plan required under this Chapter. A project applicant may be the property owner or his or her designee.

Project entrance sign: A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name or is operated under a community name.



Projecting sign: A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.



Projections: A spatial object upon a plane or curved surface or a line that outcrops its points to create shadow effects on a surface.

Prospecting: To search for mineral deposits in a place, especially by means of experimental drilling and excavation.

Protective care: Housing where the residents are assigned to the facility and are under the protective care of the county, state or federal government. This use includes jails or prisons; work release; psychiatric hospitals; and comparable facilities.

Public Assembly: Any area or building/structure (such as auditoriums, theaters, private and public halls, private clubs, convention centers, places of worship, etc.) where people assemble for a common purpose, such as social, cultural, recreational and/or religious purposes.

Public area: An area, structure or building owned by a governmental agency and operated for use by the public including but not limited to: public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; schools, libraries, police stations, corporation yards and other public uses, buildings and structures.

Public convenience and necessity: The grouping of criteria that is considered when making the determination of whether a new site where alcohol will be bought and sold will be established.

Public park: A public playground, public recreation center or area and other public areas, created established, designated, maintained, provided or set aside by the City, County, State or other agency, for the purpose of public rest, play, recreation, enjoyment or assembly and all buildings, facilities and structures located thereon and therein.

Public transit: A 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.

Publicly maintained road: Any road in the City of Clearlake or Lake County accepted for maintenance or owned and maintained by a city, county, special district or state.

Public service information sign: A sign which exclusively promotes an activity or event of general interest to the community and which contains no advertising features.



Public Transit: A 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.

Public utility: Production, storage, transmission and recovery facilities for water, sewerage, energy, communications and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission.

Public Works Director: The Police Work Director for the City of Clearlake or designee.

Q

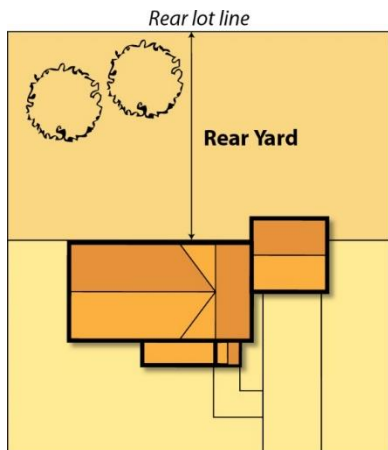
R

Radio box: A cabinet that contains equipment used for transmitting or receiving in support of wireless telecommunication facilities. Rain Sensor means a component which automatically suspends an irrigation event when it rains.

Real estate sign: A sign indicating that the property of any portion thereof is available for inspection, sale, lease, rent or directing people to a property, but not including temporary subdivision signs.



Rear yard: That yard or area within the rear 1/2 of the lot which extends from the rear wall of the principal building or structure to the rear lot line.



Reasonable accommodation: Provision of disabled persons flexibility in the application of land use and zoning regulations and procedures or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include adjustments to standards such as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways,

parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City’s land use and zoning program.

Recreational facility, indoor: Any premises which offers indoor recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including, but not limited to, country clubs, bowling alleys, swimming pools and other private noncommercial recreation areas and facilities or recreation centers, including private swimming pools.

Recreation facility, outdoor: Any premises which offers open-air recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including but not limited to golf courses, tennis courts, swimming pools, equestrian trails, private hot springs, skateboard parks, BMX tracks, miniature golf and waterslides.

Recreational vehicle: A motorhome, travel trailer, park trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with an area of less than four hundred eighty (480) square feet and consistent with California Health and Safety Code Section 1810. Recreational vehicles shall also include trailered boats.

Recreational vehicle park: Any area or tract of land, where one or more spaces are rented or leased or offered for rent or lease or held out for use to owners or users of recreational vehicles or tents and which is utilized for transient occupancy.

Recycling facility: An establishment or premises that provide recycling services, which may include the following:

- Recycling facility, drop-off recycling center: Any premises where recyclable items such as newspapers, magazines, glass bottles or aluminum cans are accepted, whether for compensation or not and stored within containers until such time as the recyclable items are transferred to a recycling processing center. A drop-off recycling center also includes “reverse vending machines”, “bulk reverse vending machines”, “mobile recycling unit” and “small recycling center” as defined in this Article.
- Recycling facility, mobile recycling unit: A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, transported by trucks, vans or trailers and used for the collection of recyclable materials. A mobile recycling unit is also defined as a “small recycling center”.

- Recycling facility, recycling center: A collection center for the acceptance by donation, redemption or purchase of recyclable materials from the public and further defined as follows:
 - Recycling center, small: A collection center of less than five hundred (500) square feet in area, accessory to a commercial or industrial district use including “mobile recycling unit” and “bulk reverse vending machines”, but not including any powered recycling processing except for reverse vending machines or bulk reverse vending machines.
 - Recycling center, large: A collection center of five hundred (500) square feet or larger in area or a small recycling center not accessory to a commercial or industrial district use, not including any powered recycling processing, except for reverse vending machines or bulk reverse vending machines.
 - Recycling processing center: A center that may include collection and processing of recyclable materials. Processing may include powered or unpowered preparation of material for efficient shipment or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.
 - Recycling facility, mobile recycling unit: A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, transported by trucks, vans or trailers and used for the collection of recyclable materials. A mobile recycling unit is also defined as a “small recycling center”.
 - Recycling facility, reverse vending machine, bulk: A reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container. A bulk reverse vending machine is also defined as a “small recycling center”.
 - Recycling facility, reverse vending machine: A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. A reverse vending machine is less than 50 square feet in area.

Rehabilitation: The means, the act or the process of returning a building, object, site or structure to a state of utility through repair, remodeling or alteration that enables an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

Rehabilitated landscape: Any landscaping project that requires a building permit or design review where the modified landscape area is equal to or greater than two thousand five hundred square feet.

Repair and replacement: The repair, maintenance or minor alteration of structures, buildings or topographic features involving negligible or no expansion of use beyond that previously existing, including but not limited to interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances; restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards; or additions to existing structures or uses provided that the addition will not result in an increase of more than 50% of the floor area of the structure or use area of the current use before the addition.

Repair services: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops or repair of musical instruments.

Replacement value: A building evaluation by the Chief Building Official and/or certified **professional** not including the value of land.

Required yard: Defined herein the same as “required front yard” or “required rear yard” or “required side yard”; see “minimum yards”.

Reservoir, small, medium, large: A form of “excavated pond” or “embankment pond”. A small reservoir is greater than 1-acre foot, but shall not exceed 5-acre feet. A medium reservoir is greater than 5-acre feet but shall not exceed 15-acre feet. A large reservoir exceeds 15-acre feet. The aggregate volume of all reservoirs on the property shall be used for calculating reservoir size on any individual parcel.

Residential care facility, large: Any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for more than six persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.

Residential care facility, small: Any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for up to six persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.

Resort: A building or group of buildings containing guest rooms, meeting rooms, with a large portion of the site devoted to recreational activities such as tennis, horseback riding, swimming and golf.

Restoration: The creation of an authentic reproduction beginning with existing parts of an original object or building. Restoration includes the act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of removing later work or replacing missing earlier work.

Restaurant: An establishment where food is prepared for consumption on the premises, which may include on-sale alcoholic beverages in conjunction with meals.

Restaurant, Sit Down: Establishment maintained, operated and/or advertised or held to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours. Food is served in and on reusable containers and dinnerware to be consumed on the premises primarily inside the building at tables, booths or counters with chairs/benches or stools.

Retail: Sales and services devoted to the sales of goods and/or commodities to consumers.,

Retail Center: Refer to Big Box Retail Center.

Retail sales of new and used automobiles (automobile dealership): Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Retreat: A facility with permanent structures for meeting, lodging, dining and sanitation in a predominantly natural environment. The primary use of retreats is for religious, educational or charitable purposes, such as meetings and programs in religion, spirituality, personal growth or environmental studies.

Review authority: The officer, committee, commission, board or employee responsible for the approval or disapproval of any permit or entitlement or responsible for the administration, interpretation or enforcement of the provisions of the Zoning Ordinance.

Revitalization: The imparting of a new economic and community life in an existing neighborhood, area or business district, while at the same time preserving the original building stock and historic character.

Ridge: A topographic feature indicated as an extended elevation between valleys, typically the upper part of a range of hills or mountains.

Riding and hiking facility: An area designated for public horseback riding or hiking, usually with an improved path and signage.

Rifle range: Any facility; or premises protected from uncontrolled entry where firearms or arrows are lawfully discharged for target practice or competition. "Rifle range" includes pistol range, archery range or trap shoots.

Right-of-way: The strip of land over which certain transportation and public use facilities are built, such as roadways, railroads and utility lines.

Road: A permanently reserved, public or private right-of-way which affords a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. The service or frontage road of a freeway shall be considered as a street separate from such freeway or highway.

Road, Major Collector: An intraregional travel route providing access to major neighborhood retail and service facilities, community centers, major recreational facilities, employment centers and other intensive land uses.

Road, Minor Arterials: Have two lanes that may be upgraded to an arterial in the future and usually limit on-street parking to maintain smooth flow.

Roads, Local Streets: Have two lanes that provide access for smaller residential subdivisions which are characteristic of low speed, low-capacity roads that provide direct access to adjacent land uses and are typically meant only for local, as opposed to through traffic. Most of the Streets in Clearlake would qualify for this designation.

Road, agricultural: Roads used exclusively for agricultural purposes.

Road building: The removal of more than five hundred (500) cubic yards of earth for road building or grading of public or private roads which crosses or would provide access to more than two parcels, but not including roads constructed exclusively for agricultural purposes.

Roof sign: A sign erected upon or above a roof or a parapet of a building or structure and not contained within a dormer.



Rummage sale, commercial: The sale of secondhand goods, including flea markets by individuals or organizations conducted more than 12 days per calendar year.

Rummage sale, non-profit: The infrequent sale of secondhand goods by individuals or organizations, including garage and yard sales and flea markets conducted between 6 and 12 days per calendar year.

S

Safe Parking: A parking program, operated on property located outside of the public right-of-way and managed by a social service provider that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing.

Salvage yard: Any site or portion of a site, that is used to store used equipment and/or construction materials for the purpose of future reuse or resale. If a salvage yard is located on the same site as another established use, the salvage yard area shall be considered a separate freestanding primary use, even if it serves all or a portion of the other established use.

Sanitary landfill: A site for solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume and covered with soil at the end of each working day.

Satellite Farm: An area dedicated to telecommunication equipment for the purpose of transmitting and/or receiving antenna equipment.

Satellite dish antenna: A device incorporating a reflective surface that is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, that is used to transmit and/or receive radio microwave or other electromagnetic waves between terrestrially and/or orbitally based use.

Sawmill: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Scenic Resource: Refer to “Viewshed”.

School, private: A school that is established, conducted and primarily financially supported by a non-governmental agency or group of individuals.

School, public: A school that is financially supported by a local, city, county, state or other government authority.

Screening: To intentionally prevent or obstruct the public’s view of some particular use, article, activity, structure or building.

Seasonal worker: A worker who finds employment only in certain seasons.

Secondary dwelling unit: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling is situated. Secondary dwelling units established prior to adoption of this ordinance may be considered legal. Secondary units established after adoption of this ordinance shall be considered accessory dwelling units that shall comply with applicable standards of this ordinance (refer to Section 18-03.300).

Secondhand goods: **Any goods/property**, objects, clothes, furniture, art, appliances, wares that have been previously purchased and/or used and which are not antiques.

Secondhand store: **Any person or business/organization (such as co-partnership, firm, or corporations) whose business includes buying, selling, trading, taking in pawn, accepting items for sale on consignment, or auctioning secondhand tangible personal property. This definition encompasses various businesses, including thrift store, consignment shops and other establishments dealing with used goods.**

Self-storage: An establishment that offers for rental, lease or ownership of individual bays that are intended for the storage, warehousing or safe-keeping of goods or possessions, regardless of the duration of such storage, warehousing or safe-keeping.

Self-sufficiency program: A program designed to assist individuals and families in meeting their basic needs and address any substance dependency and mental health issues so that they do not need to rely on emergency public or private assistance.

Senior independent living center (SILC): A multiple residential structure(s) that provide housing for occupants who are 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age. Such a center shall consist of, but not be limited to, individual units, community dining centers and common recreation areas. The facilities are physically accessible to elderly citizens. The individual units may be in the form of multiplexes, cottages, townhouses, patio homes or single-family homes. Generally, senior independent living centers will provide two meals per day, provide transportation for residents and offer indoor and outdoor recreational areas.

Sever Farm (also known as data center): Building and/or a dedicated space within a structure or group of buildings with a dedicated space used to house computer systems and associated components such as telecommunications and storage systems

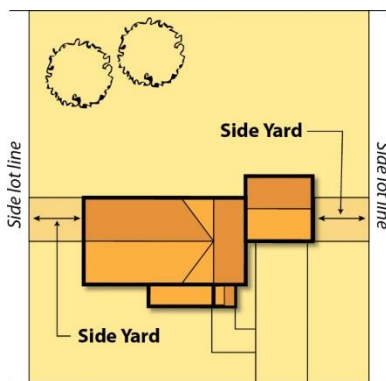
Service station with convenience retail: A retail business that provides the public with a convenient location to quickly purchase a wide variety of consumable products and services, generally food and motor fuels and in the operation and maintenance of automotive vehicles.

Setback: An area of certain distance from a property line within which building development cannot occur. Use of setbacks creates front, side and rear yard areas in developments. Setbacks are also used to establish safe ‘clear areas’ around buildings for fire, police or aesthetic reasons See “Minimum yards” or “Building setback line”.

Shall: “Shall” as used herein, shall is not intended to diminish the flexible application of the stated guidelines, but to reinforce the requirement to meet, at a minimum, the intent of the particular section, standard, guideline or design principle.

Shopping Center: A group of commercial establishments offering a wide range of retail and service uses. **Should:** “Should” signifies a directive to be honored if at all possible.

Side yard: That yard or area within either side of the lot and outside of the front yard of rear yard which extends from the wall of the principal building or structure to the side lot line.



Siding: The exterior wall covering of a structure.

Site: A parcel of land used or intended for use or a group of uses and having frontage on a public or an approved private street.

Sign: Any sign, identification, display, illustration, device or visual representation designed and used for the purpose of communicating a message, advertising, and/or identifying or attracting attention to a premises, product, service, person, activity, business or event and shall include all of its structure and component parts. "Sign" shall not include any flag of the United States of America or State of California or any display of merchandise outside of a business.

Sign area: The entire area in square feet of a sign within a single continuous perimeter composed of squares, rectangles, circles or other shapes which enclose the extreme limits of the sign, including all background or structural material that is utilized in the expression of the message. The sign area of a multifaced sign shall be the sum of the face areas, except where the sides are parallel, back-to-back and separated by no more than 18 inches, in which case it shall be determined by the larger of the faces.

Sign copy: Any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign face: The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

Sign structure: Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

Single-family dwelling: See "Dwelling, single-family".

Site: A parcel of land used or intended for use or a group of uses and having frontage on a public or an approved private street.

Slope: Land gradient described as a percentage equal to 100 times the vertical rise divided by the horizontal run.

Small engine repair: The industry of servicing and repairing small, gas- or diesel-powered machinery. Small engine mechanics service machinery ranging from lawn mowers to chainsaws and other related equipment.

Small residential rooftop solar energy system: A solar energy system that is not larger than ten (10) kilowatts alternating current nameplate rate or thirty (30) kilowatts thermal that is installed on a roof of a single-family or duplex dwelling.

Small wind energy system: A wind energy conversion system shall consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated

capacity of not more than ten (10 kW) Kilowatts, and which is intended primarily to reduce on-site consumption of utility power.

Social Service Provider: An agency or organization licensed or supervised by any federal, state or local health/welfare agency that participates in the federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.

Spa: A commercial establishment with facilities for exercising, bathing and beautification.

Special Event: A gathering of individuals for a special occasion/event. Typically a special event does not last more than a few hours or a full day.

Station: As it relates to irrigation, means an area served by one valve or by a set of valves that operate simultaneously.

Staking: To secure trees to the ground at two or three points to allow their roots to become established: usually removed after one or two growing seasons.

Stealth: Improvements or treatments added to a wireless telecommunications facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

Stealth Freestanding Facilities (Wireless Telecommunications): A wireless telecommunication towers an supporting equipment which is designed to substantially blend into the surrounding environment with minimal visibility, such as being incorporated within an architectural feature, such as a steeple, water tower, sign, a tree or parapet.

Storage yard: Any site or portion of a site, that is used for to store new equipment and/or construction materials for the purpose of future use or sale. If a storage yard is located on the same site as another established use, the storage yard area shall be considered a separate freestanding primary use, even if it serves all or a portion of the other established use.

Streamlined housing: A housing development project that meets the qualifications of Government Code Section 65913.4 and therefore is eligible for a ministerial and streamlined approval process.

Street: See "Road".

Street frontage: The distance which a property line of a lot adjoins a public or private road.

Streetscape: The distinguishing and pictorial character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, landscaping and forms of surrounding buildings.

Street trees: Trees strategically planted, usually in parkway strips or medians, to enhance the visual quality of a street.

Structure: Anything constructed or erected, the use of which requires location on or above the ground or the attachment to something having location on or above the ground including swimming pools and patio covers.

Structural alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structural wall: Any bearing wall of a building.

Supportive housing: Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or off-site service that assists 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.

Surgical Facility: A licensed medical facility where general and/or specialized surgical procedures are performed.

Style: A type of architecture distinguished by special characteristics of structure and ornament and often related in time: also, a general quality of distinctive character.

Switching Facility: An installation or facility that (a) uses switches to interconnect communications circuits on a circuit-switching, message-switching, or packet-switching basis, (b) usually is located at a node in a network, and (c) may be the site of a fiber optic station/regenerator section.

Swing joint: An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

T

T-frame sign: An upright portable sign with a base or base sections and vertical frame members forming an inverted T shape.



Tailor: A person who makes, repairs or alters garments such as suits, coats and dresses.

Tandem parking: Parking spaces for two or more automobiles when they are parked on a driveway or in any other location on a lot, lined up behind one another.

Target population: Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse or other chronic health condition or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 3.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people. This definition is intended to remain consistent with California Government Code Section 65582(i) as may be revised from time to time.

Tasting facility, general: A facility in which agricultural products grown or processed locally.

Tasting facility, wine: See “wine tasting facility (wine-tasting room)”.

Tattoo Parlor: A commercial **operation** where the marking, coloring, **microblading and/or body modifications** of the skin is performed by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include the application of permanent cosmetics or tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

Tavern: Any place in which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises and where sandwiches and snacks may be available for consumption on the premises.

Tax consultant: A financial expert especially trained in tax law and provides services using such training in exchange for monetary compensation.

Taxicab company (taxicab business): A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing and fueling the taxicabs or vans.

Telecommunication facility: An unstaffed facility that transmits and/or receives electromagnetic signals. It includes cellular towers, antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment buildings, parking area and other accessory development.

Telecommunication tower: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas.

Temporary dwelling: A travel trailer or motorhome which serves as a temporary residence for the owner or builder until the principal dwelling unit is built or occupied. An existing permitted or legal nonconforming dwelling may be permitted to be used as a temporary dwelling, upon condition that it be removed or converted to an allowed use prior to final inspection of the new dwelling.

Temporary office: A commercial coach which serves as a temporary office until the principal commercial structure is built or occupied.

Temporary sales office: A real estate sales office located in a subdivision.

Temporary construction storage container: Storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied for the use of storing of construction equipment and materials. The temporary construction storage container shall be limited to occupy the construction site from the issuance of the building permit to final inspection.

Temporary wireless telecommunications facility: A wireless telecommunications facility that is intended to be used for 90 days or less (not including temporary mobile services which are exempt from review).

Tennis courts: An improved area used for playing tennis.

Theater: A building or part of a building or structure devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

Thrift shop: A store or shop that primarily sells goods, objects, clothes, furniture, art, appliances or wares that have been previously purchased and/or used and which are not antiques.

Timber: Harvestable trees.

Timber operations: The management of lands and forests for the primary use of commercial production and harvest of trees, including the removal of timber and uses integrally related to growing, harvesting and processing of on-site forest products including roads, log landings and log storage areas.

Timeshare: A single-family dwelling unit whether attached or detached which is in common ownership by more than one (1) family or individual, the purpose of which is to provide temporary living accommodations to all owners on a scheduled basis for recreation. A timeshare may be managed separately and rented to non-owners when approved by the common owners.

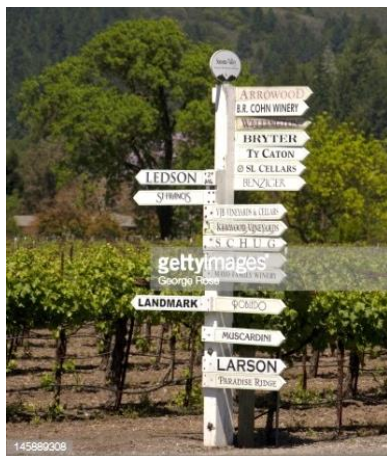
Tobacco product: A Tobacco product may include, but is not limited to:

- All forms of cigars (including little cigars).
- Smoking or pipe tobacco (including shisha), chewing tobacco and snuff.
- Any product containing, made of or derived from any amount of tobacco that is intended for human consumption,
- Any product containing, made of or derived from any amount of nicotine that is intended for human consumption and sold with or without a delivery device or system (for example, liquid with nicotine).
- Electronic cigarettes or any device or delivery system sold in combination with nicotine for a single price.
- Any component, part or accessory of an electronic cigarette that is used during the operation of the device when sold in combination with nicotine (for example, a battery used in the operation of the device sold with nicotine for a single price).
- Tobacco products do not include cigarettes or any product that the U.S. Food and Drug Administration has approved as cessation products or for other therapeutic purposes (for example, nicotine patches).

Tobacco product non-specialized retail shop: A store that sells tobacco products as a minor part of sales, such as grocery or drug stores, gas stations,

Tobacco product specialized retail shop: A store that specializes in selling tobacco products as a major part of sales.

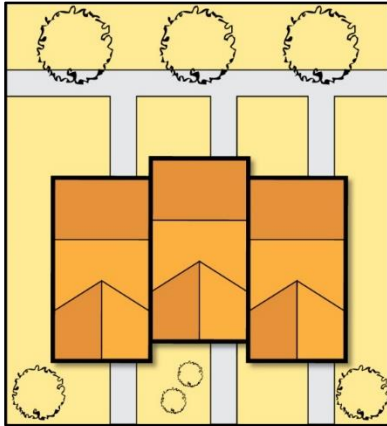
Tourist oriented directional sign: A sign that provides direction to tourist-oriented activities,



Tower, wireless communication: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-

supporting lattice towers, guyed towers, monopole towers and alternative tower structures.

Townhouse: A single-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by 1 or more common fire-resistant walls.



Trash and Recycling Enclosure: A walled structure for trash and recycling containers, with one or more gates for access.

Transient occupancy: Occupancy of a motel, hotel or other temporary lodging for less than 30 consecutive days in any 12-month period.

Transitional housing: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than 6 months from the beginning of the assistance.

Trash/Recycling container: A can, cart, dumpster, or barrel for the purposes of containing trash and recycling material.

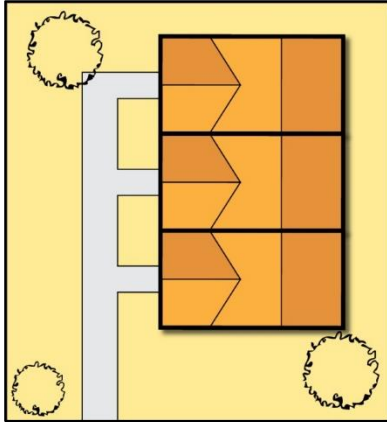
Trash/Recycling enclosures: A walled structure for trash and recycling containers, with one or more gates for access.

Trash/Recycling Hauler: The trash and recycling company that empties waste containers within the City.

Tree farm: Land planted with harvestable trees and wooded areas.

Trim: The decorative framing of an opening and other features on a façade.

Triplex: A detached residential structure containing three and only three dwelling units, designed for occupancy by not more than three families living independently of each other.



Trip reduction plan: A program that provides information about any reasonable method or approach for providing, supporting, subsidizing, and/or encouraging the use of community alternatives, including but not limited to matching and placement services for carpools and vanpools; provision of carpool and preferential parking location and/or fees; fees for Employee parking, provision of and/or placement services for subscription buses; provision of shuttle services; transit fare subsidies; on-site paths, parking and showers and locker for bicyclists and pedestrians; guaranteed ride home and guaranteed transportation in emergencies for users of commute alternatives; on-site child care and other service convenience facilities which lessen the need for a personal vehicle at the place of employment; telecommuting; and teleconferencing.

Truck repair: A place of business primarily engaged in the repair and service of commercial vehicles.

Truck stop: A place of business primarily engaged in providing gas station facilities for commercial vehicles and trailer trucks. Truck stops may include accessory food and lodging services.

Truck Wash: Any building or premises or portion thereof used for washing trucks, trailers, semi-trailers, recreational vehicles, or similar vehicle. Also, a truck wash may be associated with a Truck Stop.

Truck terminal: The premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

Turf: A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass and Buffalo grass are warm-season grasses.

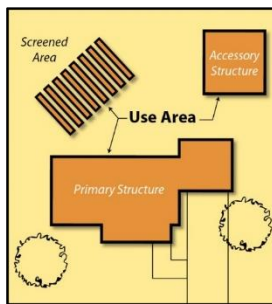
U

Understory trees: A tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation, generally not exceeding 20 to 30 feet at maturity. These trees are also called small or ornamental trees.

Use: The purpose for which land or premises of a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

Use, accessory: See “Accessory use”.

Use area: The area occupied by principal use or structure and accessory buildings, structures and appurtenant outdoor, screened or covered areas accessory to a permitted use or structure.



V

Vacation rental: A dwelling that is rented or leased for compensation for less than 30 consecutive days. Such rentals are referred to as transient rentals, short term vacation rentals and resort dwelling units.

Vending machine: A device which dispenses a product or service, either for sale or for free and which is activated entirely by the receiver of the product or service, including, but not limited to ice machines, propane tank dispensaries, food vending machines and newspaper racks and the like. Vending machine does not include a motor fuel pump. These standards don't apply to reverse vending machines for recycling facilities.

Vehicle, motor: A device by which any person or property may be propelled, moved or drawn upon a highway, street, alley or road except as a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle, inoperable: A motor vehicle that cannot be moved under its own power due to lack of a motor, transmission or wheels and in the case of trailers is incapable of being towed.

Viewshed: The area within view from a defined observation point.

Vendor's permit: A zoning permit allowing retail sales of items such as flowers, balloons and souvenirs; including vendors of foods such as hot dogs, sandwiches, cotton candy,

snow cones, ice cream; and including newsstands, when sales are conducted in a zoning district allowing retail sales. Sales may be from carts, push carts, stands, trailers, kiosks or similar structures.

Vernal pool: See “wetland”

Veterinarian, large animal: An animal hospital or clinic that provides services for horses and other livestock.

Veterinarian, small animal: Veterinary clinics and hospitals that provide care for small domestic animals such as dogs, cats and birds. The term does not include large animal and livestock veterinarians.

Viewshed: The area that can be seen from a given vantage point and viewing direction. A viewshed is composed of foreground items (items close to the viewer) that are seen in detail and background items (items at some distance from the viewer) that frame the view. If a person is moving, as when traveling along a roadway (a view corridor), the viewshed changes as the person moves, with the foreground items changing rapidly and the background items remaining fairly consistent for a long period of time.

W

Wall sign: Any sign attached to, erected against or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer, which does not project more than 12 inches from the building wall).



Warming shelter: A warming shelter is a short-term emergency shelter (generally operated less than 2 months out of the year) that operates when temperatures or a combination of precipitation, wind chill, wind and temperature become dangerously inclement.

Waste transfer station: The use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site or disposal site. The phrase “waste transfer station” includes a facility for drop-off of recyclable materials (e.g., wastepaper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components,

textiles, plastics, discarded shoes, cardboard and other discarded household materials), where the materials are sorted, temporarily stored and then shipped in bulk to other locations for processing. The phrase “waste transfer station” does not include a wastewater treatment facility.

Water feature: A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the highwater use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or storm water best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features.

Water use classification of landscape species (WUCOLS): The document thus entitled and published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Watering window: The time-of-day irrigation is permitted.

Walk in Clinic: A medical facility that accept patients on a walk-in basis and typically no appointment is necessary.

Wetland: The federal government defines wetlands in Section 404 of the Clean Water Act as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support (and do support, under normal circumstances) a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3[b] and 40 CFR 230.3). The definition of wetlands requires three wetland identification parameters are present: wetland hydrology, hydric soils and hydrophytic vegetation. The U.S. Army Corps of Engineers (ACOE) is the responsible agency for regulating wetlands under Section 404 of the Clean Water Act, while the Environmental Protection Agency (EPA) has overall responsibility for the Act (ACOE, 2002).

Wholesale: The sale of goods or commodities in quantity for resale; including incidental retail sales.

Wholesale nursery: See “Nursery, wholesale”.

Wholesale sales: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Wholesale storage and distribution centers (wholesale establishment with warehouse): The display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck

terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing and storage activities.

Wind turbine: The individual component of a small wind energy system that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering or electrical inverters. This term shall include the towers or supporting structures.

Window sign: Any sign or combination of signs in excess of 4 square feet displayed on or behind a window or similar opening in a wall.



Wine tasting facility (wine-tasting room): A facility in which wine products grown or processed on the owner's property may be tasted and sold.

Winery: A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling and wholesale or retail sales of wine produced or bottled on the premises. Accessory uses include tasting rooms and incidental retail sales of wine related products, including but not limited to glasses, bottle openers and previously prepared packaged foods.

Wireless telecommunications facility: The placement or installation of wireless facilities including:

1. Equipment and network components, such as towers, utility poles, transmitters, base stations and emergency power systems that are integral to providing wireless telecommunications services.
2. Antennas and related equipment, on or immediately adjacent to, a wireless telecommunications co-location facility.
3. Co-location facilities, including wireless telecommunications facility that includes colocation facilities.
4. Other meanings that are further described in California Government Code 65850.6(d)(2) as may be amended from time to time.

Wireless telecommunications facility (non-stealth-free standing): A wireless telecommunication facility that is not designed and/or conceals the telecommunication equipment.

Wireless telecommunications facility (stealth): A wireless telecommunication facility that is designed to blend into the surrounding environment and/or using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and supporting infrastructure.

Wireless telecommunications master plan: A plan that contains design prototypes for wireless telecommunication antenna facilities, locational criteria for each prototype, number of facilities and proposed screening and landscaping.

Wood yard, commercial: Any premises where large quantities (more than 3 cords) of firewood, whether as whole trees or parts of trees, are imported, openly stored, split, sized and/or cut for sale.

X

Y

Yard: An area that lies between a property line or right-of-way and building, structure, and/or encroachment. See “minimum yards”, “front yard”, “rear yard” or “side yard”.

Youth Oriented Facility: A public or private school (K-12), licensed daycare facilities, public parks, or a “youth center” as defined by state law as any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Z

Zoning Administrator: The Community Development Director or designee.

Zoning Interpretation and Procedures Manual: Manual maintained by the Director, which provides interpretations and procedures for administering the Zoning Code.

2024 Zoning Regulations

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 ZONING REGULATIONS
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Chapter 18-01: General Provisions

Sections:

- 18-01.010 Title.
- 18-01.020 Purpose.
- 18-01.030 Applicability and exceptions.
- 18-01.040 Interpretation.
- 18-01.050 General Plan consistency – Regulations interpretation and application.
- 18-01.060 Severability and reference.

18-01.010 Title.

This section shall be known and cited as the “Zoning Regulations of the City.”

18-01.020 Purpose.

These regulations are intended to guide the development of the City of Clearlake in an orderly manner, based on the adopted Clearlake General Plan, to protect and enhance the quality of the natural and built environment and to promote the public health, safety and general welfare by regulating the use of land and buildings and the location and basic form of structures.

18-01.030 Applicability and exceptions.

A. Applicability. It is expressly declared that all of the provisions of this Chapter shall apply to all property within the incorporated territory of the City whether owned by private persons, firms or corporations or by the government of the United States of America or any of its agencies or by the State of California or any of its political subdivisions or agencies, unless the federal or state activity is specifically exempted from local review or by any county, including the County of Lake, town or municipal corporation or any of its or their agencies or by any district formed under the laws of the State of California. No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with the provisions of this Chapter and all other laws or maps referred to herein.

B. Exemptions.

1. Development by the federal government or an agency of the federal government acting in its governmental capacity.
2. Development by the State of California or an agency of the State acting in its governmental capacity.
3. Development by local agencies exempt from City of Clearlake Zoning Ordinances pursuant to Government Code Section 53091.

- 4. Development undertaken by the City of Clearlake.

18-01.040 Interpretation.

A. Ambiguity. The Director shall interpret these regulations, subject to the appeal procedures of Chapter 18-36. Written requests for interpretation shall be responded to in writing within 20 days and shall become part of the permanent files of the Community Development Department.

B. Zoning district boundaries.

- 1. Boundaries between zoning districts generally follow lot lines or their extensions, physical features or contour lines, as noted on the official zoning map. Boundaries adjoining streets shall be assumed to follow the centerlines of streets if such location becomes an issue in the use of private property, such as when a street is abandoned. Zones which meet a street centerline shall not be considered “adjacent.”
- 2. The location of boundaries which are not readily determined by inspection of the official Clearlake General Plan Zoning Map shall be determined by the Director.

C. Conflict with public provisions. These regulations are not intended to interfere with or annul any other law or regulation. Where these regulations impose a restriction different from any other law or regulation, the more restrictive shall apply.

D. Conflict with private provisions. These regulations are not intended to interfere with or annul any easement, covenant or other agreement between private parties. Where these regulations impose a restriction different from a private agreement, the provisions which are more restrictive, or which impose higher standards shall control.

18-01.050 General Plan consistency – Regulations interpretation and application.

The regulations codified in this title shall be interpreted and applied in a manner consistent with the Clearlake General Plan.

18-01.060 Severability and Reference.

- A. Severability.** If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have passed this Chapter and each section, subsection, sentence, clause and phrase hereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid.

- B. Reference.** Reference in this Chapter to any section hereof by number is intended to include any and all subsections of the numbered section cited.

2024 Zoning Regulations

Chapter 18-02: Zones Established – Zoning Map

Sections:

- 18-02.010 Designation of zones.
- 18-02.020 Combining zoning districts.
- 18-02.030 Areas within the City to be designated within a zoning district (Zoning Map to be a part of these regulations)
- 18-02.040 General Plan Land Use Consistency

18-02.010 Designation of zones.

The City of Clearlake is divided into the 9 base zoning districts that are established by Table 1. The creation of these zoning districts is consistent with the land use and community character designations used in the Clearlake General Plan.

Table 1. Clearlake Base Zoning Districts			
Abbreviation	District Name	Principal Function	Character Description
Residential Zoning Districts			
RR	Rural Residential	Low Density Single Family Homes	The Rural Residential District is intended to provide for lower density residential development, such as single family homes on larger sized lots with a density not to exceed 1 unit to the acre. For larger parcels, exceeding 1 acre in size, agricultural uses are permitted. This Zoning District is consistent with the Low Density Residential Land Use Designation in the General Plan.
LDR	Low Density Residential	Variety of Residential Products	The Low Density Residential District is intended to provide for a variety of residential products ranging from single-family to multi-family with an urban character with a density not to exceed 8r units to the acre.
MDR	Medium Density Residential	Medium Density with Single and Multiple Family Products	The Medium Density Residential District is intended to provide for medium density single-family attached and detached and some multiple family products not exceeding 15 units per acre. This Zoning District is consistent with the Medium Density Residential Land Use Designation in the General Plan.

Table 1. Clearlake Base Zoning Districts

Abbreviation	District Name	Principal Function	Character Description
HDR	High Density Residential	Higher Density Multi-Family Residential Products	The High Density Residential District is intended to provide for higher density multi-family products with a minimum of 10 to a maximum of 25 units per acre. This Zoning District is consistent with the High Density Residential Zoning Designation of the General Plan.
Mixed-Use and Commercial Zoning Districts			
MUX	Mixed-Use	Medium and High Density Residential and Low Impact Commercial Uses	The Mixed-Use District is intended to allow a mixture of residential and commercial uses which can be made compatible with each other. This District provides a balanced mix of residential and employment opportunities to create focal points of activity in the form of mixed-use centers, nodes, or corridors. The Mixed-Use Districts support service commercial, employment, and housing needs of a growing community. The maximum allowed density in the MUX Zone is 25 units per acre. This Zoning District is consistent with the Mixed Use Designation of the General Plan.
DC	Downtown Commercial Mixed-Use Commercial	Low Impact Commercial, Administrative, and Residential Uses	The Downtown Commercial Mixed-Use District is intended to provide for low-impact commercial uses in a downtown setting with limited residential uses. It allows the adaptive re-use of existing buildings and may allow for some residential if located on upper floors. This Zoning District is consistent with the Commercial Land Use Designation of the General Plan.
GC	General Commercial	Variety of Commercial and Administrative Uses	The Commercial District is intended to provide for a broad range of retail, restaurant, entertainment, office institutional and service uses. Buildings are scaled commensurate with their respective site, with independent sites and centers that are appropriate of SR 53 and other major corridors. Smaller scaled buildings are located in commercial subdivisions or in areas that are transitions to Downtown. This Zoning District is consistent with the Commercial Land Use Designation of the General Plan.

Table 1. Clearlake Base Zoning Districts			
Abbreviation	District Name	Principal Function	Character Description
Other Commercial and Industrial Zoning Districts			
IN	Industrial	Variety of Industrial and Heavy Commercial Uses	The Industrial District is intended to provide for more intensive industrial and commercial uses and airports. This Zoning District is consistent with the Industrial Land Use Designation of the General Plan.
Open Space Zoning Districts			
O	Open Space	Open Space and Parks	The Open Space and Parks District is intended to preserve open space that may include parks and recreation areas. This Zoning District is consistent with the Open Space Land Use Designation of the General Plan.
Notes: Certain public assembly and institutional uses are permitted within the Mixed-Use and Commercial Districts listed above.			

18-02.020 Combining Zoning Districts.

Combining zoning districts are used in combination with the 9 base zoning districts to address special needs or characteristics of the areas of the City to which they are applied, including but not limited to potential hazards, scenic areas, special use considerations, such as mobile homes, adult entertainment and commercial cannabis, special areas of consideration, such as the Avenue neighborhood and special planning treatment, such as specific plans and planned developments.

These combining districts are established that can combine with the base zoning district to address specific needs listed as follows:

- SP - Specific Plan
- SC - Scenic Corridor
- AV - Avenue
- PD - Planned Development
- AE - Adult Entertainment
- CB - Commercial Cannabis Business

In the event of any conflict between these combining district regulations and the base zoning district regulations, the combining district regulations shall control. A summary of function and characteristics for the various combining districts are referenced in Table 2 below.

Table 2. Clearlake Combining Zoning District

Abbreviation	District Name	Principal Function	Character Description
Combining Zoning Districts			
SP	Specific Plan	Application to Specific Plans per California Government Code Sections 65450 to 65451	The SP Combining Zoning District is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. It will be applied to areas for which a specific plan has been adopted or where the General Plan calls for a specific plan prior to development, generally within residential expansion areas
SC	Scenic Corridor	Sensitive review of projects along Highway 53	The SC Combining Zoning District is created to preserve the scenic quality of the land immediately visible from State Highway 53. This zone is intended to be combined with other zones adjacent to scenic highways and roads.
AV	Avenue District	Rural and Urban	The AV Combining Zoning District is intended to provide for maximum flexibility for developing a broad range of single-family residential products including manufactured homes to low density, more traditional single-family homes on small lots. Development standards are flexible to encourage innovative design and character in the building product.
PD	Planned Development	Rural and Urban	The PD Combining Zoning District is intended to provide for flexibility in the application of the zoning standards to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design and more effective design responses to site features, land uses on adjoining properties and environmental impacts, than the development standards of the underlying zone would produce without adjustment. The City expects each planned development project to be of significantly higher design quality, including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency and the more efficient use of resources, than would be achieved through conventional design practices and standards.
AE	Adult Entertainment	Urban	The AE Combining Zoning District is intended to regulate adult oriented businesses which, could have serious secondary effects on the community.

Table 2. Clearlake Combining Zoning District			
Abbreviation	District Name	Principal Function	Character Description
Combining Zoning Districts			
CB	Commercial Cannabis Business and Commercial Cannabis Retail Dispensary	Rural and Urban	The CB Combining Zoning District is intended to regulate activities involved with cannabis which could have secondary effects on the community.
Notes: Certain public assembly and institutional uses are permitted within the Mixed-Use and Commercial Districts listed above.			

18-02.030 Areas within the City to be designated within a zoning district – Zoning Map to be a part of these regulations.

All areas within the City shall be designated within a zoning district. The official Zoning Map, which shall depict all duly adopted zoning districts, is as much a part of these regulations as if it were fully contained in this document. The official Zoning Map shall be maintained by the Community Development Department and for convenience in more easily identifying zone boundaries may be divided into parts.

18-02.040 General Plan Land Use Consistency:

In accordance with California Government Code Section 65960, the Zoning Code shall be consistent with the General Plan. For the Land Use Element, this means that the base zoning Districts, referenced in the Zoning Map, need to be consistent with the General Plan Land Use Map. For example, a commercial zoning district needs to be located within areas designated in the General Plan Land Use Map as being in a Commercial Land Use Designation. Table 3 provides a land use/zoning consistency matrix for the Zoning Code:

Table 3. Land Use Zoning Matrix for Zoning Code							
General Plan Land Use Designation							
Zoning District	Industrial	Commercial	Mixed Use	High Density Residential	Medium Density Residential	Low Density Residential	Open Space
RR, Rural Residential						X	
LDR, Residential Low Density					X	X	
MDR, Residential Medium Density			X		X		
HDR, Residential High Density			X	X			
MUX, Mixed-Use		X	X	X	X		X
DC, Downtown Commercial Mixed Use		X					
CG, General Commercial		X					
I, Industrial	X						
O, Open Space							X

Chapter 18-03: Rural Residential (RR) Zone

Sections:

- 18-03.010 Purpose
- 18-03.020 Property development standards.

18-03.010 Purpose.

The RR Zone is intended primarily to provide housing opportunities for lower density residential development, such as single family homes on larger sized lots with a density not to exceed 1 unit to the acre. This zone shall be applied to areas designated “low density residential” on the Clearlake General Plan Zoning Map,

18-03.020 Property Development Standards.

The property development standards for the RR Zone are as follows:

- A. Maximum density:** one dwelling unit per net acre (refer to “acre” in definitions, Chapter 18-45).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 25 feet; up to 35 feet if the Director approves an administrative use permit
- D. Minimum lot size:** 1.25 acres.
- E. Parking requirements:** See Section 18-04.080.

Chapter 18-04: Low Density Residential (LDR) Zone

Sections:

- 18-04.010 Purpose.
- 18-04.020 Property development standards.

18-04.010 Purpose.

The LDR Zone is intended primarily to provide housing opportunities for people who want private open space associated with individual dwellings. It is intended to preserve existing single-family neighborhoods, provide for compatible infill development in such areas and prescribe the overall character of newly subdivided low density areas. This zone shall be applied to areas designated “low density residential” on the Clearlake General Plan Zoning Map.

18-04.020 Property development standards.

The property development standards for the LDR Zone are as follows:

- A. Maximum density:** Eight units per net acre (also see Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 25 feet; up to 35 feet if the Director approves an administrative use permit
- D. Maximum coverage:** 40% (see also Section 18-20.050).
- E. Standard lot dimensions:**
 - 1. Minimum lot area: 5,000 square feet
 - 2. Minimum lot width: 50 feet
 - 3. Minimum lot depth: 90 feet
 - 4. Minimum street frontage: 20 feet
- F. Parking requirements:** See Section 18-20.090.

Chapter 18-05: Medium Density Residential (MDR) Zone

Sections:

- 18-05.010 Purpose.
- 18-05.020 Property development standards.

18-05.010 Purpose.

The MDR Zone is intended primarily to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. These areas are generally close to commercial and public facilities serving the whole community and generally committed to this type of development. The MDR Zone will be applied to areas designated “medium and high density residential” on the Clearlake General Plan Zoning Map.

18-05.020 Property development standards.

The property development standards for the MDR Zone are as follows:

- A. Maximum density:** 15 density units per net acre (see also Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum coverage:** 60% (see also Section 18-20.050).
- D. Maximum height:** Structure: 45 feet (see also Section 18-20.060)
- E. Minimum lot area:** 5,000 square feet
- F. Parking requirements:** See Section 18-20.090.

2024 Zoning Regulations

Chapter 18-06: High Density Residential (HDR) Zone

Sections:

- 18-06.010 Purpose.
- 18-06.020 Property development standards.

18-06.010 Purpose.

The HDR Zone is intended to provide housing opportunities for smaller households desiring little private open space and to provide various types of group housing. It is further intended to allow for concentrations of housing close to concentrations of employment and college enrollment, in areas largely committed to high -density residential development. It will be applied to areas designated “High -Density Residential” on the Clearlake General Plan Zoning Map.

18-06.020 Property Development Standards.

The property development standards for the HDR Zone are as follows:

- A. Maximum density:** 25 density units per net acre (see also Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 45 feet (see also Section 18-20.060).
- D. Maximum coverage:** 60% (see also Section 18-20.050).
- E. Minimum lot area:** 5,000 square feet
- F. Parking requirements:** See Section 18-20.090.

2024 Zoning Regulations

Chapter 18-07: Mixed-Use (MUX) Zone

Sections:

- 18-07.010 Purpose.
- 18-07.020 Property development standards.

18-07.010 Purpose.

The MUX zone allows for a mix of residential and nonresidential uses, such as commercial uses, on the same site, where mixed-use development would otherwise be optional.

The MUX zone is intended to allow greater flexibility of development alternatives, especially attractive higher density residential development and live-work buildings, in appropriate areas of the City. More specifically, the intent of the MUX Zone is to accomplish the following objectives:

- A.** Encourage mixed-use projects that combine residential with nonresidential uses in the same building or building site area as a means to create an active street life, enhance the vitality of businesses and reduce the need for automobile travel;
- B.** Provide a meaningful blend of residential and non-residential uses that enhances and builds upon the City's commercial base; the mixed-use overlay zone is not intended to simply act as a loophole in the zoning code for residential development;
- C.** Provide additional housing options for people, including but not limited to, young professionals and older people, who want to live near their workplace and/or near retail and other non-residential uses;
- D.** Encourage consolidation of small parcels into viable, block-size mixed-use development in designated areas;
- E.** Ensure on-site compatibility of residential and non-residential uses; and
- F.** Ensure compatibility of mixed-use projects with surrounding uses and development patterns.

18-07.020 Property Development Standards.

The property development standards for the MUX zone are as follows:

- A. Maximum density:** Except when the underlying General Plan Land Use Designation for the property is less (such as Medium Density Residential, which is a maximum of 15 units per acre), the 25 density units per acre shall apply, including dwelling units, such as single occupancy units, in hotels and motels, but not including other hotel or motel units (also see Section 18-20.020).

- B. Yards:** See Section 18-20.040.
- C. Maximum height:** 35 feet (also see Section 18-20.060). Additional building height up to 65 feet may be approved as provided under CGC and DC Zoning Districts below.
 - 1. Performance standards for buildings taller than 35 Feet (all required):
 - a. The project shall include housing at a minimum residential density unit value of 12 units per acre.
 - b. For projects on sloping sites, the height limit on the downhill portion of the site shall be defined by a line 75 feet above the average between the highest and lowest points of the site grade prior to development and 75 feet above the lowest point.
 - c. No more than 50% of the site area at the property frontage may be used for private parking facilities.
 - d. The maximum height may be increased by 10 feet above the maximum allowed height when residential uses are provided above the ground floor except for properties abutting a residentially designated district. The building height increase for residential uses applies only if the top floor is residential and does not apply to buildings that have variance approval to exceed the permitted height.
- D. Maximum coverage:** 80%.
- E. Minimum lot area:** 3,000 square feet
- F. Parking.** See Section 18-20.090.

2024 Zoning Regulations

Chapter 18-08: Downtown Commercial Mixed-Use (DC) Zone

Sections:

- 18-08.010 Purpose.
- 18-08.020 Property Development Standards

18-08.010 Purpose.

The DC Downtown Commercial Mixed-Use Zone is intended to provide for a wide range of retail sales, service and entertainment uses meeting community-wide and regional market demands and a variety of housing types including affordable workforce housing. The DC Zone is intended to be applied within the City's main commercial district.

18-08.020 Property development standards.

The property development standards for the DC zone are as follows:

- A. Maximum density:** 25 density units per acre, but not including other hotel or motel units (also see Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure: 35 feet (see also Section 18-20.060). Additional building height up to 65 feet may be approved as provided under C.1 below.
 - 1. Performance standards for buildings taller than 35 Feet (all required):
 - a. The project should include housing.
 - b. No more than 30% of the site area at the storefront level may be used for private parking facilities.
 - c. Site is not on the lake side of Lakeshore Drive, where the lake is visible to the public.
- D. Minimum lot area:** 3,000 square feet.
- E. Vehicle access:** Although residential uses are encouraged in the DC Zone, it is not the intent of the City to ensure that parking is provided on-site for residential uses. Therefore, there is no guarantee of parking availability, either on-site or off-site, for downtown residential projects. On-site parking may be considered inappropriate at certain downtown locations where the pedestrian experience would be harmed by vehicle ingress and egress across the sidewalk. In order to maintain pedestrian orientation and the continuity of sidewalks within the DC Zone, an Administrative Use Permit must be approved to permit the installation of new driveway approaches proposed.
- F. Parking.** See Section 18-20.090.

2024 Zoning Regulations

Chapter 18-09: General Commercial (GC) Zone

Sections:

- 18-09.010 Purpose.
- 18-09.020 Property development standards.

18-09.010 Purpose.

The purpose of this district is to provide sites for general commercial uses which are diverse, visually pleasing, convenient in terms of parking and access, attractive and used by citizens of Clearlake as well as visitors to the area.

18-09.020 Property Development Standards.

- A. Maximum Density:** No maximum density.
- B. Yards:** See Section 18-20.040.
- C. Maximum height:** Structure 35 feet and up to 50 feet with a conditional use permit (also see Section 18-20.060), except when the development is on the lake side of Lakeshore Drive, where the lake is visible to the public (building shall not exceed 35' in height).
- D. Maximum coverage:** No maximum coverage.
- E. Minimum lot area:** 3,000 square feet.
- F. Parking requirements:** See Section 18-20.090.

2024 Zoning Regulations

Chapter 18-10: Industrial (IN) Zone

Sections:

- 18-10.010 Purpose.
- 18-10.020 Property development standards.

18-17.010 Purpose.

The purpose of this district is to provide locations for wholesale and heavy commercial uses and services in Clearlake which are not suited for other commercial zones. It provides areas for industrial types of activities which manufacture, assemble or package products within a building and do not emit fumes, odor, dust, smoke or gas beyond the confines of the building. Performance standards have been established to allow for more intense industrial activities and to protect Clearlake residents and the environment.

18-17.020 Property Development Standards

The property development standards for the IN zone are as follows:

- A. Yards:** See Section 18-20.040.
- B. Maximum height:** Structure: 35 feet (may go higher with conditional use permit. Also see section 18-20.060).
- C. Maximum coverage:** No maximum lot coverage.
- D. Minimum lot size:** 3,000 square feet
- E. Parking requirements:** See Section 18-20.090.

2024 Zoning Regulations

Chapter 18-11: Open Space (O) Zone

Sections:

- 18-11.010 Purpose.
- 18-11.020 Property development standards.

18-11.010 Purpose.

- A.** The O Zone generally will be applied to areas which are most suitable for open space uses because of topography, geology, vegetation, soils, wildlife habitat, scenic prominence, agricultural value or flood hazard.
- B.** The O Zone is intended to prevent exposure of urban development to unacceptable risks posed by natural hazards and to protect natural resources from disruptive alterations. To these ends, it is further intended to prevent the subdivision of such lands.
- C.** It will be applied as a permanent zone to areas designated “open space” or “park” on the Clearlake General Plan Land Use Map.

18-11.020 Property Development Standards.

The property development standards for the O Zone are as follows:

- A. Maximum density:** No maximum density required.
- B. Yards:**
 - 1. Front: 35 feet
 - 2. Side: 15 feet except on a corner lot where the street side yard shall have a setback 30 feet.
 - 3. Rear: 20 feet except as otherwise specified there shall be no rear yard setback on properties which abut Clear Lake or Cache Creek.
- C. Minimum lot area:**
 - 1. Federal or state lands: 40 acres
 - 2. City, county, or other special district or government owned lands: 5,000 square feet.
 - 3. Privately owned lands: Existing parcel size at time of reclassification to this zone.

Chapter 18-12: Specific Plan (SP) Combining Zone

Sections:

- 18-12.010 Purpose and application.
- 18-12.020 Allowed uses.
- 18-12.030 Property development standards

18-12.010 Purpose and Application

The SP zone is intended to translate the provisions of an adopted specific plan into regulations for the subsequent development of land. It will be applied to areas for which a specific plan has been adopted or where the Clearlake General Plan calls for a Specific Plan prior to development, generally within residential expansion areas.

18-12.020 Allowed uses.

Prior to adoption of a specific plan, areas in the SP zone may be used in conformance with the provisions of the underlying zone or as otherwise provided within the specific plan. Once a specific plan has been adopted, uses shall be as provided in the specific plan.

18-12.030 Property Development Standards.

- A.** Residential density shall be as provided in the specific plan.
- B.** Height, yards, coverage and parking shall be as provided in the specific plan. If the specific plan does not contain explicit provisions on these items, they shall be provided in the underlying zone.
- C.** Other development features explicitly contained in the specific plan, such as landscaping, building siting and form and circulation, shall be as provided in the specific plan.

Chapter 18-13: Scenic Corridor (SC) Combining Zoning District

Sections:

- 18-13.010 Purpose and application.
- 18-13.020 Allowed uses.
- 18-13.030 Property development standards.

18-13.010 Purpose and application.

The purpose of the SC, Scenic Corridor Combining Zone is to preserve the scenic quality of the land immediately visible from State Highway 53 (*Refer to Definition of “Viewshed”*). This zone is intended to be combined with other zones adjacent to scenic highways and roads. This district shall be combined with base zones that are within three hundred (300’) feet of the edge of right-of-way of State Highway 53. For any parcel, of which any portion is within the SC combining district, the entire parcel shall be subject to the regulations and standards of the SC zone.

18-13.020 Allowed uses.

All permitted uses allowed in the base zone.

18-13.030 Property Development Standards.

- A.** The siting of transmission lines (50 K.V. and over) shall avoid interfering with scenic views to the greatest extent possible, taking into account the design and size of the transmission towers, the nature of the landscape and the placement of the transmission towers in the landscape. New high voltage transmission facilities (50 K.V. lines and above) shall not be sited along a foreground view (up to 1/4 to 1/2 mile) of existing and potential State, County or City scenic highways as designated in the Clearlake General Plan, designated residential areas or major resorts unless no feasible alternatives exist. In situations where no feasible alternatives exist, undergrounding or other visual mitigation measures shall be imposed.
- B.** Grading and cut/fill shall be kept to a minimum and shall be prohibited whenever such activities will have an adverse impact of the scenic resources of the State highway.
- C.** Any exposed slopes resulting from grading shall be stabilized by plantings of compatible vegetation.

18-13.040 Viewshed Analysis.

A. **Purpose:** The purpose and intent of this section is to provide guidance in protecting the scenic quality of the City for visitors and residents ensuring that future improvements and/or develops are compatible with existing landforms, including but not limited to hillsides, ridgelines, green belts, lake views, local streets, minor arterials and major collectors roadways.

B. **Scenic Resource:** While there is no comprehensive list of specific features that automatically qualify as scenic resources, certain characteristics can be identified which contribute to the determination of a scenic resource, including but not limited to:

- A unique, or massive rock formation(s);
- A Historic Building and/or location in accordance with the California Office of Historic Preservation.
- A feature identified in applicable planning documents and/or reports/assessments as having special scenic value;
- A feature integrated with its surroundings or overlapping scenic elements to form a panorama view, such as waters Clear Lake or Mount Konocti;
- A vegetative or structural feature that has local, regional, or statewide importance
- An area or feature(s) determined by the City Council, Planning Commission and/or the Community Development Director at time of application submittal.

Visual Impact Avoidance Guidelines: If determined to be in a viewshed and/or scenic corridor, depending on the type and characteristic of development and level of impact the development should incorporate measures to lessen visual impacts such as:

- i. Limit the extent of grading, tree removal, amount of cuts and fills, length of roadways, height of retaining walls and areas for building envelopes. Conservation easements may be appropriate to protect viewsheds and sensitive visual resources.
- ii. Building envelopes may need to be adjusted or moved back to avoid the most visible locations and/or reduced in size to protect vegetation that may screen the structures. Structures could be limited in their size or height to reduce bulk and contrast.
- iii. Color and texture of building materials should be consistent with the surrounding environment. Non-reflective surfaces and darker colors should be utilized to avoid glare and contrast.

- iv. Provide screening vegetation and landscape plans subject to Design Review.
- v. Provide viewshed sensitive exterior lighting that is low mounted, downward casting and fully shielded to prevent glare.

Chapter 18-14: Avenue (AV) Combining Zoning District

Sections:

- 18-14.10 Purpose and application.
- 18-14.020 Allowed uses.
- 18-14.030 Property development standards.

18-14.010 Purpose and application.

The AV, Avenues Combining Zoning District is intended to provide for maximum flexibility for developing a broad range of residential products ranging including manufactured homes to low-density single-family homes lots of varying sizes. Development standards are flexible to encourage innovative design and character in the building product. Also, these regulations provide basic access and fire protection for older subdivided lands by setting minimum public health and safety standards. This district shall be applied to predominantly undeveloped older subdivided properties of urban or suburban densities, known as “paper subdivisions”, which are substandard in relationship to existing zoning and subdivision regulations with design, size, or physical improvements not meeting City standards. Such lots should be characterized by steep slopes, limited access and/or lack of adequate public services and facilities such as streets, fire, sewer or water services. Non-residential uses are also permitted.

18-14.020 Allowed uses.

Uses within the AV Combining Zoning District shall be as provided in the following table and subject to Section 18-18.010.

18-14.030 Property development standards.

The property development standards for the AV District are flexible and permissive to encourage a range of residential product types. The property development standards for the AV Combining Zoning District are as follows:

- A. Maximum density:** 8 units per net acre (see also Section 18-20.020).
- B. Yards:** See Section 18-20.040.
- C. Maximum coverage:** 60% (see also Section 18-20.050).
- D. Maximum height:** 45 feet (see also Sections 18-20.060).
- E. Minimum lot area:** 5,000 square feet (see Section G below).
- F. Parking requirements:** See Section 18-20.090.
- G. Water and Sewer Service:** All lots shall meet at least one of the following requirements:

1. The lot is served by existing water and sewer connections; or
 2. The lot is fifteen thousand (15,000) square feet in area and is served by either an existing public water or public sewer connection; or
 3. The applicable public water or sewer agency has entered into a written agreement to provide water or sewer service as required in (1) and (2) above; or
 4. The lot is at least 40,000 square feet in area which may or may not be served by public water or public sewer connections.
- H. Fire Service:** The applicant shall provide written evidence in a form acceptable to the Director that the agency responsible for fire protection has certified that existing fire protection facilities meet the requirements of the Uniform Fire Code for access roads and water supply.
- I. Streets:** The street(s) serving the lot and the lot frontage(s) within the “AV” district shall meet or exceed a street surfacing standard of double chip seal or another surface as approved by the City Engineer.

Chapter 18-15: Planned Development (PD) Combining Zone

Sections:

- 18-15.010 Purpose.
- 18-15.020 Applicability.
- 18-15.030 Preliminary development plan.
- 18-15.040 Actions of the Planning Commission.
- 18-15.050 Actions of the Council.
- 18-15.060 Required findings.
- 18-15.070 Requirement for development plan.
- 18-15.080 Final development plan.
- 18-15.090 Phasing.
- 18-15.100 Amendment of final development plan.
- 18-15.110 Revocation of PD zoning.

18-15.010 Purpose.

The PD overlay zone is intended to provide for flexibility in the application of zoning standards to proposed development. The purpose is to allow consideration of innovation in site planning and other aspects of project design and more effective design responses to site features, land uses on adjoining properties and environmental impacts, than the development standards of the underlying zone would produce without adjustment. The City expects each planned development project to be of significantly higher design quality, including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency and the more efficient use of resources, than would be achieved through conventional design practices and standards.

18-15.020 Applicability.

- A. Timing of rezoning.** PD rezoning shall occur simultaneously with the approval of a specific project through the Planned Development process.
- B. Where allowed.** The PD zone may be applied to any parcel or contiguous parcels of at least one acre.
- C. General Plan compliance.** The preparation, review and approval of a PD overlay zone shall require strict compliance with the Clearlake General Plan and any applicable specific plan.
- D. Relationship of PD overlay to primary zoning district.**
 - 1. Allowable land uses. Any use or combination of uses allowed by Section 18-18.010 (Uses Allowed by Zones) within the underlying zoning district may be established within the PD overlay zone, subject to any additional limitations on specific land uses provided by the overlay as adopted. No

PD overlay shall allow a land use that is not allowed in the primary zoning district or by the General Plan or any applicable specific plan. However, those identified as land uses listed as limited and subject to use permits in Chapter 18-18 of the Code may be permitted in the Planned Development if the Plan identifies those on the final development plan.

- 2. Planning permit requirements. Development and new uses within the PD overlay district shall obtain the permits in the underlying zone.
 - 3. Site planning and project development standards. Development and new land uses within the PD overlay shall comply with all applicable development standards of the underlying zone, except as specifically modified, waived or augmented by the PD overlay. A Planned Development may include supplemental procedures, design standards and guidelines to provide administration of implementing the Planned Development as long as these components are in compliance with Section 18-15.100 of this Chapter and are consistent with the City's General Plan and Zoning Code and any related applicable Specific Plan.
 - 4. A Planned Development may include amendments to the base zoning map as long as the new zoning created is substantially consistent with the General Plan (refer to Table 3, Section 18-02.040, General Plan Land Use Consistency).
- E. Scope of approval.** The application of the PD overlay to property may include the adjustment or modification, where necessary and justifiable, of any applicable development standard of these Zoning Regulations (e.g., building height, floor area ratio, parcel size, parking, setbacks, etc.) or of the City's Subdivision Regulations. The maximum density as allowed by cross-slope % may be adjusted but shall not exceed the maximum density allowed in the average cross-slope category 0-15% for the applicable zoning district.

18-15.030 Preliminary Development Plan.

An application for a planned development shall be made to the Community Development Department and shall consist of a preliminary development plan, to include:

- A. A legal description of the total site involved.
- B. A statement of the objectives to be achieved by the planned development through the particular approach to be used by the applicant.
- C. A schedule indicating the approximate dates when construction of the development or stages of the development are to be started and completed.
- D. A quantified description of the total number and type of dwelling units, parcel sizes, coverage, modified and natural open space, grading, residential densities and areas devoted to nonresidential uses.

- E. Identification of portions of the development which would otherwise require a variance and reason for the deviation from normal standards.

- F. A site plan and supporting maps, drawn to a suitable scale and clearly labeled, showing, if applicable:
 - 1. Existing site conditions, including contours, vegetation and water courses;
 - 2. Proposed lot designs;
 - 3. Location and floor area of existing and proposed buildings or outlines of areas within which buildings may be located;
 - 4. Location and size of all areas to be conveyed or reserved as common open spaces or for public or semipublic uses;
 - 5. Existing and proposed circulation system of arterial, collector and local streets; off street parking, loading and emergency access areas; points of access to public rights of way; proposed ownership of circulation routes;
 - 6. Existing and proposed sidewalks and paths;
 - 7. Existing and proposed utility systems, including sanitary sewer, storm drainage, water, electricity, gas and telephone;
 - 8. A general landscape plan; and
 - 9. A general grading plan.

- G. Information on land area adjacent to the proposed development, indicating important relationships between the proposal and surrounding land uses, circulation systems, public facilities and natural features.

- H. Any additional information which may be required by the Director to evaluate the character and impact of the planned development.

18-15.040 Actions of the Planning Commission.

After giving notice as provided in Section 18-28.030, the Planning Commission shall hold a public hearing on the application. The Planning Commission may approve, approve subject to conditions and certain modifications or deny the application. The decision of the Planning Commission shall be in the form of a recommendation to the Council and shall be rendered in writing, stating all modifications or conditions to be reflected in the final development plan.

18-15.050 Actions of the Council.

After giving notice as provided in Section 18-28.030 the Council shall hold a public hearing on the application and the recommendations of the Planning Commission. The Council may approve, approve subject to certain modifications, or deny the proposal with findings. The decision of the Council shall include conditions and/or modifications that shall be reflected in the final development plan. If it approves or conditionally approves the preliminary development plan, the Council shall approve the rezoning, and the official zone map shall be amended to indicate approval of the planned development.

18-15.060 Decision and Findings.

Following a public hearing, the Commission may recommend, and the Council may approve or disapprove a rezoning to apply the PD overlay zoning district in compliance with this Section.

A. Mandatory project features. The review authority may recommend or approve a rezoning to apply the PD overlay zoning district only for a project that incorporates a minimum of two of the following four features.

1. A minimum of 25% of the residential units within the project are affordable to households of very low, low or moderate income (Chapter 18-31, Density Bonuses) for incentives provided for affordable housing development, including density bonuses and possible fee waivers);
2. The project will achieve greater energy efficiency than standard developments through the incorporation of green building techniques, scoring at least a silver rating on the LEED or other equivalent rating system or achieving a minimum of 30% greater energy efficiency than the minimum required by California Code of Regulations Title 24;
3. The project will preserve, enhance, and/or create a significant natural feature or features with a minimum area of one-half acre; or
4. The project will provide a substantial public amenity, for example, a significant public plaza, a public park or a similar improved open space feature, including provisions for guaranteed long-term maintenance not at the expense of the City.

B. Required findings for approval. The review authority may approve a rezoning to apply the PD overlay zoning district only after first making all of the following findings:

1. The project is consistent with the General Plan and any applicable specific plan and the proposed land use is allowed within the applicable primary zoning district;

2. The project complies with all applicable provisions of these Zoning Regulations other than those modified by the PD rezoning;
3. The project has been approved in accordance with the California Environmental Quality Act and the City's Environmental Review Guidelines.
4. The approved modifications to the development standards of these Zoning Regulations are necessary and appropriate to accommodate the superior design of the proposed project, its compatibility with adjacent land uses and its successful mitigation of environmental impacts;
5. The project complies with City Design Review Manual;
6. All affected public facilities, services and utilities are adequate to serve the proposed project;
7. The location, size, site planning, building design features and operating characteristics of the project are highly suited to the characteristics of the site and surrounding neighborhood and will be compatible with the character of the site and the land uses and development intended for the surrounding neighborhood according to the General Plan;
8. The site is adequate for the project in terms of size, configuration topography and other applicable features and has appropriate access to public streets with adequate capacity to accommodate the quantity and type of traffic expected to be generated by the use; and
9. The establishment, maintenance or operation of the proposed project will not, in the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity of the proposed use or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

18-15.070 Requirement for development plan.

No land division may be undertaken and no construction begun within an area zoned PD until a final development plan has been approved by the Director or as determined by the CC in the preliminary development plan.

18-15.080 Final development plan.

- A. Within 2 years of approval or conditional approval of the development plan, the applicant shall file with the Community Development Department a final development plan. The Director may extend the time for filing the final development plan for a period or periods not exceeding a total of 3 years or two extensions approved by the Planning Commission.

- B.** The final development plan shall include those items from Section 18-15.030 (Preliminary development plan) which describe the proposal, including division of land, type and location of all buildings and improvements and so on, but it need not include information on existing conditions.
- C.** The Director shall review and take action on the final development plan within 30 days of filing. The Director may approve it upon finding that it is in substantial compliance with the preliminary development plan as approved or modified by the Council. Upon approval of the final development plan, the Director shall add the number of the planned development to the official zone map (for example, PD (9999)). Subsequently, all grading, construction and landscaping shall comply with the approved final development plan.
- D.** The final development plan may consist of final subdivision maps, building construction plans, grading plans and so on, that would normally be submitted in the course of development and need not be a separate submittal. The Director shall determine the extent to which any additional documentation of development plans is required.

18-15.090 Phasing.

If the construction of the planned development is to occur in phases, the open space and common facilities shall be developed and made available in proportion to the number of dwelling units or nonresidential floor area occupied during any given stage. At no time during construction of the project shall the density of developed land exceed the overall density established in the final development plan unless an Amendment to the Planned Development is approved as described in Section 18-15.100.B.

18-15.100 Amendment of final development plan.

- A.** Minor changes to an approved Planned Development may be needed either before or after construction, or establishment and operation of one or more of the approved uses. The Director may authorize minor changes to the Planned Development’s Final Development Plan if the changes meet all the following standards:

 - a. The changes are consistent with the applicable provisions of this Chapter, the Zoning Code and the General Plan.
 - b. The changes do not involve a feature of the project that was specifically addressed or was a:

 - i. Basis for findings in an environmental document under CEQA, such as a mitigated negative declaration or environmental impact report;
 - ii. Basis for condition of approval for the project;

- iii. Specific consideration by the granting authority in the approval of the project.
 - c. The changes do not result in an expansion of the approved project, other than as necessitated by building code requirements. Expansion of a use precluded by this subsection may be defined to include a greater intensity of use, including uses that require increased parking and/or occupancy loads, or that require environmental review.
 - d. The changes do not allow revised access to existing and/or additional roads beyond that originally allowed.
 - e. The changes do not allow an increase in heights by more than ten percent above the building heights approved in the final development plan or, if building heights are not shown in the final plan, building heights that are greater than the height requirements of the Zoning Code.
- B.** The Director shall inform the City Council and/or Planning Commission of the minor differences between the approved development plan and construction plans may be allowed by the Director.
 - C.** Written requests for amendments to a final development plan may be approved by the Planning Commission after a public hearing, notice of which has been given as provided in Section 18-28.030. Amendments shall be limited to changes in the size and position of buildings; the number, area or configuration of lots; landscape treatment; phasing and the like.
 - D.** Amendments may not include changes in proposed use, overall density or overall configuration of the land uses and circulation features. Changes to these aspects may be accomplished only by reapplication and submittal of a new preliminary development plan.
 - E.** These procedures apply whether or not all or part of the development has been built.

18-15.110 Revocation of PD zoning.

If the Planned Development has not been implemented substantially in accordance with the final development plan, the City Council may remove the PD designation upon receiving recommendations from the Planning Commission in accordance with Chapter 18-27.

Chapter 18-16: Adult Entertainment (AE) Combining Zoning District

Sections:

- 18-16.010 Purpose and intent.
- 18-16.020 Definitions.
- 18-16.030 Location of adult entertainment businesses.
- 18-16.040 Design and performance standards.
- 18-16.050 Severance clause.
- 18-16.060 Violations.

18-16.010 Purpose and intent.

The purpose and intent of this Chapter is to regulate adult businesses which, unless closely regulated, tend to have serious secondary effects on the community, including, but not limited to, the following: depreciation of property values; increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owner’s enjoyment of their properties when such properties are located in the vicinity of adult businesses, as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blight conditions such as inadequate maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of adult businesses.

It is neither the intent nor the effect of these regulations to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of these regulations to restrict or deny access by adults to communicative materials or to deny access by the distributors or exhibitors of adult business to their intended lawful market.

Nothing in these regulations are intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.

18-16.020 Definitions.

For the purposes of this Chapter the following terms shall be defined as follows:

- A. “Adult entertainment business” shall mean those businesses as defined as follows:
 - 1. Adult bookstore, adult novelty store or adult video store is an establishment with more than 25% of: (a) its floor area devoted to; or (b) stock-in-trade consisting of; or (c) gross revenues derived from and offering for sale for any form of consideration, any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records or other visual or audio representations which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - b. Instruments, devices or paraphernalia which are designed to be used in connection with “specified sexual activities;” or c. Goods which are replicas of or which simulate “specified anatomical areas,” or goods which are designed to be placed on or in “specified anatomical areas” or to be used in conjunction with “specified sexual activities.”
- 2. “Adult live entertainment theater” means any place, building, enclosure or structure, partially or entirely used for “live adult entertainment” performances or presentations characterized by an emphasis on depicting, exposing, displaying, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons or customers therein.
 - 3. “Live adult entertainment” means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, walking, speaking, dancing, acting, posing, simulating, wrestling or pantomiming, in which the performer or performers expose to public view without opaque covering “specified anatomical areas” for entertainment value for any form of consideration.
 - 4. “Adult motion picture or video arcade” means any business wherein coin, paper, note or token operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to four or fewer persons per machine, at any one time and where the predominant character or theme of the images so displayed is distinguished or characterized by its emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas.
 - 5. “Adult motion picture theater” means any business, other than a hotel or motel which provides closed circuit viewing to each individual room as a secondary service to its motel customers, with the capacity for five or more persons where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions in which the predominant character and theme is distinguished or characterized by its emphasis on matter depicting or relating to “specified sexual activities” or “specified anatomical areas” as defined in this Section. This includes, without limitation, showing any such slides, motion pictures or videos by means of any video tape system which has a display, viewer, screen or a television set.

- 6. "Exceptions." An "adult entertainment business" shall not include:
 - a. Bona fide medical establishments operated by properly licensed and registered medical and psychological personnel with appropriate medical or professional credentials for the treatment of patients.
 - b. Persons depicting "specified anatomical areas" in a modeling class operated:
 - i. By a college, junior college or university supported entirely or partly by public revenue;
 - ii. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by public revenue; or
 - iii. In a structure operated either as a profit or not-for-profit facility:
 - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 - (b) Where, in order to participate in a class a student must enroll at least 3 days in advance of the class.
 - (c) The practice of massage in compliance with Section 51030 et.seq. of the California Government Code.

- B. "Establish." "Establish" shall mean and include any of the following:
 - 1. The opening or commencement of any adult entertainment business as defined in this Section; or
 - 2. The conversion of an existing business, whether or not an adult entertainment business, to any adult entertainment business as defined in this Section; or
 - 3. The relocation of any adult entertainment business; or
 - 4. The addition of any of the "adult entertainment businesses" defined herein to any other existing adult entertainment business.

- C. "Specified anatomical areas." "Specified anatomical areas" shall include the following:
 - 1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, and/or the female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- D.** “Specified sexual activities.” “Specified sexual activities” shall include the following:
1. Actual or simulated sexual intercourse, oral copulation and intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
 2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence; or
 3. Human or animal masturbation, sodomy, oral copulation, coitus, ejaculation; or
 4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
 5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
 6. Erotic or lewd touching, lewd fondling or other lewd contact with an animal by a human being; or
 7. Human excretion, urination, menstruation, vaginal or anal irrigations.
- E.** “Operate.” “Operate” shall mean to own, lease (as lessor or lessee), rent (as landlord or tenant or as agent for the purpose of representing a principal in the management, rental or operation of the property of such principal), manage, conduct, direct or be employed in an adult entertainment business.
- F.** “Operator.” “Operator” shall mean and include the owner, custodian, manager or person in charge of any adult entertainment business.
- G.** “Parcel of land.” “Parcel of land” means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.
- H.** “Person.” “Person” shall mean an individual, proprietorship, partnership, corporation, association or other legal entity.
- I.** “Religious institution.” “Religious institution” shall mean any church, synagogue, mosque, temple or building which used primarily for religious worship, religious education incidental thereto and related religious activities.

- J. “Residential zone.” “Residential zone shall mean property which has a zoning designation of RR, LDR, MDR, HDR or such other residential zones as may be created by ordinance, or a mobile home park as defined in this Code.
- K. “School.” “School” shall mean any public or private educational facility primarily attended by minors, including but not limited to, large family day care homes, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools and special education schools and includes school grounds.
- L. “Sensitive uses.” “Sensitive uses” shall include religious institutions, residential zones and schools.

18-16.030 Location of adult entertainment businesses.

- A. No person shall operate or establish an “adult entertainment business,” as defined in this Code, in any area of the City, except as noted in Section 18-16.030-B
- B. No building permit or zoning clearance, business license or other permit or entitlement for business use shall be legally valid unless it is operated within the AE, Adult Entertainment Combining Zone.
- C. Any adult entertainment business proposed to be operated or established in the AE, Adult Entertainment Combining Zone shall be subject to the following restrictions:
 - 1. The establishment or operation of an adult entertainment business shall be subject to the locational criteria setting forth minimum distances from the sensitive uses and zones as follows:
 - a. Seven hundred feet from any parcel of land which is located in a residential zone.
 - b. Seven hundred feet from any parcel of land upon which a religious institution or school is located.
 - c. Adult entertainment businesses shall not be located closer than seven hundred feet from each other.
 - 2. For the purpose of this Chapter, all distances shall be measured in a straight line, without regard for intervening structures, using the closest property lines of the parcels of the land involved.

18-16.040 Design and Performance Standards.

The establishment or operation of an adult entertainment business shall comply with the applicable fees and site development standards, including, but not limited to, parking and design review and the requirements of the Uniform Codes adopted pursuant to Chapter 9 of the Clearlake Municipal Code. An adult entertainment business shall comply with the City’s applicable business tax requirements. In addition, adult entertainment businesses shall comply with the following design and performance standards:

- A.** Signs, advertisements, displays or other promotional materials depicting or describing “specified anatomical areas” or “specified sexual activities” or displaying instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities” shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- B.** Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.
- C.** All building openings, entries and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
- D.** No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- E.** The building entrance to the adult entertainment business shall be clearly and legibly posted with a notice indicating that minors are precluded from entering the premises.
- F.** No loudspeakers or sound equipment shall be used by adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
- G.** Each adult entertainment business shall be provided with a manager’s station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.
- H.** The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the adult entertainment business to which any patron is permitted access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager’s stations designated, then the interior of the adult entertainment

business shall be configured in such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is permitted access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.

- I. No individual viewing area may be occupied by more than one person at any one time. "Individual viewing area" shall mean a viewing area designed for occupancy by one person. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
- J. Off-street parking shall be provided for the adult entertainment business as specified in accordance with the parking provisions of Clearlake Municipal Code Section 18-20.090.
- K. An off-site security program shall be prepared and implemented including the following items:
 - 1. All off-street parking areas and building entries serving the adult entertainment business shall be illuminated during all hours of operation with a lighting system which provides a minimum maintained horizontal illumination of 1 foot-candle (10 lux) (1 candlepower) of light on the parking surface and/or walkway.
 - 2. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than 2 foot-candles (20 lux) (2 candlepower) of light on the floor surface.

18-16.050 Severance Clause.

If any section, subsection, paragraph, subparagraph or provision of this Chapter or the application thereof to any person, property or circumstance is held invalid, the remainder of the Chapter and the application of such to other persons, properties or circumstances shall not be affected thereby.

18-16.060 Violations.

It shall be unlawful to establish or operate an adult entertainment business in violation of this Chapter. Any person who violates any provision of this Chapter shall be guilty of a misdemeanor. Nothing in this Chapter shall be deemed or constituted to prevent the City from commencing any civil proceeding otherwise authorized by law for the declaration or abatement of a public nuisance.

2024 Zoning Regulations

Chapter 18-17: Commercial Cannabis Business (CB) and Commercial Cannabis Dispensary (CBR) Combining Zone

Sections:

- 18-17.010 Purpose and application.
- 18-17.020 Allowed uses.
- 18-17.030 Property development standards.

18-17.010 Purpose and Application.

The Commercial Cannabis Business Combining Zone (CB) is intended to provide for commercial cannabis activities as defined and provided for in Chapter 18-43 of the Zoning Code. The Commercial Cannabis Dispensary Combining Zone (CBR) is intended to provide for commercial cannabis dispensaries within limited areas referenced as CBR on the Zoning Map.

18-17.020 Allowed Uses.

For Commercial Cannabis activities, allowed subject to obtaining a use permit from the Planning Commission, may be allowed as defined and provided for in Section 18-19.150 of the Zoning Code. For Commercial Cannabis Dispensary activities, allowed subject to obtaining a use permit from the Planning Commission, may be allowed as defined and provided for in Section 18-19-140 of the Zoning Code.

18-17.030 Property Development Standards.

For Commercial Cannabis activities, allowed subject to obtaining a use permit from the Planning Commission, shall be subject to certain performance standards as defined and provided for in Chapter 18-43 of the Zoning Code. For Commercial Cannabis Dispensary activities, shall be subject to certain performance standards as defined and provided for in Chapter 5, section 5-20 of the Municipal Code.

Chapter 18-18: Use Regulations

Sections:

- 18-18.010 Uses allowed by zones.
- 18-18.020 Residential, agricultural and institutional uses allowed by zones.
- 18-18.030 Commercial, recreation and amusement uses allowed by zones.
- 18-18.040 Industrial, communications and transportation uses allowed by zones.
- 18-18.050 Temporary uses allowed by zones.

18-18.010 Uses Allowed by Zones.

A. Status of uses. Uses within zones shall be as provided in Tables 4, 5, 6 and 7 subject to parts B through F below. In Table 4, symbols shall have these meanings:

- 1. P = The use is allowed, including meeting all applicable Federal, State and local agency requirements/design standards.
- 2. ZP: Zoning Permit = The use is subject to a Zoning Permit (limited uses) in accordance with Chapter 18-28 of the Zoning Code, subject to:
 - a. The standards for permitted uses that are set out in this Zoning Ordinance.
 - b. The applicable limited use standards for the specified use.
 - c. All applicable Federal, State, and local agency requirements and design standards.
- 3. AU = The use is subject to an administrative use permit (Limited Use) as provided in Section 18-28 of the Zoning Code, approved by the Director and subject to:
 - a. The standards for permitted uses that are set out in this Zoning Ordinance.
 - b. The applicable limited use standards for the specified use.
 - c. All applicable Federal, State, and local agency requirements and design standards.

4. **CU =** The use is subject to a conditional use permit by the Planning Commission in accordance with Chapter 18-28 of the Zoning Code. If the Planning Commission approves a conditional use permit the use shall be subject to:
 - a. Standards for permitted uses that are set out in this Zoning Ordinance.
 - b. The applicable limited use standards for the specified use.
 - c. The conditional use standards of Section TBD, Conditional Use Procedures, which apply to all conditional uses.
 - d. All applicable Federal, State, and local agency requirements and design standards.
5. “–” means that the use is Prohibited in the specified zoning district.
6. Special notes affecting the status of uses are indicated by number that may be found at the end of the table.

- B. Interpretation of use listing.** These regulations are intended to permit similar types of uses within each zone. The Director, subject to the appeal procedures of Chapter 18-36, shall determine whether uses which are not listed shall be deemed allowed or allowed subject to use permit approval in a certain zone. This interpretation procedure shall not be used as a substitute for the amendment procedure as a means of adding new types of uses to a zone.
- C. Principal and accessory uses.** Listed uses are principal uses. Accessory uses are allowed with principal uses.
- D. Production and sales.** Where manufacturing is allowed, incidental sale of items made on the premises is allowed. When sale of a particular type of item is allowed, craftsman-type production of such an item for sale on the premises is allowed.
- E. Prohibition of mineral extraction.** Commercial mining is prohibited in City limits.
- F. Specific plan consistency.** Some land subject to City zoning is also subject to one of several Specific Plans, which are intended to provide additional direction for the development of those areas. Land within Specific Plans, designated by the SP zoning, may be subject to further restrictions. The list of uses and permit requirements in the Specific Plan shall prevail.

18-18.020 Residential, Agricultural and institutional uses allowed by zones.

A. Residential, Agricultural and institutional land use table. Residential, agricultural and institutional uses are allowed in each zoning district.as provided in Table 4

Table 4 Residential, Agricultural and Institutional Uses								
P=Use Allowed; ZP = Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Permit from Planning Commission; "- " Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industria I	Open Space
	RR &LDR	MDR	HDR	GC	CD	MUX	IN	O
Residential Uses								
Single-Family Detached Dwelling	P	P	CU	CU	AU	AU	CU	P
Accessory Structure(s) on a vacant parcel without an established or primary use	-	-	-	-	-	-	-	-
Collector's Permit.	AU	AU	AU	-	-	AU	-	-
Manufactured Home (F see below)	P	P	CU	CU	AU	AU	CU	P
Live-Work	AU	AU	-	-	AU	AU	CU	-
Micro Primary Dwelling (400-749 sf.)	AU	AU	AU	-	-	-	-	-
Accessory and Junior Accessory Dwelling Units	P	P	P	CU	P	P	CU	P
Multiplex / Multifamily/Multi-Dwelling Developments (such as apartment, condos, duplexes, triplexes, fourplexes, etc.). Refer to Multi Family/Multi Development Definition. Dwellings for two or more families living independently of each other as separate units, including apartment houses, condominiums, duplexes, triplexes and fourplexes	AU	P	P	CU	P	P	CU	CU
Employee/Farm Worker Housing (See J Below)	P	P	P	-	-	-	-	P

Table 4 Residential, Agricultural and Institutional Uses

P=Use Allowed; ZP = Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Permit from Planning Commission; “- “ Not an allowable use

Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Residential Neighborhoods (Requires a minimum area for the parcel proposed for development. See Subsection ----- Residential Development Area and Density Standards.								
Mixed-Use Housing	-	AU	CU	CU	P	P	CU	-
Cohousing (see D. below for HDR District)	P	P	P	-	AU	AU	CU	-
Manufactured Home Park	CU	CU	CU	-	-	CU	-	-
Agricultural Uses								
Agriculture, Support / Rural Services (H see below)	P	P	-	-	-	-	P	P
Greenhouses, hothouses	CU	-	-	-	-	-	AU	AU
Institutional Uses								
Assisted Living Facilities / Congregate Care	AU	AU	AU	P	AU	CU	-	-
College / University / Vo-Tech	CU	CU	-	P	AU	CU	CU	CU
Emergency Shelter	CU	CU	P	CU	CU	CU	-	CU
Low Barrier Navigation Center (see J below)	-	CU	P	P	P	P	P	-
Hospital / Walk-In Clinic / Birthing Center / Surgical Facility	-	-	-	CU	CU	CU	CU	-
Nursing Home	AU	AU	AU	AU	AU	CU	-	-
Personal Marijuana Cultivation	AU	AU	AU	AU	AU	AU	AU	AU
Police or Fire Station	P	P	P	P	P	P	P	P
Prison / Protective Care	-	-	-	-	--	-	CU	-
Private Club	CU	CU	CU	P	AU	CU	CU	AU
Public Assembly (preschools; elementary, middle and high schools; libraries; community centers;	AU	AU	AU	AU	AU	CU	CU	CU

Table 4 Residential, Agricultural and Institutional Uses								
P=Use Allowed; ZP = Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Permit from Planning Commission; “- “ Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Church/Places of Worship	Refer to Section 18-19.370							
Child/Adult Daycare 14 patrons and greater	AU	AU	AU	AU	AU	AU	AU	AU
Recreational Vehicle Park	See Table 5							
Safe Parking	CU	CU	CU	AU	CU	CU	AU	CU
Senior Independent Living Center	AU	AU	-	AU	AU	AU	CU	-
<p>*To comply with California Government Code Section 65583.2(c) to allow residential uses by right for housing developments which at least 20 percent of the units are affordable to lower income households on vacant sites that were identified in the two previous housing elements as referenced in Table 8.39 (or equivalent Table of the General Plan Housing Element).</p>								

- B. Production and sales.** Where manufacturing is allowed, incidental sale of items made on the premises is allowed.
- C. Dwelling units on the first floor.** Dwelling units that are proposed for the first floor of any building located in the CD district shall not be established unless a Conditional Use Permit has been granted.
- D. Minimum Dwelling Unit Sizes:** Except as required for Accessory and Junior Accessory Dwellings, per Section 18-19.320 single-family detached dwellings, including manufactured homes, shall have a minimum 750 square feet floor area (exclusive of garages and carports), including meeting all requirements in the adopted design standards (i.e. minimum dwelling width, foundation, driveway, roofing pitch/design, etc.) A primary dwelling unit size from 400 to 749 square feet (micro primary dwelling) may be approved in any residential zoning district with approval of an administrative use permit. Duplexes, townhomes, and multiplex/multiple family dwellings shall have a minimum 450 square feet of floor area.
- E. Residential care facilities.**
 - 1. Small residential care facilities. A small residential care facility is permitted in the same district as a single-family or multi-family use, provided that:

- a. It meets all of the regulations of this Zoning Code that apply to the type of housing that is proposed for the care facility; and
 - b. It is duly licensed by the State of California.
- 2. Large residential care facilities. All large residential care facilities are a conditional use in the same districts as a single-family or multi-family use, provided that:
 - a. A conditional use permit has been granted by the City of Clearlake;
 - b. It meets all regulations of this Zoning Code that apply to the type of housing that is proposed for the care facility; and
- 3.
 - c. The facility is duly licensed by the State of California. Supportive housing and transitional housing. Supportive housing and transitional housing are permitted in the same district as a single-family or multi-family use, provided that:
 - a. It meets all regulations of this Zoning Code that apply to the type of housing that is proposed for the facility; and
 - b. The facility is duly licensed by the State of California.
 - c. In accordance with Government Code Section 65583 supportive and transitional housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.
- 4. Multi-plex and multi-family housing in the HDR District.
 - a. Multi-plex and multi-family housing is limited use in the HDR District, provided that it is a minimum of 16 dwelling units per acre.
 - b. Multi-plex and multi-family housing that is less than 16 dwelling unit per acre shall not be permitted unless a conditional use permit has been granted by the City.
 - c. Housing other than multi-family housing is not permitted in the HDR District, unless a conditional use permit has been issued. Such developments are limited to the following types:
 - i. Mixed-housing cluster; or
 - ii. Traditional neighborhood development.

F. Personal cannabis cultivation. Personal cannabis cultivation, typically conducted in residential zones, shall comply with regulations concerning cannabis uses established by Ordinance 200-17, 2017 and incorporated into this Zoning Code as Chapter 18-41, in order to avoid adverse effects that may result from the use, as set forth in more detail in the ordinance and associated ordinance provisions that remains in full force and effect.

G. Older mobile homes. Mobile homes that were constructed more than 10 years from the date of proposed installation shall be prohibited.

H. Agricultural Operations

- 1. Definitions
 - a. “Adult” refers to an animal over six (6) months of age. Offspring are not counted up until this point.
 - b. “Livestock” includes but is not limited to:
 - i. Small: poultry (including, ducks, chickens), rabbit
 - ii. Medium: sheep, mules, goats
 - iii. Large: horse, cow, swine
- 2. Growing and harvesting of trees, vines, vegetables, fields crops, grains, pasture and other agricultural commodities.
- 3. Sale of agricultural products, including sale at roadside stands, if the products are produced on the property where the sale is conducted.
- 4. Raising of small livestock (up to four (4) adults per 5,000SF in LDR & MDR when occupied with a single-family dwelling; otherwise up to 50 per acre), excluding roosters in LDR & MDR.
- 5. Bee keeping (one beehive per half acre, no less than 20 feet from property lines in LDR & MDR when occupied with a single-family dwelling; otherwise, unlimited as long as no more than two (2) hives within one mile of a populated area).
- 6. 4-H/FFA projects permitted without limitation with a minimum of ½ acre.

- 7. Excluding LDR & MDR:
 - a. Agricultural service establishments primarily engaged in performing agricultural animal husbandry or horticultural services including, but not limited to large animal veterinary practices, blacksmiths, farm management offices, custom meat cutting, and other agriculturally dependent uses which are of a similar character and not substantially different from the list above.
 - b. Agricultural processing such as fruit dehydrators and packing sheds not exceeding a use area of five thousand (5,000) square feet.
 - c. Open space uses including, but not limited to wildlife habitat, wetlands and game preserves but not including hunting clubs.
 - d. Raising of medium livestock, up to ten (10) adults per acre.
 - e. Raising of large livestock, up to two (2) adults per acre.

- I. **Low barrier navigation center.** In accordance with California Government Code Sections 65662, this use is considered to be a use allowed by right in all mixed-use and non-residential zones. In MDR and HDR Zones, this use is permitted by right subject to permitting multifamily uses if it meets the specified requirements.

- J. **Temporary Employee & Farmworker Housing:** In accordance with California Government Health and Safety Code §17021.6 any employee housing consisting of no more than 36 beds in a group quarter, or 12 units or spaces designed for use of a single family or household shall be deemed an agricultural land use designation and be allowed by right. All employee and farmworker housing shall adhere to the CA Building Code. If the employee and farmworker housing exceed 36 beds in a group quarter(s) or 12 units or spaces, shall be subject to obtaining a Conditional Use Permit from the Planning Commission.

18-18.030 Commercial, Recreation and Amusement Uses Allowed By Zones.

Commercial, recreation and amusement use table: Commercial, recreation and amusement uses are allowed in each zoning district.as provided in Table 5.

Table 5. Commercial, Recreation and Amusement Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU = Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Commercial Uses								
Adult-Oriented Businesses (A)	-	-	-	-	-	-	-	--
Alcoholic beverage regulations	Refer to Section 18-19.120 (Special Uses)							
Automobile Repairs	-	-	-	CU	CU	-	AU	-
Automobile Sales	-	-	-	CU	CU	CU	CU	-
Auto Sound Installation (C)	-	-	-	AU	AU	-	AU	CU
Bed & Breakfast Inn	AU	AU	-	P	P	P	AU	-
Campground	CU (RR Only)	-	-	-	-	CU	CU	CU
Cannabis Dispensary (includes delivery and non-delivery and Micro-businesses) (B)	-	-	-	CU*	CU*	-	CU*	-
Commercial Retail / Business Services /Personal Services / Shopping Centers	-	-	-	P	P	P	P	-
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	C	AU	CU	-	-
Gas Station / Light Automobile Service / Car Wash (except for electrical vehicle charging stations)	-	-	-	AU	A	CU	AU	-
General Professional, Medical Office	-	-	-	P	P	CU	P	-
Heavy Retail, Home Center	-	-	-	CU	P	CU	P	-
Hotels, Motels	-	-	-	P	P	CU	AU	-

Table 5. Commercial, Recreation and Amusement Uses

P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU = Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use

Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Restaurant; No Drive-Through	-	-	-	P	P	AU	AU	-
Restaurant; With Drive-Through	-	-	-	AU	AU	AU	AU	-
Recreational Vehicle Park	CU (RR Only)	-	-	CU	-	CU	-	-
Secondhand Dealers & Pawn Brokers, including Thrift Stores	-	-	-	AU	AU	CU	AU	-
Small Animal Veterinarian	-	-	-	AU	P	AU	AU	-
Tattoo Parlor	-	-	-	CU	CU	CU	CU	-
Tobacco Sales	-	-	-	CU	CU	CU	CU	-
Truck Stop / Truck Wash	-	-	-	CU	CU	CU	CU	-
24-Hour Commercial Retail	-	-	-	AU	P	CU	AU	-
24-Hour Restaurant; No Drive-Through	-	-	-	AU	P	CU	AU	-
24-Hour Restaurant; With Drive-Through	-	-	-	AU	AU	CU	AU	-
Indoor Commercial Amusement	-	-	-	P	P	CU	AU	CU
Indoor Recreation / Personal Fitness	AU	AU	AU	P	P	CU	CU	-
Indoor Shooting Range	-	-	-	CU	CU	CU	CU	-
Other Outdoor Commercial Amusement	-	-	-	CU	CU	CU	CU	CU
Outdoor Recreation (excludes camping) and RV parks)	P	P	P	P	P	P	P	P
Outdoor Shooting or Archery Range	-	-	-	-	-	CU	CU	CU
Stadiums / Amphitheaters / Arenas /Outdoor Performing Arts Facilities	-	-	-	CU	CU	CU	CU	CU
Vacation Rentals	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP

Table 5. Commercial, Recreation and Amusement Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU = Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Wholesale Business	-	-	-	AU	AU	-	CU	-

A. Adult oriented businesses. Regulations concerning Adult Oriented Businesses are addressed in Chapter 18-16 of the Zoning Code, in order to avoid adverse effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that have been incorporated. Minor sales of adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, in IN, GC and CD Zones not exceeding 25% of the floor area of the business may be allowed.

B. Cannabis dispensaries.

1. Delivery only cannabis dispensaries must be located within the CBR Combining District. Regulations concerning cannabis uses established by Ordinances 200-17 and 229-2019 incorporated into this Zoning Code, and Chapter 5, Section 5-21 of the Municipal Code are set forth to avoid adverse effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that adopted the CBR Combining Zoning District and associated ordinance provisions, which remain in full force and effect.
2. Retail only cannabis dispensaries and cannabis micro-businesses must be located within CBR Combining District. Regulations concerning cannabis uses in accordance with Chapter 18-19.140 of this Ordinance, and as set forth in more detail in Chapter 5, section 5-20 of the Municipal Code are established in order to avoid adverse effects that may result from the operation of such businesses.

C. Auto sound system installation. Auto sound installation services may be approved only as an accessory use to the retail sales of auto sound systems on the same site subject to approval of an administrative use permit. Administrative use permit review shall consider parking space displacement, noise from the operation and the appearance and visibility of the installation area.

18-18.040 Industrial, Communications and Transportation Uses Allowed By Zones.

Industrial, communications and transportation land use table. Industrial, communications and transportation uses are allowed in each in each zoning district.as provided in Table 6.

Table 6. Industrial, Communications and Transportation Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Industrial Uses								
Broadcasting Center / Satellite Farm / Server Farm / Switching Facility	-	-	-	AU	-	-	P	-
*Commercial Cannabis (see A below)								
Disposal-Composting Facility	CU (RR Only)	-	-	-	-	-	CU	-
Disposal	-	-	-	-	-	-	CU	CU
Extraction	-	-	-	-	-	-	CU	CU
Heavy Industry	-	-	-	-	-	-	CU	-
Heavy Retail, Lumberyards and Equipment	-	-	-	CU	-	-	CU	-
Light Industry	-	-	-	AU	-	AU	P	-
Power Generation, Fossil Fuel	-	-	-	-	-	-	AUL	-
Power Generation, Renewable Fuel	CU	CU	CU	AU	AU	AU	P	P
Recycling Centers	-	-	-	C	C	C	C	-
Reverse Vending Machines inside or outside a building when associated with active commercial use	-	-	-	ZP	ZP	ZP	ZP	-
Small Recycling Center				CU	CU	CU	CU	-
Large Recycling Center	-	-	-	-	-	-	CU	-

Table 6. Industrial, Communications and Transportation Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Recycling Process Center	-	-	-	-	-	-	CU	-
Research / Testing Laboratory	-	-	-	AU	AU	P	P	-
Salvage Yard	-	-	-	-	-	CU	P	-
Storage Yard	-	-	-	-	-	AU	P	-
Trucking	-	-	-	-	-	AU	P	-
Waste Transfer Station	-	-	-	-	-	CU	P	-
Transportation and Storage Uses								
Airport	-	-	-	-	-	-	CU	CU
Bus Depot	-	-	-	CU	CU	CU	P	-
Electrical Vehicle Charging Stations	AU	AU	AU	P	P	P	P	P
Helicopter Facilities (except for emergency service facilities)-refer to Section 18-19.355, and Definitions Section regarding Helicopter Facilities	-	-	-	CU	CU	-	CU	CU
Emergency Service Helicopter facilities that consist of rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities- refer to Section 18-19.355, and Definitions Section regarding Helicopter Facilities	P	P	P	P	P	P	P	P
Commercial Impound/tow Yard	-	-	-	CU	-	-	P	-
Self-Storage	-	-	-	AU	-	-	P	-
Warehousing and Logistics / Distribution Centers	-	-	-	-	-	P	P	-

Table 6. Industrial, Communications and Transportation Uses								
P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Wireless Telecommunications Facilities								
Attached Facilities	-	-	-	AU	AU	CU	P	P
Non-Stealth Freestanding Facilities	-	-	-	-	CU	CU	CU	CU
Stealth Freestanding Facilities	-	-	-	AU	AU	AU	AU	AU

- A. Commercial cannabis business uses.** Cannabis business uses must be located with the CB Combining District which is referenced on a separate Zoning Map. Regulations concerning cannabis uses in accordance with Section 18-19.150, are established in order to avoid adverse effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that adopted the combining zone and associated ordinance provisions, which remain in full force and effect.
- B. Electric vehicle charging stations.** Chapter 18-19.230 of this Ordinance provides for expedited permit processing for electric vehicle charging stations.
- C.** Manufacturing and production uses in the MUX Zone are limited to uses less than 5,000 square feet with a retail outlet.

18-18.050 Temporary uses allowed by zones.

A. Temporary Land Use Table. Temporary uses are allowed in each in each zoning district, as provided in Table 7.

Table 7. Temporary Uses								
P=Use Allowed; ZP: Subject to Zoning Permit; AU= Subject to Administrative Permit; CU= Subject to Conditional Use Permit from Planning Commission; “-“ = Not an allowable use								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
Temporary Uses								
Asphalt or Concrete Plant	-	-	-	-	-	-	AU	-
Farmers’ Markets	-	-	-	ZP	ZP	ZP	-	ZP
Farm Stand	ZP	-	-	ZP	ZP	ZP	-	ZP
Model Homes / On-Site Real Estate Offices	AU	AU	AU	-	-	AU	-	-
Portable Classrooms	AU	AU	AU	AU	AU	Au		
Temporary Construction Yard	AU	AU	AU	AU	AU	AU	AU	AU
Tent Sale / Outdoor Sales Event	-	-	-	AU	AU	AU	AU	AU
Temporary Use of a Recreational Vehicle, Travel Trailer, Truck Camper and/or similar vehicle	Refer Section 18-19.010							

B. Uses not listed. If a proposed use is not listed in this Section and the Director has made a determination that the use is either a subcategory of a permitted, limited or conditional use or a use that is functionally similar to a permitted, limited or conditional use, the Director will authorize a proposed use. If the Director determines that a proposed use is not a subcategory of or functionally similar to, a permitted, limited or conditional use, then the use is a prohibited use. The Director may refer a proposed use to the Planning Commission for determination.

C. Older mobile homes. Mobile homes that were constructed more than 10 years from the date of proposed installation shall be prohibited.

Chapter 18-19: Special Uses Allowed in Several Zones

Sections:

- 18-19.010 Temporary and intermittent uses.
- 18-19.020 Outdoor sales on commercial and residential lots.
- 18-19.030 Public utilities.
- 18-19.040 Mineral extraction.
- 18-19.050 Gas stations.
- 18-19.060 Car washes.
- 18-19.070 Drive-through facilities.
- 18-19.080 Secondhand Dealers-and goods.
- 18-19.090 Agri-tourism.
- 18-19.100 Wineries.
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- 18-19.120 Tobacco product sales.
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- 19-19.345 Recreational Vehicle Parks and Campgrounds.
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- 18-19.360 Other accessory structures.
- 18-19.370 Other uses generally allowed.
- 18-19.371 Temporary Employee & Farm Worker Housing

18-19.010 Temporary and Intermittent Uses.

A. Purpose and intent. The provisions codified in this Chapter provide for certain temporary and intermittent uses. It establishes standards and procedures to assure that such uses are compatible with their surroundings and the intent of these regulations.

In approving a temporary or an intermittent use, the Director may establish requirements related to, but not limited to, days and hours of operation, parking, temporary structures and site planning, in addition to performance standards specified below. The Director shall determine the extent to which any permanent on-site parking and other facilities may satisfy the requirements for the proposed use. A temporary use approval is not intended to allow a land use that is not allowed in the primary zoning district, other than in the specific cases listed in Section C.

The Director may refer any proposed temporary or intermittent use to an administrative hearing or to the Planning Commission for action.

B. Definitions. A temporary use is one which is established at a particular location for less than 1 year. An intermittent use is one which occurs no more than 90 days in a (calendar) year, but which may continue from year to year. Temporary and intermittent uses for businesses shall consist of activities that represent a variation from the normal business operations, e.g., parking lot sales, benefits and special events. Temporary and Intermittent Uses are not intended to serve the primary purpose of allowing flexibility from Sign Regulations or other City Codes.

C. Specific cases.

1. Real estate sales offices in residential tracts. A temporary real estate sales office may be established in a residential development for the initial sale of property in that development, upon written approval by the Director. Such an office may be located within a residence or a common or temporary building. If a temporary building is used, it shall be removed upon termination of the use.
2. Portable buildings used for construction offices.
 - a. Temporary Office: A zoning permit is required to allow a mobile home to be used as a temporary office at a construction site when associated with an active building permit. Said zoning permit shall not be valid for more than 6 months and shall be subject to any conditions deemed necessary to protect the health, safety and general welfare of the public. The mobile home must be properly connected to municipal utilities or have other safe means of waste/water disposal. Upon written request received prior to expiration, the use may be continued for 6-month periods, not to exceed a total of 18 months by the director.

- b. Temporary onsite caretaker/resident guard for a construction site: A zoning permit is required to allow a mobile home to be used as a temporary onsite caretaker/resident guard when associated with an active building permit. Said zoning permit shall not be valid for more than 6 months and shall be subject to any conditions deemed necessary to protect the health, safety and general welfare of the public. The mobile home must be properly connected to municipal utilities or have other safe means of waste/water disposal. Upon written request received prior to expiration, the use may be continued for 6-month periods, not to exceed a total of 18 months, by the director.
3. Temporary Use of a Recreational Vehicle (RV), Travel Trailer, Camper or similar vehicle
- a. Temporary use of a recreational vehicle, travel trailer and/or similar vehicle may be lawfully operated in a mobile home park, travel trailer park, recreational vehicle park or campground.
 - b. Parking of vehicles for purposes of overnight camping or sleeping within city streets, areas of the public right-of-way and City-owned parking areas, is prohibited unless otherwise specifically allowed in this code, such as Safe Parking provisions of Section 18-19.350.

c. Temporary dwelling during the construction primary residence: A Zoning Permit is required to allow one (1) travel trailer, recreational vehicle, truck camper or similar vehicle to be used as a temporary dwelling in 6-month intervals, not to exceed a total of 18 months when associate with an active Building Permit to construct a single-family dwelling. Said temporary use shall adhere to the following conditions:

- Shall be placed on the lot where the residence will be constructed.
- Shall be placed where it will not interfere with development of the parcel.
- Shall not be placed with the public right-of-way, within easements and/or block emergency access.
- Property owner shall secure and maintain an active building permit to construct a single-family dwelling(s) and complete the construction in a timely manner. If the Building Permit expires and/or the applicant fails to make building progress, including passing inspections, the Zoning Permit shall become null, and void and the temporary dwelling shall be removed from the site.
- The temporary dwelling shall be connected to the sanitary sewer/water system, or a well or be self-contained. If self-contained, the unit must have a contract with a disposal agency to service the unit on a regular basis. A copy of the agreement must be provided to city representatives upon request.

- Upon securing temporary occupancy and/or final inspection, the recreational vehicle, travel trailer, truck camper or similar vehicle shall be disconnected from all utilities and stored onsite as accessory to the primary established use and/or stored off site at an appropriate storage facility.
 - The City may require and/or impose additional requirements as necessary, including revoking the zoning permit if found in violation of City Municipal Code Standards.
- d. Recreational vehicle as a guest residence: A Zoning Permit may allow a recreational vehicle to be parked in a residential parking space and/or driveway of a parcel with an established residential dwelling for a period not to exceed 7 days, for the purpose of housing guests. Said temporary use shall adhere to the following conditions:
- The temporary guest recreational vehicle shall not be parked to prevent residence of any dwellings on the site from using their assigned parking spaces.
 - The temporary guest recreational vehicle shall not be placed with the public right-of-way, within easements and/or block emergency access.
 - The temporary guest recreational vehicle shall not discharge waste or sewage into the sanitary sewage system.
 - No hose, electrical cord, pipe, wire, or other device extending from the vehicle may be permitted to encroach on any access easement or sidewalk.
 - Upon expiration of the Zoning Permit (7 days from date of issuance), the temporary guest recreational vehicle shall be removed and stored in compliance with all applicable codes and requirements.
 - The City may require and/or impose additional requirements as necessary, including revoking the zoning permit if found in violation of City Municipal Code Standards.
- e. Vacant/Undeveloped Parcels: No recreational vehicle, motorhomes, travel trailers, camper shells, automobiles, or similar vehicles and equipment shall be placed, stored and/or used for living or sleeping quarters on undeveloped/vacant parcels, except in Subsection C or D.

5. Construction activities. Construction and demolition, including fabrication of building components and other activities normally associated with property development and maintenance, may be conducted in any zone, provided they are pursued according to plans and procedures approved by the Building Official.
6. Parades, carnivals, fairs and festivals. Use of privately-owned property for parades, carnivals, fairs and festivals requires approval of an administrative use permit. Where these events involve public property, coordination with the City Clerk's Office is required.
7. Other temporary or intermittent uses. Upon approval of a zoning permit or administrative use permit, the Director may approve other temporary or intermittent uses, including but not limited to: musical events, auctions, estate sales, clothing outlet sales, nonprofit benefits, parking lot sales and car shows. At the discretion of the Director, certain small-scale events with limited duration, consisting of activities with no potential to detrimentally affect those working and living in the vicinity may be allowed through administrative action without a public hearing.

18-19.020 Outdoor sales on commercial and residential lots.

- A. Sales of Christmas trees and other agricultural products.** Upon written approval by the Director, premises within non-residential zones may be used for the sale of Christmas trees, pumpkins, flowers or seasonal produce, subject to the following requirements and any other conditions that the Director deems necessary to improve land use compatibility and/or assure the public's health and safety.
1. Sales shall be limited to Christmas trees, pumpkins or seasonal produce and related accessory items only, as specified in the letter of approval.
 2. Sales of Christmas trees shall not be conducted before Thanksgiving or after December 26. The duration of pumpkin and seasonal produce sales shall be subject to Director approval.
 3. The site shall be maintained in a neat and orderly manner at all times. All sales items, sales equipment, temporary power poles, other temporary structures and signage shall be kept behind a 10-foot setback from all street rights-of-way and they shall be removed within 10 days after the close of the sale. Trash and recycling receptacles shall be provided in a convenient location for customers.
 4. A camper or trailer for overnight security may be parked on-site, subject to the approval of the Director, for the duration of the permit, if kept more than 10 feet back from the street right-of-way.

5. A sign permit shall be obtained for any proposed signage. Maximum sign area shall not exceed 32 square feet. No bunting strips, banners, flags, whirligigs or other attention-getting devices shall be displayed on site without Director approval.
6. When the use is temporary or intermittent, the applicant may be required to post a refundable deposit, set by the Director to assure site clean-up, if necessary. Deposit shall be in the form of a cashier's check to the City and shall be made prior to occupying the site.
7. Outdoor sales lots are subject to all fire safety measures, including location of fire extinguishers, subject to approval by the Fire Chief.
8. Any Christmas trees sold for use in public facilities shall be flame-proofed with a state Fire Marshal-approved material by a state-licensed application.
9. Applicant shall obtain a City business tax certificate. A copy of the Director's approval and the business tax certificate shall be posted in a conspicuous location at all times when the use is in operation.
10. The applicant shall secure a building permit for any structure requiring a permit, associated with the use. The plan shall include a site plan that shows the proposed vehicular circulation pattern, parking layout and location of structures. Plans shall also demonstrate compliance with Title 24 requirements for disabled accessibility.
11. The use shall comply with all requirements of the County Environmental Health Department.
12. Restroom facilities shall be provided either on-site or on a nearby property, subject to approval of the Director.
13. No sales or display shall take place in the public right-of-way.
14. Upon written receipt of complaints from the public or the Police Department, the Director's approval may be scheduled for administrative hearing review. At the public hearing, the Hearing Officer may add, delete or modify conditions of approval or may revoke the approval.

B. Other outdoor sales. Outdoor sales of nonagricultural products, such as mobile food facilities, barbecues and swap meets shall be limited to the types of retail sales allowed in the location's zone. "Outdoor sales" may be temporary, intermittent or permanent. "Outdoor sales" do not include incidental outdoor display of merchandise associated with a business occupying a building on the site, nor sale of things usually sold outdoors, such as boats, vehicles and building or landscape materials. (See also Chapter 5.16 – Solicitors and Peddlers and Chapter 5.48 – Sales on Streets and Sidewalks.)

1. Other outdoor sales require approval of an administrative use permit, except in cases where the Director determines a Planning Commission use permit would be more appropriate. Parking requirements, setbacks to sales or storage areas, safety and aesthetic screening and other development standards usually related to buildings shall be established by use permit approval.

C. Garage and yard sales. On residentially developed parcels, garage or yard sales are allowed a maximum of four times within a 12-month period subject to the following requirements:

1. Each garage or yard sale may not exceed 3 consecutive days.
2. Each unit within multi-family or condominium projects and common interest subdivisions may have up to four garage/ yard sales in approved common areas with the permission of the Homeowner's Association for sales within common areas, property owner or property manager.
3. Items shall consist of normally accumulated household items (clothing, furniture, etc.).
4. One on-site sign not to exceed 4 square feet shall be permitted during the sale. No other signs are permitted in the area and no signs may be displayed in the public right-of-way. On-site signs shall be consistent with applicable Sign Regulations.
5. Garage/yard sales are not permitted on vacant lots.

18-19.030 Public Utilities.

- A.** Distribution facilities may be located in any zone; provided that equipment on the ground in residential zones shall be screened by landscaped visual barriers.
- B.** Transmission lines may be located in any zone, provided the route is approved by the Planning Commission. Where feasible, transmission lines shall be located underground.
- C.** Other unmanned public utility structures may be located in any zone, provided an administrative use permit is approved by the Director.

18-19.040 Mineral extraction.

Commercial mining, including geothermal activities is prohibited within city limits.

18-19.050 Gas stations and Automobile Repair

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of gas stations and automobile repair in commercial zones. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, idling vehicles and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Gas stations and automobile repair are permitted subject to a conditional use permit as specified in the zoning district regulations, subject to certain performance standards:
- C. Performance standards.** All gas stations and automobile repair shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

 - 1. Premises adjoining residential zones shall be screened from gas stations and automobile repair by a 6-foot high landscaped visual barrier, subject to the limitations of Section 18-20.070, Fences, walls and hedges.
 - 2. Street frontage between driveways shall have a low wall or other landscape barrier to prevent vehicles from being driven or parked on the sidewalk.
 - 3. Bells or other sound signals shall be turned off between 10:00 p.m. and 7:00 a.m. if the gas station and/or automobile repair is located next to a residential zone or next to a residence.
 - 4. Pump islands shall be located at least 15 feet from any street right-of-way line or setback line, except that roofs may extend to a point at least 5 feet from such lines.
 - 5. Repair work shall be conducted and dismantled vehicles shall be stored inside a building or area screened so that it is not visible from off the premises.

18-19.060 Car Washes.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that have car wash facilities in commercial zones. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, idling vehicles and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Car washes are permitted subject to a conditional use permit as specified in the zoning district regulations, subject to the following standards:
- C. Performance standards.** All car washes shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

Automated Car Washes.

- 1. No automated car wash building or structure shall be located within 25 feet of any public street right-of-way or within 25 feet of a residentially zoned or developed property.
- 2. Walls. Other than along a street frontage, an automated car wash facility shall be separated from an adjacent property by a masonry wall of not less than 5 feet nor more than 6 feet in height. If the location of the ingress and egress areas of the site may hinder or obstruct vehicular visibility to and from the subject site, the Planning Commission may allow the wall to be reduced to a minimum of 3 feet in height for a maximum distance of 18 feet from the street frontage property line. Materials, texture, colors and design of all walls shall be compatible with the design of the principal structures on the subject site.
- 3. No automated car wash building can exceed 20 feet in width, 50 feet in depth and 20 feet in height.

Manual and automated car washes.

- 4. Queuing of vehicles. An on-site queuing plan shall be approved by the City Engineer. Traffic circulation shall be designed to ensure efficient circulation on and off the subject site and ensure that the car wash will not obstruct the use of the service station gasoline dispensers, drive aisles, back-up areas or parking spaces. Furthermore, vehicles should not queue onto a public street, alley or driveway.

- 5. Water recycling. Recycling of water used for vehicle washing shall be maximized. The use of recycling water systems and the disposal of water fluids and solids shall comply with applicable state and federal guidelines/standards and must be approved by Lake County Special Districts (if located within District).
- 6. Noise. All car washes must comply with the City's Noise Ordinance. The use of outdoor loudspeakers or public address systems is prohibited.

18-19.070 Drive-through Facilities.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that have drive-through facilities in commercial zones. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, idling vehicles and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Drive-through facilities are permitted subject to a conditional use permit as specified in the zoning district regulations, subject to the following performance standards:
- C. Performance standards.** All drive-through facilities shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
 - 1. Entries and/or exits to drive-through facilities should be a minimum of 100 feet from any intersection or from another drive-through facility on the same side of the street, except within a shopping center. Shorter distances from road intersections may be approved if the City Engineer determines that public safety and/or the efficiency of traffic circulation will not be compromised.
 - 2. Drive-through stacking lanes should be a minimum 100 feet from any residential zoned lot.
 - 3. Sound attenuation walls, landscaping or other mitigation measures may be required as necessary to mitigate drive through speaker and traffic noise on nearby residential uses.
 - 4. Drive-through aisles should have a minimum 12-foot width on curves and a minimum 11-foot width on straight sections.
 - 5. Drive-through aisles should provide sufficient stacking area behind the menu board to accommodate a minimum six cars (approximately 114 feet).

6. No drive-through aisles should exit directly into a public right-of-way. Aisles should be integrated with the on-site circulation and should merge with the driveway.
7. Drive-through aisles should be separated from landscaping areas by a six-inch high, poured in place, concrete curb or other suitable protective device meeting City approval.
8. Landscaping should screen drive-through aisles to the extent feasible.

18-19.080 Secondhand Dealers, Pawn Brokers & Thrift Stores

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that sell second-hand goods, including antiques, pawn shops. Also, in accordance with California Business and Professional Code Sections 21300 and 21641, these regulations provide for licensing of these types of businesses by the City. These regulations, by their nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit and clearances required.** Any retail sales of second-hand goods, including antique stores, second hand or thrift shops, and/or pawn shops shall require clearance from the Police Department and a seller's permit from the from the California Board of Equalization. Second hand, thrift shops, and/or pawn shops shall require a use permit as specified in the zoning district regulations (Refer to Table 5), subject to the following performance standards:
- C. Performance standards.** All retail sales of second hand goods shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment. Where applicable donation drop-off activities shall either take place inside the building with donators entering the building and leaving items with an employee or if done outside the building the Items must be directly given to a store employee.
1. All donations at retail storefront sites are to be accepted during normal business hours as there are to be no donations accepted or left outside the facility after normal business hours. Donation drop-off activities shall either take place inside the building with donators entering the building and leaving items with an employee or if done outside the building the Items must be directly given to a store employee.
 2. All storage and sales of second-hand goods, including drop off items shall be within an enclosed building.

D. Unattended Donation Boxes

1. Definitions (for donation box facilities are referenced in Chapter 18-45 under donation box facilities).
2. Purpose. The purpose of these regulations is to promote the health, safety, and/or welfare of the public by providing minimum blight-related performance standards for the operation of unattended donation/collection boxes (UDCBs). This includes establishing criteria to ensure that material is not allowed to accumulate outside of the UDCBs, the UDCBs remain free of graffiti and blight, UDCBs are maintained in sanitary conditions, and residents and/or users are fully informed of those who operate the UDCBs so that they can be contacted if there are any blight-related questions or concerns.
3. Responsibility. The parcel owner and the UDCB operator (operator) have joint and several liability for blight-related conditions and/or compliance with this chapter, including fees, administrative citations, civil actions, and/or legal remedies relating to a UDCB. The parcel owner remains liable for any violation of duties imposed by this chapter even if the parcel owner has, by agreement, imposed on the operator the duty of complying with the provisions of this chapter.
4. Maintenance.
 - a. No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.
 - b. UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
 - c. UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described this section.
 - d. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
 - e. UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.

5. Standards and Requirements

- a. A UDCB is only permitted on a lot that also contains a principal building that contains at least one operating business.
- b. UDCBs are prohibited within any of the following locations:
 - 1. Fifty feet from lots that lie in a residential, detached unit residential, or mixed housing type residential zone as designated in the City's zoning maps;
 - 2. The public right-of-way and 20 feet of the public right-of-way;
 - 3. Five feet from any property line; or
 - 4. Landscaping.
- c. UDCBs cannot block or impede access to:
 - 1. Required parking or driveways;
 - 2. Pedestrian routes;
 - 3. Emergency vehicle routes;
 - 4. Building ingress and egress;
 - 5. Required handicapped accessibility routes;
 - 6. Required easements; or
 - 7. Trash enclosure areas or access to trash bins/trash enclosures.
- d. No more than one UDCB is permitted per parcel unless documented evidence is submitted to the Director that a second bin is required due to the volume of items delivered to the site. A UDCB must be operating at a site for at least 90 days in order to establish that a second bin is required. Both UDCBs shall have the same operator. No fee is required to submit an application for this second bin.
- e. The donation/collection area must be visible from the principal building and be no more than ten feet from a continually operating light source of at least one foot candle.

6. Contact Information Required. The UDCB must have the following information conspicuously displayed on at least two-inch type visible from the front of the UDCB:
 - a. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the owner and operator of the UDCB and the parcel owner/owner agent;
 - b. Address and parcel number of the site;
 - c. Instructions on the process to register a complaint regarding the UDCB to the City Code Enforcement Division;
 - d. The type of material that may be deposited;
 - e. A notice stating that no material shall be left outside the UDCB;
 - f. The pickup schedule for the UDCB;
 - g. The parcel containing the UDCB shall display a sign with text in at least two-inch typeface stating that no material shall be left outside the UDCB. This sign shall be installed at a visually conspicuous location within a radius of 20 feet from the UDCB.

7. Maintenance.
 - a. No blight shall be within 20 feet of the UDCB including, but not limited to donation/collection overflow, litter, debris, and dumped material.
 - b. UDCBs shall be maintained and in good working order. Items to be repaired, removed, and/or abated include, but are not limited to graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
 - c. UDCBs shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes the removal of donated/collected material and abatement of the blight described this section.
 - d. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.
 - e. UDCBs cannot be used for the collection of solid waste and/or any hazardous materials.

18-19.090 Agri-tourism.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that are agri-tourism in any zone. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Agri-tourism businesses must be 5 acres in size or greater, and are subject to a conditional use permit from the Planning Commission. Those less than 40 acres are subject to an administrative use permit from the Director. In both cases, agri-tourism businesses shall comply with the performance standards.
- C. Performance standards.** All agri-tourism businesses shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

 - 1. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - 2. Provide sufficient parking in compliance with the City's Parking Requirements (see Section 18-20.090).
 - 3. Parking areas and access roads shall have an active dust control program.
 - 4. All uses shall be accessory and supplemental to permitted agricultural use on site.

18-19.100 Wineries.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of wineries in any zone. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts. In order to protect and preserve public health, safety and welfare, special regulation review of these uses is necessary.
- B. Permit required.** Wineries are permitted subject to a conditional use permit as specified in the zoning district regulations, subject to the performance standards.
- C. Performance standards.** All wineries shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. Provide sufficient parking in compliance with the City's Parking Requirements (see Section 18-20.090)
2. Access roads to winery structures shall meet state and local fire safe standards as determined by the Fire District. Alternative design allowances and/or requirements may be determined on a case-by-case basis for modification to the standards, dependent upon anticipated level of use, site constraints, turnout opportunities, road length, slope and other site-specific issues.
3. If a winery is accessed from a county, City or State maintained road/highway, an encroachment permit may be required to address ingress, egress and sight-distance requirements.
4. If a winery is accessed by a private road, the applicant shall provide reasonable proof of access rights as determined by the City Engineer.
5. If the winery is served by well water and there are more than twenty-five (25) people on-site in a 60-day period, employees and guests shall be provided with bottled water for consumption, unless otherwise approved by the County Environmental Health Division. Well water shall meet potable water standards for the purposes of dishwashing and hand washing.
6. All solid waste shall be stored in a manner that prevents the propagation, harborage or attraction of flies, rodents, vector or other nuisance conditions. Pomace, culls, lees and stems may be recycled, onsite in accordance with the report of waste discharge approved for each individual winery by the regional water quality control board.
7. Standards for waste disposal shall be set, where applicable, by the regional water quality control board and shall be stipulated in the report of waste discharge.
8. If public sanitary sewer is not available, then the on-site sewage disposal system shall be designed in compliance with City code and sized to accommodate employee, tasting room and commercial sewage flows. Portable toilets may be approved by the City for temporary and promotional events.
9. The primary focus of the tasting area shall be the marketing and sale of the wine and grape products produced at the winery. Incidental sales of wine-related merchandise and food shall be allowed subject to the requirements of the California Retail Food Code.

18-19.110 Alcoholic Beverage Regulations:

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that sell alcohol for on-sale or off-sale consumption in commercial zones. Also, in accordance with California Alcoholic Beverage Control (ABC) Act, as may be amended from time to time, these regulations provide for licensing of these types of businesses by the City. It is recognized that these establishments, by their very nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary.
- B. Permit and clearances required.** Alcoholic beverage sales, including adding to the capacity, floor area or shelf space devoted to alcoholic beverages, may be permitted once applicants have secured clearances from the California Alcoholic Beverage Control Department, the Clearlake Police Department. and a upon securing the appropriate use permit defined in Table 8.

Table 8. Alcoholic Beverage Sales and Onsite Consumption Uses	
Sales Activity	Required Permit
Alcoholic Beverage Sales and onsite consumption when associated with a sit-down restaurant	Permitted
Sells and serves beer and wine only	Administrative Use Permit
Sells or serves alcoholic beverage (except beer and wine alone)	Conditional Use Permit

- C. Performance standards.** All alcoholic beverage sales shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
- D. Criteria for approving an alcoholic beverage use permit.** When approving a use permit for alcoholic beverage sales, the following circumstances related public convenience or necessity shall be considered by the decision-making body:
 1. The number of businesses having authority to sell alcoholic beverages in the census tract of applicant;
 2. The extent to which crime reporting has been experienced within the project vicinity neighborhood or area;
 3. The extent to which the ratio of on-sale retail establishments or off-sale retail establishments, including consideration of the size of those establishments,

of the census tract in which the project is located exceeds the population ratio of on-sale or off-sale, respectively, of county;

- 4. The concentration of other similar liquor-related businesses within the project vicinity or area;
- 5. The proximity of the project to schools, parks, playgrounds, recreational centers, day cares or similar use.
- 6. Other criteria that may come under consideration when reviewing the application for the use permit, including, but not limited to:
 - a. The proposed establishment will promote the City's economic health, contribute to Clearlake General Plan policies or further district purposes;
 - b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales;
 - c. The applicant has not operated a licensed establishment, which has been the subject of verified, complaints or violations regarding alcohol, public safety or nuisance statutes or regulations;
 - d. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area;
 - e. The extent to which products other than alcoholic beverages are sold by applicant and the extent to which alcoholic beverages are incidental to the other products; and
 - f. The extent to which the particular alcohol products being sold may be subject to abuse.

E. Performance standards: All alcoholic beverage sales shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment as referenced in Table 9.

Table 9. Alcoholic Beverage Performance Standards	
Performance Standards for Alcoholic Beverage Sales	
NSB-On Site Alcoholic Beverage Sales	
FSB-Off Site Alcoholic Beverage Sales	
Applicable to:	Performance Standard
NSB/FSB	All servers within 90 days of employment receive “responsible beverage service training,” and the City have documentation of this training, retained on the premises.
NSB/FSB	All graffiti shall be removed on any part of the property within 48 hours of its appearance.
NSB/FSB	A sign concerning the California law prohibiting minors to drink alcohol and a sign prohibiting loitering or public drinking must be posted on the site at all time.
NSB/FSB	A copy of the conditions of approval must be kept on premises and available upon request.
NSB/FSB	Trash receptacles shall be located at convenient locations outside the establishment and operators of the business shall remove all trash on a daily basis.
NSB/FSB	If any of conditions are found to be disregarded, the use permit for alcohol sales may be revoked and this aspect of the business operation may be immediately suspended
NSB	No sale of alcohol for off-site consumption.
NSB	Establish and maintain a “complaint response/community relations” program with the Police Department.
FSB	No sale of alcohol for on-site consumption;

18-19.120 Tobacco Products.

- A. Purpose and intent.** It is the purpose and intent of this Chapter to provide for the orderly regulation of businesses that sell tobacco in commercial zones. It is recognized that these establishments, by their very nature, have some objectionable characteristics and when concentrated, can contribute to the blighting or downgrading of the surrounding neighborhood. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary.

- B. Permit and clearances required.** Tobacco product sales, including adding to the capacity, floor area or shelf space devoted to tobacco products, may be permitted upon securing clearances from the Police Department, a Cigarette and Tobacco Products Retailer’s License from the California Department of Tax and Fee Administration in accordance with Section 22971 of the Business and Professions Code and upon securing either a use permit from the Planning Commission or may be permitted by right depending on the specific sales activity as defined in Table 10: as defined in Section 22971(p) of the Business and Professions Code) must have a Cigarette and Tobacco Products Retailer’s License.

Table 10. Tobacco Products Use	
Sales Activity	Required Permit
Tobacco product non-specialized retail sales.	Allowed by right within commercial zoning and mixed-use zoning districts (subject to compliance of Performance Standards referenced is Section 18-19.120 (C) of this Code.
Tobacco product specialized retail sales.	Conditional Use Permit

C. Performance standards. All tobacco retail sales shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. No self-service displays or vending machines for tobacco products, paraphernalia or electronic smoking devices shall be allowed.
2. Tobacco product retail sales shall be located within a fixed location within an enclosed building.
3. No tobacco product specialized retail sales shall be located within 600 feet of any public school as measured from the closest point on the property line of the parcels containing the tobacco sales and the school.

18-19.130 Personal Cannabis Cultivation.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate personal cultivation of cannabis within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability.** Personal cultivation of cannabis within the City is subject to the provisions of Chapter 18-41 (Personal Marijuana Cultivation).

18-19.140 Cannabis Dispensaries.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate cannabis dispensaries within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability Limitation.** Cannabis dispensaries and Cannabis Micro-businesses may be allowed in the CBR Combining District, but shall be limited to a maximum of three (3) cumulatively within the City.

C. Cannabis Business Use Permit Required: Cannabis business use permits, which may be revocable, conditional or valid for a term period, may be issued by the Planning Commission for any of the uses or purposes for which such permits are required or permitted by, and subject to all of the provisions of, Chapter 5, section 5-21 of the Municipal Code. (Ord. #200-2017; Ord. #229-2019)

18-19.150 Commercial Cannabis Businesses.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate commercial cannabis businesses, such as commercial cultivation, manufacturing, distribution and testing within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability.** Commercial cannabis businesses, such as commercial cultivation, manufacturing, distribution, testing laboratories, micro-businesses, dispensaries and delivery only dispensaries may be allowed in certain zones in accordance with the City’s Use Regulations (Chapter 18-18).

18-19.160 Adult Entertainment Businesses.

- A. Purpose and intent.** It is the purpose and intent of the City to regulate adult oriented entertainment businesses in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake.
- B. Applicability.** Adult entertainment may be allowed in certain areas within the IN-AE Industrial Base Zoning District, Adult Entertainment Combining District in accordance with the City’s Use Regulations, Chapter 18-18 and subject to the provisions of Chapter 18-16 (Adult Entertainment Combining District regulations).

18-19.170 Recycling Facilities.

- A. Purpose and intent.** The purpose and intent of the City is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and to increase the recycling of reusable materials and to regulate the construction, installation, location and activities of recycling facilities and to adopt a comprehensive and easily understood program of permitting and regulating such uses. However, it is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts that require special consideration. In order to protect and preserve public health, safety and welfare, special regulation and review of these uses is necessary.
- B. Exempt facilities.** Exemptions to the provisions of this Chapter shall be granted by the City subject to the provisions of state law. Recycling facilities intended for use by the City are exempt from the regulations of this Chapter. Reverse vending machines located within an existing commercial or industrial building are commercial or industrial accessory uses and are exempt subject to compliance with performance standards.

C. Permit required. Unless exempt from this Chapter, recycling facilities may be permitted subject to a use permit as specified in the zoning district regulations, subject to the performance standards referenced in Table 11 provided that the Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.as referenced in the following table. Reverse vending machines located outside a building shall be subject to a use permit.

Table 11. Recycling Facilities Performance Standards	
RVM-Reverse Vending Machines (outside a building) SRC-Small Recycling Centers LRC-Large Recycling Centers RPC-Recycling Process Centers	
Applicable to:	Performance Standard
RSM	Shall be located within 30 feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation.
RSM, SRC	Shall not occupy parking spaces required by the primary use.
	Shall occupy no more than 50 square feet of floor area per installation, including any protective enclosure and shall be no more than 8 feet in height.
RSM	Shall be constructed and maintained with durable waterproof and rustproof material
RSM	Shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to contact if the machine is inoperative.
RSM	Machines shall be maintained in good appearance and condition and kept clean.
RSM	Shall be in operation at least during the operating hours of the host use.
RSM	Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn. All illumination shall require prior City authorization.
SRC	Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil shall not be accepted in commercial zoning districts.
SRC	Shall not use power-driven processing equipment except for reverse vending machines.
SRC/LRC/RPC	Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is unattended, secured from unauthorized entry or removal of material and shall be of a capacity sufficient to accommodate materials collected and collection schedule.
SRC	Shall store all recyclable material in containers or in the mobile unit vehicle and shall not leave materials outside of containers when attendant is not present.
SRC/LRC	Shall be maintained free of litter and any other undesirable materials; mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day; containers shall be maintained in good appearance and condition and be kept clean.
SRC/LRC	Recycling facilities shall not be located within 50 feet of a residential property; attended facilities located within 100 feet of a residential property shall operate only during the

Table 11. Recycling Facilities Performance Standards	
RVM-Reverse Vending Machines (outside a building) SRC-Small Recycling Centers LRC-Large Recycling Centers RPC-Recycling Process Centers	
Applicable to:	Performance Standard
	hours between 8:00 a.m. and 5:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on weekends.
SRC/LRC	Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and/or acoustical shielding between the containers and the residential use.
SRC	Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure or containers.
SRC	Shall be landscaped for screening purposes as determined by the Planning Commission.
SRC	Shall operate at least 30 hours per week between the hours of 9:00 a.m. and 5:00 p.m., of which 5 hours must be on Saturday.
LRC/RPC	Does not abut a property zoned or planned for residential use or is at least 150 feet from property zoned or planned for residential use.
LRC	Shall be screened from the public right-of-way by operating in an enclosed building or located within an area enclosed by a screening fence or wall between 6 to 8 feet in height with landscaping.
LRC	All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the City Official. No storage, excluding trailers and transport containers, will be visible above the height of the fencing. Trailers and transport containers shall not be stacked on top of each other.
RPC	Shall operate in a wholly enclosed building except for incidental storage or within an area enclosed on all sides by a screening fence or wall not less than 8 feet in height and landscaped on all street frontages; such fences or wall shall be set back a minimum of 20 feet from the front property line,
RPC	Power-driven processing shall be permitted, provided all noise level requirements are met. Recycling Processing Centers shall be limited to baling, briquetting, crushing, compacting, grinding, shredding and shorting of source-separated recyclable materials and repairing of reusable materials.
RPC	Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Fire Chief. No storage, excluding truck trailers and transport containers, will be visible above the height of the fencing; trailers and transport containers shall not be stacked on top of each other.

18-19.180 Cargo Containers.

- A. Purpose and intent.** The purpose of these regulations is to allow limited use and/or installations of cargo containers (containers that were originally designed as an intermodal freight container that could be transported by ships, trains, cargo planes and trucks) with reasonable standards to preserve neighborhood character and quality of appearance.

- B. Permit required.** Temporary cargo containers (those used for no more than 6 months for construction projects, are subject to a zoning permit approval by the Director and subject to certain performance requirements provided in this Section. Permanent cargo container installations within the Industrial Zoning Designations shall require approval of an Administrative Use Permit ~~issued~~ Permanent cargo containers are prohibited in LDR, MDR, HDR, MUX, CD, RR, and Open Space.

- C. Performance standards.** All cargo containers shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
 - 1. Temporary storage for Industrial Uses. Cargo containers may be permitted as temporary storage for industrial uses and shall be subject to the following standards:
 - a. Shall be visually screened from residential areas if located within 100 feet of a residential zone;
 - b. Shall Not be stacked;
 - c. Shall Not occupy any required parking spaces, landscaped area or pedestrian access (may occupy parking areas if there is sufficient parking and they don't preclude safe access);
 - d. Shall be painted a uniform color approved by the Director;
 - e. Shall not incorporate any signs or advertising;
 - f. Shall be maintained free of graffiti; and
 - g. Shall not be used for any human occupancy.
 - h. Shall be removed within 30 days of completion of project (i.e. final sign off, occupancy, etc.)

Temporary cargo containers that don't comply with these performance standards may be approved with a use permit from the Planning Commission.

2. Permanent Storage for Industrial Uses. Any other installation of cargo containers (other than temporary storage) shall be considered permanent structures, shall only be permitted in the IN Zone and shall be subject to all zoning requirements and design review, including installation on a permanent foundation. Cargo containers as permanent installations shall be subject to the following standards:
- a. Shall be visually screened from residential areas if located within 100 feet of a residential zone or if located within a known scenic corridor. Said screening includes but is not limited to buildings, fencing, landscaping, walls, wood/decorative siding/cladding and a roof
 - b. Shall not be stacked;
 - c. Shall not occupy any required parking spaces, landscaped area or pedestrian access (may occupy parking areas if there is sufficient parking and they don't preclude safe access);
 - d. Shall be painted a uniform color on the project site approved by the Director;
 - e. Shall be equipped with a mechanical latch to hold the door in the open position or equipped with a mechanism to unlock the door from the inside when the structure is occupied
 - f. Shall be maintained free of graffiti;
 - g. Shall not be used for human habitation; and
 - h. Shall not have separate sewer, water or electrical services except for needed lighting purposes.

Permanent cargo containers that don't comply with these performance standards are subject to design review in accordance with Section 18-33 and may be approved with a conditional use permit from the Planning Commission.

18-19.190 Vending Machines.

- A. Purpose and intent.** The purpose of these regulations is to allow limited use and/or installations of vending machines with reasonable standards to preserve neighborhood character and quality of appearance.

- B. Allowed and performance standards.** Indoor vending machines are accessory to allowed uses. Outdoor vending machines are allowed in all commercial, mixed-use and industrial zones subject to the following performance standards:
 - 1. Shall be located along the face of a building or against a structure designed to accommodate them;
 - 2. Shall be visible from access drives or public streets;
 - 3. Shall occupy not more than 10% the length of the wall facing the street or access drive or 20 feet, whichever is less;
 - 4. Shall not obstruct private pedestrian walkways; a minimum of 44 inches shall be kept clear of obstructions or more if pedestrian traffic volume warrants. They are not allowed on public sidewalks.

Vending machines that don't comply with these performance standards are subject to design review approval in accordance with Section 18-39.

18-19.200 Small Residential Solar Energy Systems.

- A. Purpose and intent.** The purpose and intent of these regulations is to encourage energy sustainability by allowing the development of small residential solar energy systems for the production of electricity in order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community

- B. Permit required and expedited processing.** Small residential solar energy systems may be allowed in all zones subject to design review in accordance with Chapter 18-33 subject to certain performance standards referenced in this Section. The permit process for residential rooftop solar systems shall be expedited consistent with the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

- C. Performance standards.** All small solar energy systems shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Design Review Board, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. They shall meet applicable health and safety standards and requirements imposed by the City and the State of California.
2. Systems that heat water shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
3. Systems that produce electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

18-19.210 Small Wind Energy Systems.

- B. Purpose and intent.** The purpose and intent of these regulations is to encourage energy sustainability by allowing the development of small wind energy systems for the production of electricity in order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community. These systems consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than ten (10 kW) of power.
- C. Permit required.** Small wind energy systems may be allowed in all zones subject to design review in accordance with Section 18-33subject to certain performance standards referenced in this Section.
- D. Performance standards.** All small wind energy systems shall meet the applicable criteria and standards as required by this Section or any other regulation of the City, provided that the Director, Design Review Board, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.
1. They must have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the Commission’s Renewables Investment Plan or certified by a national program recognized and approved by the Energy Commission.
 2. A minimum parcel size of 5,000 square feet is required for the placement of any small wind energy system. The maximum rated capacity for lots less than 0.5 acres is 2 kW and less. The maximum rated capacity for lots greater than0.5 acres is 10 kW and less.
 3. No part of a small wind energy system shall be located within or over drainage, utility or other established easements.

4. A maximum of one small wind energy system per parcel is permitted on parcels less than 1 acre in size. A maximum of 1 small wind energy system per acre is permitted on parcels greater than 1 acre in size.
5. They shall comply with the minimum setbacks for the zoning district. The location may be modified as part of the design review process to place the wind energy system as far as possible from the property lines. The small wind energy systems shall not be allowed in the front yard or a side yard with frontage.
6. The maximum height of a small wind energy system for lots less than 0.5 acres is 30 feet and 40 feet for lots greater than 0.5 acres. Tower height shall mean the height above grade of the fixed portion of the tower, excluding the wind turbine itself.
7. No portion of the turbine or tower shall be illuminated.
8. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section so it cannot readily be climbed.
9. Each small wind energy system shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. An external, manual shut-off switch shall be included with the installation. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 10 feet as measured at the lowest point of the arc of the blades.
10. No small wind energy system or combination of small wind energy systems on a single parcel shall create noise that exceeds a maximum of 60 CNEL (Community Noise Equivalent Level), as measured at the closest neighboring dwelling. These levels, however, may be exceeded during short-term events such as utility outages and severe wind storms.
11. The system's tower and supporting structures shall be painted a single, neutral, non-reflective, non-glossy color that visually blends with the surrounding natural and built environments.
12. Electrical Wires. All electrical wires leading from the tower to electrical control facilities shall be located underground.
13. They shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industry standards and shall be free from rust.
14. Signs/Labels. All signs, with the exception of manufacturer's, installer's identification, appropriate warning signs or owner identification, are prohibited.

15. They shall comply with applicable FAA (Federal Aviation Administration) regulations, including any necessary approvals for installations.
16. If found to be unsafe by the Building Official they shall immediately cease operation upon notification by City and shall be repaired by the owner to meet Federal, State and local safety standards or be removed within 6 months.
17. Small wind energy systems that are not operated for a continuous period of 12 months shall be removed by the owner of the small wind energy system.
18. When a small wind energy system is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this Section, non-operation shall be deemed to include, but shall not be limited to, the blades of the small wind energy system remaining stationary so that wind resources are not being converted into electric or mechanical energy.

18-19.220 Satellite Dish Antenna.

- A. Purpose and intent.** To establish regulations which regulate the installation of dish-type satellite antenna to help protect public safety and preserve view corridors and neighborhood character.
- B. Residential performance standards.**

The installation of dish-type satellite antenna may be permitted in all residential zones subject to the following criteria:

1. Antenna size: Maximum diameter to be 10 feet.
2. Setback: No part of a satellite dish antenna may be located in any required street or other yard. Antennas located outside a street yard setback but between the residence and the street are prohibited.
3. Height: Maximum antenna height to be 13 feet. All satellite dishes higher than side or rear yard fences shall be screened from neighboring properties. Roof-mounted installations or pole-mounted installations attached to eaves are prohibited except by use permit. Any antenna that may block significant views from neighboring buildings or from public areas shall be subject to design review.
4. Number: One dish type satellite antenna is allowed per site, in addition to normal television and radio antennas.

C. Commercial performance standards. The installation of dish-type satellite antenna may be permitted in the office, commercial and industrial zones subject to the following criteria:

1. Installation shall be subject to design review in accordance with the adopted Design Review Committee Ordinance and guidelines.
2. Installations shall not be permitted within street yard.
3. Installations shall be located so as to minimize visibility from adjoining properties and rights-of-way.

D. Exceptions.

1. Dish-type satellite antenna installations that are less than one meter in diameter are exempt from these regulations unless proposed on a historic building.
2. Dish-type satellite antenna installations that cannot meet the performance standards included in paragraphs C and D above may be considered if an administrative use permit is obtained. Conditions imposed as part of use permit approval would typically include requirements to minimize the visibility of the installation, including blockage of significant public and private views of hillsides, city vistas or open space areas. Acceptable techniques to reduce the visibility of dish installations include use of alternative materials (wire mesh instead of solid surface), painting the dish in a subdued or natural color and landscaped screening.

E. Open Space/Conservation Standards. The installation of dish type satellite antennas may be permitted in the Open Space/Conservation Zone subject to an administrative use permit and subject to design review in accordance with the adopted ARC ordinance and guidelines.

F. Building Permit Required. All satellite dish installations require issuance of a building permit. This is to ensure that dishes are structurally sound and properly grounded. Plans submitted for a building permit for a roof-mounted or pole-mounted installation require certification by a registered engineer.

18-19.230 Electric Vehicle Charging Stations.

A. Purpose and intent. The purpose and intent of these regulations is to encourage energy sustainability by allowing the development of electric vehicle charging stations for the production of electricity in order to balance the need for clean, renewable energy resources with the protection of the health, safety and welfare of the community

B. Permit required and expedited processing. Electric vehicle charging stations may be allowed in all zones subject to design review in accordance with Section 18-33 subject to certain performance standards. Consistent with Government

Code Section 65850.7, the process of reviewing an electric vehicle charging station shall be expedited consistent with the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. For larger commercial level electric vehicle charging stations that are a single, and primary use, a separate use permit may be required (see Table 5).

C. Performance standards. All electric vehicle charging stations shall meet the applicable criteria and standards as required by this Chapter or any other regulation of the City, provided that the Director, Design Review Board, Planning Commission or City Council, as the case may be, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Section or to protect the health, safety and welfare of the public, community and the environment.

1. Shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association and accredited testing laboratories such as Underwriters Laboratories and rules of the Public Utilities Commission or a Municipal Electric Utility Company regarding safety and reliability.
2. Shall meet the electrical code requirements of Article 625 and all applicable provisions of the California Electrical Code.
3. Shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.
4. Shall be anchored by either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy and the provisions of the manufacturer’s installation instructions. Mounting of charging stations shall not adversely affect building elements.

18-19.240 Wireless Telecommunication Facilities.

A. Purpose. To establish standards for the development, siting and installation of wireless telecommunications facilities; to protect and promote public health, safety and welfare; and to preserve view corridors and avoiding adverse visual and environmental impacts. These standards are not intended to be all-inclusive. Projects may be subject to additional standards deemed appropriate through design review and use permit application processing to address site-specific conditions.

B. Exempt facilities. The following wireless telecommunication facilities are exempt from the requirements of this Section:

1. Government-owned communications facilities used primarily to protect public health, welfare and safety.
2. Facilities operated by providers of emergency medical services, including hospital, ambulance and medical air transportation services, for use in the provision of those services.
3. Satellite dish antennas for residential and commercial use, solely for the use of the occupants of the site, subject to compliance with development standards set forth in Section 18-19.220 et al of the zoning ordinance.
4. Any facility specifically exempted under federal or state law.

C. Planning applications and approvals required.

1. Installation of a new wireless telecommunication facility or significant modification as determined by the Director, of an existing installation shall require administrative use permit approval and design review.
2. The co-location of a new wireless telecommunication facility with an existing approved installation or minor modification of an existing installation shall subject to design review approval.
3. The applicant shall submit application materials and fees as required by the Community Development Department.

D. Building permit required. Wireless communications facilities shall not be constructed, installed or modified prior to obtaining a City building permit.

E. Site development and performance standards.

1. **Setbacks.** All facility towers and accessory structures shall comply with the setback requirements of the applicable zoning district.
2. **Height.** The height of any antenna or support equipment shall be determined as part of the use permit on a case-by-case basis. All facilities shall be designed to the minimum necessary functional height.
3. **Site access.** Telecommunication facilities should use existing roads and parking whenever possible. New and existing access roads and parking shall be improved and surfaced where necessary to the satisfaction of the Director.
4. **Aesthetics and visibility.** Facilities shall be creatively designed to minimize the visual impact to the greatest extent possible by means of placement, screening and camouflage. The applicant shall use the smallest and least visible antennas possible to accomplish the coverage objectives. Each

installation shall be designed to blend into its surroundings so that the antenna(s) and equipment are not apparent to the casual observer.

- a. Building mounted facilities shall appear as an integral part of the structure. Equipment and antennas shall be compatible and in scale with existing architectural elements, building materials and site characteristics. Wall mounted antennas shall be integrated architecturally with the style and character of the structure. If possible, antennas and equipment shall be located entirely within an existing or newly created architectural feature so as to be effectively unnoticeable.
 - b. Ground mounted support equipment shall be undergrounded or otherwise screened from view so as to be effectively unnoticeable.
 - c. All connections and conduits between the base of the antenna(s) and support equipment shall be undergrounded. Connections and conduit above ground shall be fully enclosed to the satisfaction of the Director. Electrical and telephone service to the support equipment shall be undergrounded.
 - d. Ground mounted antennas, poles, structures, equipment or other parts of a telecommunication's facility, which would extend above a ridgeline so as to silhouette against the sky shall be discouraged. Where allowed, they shall be designed to be indistinguishable from the natural surroundings.
5. Lighting. All telecommunication facilities, not otherwise required to have lighting pursuant to Federal Aviation Administration rules, shall be unlit, except when authorized personnel are present at night and except for exempt facilities.
6. Equipment upgrades. It shall be the responsibility of the owner/operator of a telecommunications facility to provide the City with a notice of intent to modify site equipment in any way. At the time of modification, co-location or upgrade of facilities, existing equipment shall be replaced with equipment of equal or greater technical capacity and modified to reduce aesthetic impacts by reducing the size of the facility or introducing camouflaging techniques to the satisfaction of the Director. Unused or obsolete equipment or towers shall be removed from the site within 90 days after their use has ceased.
7. Number of facilities per site. The City shall retain the authority to limit the number of antennas with related equipment and providers to be located at any site and adjacent sites to prevent negative visual impacts associated with multiple facilities.

8. Co-location. All facilities shall provide co-location opportunities to other operators to the extent technically feasible without significant impairment to broadcast or reception capabilities. All applicants shall demonstrate reasonable efforts in developing a colocation alternative for their proposal. Facilities shall also provide co-location opportunities to accommodate governmental emergency communication equipment and operation to the extent that such communication equipment and related operations will not adversely affect broadcast or reception capabilities of the applicant's facility. Failure to comply with colocation requirements may result in the denial of a permit request or revocation of an existing permit.
9. Noise. Each facility shall be operated in a manner that minimizes any possible disruption caused by noise to people working and living in the vicinity. At no time shall equipment noise from any source exceed an exterior noise level of 55 dB at the property line or within 20 feet of such equipment, whichever is less. This requirement may be modified at the discretion of the Director where typical ambient noise levels exceed 55 dB. Outdoor noise producing construction activities shall take place only on weekdays between the hours of 8:00 am and 5:00 pm unless a different schedule is approved as part of the use permit.
10. Backup generators. Unless specifically exempt by the Planning Commission, all facilities shall use a temporary backup generator that can provide backup power for a minimum for 72 hours. These generators shall be required to meet or exceed Air Pollution Control District Standards. All generators shall be fitted with approved air pollution control devices. Projects that propose to include backup generators shall require review and approval from the Air Pollution Control district. Project plans shall indicate location, size, horsepower and type of fuel used for any proposed generator. Generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:00 am and 5:00 pm.
11. Biological impacts. Wireless telecommunication facility shall minimize potential impacts to biological resources.
12. Cultural impacts. Wireless telecommunication facility shall minimize potential impacts to cultural resources (including Native American resources).
13. Radio interference. Interference with municipal radio communication is prohibited. Any telecommunication facility that the City has reason to believe is interfering with municipal radio communication shall cease operation immediately upon notice from the City and shall be subject to use permit review and possible revocation. Testing shall be done prior to any permanent installation and frequencies shall be monitored at regular intervals after installation established by the use permit, at the expense of the facility owner/operator.

14. Radio frequencies and electromagnetic exposure.
 - a. Wireless telecommunications facilities operating alone or in conjunction with other telecommunications facilities shall not produce radio frequency radiation in excess of the standards for permissible human exposure as adopted by the Federal Communications Commission (FCC). Applications for facilities shall include a radio frequency radiation (RFR) report that measures the predicted levels of RF radiation emitted by the proposed facility. The radio frequency radiation report shall compare proposed project levels to levels allowed by the FCC and shall show output of the proposed facility in combination with other facilities located or proposed in the vicinity.
 - b. The City may require one or more post-construction RFR reports as a condition of project approval, to verify that the actual levels of RFR emitted by the approved facilities, operating alone or in combination with other approved facilities, substantially conform to the pre-approval RFR report and do not exceed current standards for permissible human exposure to RFR as adopted by the FCC.
15. Signs. Explanatory warning signs shall be posted at all access points to cellular telecommunication facilities in compliance with the American National Standards Institute (ANSI) C95.2 color, symbol and content conventions.
16. Nuisance. Facility generators, mechanical equipment, construction, testing and maintenance shall be operated or performed in such a manner that no nuisance results. At the discretion of the Director, upon receipt of written complaints, the use permit allowing a telecommunications facility may be scheduled for public review. At the hearing, conditions of approval may be added, deleted or modified or the use permit may be revoked.
17. Interference with public services and facilities. Telecommunication facilities within public parks shall not interfere with park operations or limit public use of park facilities. Installations in conjunction with other public facilities shall be held to a similar standard.
18. City inspection. The City shall have the right to access facilities after 24-hours written or verbal notice.

- F. Abandonment.** It shall be the responsibility of the owner/operator of a telecommunications facility to provide the City with a notice of intent to vacate the site a minimum of 30 days prior to ceasing operation. Any wireless telecommunication facility that is not operated for a continuous period of 90 days shall be removed within 90 days of the date upon which the operation ceased.
- G. Revocation of a permit.** Wireless telecommunication service providers shall fully comply with all conditions related to any permit or approval granted under this Section. Failure to comply with any condition shall constitute grounds for revocation. If a condition is not remedied within a reasonable period, the Director may schedule a public hearing before the Director to consider revocation of the permit.

18-19.250 Home Occupation.

- A. Purpose and intent.** The provisions set forth in this Section are intended to allow the conduct of home as an accessory activity of a non-residential nature which is performed within a living unit or within a garage or accessory building reserved by an occupant of the living unit and which is customarily incidental to the residential use of the living unit. These uses are intended to be incidental to and compatible with surrounding residential neighborhood. A “home occupation” is gainful employment engaged in by the occupants of a dwelling.
- B. Permit required.**

 - 1. The conduct of home occupation requires the approval of a home occupation permit from the Director, who may establish additional conditions to further the intent of this Section. A permit is required when a person does business in his/her home, uses his/her home address as a business address on business licenses and tax certificates. Home occupations may be conducted from dwellings located in residential zones or from dwellings located in commercial zones where dwellings are an allowed or conditionally allowed use. Home occupation permits are not required for employees telecommuting.
 - 2. State licensed child day care centers for fourteen or fewer children are exempt from home occupation regulations or as provided under applicable sections of the Health and Safety Code.
- C. General requirements.**

 - 1. Home occupations shall not involve customer access or have other characteristics which would reduce residents’ enjoyment of their neighborhoods. The peace and quiet of residential areas shall be maintained.
 - 2. There shall be no customers or clients except for:

- a. Private instruction, such as education tutoring, music or art, on an individual basis, provided there are not more than eight visits in any one day.
 - b. Physical therapists, including massage or other therapists, who shall have no more than one client on site at any time and no more than eight visits in any one day.
 - c. Attorneys, accountants and other low visitation consultants who shall have no more than one client on site at any time (except for overlapping appointments) and no more than eight visits in any one day.
 - d. Businesses with customer access shall maintain at least one (1) on-site customer parking space in addition to their required residential parking. For the purposes of this Section only, parking in a driveway that has a minimum depth of 20 feet from the back of sidewalk or street right of way (whichever is more restrictive) and is made available to customers during business hours of operation shall meet the definition of a parking space.
- 3. Activities shall be conducted entirely within the dwelling unit or an enclosed accessory building and shall not alter the appearance of such structures. (Horticultural activities may be conducted outdoors.)
 - 4. There shall be no sales, rental or display on the premises (internet and phone sales allowed).
 - 5. There shall be no signs other than address and names of residents.
 - 6. There shall be no advertising of the home occupation by street address except that street address may be included on business cards and business correspondence originating from the home.
 - 7. No vehicle larger than a van or three-quarter-ton truck may be used in connection with a home occupation. A marked commercial vehicle used in conjunction with the occupation shall have no more than 2 square feet of advertising. Licensed vehicles and trailers used in connection with a home occupation are limited to 1 additional vehicle and/or trailer.
 - 8. The home occupation shall not encroach on any required parking, yard or open space area.
 - 9. Parking for vehicles used in connection with the home occupation shall be provided in addition to parking required for the residence.
 - 10. Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities in amounts greater than normally provided for residential use.

11. No use shall create or cause noise, dust, vibration, smell, smoke, glare or electrical interference or other hazard or nuisance.
12. No employees other than residents of the dwelling shall be allowed to work on-site. (Visitors, babysitters or domestic servants are not considered employees of a home occupation.)
13. Clients or customers shall not visit the home occupation between the hours of 7:00 p.m. and 7:00 a.m.
14. If the home occupation is to be conducted from rental property, the property owner's written authorization for the proposed use shall be submitted to the Director.
15. No delivery or commercial pick-up shall be by vehicles larger than a typical delivery van (Fed Ex, UPS, etc.). Direct customer pick-up is prohibited.

D. Prohibited uses. The following uses by their operation or nature may interfere with residential welfare and diminish the convenience intended for commercial zones and therefore shall not be permitted as home occupations; however, off-site work is permitted:

1. Automotive repair (body or mechanical) or detailing, sound systems, upholstery or painting of automobiles, when performed on the same site as the home occupation.
2. Personal services, such as beauticians and estheticians.
3. Carpentry or cabinet making.
4. Welding or machining.
5. Medical offices, clinics, laboratories, except that counseling is permitted, when no more than one client visit, or group session is held at one time.
6. Appliance, radio or television repair.
7. Print shop or photograph development; digital photo production is permitted.
8. Gun or ammunition sales, except for off-site sales (subject to approval by the Police Chief).
9. Storage, repair or reconditioning of motorized vehicles boats or recreational vehicles or large equipment, repair or reconditioning of major household appliances, including refrigerators, freezers, clothes washers and dryers, dishwashers, stoves, heating and air conditioning equipment when performed on the same site as the home occupation.
10. Tow truck and ambulance services.

18-19.260 Child and Adult Day Care.

A. Purpose and intent. The provisions set forth in this Section are intended to enable child and adult day care opportunities throughout the City, to ensure that day care facilities will be compatible with residential uses and to comply with applicable sections of the Health and Safety Code of the State of California.

B. Permits required.

1. Adult day care facilities serving six or fewer clients on site at one time and small family day care homes for eight or fewer children are considered residential uses for the purposes of zoning regulation. They may be established in all zones where dwellings are allowed. No use permit is required.
2. Adult day care facilities serving seven to 12 clients on site at one time and large family day care homes for children may be established in any zone where dwellings are allowed, subject to performance standards listed below. These facilities require written approval by the Director, consistent with the following review procedures:
 - a. Public notice. Mailed notice of the proposed use shall be given to all property owners within no more than a 100-foot radius of the exterior boundaries of the proposed facility site, no fewer than 10 days prior to the Director's action to approve or deny an application for a day care facility serving seven to 12 adults or 9 to 14 children. If no written request for hearing is received by the Community Development Department within 10 days from the mailing of these notices, the Director may approve the requested use upon submission of all required information and without further notice or public hearing.
 - b. Public hearing. A public hearing shall be required if requested in writing by the applicant or any other affected person.
 - c. Approval. The Director is authorized to approve day care facilities serving seven to 12 adults or 7 to 14 children. In accordance with applicable sections of the California Health and Safety Code, the Director shall approve the use when the Director determines that the proposed facility:
 - i. Complies with all applicable provisions of the Fire Code regarding health and safety; and
 - ii. Complies with property development standards Chapter 18-04 and with sign regulations, Chapter 18-05 of this Title; and
 - iii. Has been issued a day care license from the State of California, Department of Social Services; and

- iv. Will satisfy performance standards of this Section relating to noise, traffic and parking.
 - d. City regulatory authority for family day care homes: In accordance with the California Health and Safety Code, the City cannot deny an application for a large family day care home but can apply standards of conditions of approval to address concentrations of these types of uses within a neighborhood, traffic control and parking and noise control. Also, in accordance with State law, the City may not impose fees for small or large family day care home applications or business licenses.
- 3. Day care facilities serving more than 12 adults, or more than 14 children require approval of an administrative use permit where not otherwise allowed or prohibited, consistent with Section 18-18.010 Uses Allowed by Zone and Section 18-28 Use Permits. These facilities are subject to the performance standards outlined below.

C. Performance standards for day care facilities serving more than six adults or more than fourteen children.

- 1. Noise. The day care facility shall be subject to all applicable provisions of the City's Noise Regulations and General Plan Noise Element. Where the day care facility is adjacent to housing in a residential zone, outdoor play and activities shall be prohibited prior to 9:00 a.m.
- 2. Traffic. Designated delivery and pick-up areas shall not pose any traffic or safety hazards. Operators of day care facilities shall provide carpool-matching services to all clients.
- 3. Parking.
 - a. Day care facilities with seven to 12 adults or nine to 14 children, one on-site parking space is required, in addition to parking required for the residence, except when the Director finds that adequate on-street parking exists for dropping off and picking up clients.
 - b. Day care centers with more than 12 adults or more than 14 children must provide two spaces per facility and one space for each 12 day care clients (based on the facility's license), rounded to the nearest whole number, in addition to any spaces required for the residential use.

D. Day care as an accessory use. When day care facilities are accessory to another use requiring a permit, only one permit application need be filed and acted on. As accessory uses to schools and churches and where an employer provides on-site childcare to 14 or fewer children for the exclusive use of employees, day care is allowed by right, providing the primary use meets City parking standards.

- E. **Exceptions.** Nothing in this Section shall prohibit applicants from requesting exceptions or variances from the strict interpretation of the Zoning Regulations to the extent allowed by said regulations. The Director may authorize minor exceptions to performance standards upon finding that:
 - 1. The modification is in accordance with the intent and purpose of the Zoning Regulations and consistent with City Day care policy.

- F. **Nonconforming status.** All day care facilities licensed by the State at the time of ordinance adoption (2020) shall be considered legal nonconforming uses, consistent with Chapter 18-23 of these regulations, except that nonconforming day care facilities may not be changed to another nonconforming use.

18-19.270 Bed and Breakfast Businesses.

- A. **Purpose and intent.** To establish standards for the development and operation of bed and breakfast establishments within all residential zones of the City upon conforming to set criteria and conditions. The intent of these standards is to ensure that the location, concentration and design of bed and breakfast establishments is consistent with or does not negatively affect the character or function of the neighborhood and surroundings. Bed and Breakfast businesses located in mixed-use and commercial zoning districts are considered hotels and not subject to the criteria of this Section.

- B. **Applications and approvals required.** A Bed and Breakfast Inn is allowed as specified in Chapter 18-18.030 of the Clearlake Municipal Code. In addition to the applicable Use Permit requirement, review by the Design Review Committee may be required depending upon the type of changes proposed to any structure intended for use as a Bed and Breakfast Inn.

- C. **Performance standards.** These standards apply to all bed and breakfast homes or inns.
 - 1. The use permit is subject to review at any time and may be revoked after a hearing by the Planning Commission and a finding by the Planning Commission that the use has become detrimental to the surrounding neighborhood.
 - 2. A bed and breakfast inn must comply with all other provisions of the zone in which it is located and must comply with all other ordinances of the City.
 - 3. A City business license is required and remittance of transient occupancy tax and short-term rentals is required.
 - 4. Any other conditions deemed essential and desirable by the Planning Commission may be imposed on such a use.
 - 5. The home shall not be used by the public or paying guests for the hosting of receptions, private parties or the like.

6. Meals, if provided, shall be served only to residents and overnight guests of the bed and breakfast home.
7. There shall be no separate or additional kitchen facility for the guests.
8. No alteration shall be allowed to the exterior of the dwelling or yard that alters the residential characteristics of the premises.
9. Any signage for a bed and breakfast establishment shall comply with the City's Sign Regulations (refer to Section 18-21 of this Code).
10. The main building of the Bed and Breakfast establishment must be the "primary residence" of the "owner" or "manager" of the bed and breakfast use.
11. Accessory buildings and structures may also be used for bed and breakfast guest rooms.
12. Factors used in determining the appropriate number of guest rooms that may be permitted in any location shall include the relationship of the site to parking, access, character, size and scale of surrounding uses.
13. All bed and breakfast facilities shall maintain garbage and recycling services from City's selected service agency.
14. Provision of parking in compliance with Section 18-20.090-W (Parking and Loading for Special Uses) of this Code.

18-19.280 Vacation Rentals.

- A. Purpose and intent.** To establish standards for the development and operation of vacation rentals within all residential and mixed-use zones in the City as described in Section 18-18.030 (Table 5). The purpose of these regulations is to allow rental of a residential dwelling unit as a vacation rental (as that term is defined in Chapter 18-45: owner-occupied dwelling unit where bedrooms are provided for compensation for fewer than thirty consecutive days) in the City with reasonable standards to preserve the residential neighborhood character and quality of life.
- B. Violation-Nuisance-Applicability.** The provisions of the section shall apply to all vacation rentals except where there is a primary owner in residence. It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Clearlake to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists. Vacation rentals shall not be permitted in non-habitable structures. Vacation rentals shall also not be permitted within secondary, accessory or junior accessory

dwelling units, nor in structures or dwellings with City covenants or agreements restricting their use including but not limited to affordable housing units, agricultural employee units, farmworker housing, farm family units, or on lands under a Williamson Act Contract. Tents, yurts, RVs, and other provisions intended for temporary occupancy are not allowed as a part of a vacation rental.

- C. Permits Required.** Vacation rentals that meet the standards outlined in this section shall be allowed as provided by the underlying zone, subject to issuance of a vacation rental permit through a Zoning Permit by the Director, who may add, delete or modify conditions to further the intent of the ordinance.
- D. Term of Permit.** Zoning permits shall run with the landowner and shall automatically expire upon sale or transfer of the property.
- E. Permit Requirements.**

 - 1. Maximum Number of Guestrooms.** Vacation rentals may have a maximum of five (5) guestrooms or sleeping rooms. Vacation rentals with more than five (5) guestrooms or sleeping rooms may only be allowed if adequate sewage disposal capacity exists and neighborhood compatibility can be demonstrated to be determined by the approval of a use permit from the Planning Commission. For purposes of determining the appropriate level of permit required, the actual number of bedrooms in the structure plus any additional rooms intended or used for sleeping shall be used.
 - 2. Maximum Overnight Occupancy.** Maximum overnight occupancy for vacation rentals shall be up to a maximum of two (2) persons per sleeping room or guestroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age. Vacation rentals with larger overnight occupancies may only be allowed subject to the granting of a use permit. For homes on a conditional or non-standard septic system, or those with capacity limited by a voluntary repair, the maximum overnight occupancy for vacation rentals shall be equal to the design load of the septic system. The property owner shall ensure that all contracts and online listings and advertisements clearly set forth the maximum number of overnight guests permitted at the property.
 - 3. Maximum Number of Guests and Daytime Visitors.** The maximum number of total guests and visitors allowed at any time in a single vacation rental shall not exceed the maximum overnight occupancy plus six (6) additional persons per property during the daytime, or eighteen (18) persons, whichever is less, excluding children under three (3) years of age. Daytime visitors shall not be on the property during quiet hours (10 pm to 7 am).
 - 4. Owner Occupancy.** All vacation rentals shall be owner occupied which means that the owner of the vacation rental unit shall occupy the rental dwelling unit at least 51% of the time during the year.

5. **Parking.** Parking shall be provided in compliance with the City's Parking requirements (see Section 18-20.090).
6. **Noise Limits.** All activities associated with the vacation rental shall meet the general plan noise standards contained below. Quiet hours shall be from 10:00p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours and limits on outdoor activities are included in rental agreements and in all online advertisements and listings.
7. **Amplified Sound.** Outdoor amplified sound shall not be allowed at any time associated with a vacation rental.
8. **Pets.** Pets, if allowed by owner, shall be secured on the property at all times. Continual nuisance barking by unattended pets is prohibited.
9. **Trash and Recycling Facilities.** Recycling and refuse storage bins shall not be stored within public view unless in compliance with neighborhood standards. Recycling and trash receptacles shall be returned to screened storage areas within 24 hours of trash pick-up.
10. **Outdoor Fire Areas.** Outdoor fire areas, when not prohibited by state or local fire bans, may be allowed but shall be limited to 3 feet in diameter, shall be located on a non-combustible surface, shall be covered by a fire screen, and shall be extinguished as soon as it is no longer in use or by 10:00 p.m., whichever is earlier. No fire or fire area shall be located within 25 feet of a structure or combustible material.
11. **Septic Systems and Sewer Connections.** The owner shall maintain a properly functioning septic system or sewer connection. In some cases, a per- room sewer fee may be applied.
12. **Transient Occupancy Tax.** The vacation rental owner or authorized agent shall maintain a transient occupancy tax certificate and remain current on all required reports and payments. Owner or authorized agent shall include the certificate number on all contracts or rental agreements, and in any advertising or websites.
13. **24-hour Property Manager.** All vacation rentals operating within the City must have a verified property manager who is available 24 hours per days, 7 days per week during all times that the property is rented or used on a transient basis. Verified property managers may be professional property managers, realtors, property owners, or other designated person provided that the individual is identified on the property's permit application, all contracts or rental agreements and in any advertising or websites. Property managers must be located within a 30-mile radius of the vacation rental and must be available to respond to complaints at all times during the rental period. Any requested change to the property manager for a vacation rental

property shall be made through submittal of a new Vacation Supplemental Application or similar form provided by the City and shall include the signature of the property manager and the desired effective date of the change. In no case may a vacation rental operate without a current verified property manager. Operation of a vacation rental without a verified property manager shall be considered a violation of this Section. The name and 24-hour contact information of the verified property manager shall be provided to any interested party upon request. Owner occupancy requirements under Subsection E-4 of this Section will require owner to also comply with this provision.

- 14. **Emergency Access.** The owner of any vacation rental located behind a locked gate or within a gated community shall provide gate code or a lockbox with keys ("Knox Box" or similar) for exclusive use by law enforcement or fire services departments.

- 15. **Posting and Neighbor Notification of Permit and Standards.** Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits shall be posted within the vacation rental property. The owner shall post these standards in a prominent place within six (6) feet of the front door of the vacation rental and include them as part of all rental agreements. At the permit holder's expense, the City shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using the standard 300' property owner mailing list. All advertising handouts, flyers, internet listings, or any other information provided for vacation rentals shall conform to the approved occupancy limits and standards as stated on the vacation rental permit. Advertising may only be conducted for properties operating under a valid permit. Advertising for a particular property inconsistent with the approvals for that property shall be considered a violation of these performance standards.

- 16. **Requirements for All Internet Advertisements and Listings.** All online advertisements and/or listings for the vacation rental property shall include the following:
 - i. Maximum occupancy, not including children under 3;
 - ii. Maximum number of vehicles;
 - iii. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;
 - iv. Notification that no outdoor amplified sound is allowed; and,
 - v. The Transient Occupancy Tax Certificate number for that particular property.

F. Enforcement Process.

1. **Initial complaints** on vacation rentals shall be directed to the property manager identified in the zoning permit or use permit, as applicable. The certified property manager shall be available 24 hours during all times when the property is rented and shall be available by phone during these hours. Should a problem or arise and be reported to the verified property manager, the property manager shall be responsible for contacting the tenant to correct the problem within 60 minutes, or within 30 minutes if during quiet hours, including visiting the site if necessary to ensure that the issue has been corrected.

The property manager shall complete the online reporting form to report any such complaints, and their resolution or attempted resolution(s), to the City within 24 hours of the occurrence. Failure to respond to complaints or report them to City shall be considered a violation of this section and shall be cause for revocation of certification status.

If the issue reoccurs, the complaint will be addressed by City code enforcement who may conduct an investigation to determine whether there was a violation of a zoning or use permit condition. Police reports, online searches, citations or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If code enforcement verifies that a zoning or use permit condition violation has occurred, a notice of violation may be issued, and a penalty may be imposed in accordance with the Clearlake Municipal Code.

At the discretion of the Director, the zoning permit may be revoked. If the permit is revoked, a zoning permit for a vacation rental may not be reapplied for or issued for a period of at least one (1) year after revocation.

2. **Enhanced penalty for non-permitted rentals.** A vacation rental that is determined to be operating without the necessary permit required under this Section shall be subject to a penalty of ten times the normal application fee.
3. **Three Strikes Penalty.** Upon receipt of any combination of three administrative citations, verified violations, or hearing officer determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two year period, the vacation rental zoning permit is summarily revoked, subject to prior notice and to appeal, if requested within 10 days. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

4. **Violation of Performance Standards – Administrative Citations.** In addition to all other legal remedies, criminal or civil, which may be pursued by the City to address any violation of the City Code, this subsection provides for Administrative Citations.
- i. Use of Administrative Citations shall be at the sole discretion of the City.
 - ii. This subsection is adopted pursuant to the authority conferred by the Government Code, including Section 53069.4.
 - iii. Violations of the following permit requirements and performance standards may be deemed infractions for the purposes of this subsection, and are subject to administrative citation:
 - 1. Conduct of a cultural event, special event, party, wedding or other similar activity exceeding the allowable maximum occupancy;
 - 2. Exceeding the maximum permitted occupancy, not including children under 3 years of age;
 - 3. Noise violations, as set forth in Subsection F-1 of this Section, above, including the use of outdoor amplified sound;
 - 4. Violations of quiet hours (10:00 PM – 7:00 AM),
 - 5. Exceeding maximum number of vehicles
 - 6. Exceeding fire limits, including lighting fires during bans
 - 7. Unsecured pets and/or nuisance barking;
 - 8. Operation of a vacation rental without a certified property manager;
 - 9. Failure of the property owner to include the specified limits in rental agreements and online listings or advertisements;
 - 10. Failure to include the individual property’s Transient Occupancy Tax Certificate number in all contracts, advertising and online listings;

11. Failure of the property owner to maintain current Transient Occupancy Tax status.

G. Monitoring and Enforcement Fee.

1. An annual fee may be adopted by the City Council and collected by the City to pay for monitoring and enforcement of vacation rentals.

18-19.300 Emergency Shelters and Low Barrier Navigation Centers.

A. Purpose and intent. The purpose of these regulations is to allow operation of emergency shelters and low barrier navigation centers in the City to help people in need of housing that are temporarily homeless. Reasonable standards have been established to preserve the neighborhood character and quality of life in Clearlake. Low barrier navigation centers may be permitted for the time determined valid under Government Code Sections 65660 through 65668.

B. Application and permit required. Emergency shelters are allowed by right subject to approval of an administrative permit from the Director, within the Urban High Density (HDR) Zone subject to the below standards. These standards may be applied to an emergency shelter proposed in any other zoning district with a use permit from the Planning Commission. Emergency shelters which require use permit approval may be subject to conditions of approval with requirements that vary from and supplement these standards. Low barrier navigation centers meeting the requirements of Govt. Code section 65662 are allowed by right in areas zoned for mixed use and nonresidential zones permitting multifamily uses.

C. Standards for emergency shelters and low barrier navigation centers.

All emergency shelters and low barrier navigation centers shall be subject to the following standards:

1. The emergency shelter or low barrier navigation center shall be operated by a responsible social service provider.
2. The emergency shelter or low barrier navigation center shall provide at least one qualified on-site supervisors at all times, plus one attendant for each 50 occupants.
3. An emergency shelter shall not be approved when another emergency shelter exists within 300 feet of the proposed site. This requirement may be modified by obtaining a use permit from the PC.
4. Emergency shelters proposed in residential neighborhoods shall require design review to ensure the shelter design provides for adequate privacy between uses and minimizes potential impacts of the proposed shelter to adjacent residences.
5. Parking shall be supplied in accordance with Sections 18-20.090 and 18-20.100.

6. Each emergency shelter shall be limited to a maximum occupancy of 250 persons (in total), including warming shelters and daytime facilities.
7. A management plan shall be required to address how the immediate sheltering needs of individuals who may be turned away from the shelter will be handled. The management plan shall establish a maximum the length of time which clients may be accommodated.
8. Low barrier navigation center applications shall be process in accordance with Cal Gov Code Section 65664 provides timelines for action; the City must notify the developer within 30 days if the application is complete under § 65493 and then must act on the application within 60 days from the date the application has been deemed complete.

18-19.310 Warming Shelters.

- A. Purpose and intent.** The purpose of these regulations is to allow temporary operation of a warming shelter in the City to help people in need to stay warm during inclement weather. Reasonable standards are hereby established to preserve the neighborhood character and quality of life in Clearlake.
- B. Application and permit required.** Warming shelters are subject to approval of an administrative use permit from the Director within the Industrial (I) Zone, and may be established in any other zoning district with a use permit. Warming shelters which require use permit approval may be subject to conditions of approval with requirements that vary from these standards.
- C. Standards for warming shelters**
 1. No more than one warming shelter shall be permitted within the City temporarily on an annual basis.
 2. Maximum operation time shall not exceed 2 months, unless an extension is approved by the Police Chief. Extensions shall not exceed 30 days.
 3. Use permits for warming shelters may be denied based on past performance and experiences that the City has had that have exceeded the City's expectations for public services, such as police and fire services and impacts on the neighborhood.
 4. Off-street parking shall be provided in accordance with Section 18-20.090 and 18-20.100.
 5. There shall be adequate space inside the structure such that prospective and current users are not required to wait on sidewalks or any other public rights-of-way.
 6. Lighting shall be provided for appropriate surveillance subject to approval of the Police Department.

- 7. A management plan shall be provided to address management experience and good neighbor issues. Such plan shall be submitted to and approved by the City. Minimum standards and practices in the plan shall be as follows:
 - i. The shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
 - ii. The shelter shall have an identified administrator and representative to address community concerns.
 - iii. A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
 - iv. The shelter shall be maintained in a safe and clean manner and free from refuse or discarded goods.

D. Appeal. Appeal procedures for this Section shall be as provided by Chapter 18-36.

E. Revocation of a permit. Upon receipt by the Director of substantiated written complaints from any citizen, Code Enforcement Officer or Police Department Officer, which includes information and/or evidence supporting a conclusion that a violation of the permit or of City ordinances or regulations applicable to the property or operation of the facility has occurred, the Director may set a permit review hearing before the Planning Commission. At the time of permit review, to ensure compliance with applicable laws and conditions of the permit, conditions of approval may be added, deleted, modified or the permit may be revoked. Review by the Planning Commission shall be subject to a public review process as provided under Section 18-28.030.

18-19.320 Accessory and Junior Accessory dwelling units.

A. Purpose and intent. The purpose of this Section is to establish regulations for the development of accessory and junior accessory dwelling units as an accessory use (allowed by right) to a residential unit based on the following criteria:

- 1. This Section is intended to implement Government Code Section 65852(.150) and (.2), which allows the City to perform administrative design review and apply specific development standards to accessory and junior accessory dwelling units in all zones where allowed.

2. The City intends to regulate accessory dwelling units as permitted by California Government Code Section 65852 and other applicable sections.
3. The City recognizes opportunities to implement certain policies and programs of the City's Housing Element of the Clearlake General Plan by providing for, encouraging the development and regulating accessory and junior accessory dwelling units.
4. Implementation of this Section is meant to expand housing opportunities for low-income and moderate-income or elderly households by increasing the number of rental units available within existing neighborhoods. Accessory and junior accessory dwelling units are intended to provide livable housing at lower cost while providing greater security, companionship and family support for the occupants.

B. Requirements. Accessory and Junior Accessory Dwellings shall be allowed and created in all zones, including mixed use zones, that allow single family and multiple family residential uses including all related development and design standards in accordance with California Government Code Sections 65852.1 and 65852.2 as may be amended from time to time except the following additional local standards shall apply:

1. For sites within a Flood Hazard Area on the adopted Federal Emergency Management Agency Flood Insurance Rate Map, the finished floor of any new or legalized accessory dwelling unit shall be elevated at least one (1) foot above the Base Flood Elevation as "new construction" under Chapter 17 of this Municipal Code, Floodplain Management, The applicant shall submit an Elevation Certificate based on construction drawings with the building permit plans and a final Elevation Certificate shall be required prior to project final.
2. The Building Official and the Lake County Fire Protection District shall confirm that side and rear setbacks are sufficient for fire safety.
3. In accordance with California Government Code Section 65852.2 (c), Fire sprinklers shall not be required for accessory or junior accessory units if they are not required for the primary unit.

C. Administration. Unless otherwise provided by State Law, any person proposing to create or construct an accessory dwelling unit or junior accessory dwelling, shall submit a building permit application to the Building Department with a site plan, elevations, color and materials samples, and any other information deemed necessary to administer this chapter, even if no construction is proposed. The City shall consider the building permit application ministerially, without discretionary review or a hearing. The City shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the City receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create 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 lot, the City may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

D. Costs for Processing Permits and Development Impact Fees. Unless otherwise provided by State Law, except for accessory and junior accessory dwelling units that are less than 750 square feet, the City may authorize a fee for development impact fees, conditional use permits, variances, and the ministerial review of accessory and junior accessory dwelling units. Also, the City may only collect development impact fees for accessory dwelling units (not junior accessory dwelling units) that exceed 750 square feet, proportionate in relation to the size of the primary dwelling unit square footage (e.g., the floor area of the primary dwelling, divided by the floor area of the Accessory Dwelling Unit, times the typical fee amount charged for a new dwelling). For the purposes of this Subsection, impact fees do not include any connection fee or capacity charge for water or sewer service, nor do they include charges for garbage or recycling service.

18-19.330 Guest Quarters.

A. Purpose and intent. Guest quarters consist of attached or detached building space, which contains bathroom facilities including toilets, bathing facilities, showers or sinks but does not contain a kitchen. The purpose of this Section is to establish regulations for the development of guest quarters as an approved accessory use to a primary residential unit based on the following criteria:

1. Regulations on guest quarters are established to prevent conversion of guest quarters into unpermitted living space to ensure that such structures are not used as separate dwelling units.
2. Unpermitted conversion of guest quarters could result in effects detrimental to the public health, safety and welfare of the community, including but not limited to fire and life safety threats, adverse neighborhood parking, traffic congestion and noise impacts and creation of nuisances related to increased, unpermitted residential density without appropriate permit conditions and mitigations and the maintenance of unsafe or unsanitary permanent living quarters not permitted or intended to support primary residential uses.

B. General requirements. Upon meeting the requirements of this Section, guest quarters may be established in the LDR, MDR and MUX Zones, when the primary use on the site is a single-family dwelling and shall be subject to the following requirements. The Director, may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. This Section does not apply to legally established accessory structures permitted prior to the effective date of this ordinance.
2. Guest quarters shall conform to all applicable zoning regulations such as height, yards, parking, building coverage.
3. Density and size. The structure must be consistent with density provisions and development standards of the underlying zone. For the purposes of calculating density in multi-family zones, guest quarters will be considered an additional bedroom, accessory to the primary unit. The structure may not exceed 450 square feet.
4. Areas prohibited. Guest quarters shall not be allowed on non-conforming lots. Guest quarters shall not be established in any condominium or planned development project unless specifically addressed in the planned development ordinance as adopted or amended or any mobile home subdivision or trailer park.
5. Owner occupancy. The property must be occupied by the property owner as the owner's primary place of residence. If a property can no longer be occupied as the owner's primary place of residence, the guest quarters may continue to be used as habitable space (e.g. office, pool house, art studio) but can no longer be used as overnight sleeping quarters,
6. No separate rental. Guest quarters may not be rented separately from the primary dwelling unit.
7. No kitchen facilities. Kitchens may not be installed and plumbing shall be provided for bathroom use only.
8. Design review required. All requests shall be reviewed for consistency with the City's Design Review Manual.

18-19.340 Housing Developments

- A. Purpose, intent and applicability.** The purpose of this Section is to establish regulations related to the development of housing projects in compliance with Government Code Sections 65940 to 65950 regarding the review process for residential developments.
1. The City’s Design procedure outlines the requirements for the ministerial review and approval of housing development (Chapter 18-33).
 2. If the project constitutes an affordable housing development, it shall not be subject to discretionary review, including environmental review. Otherwise, the project shall be processed in accordance with the Housing Accountability Act of 2019 as amended, California Government Code Section 65940 (until the Act’s expiration).
 3. If the project is considered a “Streamline Housing Development project, the project shall be subject to the submittal of a complete application as required by California Government Code 65913.4 and shall comply with the objective design standards the City adopts by resolution of the City Council which are in accordance with California Government Code Section 66300 (b) (1) C) that limits design approval to objective criteria that involves no personal or subjective judgment.
 4. The Community Development Department shall maintain a required checklist of information for submittal for a complete application in accordance with California Government Code Section 65940, this list shall be limited to only those items noted by law as being required.
 5. In accordance with California Government Code Section 65905.5 the City may not conduct more than five public hearings on a housing development project if the project complies with objective general plan and zoning standards in effect at the time the application is deemed complete. Public hearings include workshops and reviews by the Planning Commission and/or City Council. They don’t include legislative hearings to address general or specific plan or zoning amendments that may be needed to accommodate the project.

19-19.345 Campgrounds and Recreational Vehicle Parks.

- A. Purpose and Intent.** These regulations address the particular operational characteristics of campground uses and recreational vehicle parks. The provisions set forth in this Section enable these uses in various zoning districts in the city subject to specific performance standards and permit requirements. It is the purpose and intent of this Chapter to provide for the orderly regulation of campgrounds and recreational vehicle parks in the City. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise, smoke, and traffic conflicts. In order to protect and preserve public health, safety and welfare, these special regulations are necessary. These standards and requirements are intended to ensure that campgrounds and recreational vehicle parks will be compatible with surrounding uses. Refer to Section 18-20.030 regarding using a recreational vehicle as dwelling unit which is different from the uses outlined in this section.

- B. Permit Required.** The establishment of a campground and/or recreational vehicle park in various zone districts shall require a Conditional Use Permit from the Planning Commission as reflected in in Tables 4 and 5 of this Code in addition to the applicable Use Permit requirement.

- C. Performance Standards.**

 - 1. **Access to Site.** Access to campgrounds or recreational vehicle parks shall be by means of a paved road with a minimum width of twenty-five (25) feet and two four-foot native shoulders, designed and constructed to county standards. A recorded legal easement not less than forty (40) feet wide shall be established from a city or county-maintained road to the campground or recreational vehicle park.

 - 2. **Number of Spaces.** Two spaces per lot or campsite. Four spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall be provided at the park entrance for guest registration.

 - 3. **Screening Required.** Parking areas and campsites shall be screened from public roads, or roads that serve other properties.

 - 4. **Location of Parking.** When parking is proposed adjacent to roadways, the spaces shall be in addition to the required width of the roadway so as to not restrict traffic movement.

 - 5. **Public Improvements.** Improvements to a city or county road may be required along the frontage of the project. Off-site improvements may be required to provide safe and adequate access.

 - 6. **Numbering.** Campsites shall be numbered, with the numbers visible on each campsite.

- 7. Commercial Uses. A campground or recreational vehicle park may contain commercial uses for the convenience of campers, provided that such uses shall not occupy more than five hundred (500) square feet for each fifty (50) spaces.
- 8. Manager's Quarters. Living quarters may be provided for the use of a caretaker or manager and employee housing.
- 9. Density for RV Parks. A maximum of fifteen (15) units per acre, or lower density as required by the approval body.

18-19.350 Safe Parking.

- A. Purpose and Intent.** Safe parking provides homeless individuals and families with vehicles a safe place to temporarily park overnight in order to facilitate the transition to permanent housing. The provisions set forth in this Section enable safe parking in various zoning districts in the city subject to specific performance standards and permit requirements. It is the purpose and intent of this Chapter to provide for the orderly regulation for safe parking in the City. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and traffic conflicts. In order to protect and preserve public health, safety and welfare these special regulations are necessary. These standards and requirements are intended to ensure that safe parking facilities will be compatible with surrounding uses and effective at facilitating participants' transition to permanent housing.
- B. Permit Required.** The establishment of a safe parking use in various zone districts shall either require an administrative Use Permit from the Director or a Use Permit from the Planning Commission as reflected in in Table 4 of this Code. In addition to the applicable Use Permit requirement, review by the Design Review Committee may be required depending upon the type of changes proposed to the parking lot and any structures intended for use a safe parking facility.
- C. Performance standards.** These standards apply to all safe parking uses.
 - 1. The use permit is subject to review at any time and may be revoked after a hearing by the original approval body (Director, Planning Commission, or City Council) and a finding is made by that body that the use has become detrimental to the surrounding neighborhood.
 - 2. The use/facility shall be managed by a qualified social service provider
 - 3. Participants must be paired with a case manager and enrolled in a self-sufficiency program to facilitate the transition to permanent housing.
 - 4. Prospective participants shall submit to a criminal history background check. Participant exclusion shall be determined by the social service provider on a case-by-case basis.

5. Restroom, water and trash facilities shall be provided, maintained and accessible to participants during safe parking facility hours.
6. Monitoring and oversight shall be provided by the social service provider during safe parking facility hours.
7. Social service provider shall give preference to those with proof of residency in Lake County for a minimum period of six months within the last two years. Evidence of residency may include, but not limited to, items such as rental agreements, mortgage, utility, hotel and medical facility bills, paystubs and intake from homeless service programs.
8. Participant vehicles shall maintain a minimum buffer of 50 feet from any property that contains a residential use. Buffers less than 50 feet may be permitted through the use permit application review process on a case-by-case basis when determined to be compatible with the neighborhood. Buffers greater than 50 feet may be necessary for neighborhood compatibility, which will be determined on a case-by-case basis as part of the Use Permit review process.
9. Social service provider shall ensure that only vehicles registered in the program are parked overnight during program hours. A parking permit shall be provided to all participants to be displayed in vehicle windows in a form to be approved by the Police Chief.
10. At all times, the social service provider shall maintain a roster of the names and vehicle license numbers of each participant who is authorized to park overnight.
11. A neighborhood relations plan shall be provided for each safe parking facility location to address any complaints in a timely manner, including consistency with any adopted Good Neighbor Policy.
12. Only participants who have entered into a written agreement with a social service provider shall be allowed to use parking spaces overnight. The written agreement between the social service provider and participant must include, but not limited to, the following terms and conditions:
 - a. Only one vehicle is allowed per participant.
 - b. At least one participant per vehicle shall possess a current driver's license, vehicle registration, and insurance for the vehicle that will be parked overnight. Social service provider shall keep a copy of all three on record.
 - c. Vehicles may only be occupied by participants and approved registered household members. Guests shall not be allowed.

- d. Participants shall not use or possess any illegal drugs or alcohol either on their person or in their vehicle.
- e. Participants shall not use or possess any weapons or firearms of any kind in program vehicles.
- f. No fires of any kind shall be permitted.
- g. No music may be played that is audible outside participants' vehicles.
- h. No cooking or food preparation shall be performed outside of the participants' vehicles. Cooking inside vehicles is prohibited unless the vehicle was manufactured with cooking appliances.
- i. Camping tarps or equipment beyond the participant's vehicle are prohibited.
- j. Participants shall maintain control of animals. Animals shall be kept on a leash at all times and animal waste shall be picked up immediately and disposed of properly.
- k. Participants shall not dump sewage or other waste fluids or solids, deposit excreta outside a vehicle, or park vehicles that leak excessive fluids (i.e. gasoline, transmission or radiator fluid, or engine oil).

18-19.353 Helicopter Facilities.

- A. Purpose and Intent.** Helicopter facilities provide necessary transportation for community services and public and private entities (refer to Definitions Section regarding Helicopter Facilities). The provisions set forth in this Section enable helicopter facilities in various zoning districts in the city subject to specific performance standards and permit requirements. It is the purpose and intent of this Chapter to provide for the orderly regulation for heliports in the City. It is recognized that these facilities, by their very nature, have some objectionable characteristics, such as noise and air traffic conflicts. In order to protect and preserve public health, safety and welfare these special regulations are necessary.
- B. Helicopter Facilities Allowed:** As referenced in Table 6, helicopter facilities including heliports, helistops, hospital heliports, rooftop emergency heliports, temporary helicopter landings sites, and similar emergency use facilities are subject to a Use Permit from the Planning Commission as reflected in in Table 6 of this Code.
 - 1. A General Aviation permitted heliport;
 - 2. A hospital heliport;
 - 3. A rooftop emergency facility, with the authorization of the Fire Chief;

4. An emergency medical services helicopter landing site established in conformance with the state regulations and subject to approval by the Fire Chief/Marshall
5. A temporary helicopter landing site established in conformance with the state regulations and with the prior authorization of the Fire Chief;
6. An emergency use facility under the direction of the Fire Chief/Marshall.

C. Performance standards. These standards apply to helicopter facilities:

1. All terms and conditions of approval for the heliport or helistop required by the California Department of Transportation Division of Aeronautics, the Federal Aviation Administration, or any other state or federal agency are conditions of approval of the conditional use permit.
2. Each use permit, if required, shall be conditioned on the owner and operator of the heliport or helistop complying at all times with the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations section 3525 et seq.), including the recommendations contained in the Federal Aviation Administration's Advisory Circular AC 150/5390-2C and all other ACs referenced by or incorporated into the rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics.
3. General Aviation Heliports. General aviation heliports are subject to and shall be designed to conform with all applicable State regulations, including, but not limited to, AC 150/5390-2B Chapter 2.
4. On buildings supporting a helistop construction of the touchdown area shall be noncombustible. The surface of the touchdown and adjacent area shall be covered with an impervious and noncombustible material. Surfaces must be properly drained.
5. Hospital Heliports. Hospital heliports are subject to and shall be designed to conform with all applicable State regulations, including, but not limited to, AC 150/5390-2B Chapter 4.
6. Except as otherwise provided in this chapter, heliports shall be subject to and conform with the fire safety operational requirements for the protection of persons, aircraft, and other property contained in the National Fire Protection Association's Standard for Heliports (NFPA 418 (2001 ed.)) to the satisfaction of the fire chief.
7. No refueling or repairing is to be accomplished at an elevated helistop or rooftop emergency facility except in extreme emergency, and then only as approved by the fire chief.

8. Rooftop emergency facilities touchdown and lift-off area (TLOF) and any TLOF supporting structures of elevated heliports and rooftop emergency facilities shall be subject to and conform with the construction standards contained in the state regulations, including, but not limited to, AC 150/5390-2B Chapter 8.
9. The TLOF and any TLOF supporting structures of elevated heliports and rooftop emergency facilities shall be subject to and conform with the surface characteristics standards contained in the state regulations, including, but not limited to, AC 150/5390-2B Chapters 2 and 4.
10. Rooftop emergency facilities, emergency medical services helicopter landing areas, temporary helicopter landing sites, and emergency use facilities are not heliports, and are allowed in any zone subject to compliance with all related performance standards of this Section.

18-19.360 Other Accessory Structures.

A. Purpose and intent. The purpose of this Section is to establish regulations for the development of accessory structures, other than accessory dwelling units and guest quarters, such as a garage, storage shed or shop, approved as an accessory use based on the following criteria:

1. Regulations on accessory structures are established to provide a distinction between non-habitable accessory structures (e.g. garage, storage shed, shop building) and accessory living spaces (e.g. accessory dwelling units, guest quarters, office, pool house, etc.). These regulations establish standards which prevent the conversion of accessory structures into unpermitted living space to ensure that such structures are not used as separate dwelling units.
2. Unpermitted conversion of accessory structures is detrimental to the public health, safety and welfare of the community.

B. General requirements – Accessory structures. “Accessory structures” are located upon the same site as the structure or use to which it is accessory. Acc shall be subject to the following requirements: The Director may relax such standards or impose stricter standards as an exercise of discretion upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter or to protect the health, safety and welfare of the public, community and the environment.

1. Accessory structure use and size: Accessory structures may consist of detached structures or additions to primary structures. The use of an accessory structure is incidental and subordinate to the use of the principal structure or to the principle land use of the site.
2. This Section does not apply to legally established dwellings or accessory dwelling units and guest quarters.

3. This Section does not apply to legally established accessory structures permitted prior to the effective date of this ordinance.
4. Accessory structures shall conform to all applicable zoning regulations such as height, yards, parking, building coverage, etc.
5. No kitchen facilities. Kitchens may not be installed and plumbing shall be provided for bathroom use only.
6. Design review required. All requests shall be reviewed for consistency with the City's Design Review Manual in accordance with Chapter 18-33. The Director shall determine, upon receiving a complete application, whether the project shall be forwarded to the Design Review Committee for review.
7. Owners agreement with the City. Prior to the issuance of construction permits, the Director may require a covenant agreement shall be recorded which discloses the structures approved floor plan and status as an "accessory structure" which cannot contain living space, including bathing facilities or a kitchen. This agreement shall be recorded in the office of the County Recorder to provide constructive notice to all future owners of the property. The covenant agreement also may contain authorization for annual inspections and to allow the City upon reasonable time and notice, to inspect the premises for compliance with the agreement and to verify continued compliance with requirements of this Section and health and safety codes.

18-19.370 Other uses Generally Allowed.

- A. Purpose and intent.** The purpose of this Section is to establish regulations for the addressing uses not defined specifically in this ordinance, but that possess characteristics of unique and special form as to make their use acceptable in any district under certain specific conditions, compatible with the neighborhood. Conditions may be established through the use permit process by the Planning Commission to avoid life safety threats, adverse neighborhood parking, traffic congestion and noise/vibration impacts, characteristics and avoid the creation of nuisances.
- B. General requirements.** Uses not otherwise identified in this code, such as Section 18-18.010 of this Code, as determined by the Director may be allowed in any zone subject to a use permit from the Planning Commission as follows:
1. Airport, landing field, heliport.
 2. Geothermal development.
 3. Hospital, convalescent hospital, sanitarium.
 4. Cemetery, columbarium, crematory, mausoleum.

- 5. Marinas and similar facilities.
- 6. Community clubs, private clubs or fraternal organizations.
- 7. Churches, schools, colleges, except those that are exempt under this Code.
- 8. Country clubs and golf courses.
- 9. Utility and communication buildings unless specifically referenced in this Code.
- 10. Public and quasi-public uses of an administrative, public services or cultural type including special district, City, County, State or Federal facilities.

Chapter 18-20: Property Development Standards

Sections:

- 18-20.010 Applicability of other provisions.
- 18-20.020 Residential density and design.
- 18-20.030 Recreational vehicles as dwelling units.
- 18-20.040 Yards.
- 18-20.050 Coverage.
- 18-20.060 Height.
- 18-20.070 Fences, walls and hedges.
- 18-20.080 Location of pool and pool equipment.
- 18-20.090 Parking space requirements.
- 18-20.100 Parking and driveway design and exceptions.
- 18-20.110 Screening of outdoor sales and storage.
- 18-20.120 Night sky preservation.
- 18-20.130 Water efficient landscaping

18-20.010 Applicability of other provisions.

- A.** Development of property within the City may be subject to provisions of this code not contained in this Section or Chapter, including, but not limited to, the following:
 - 1. Building Codes and Regulations, Chapter 9
 - 2. Sanitation Regulations, Chapter 11
 - 3. Storm Water Management Ordinance, Chapter 14
 - 4. Floodplain Management Regulations, Chapter 17
 - 5. Environmental Review Guidelines, adopted by Council Resolution 2016-67
- B.** Where provisions of this Chapter conflict with provisions of other applicable laws, the more restrictive provision shall prevail.

18-20.020 Residential Density.

A. Determination of allowed development.

1. “Density” is the number of dwellings per net acre, measured in density units. A dwelling unit, including single-family, studio apartment, one to four bedroom apartments, count as a density unit. Accessory and junior accessory dwelling units are not included when calculating density.

2. The following procedure shall be used to determine the maximum development allowed on a given lot or land area:
 - a. Determine the average cross-slope of the site. “Average cross-slope” is the ratio, expressed as a percentage of the difference in elevation to the horizontal distance between two points on the perimeter of the area for which slope is being determined. The line along which the slope is measured shall run essentially perpendicular to the contours.
 - i. Where a site does not slope uniformly, average cross-slope is to be determined by proportional weighting of the cross-slopes of uniformly sloping sub-areas, as determined by the Director.
 - ii. Cross-slope determinations shall be based on the existing topography of the net site area after subtracting the area for any future on-site grading necessary to accommodate proposed right-of-way improvements and other on-site improvements.
 - iii. Cross-slope shall be calculated only for the net area as defined in Sub-Section A2b below.
 - iv. When the calculation of cross slope results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
 - v. No slope-rated density reduction is required in the MUX, CD, GC and IN Zones.
 - vi. The maximum development allowed for each average cross-slope category is referenced in Table 12.

Table 12. Maximum Cross Slope Density						
Average Cross-Slope in %	Maximum Density Allowed (density units per net acre)					
	RR	LDR	MDR	HDR	MUX*, CD	C, IN
0-15	1	8	15	25	25	18
16-20	1	6	9	12	25	18
21-25	1	4	6	8	25	18
26+	1	2	3	4	25	18
<p>*In the MUX Zone, the maximum allowed density is 25 units per acre except when the underlying General Plan Land Use Designation for the property is less (such as Medium Density Residential, which is a maximum of 15 units per acre).</p> <p>Accessory and Junior Accessory dwellings shall not be included in maximum density requirements.</p>						

- b. Determine the Net Area of the Site. “Net area” is all the area within the property lines of the development site, excluding the following:
 - i. Street right-of-way dedicated and proposed to be dedicated to the City;
 - ii. Habitat occupied by species listed as “endangered” or “threatened” by the U.S. Fish and Wildlife Service or the California Fish and Wildlife Service or as “plants of highest priority” by the California Native Plant Society, unless the Director determines there is no “practical alternative;”
- c. Multiply the resulting area (in whole and fractional acres) by the maximum density allowed (in density units per acre) according to Table 12 of this Section.
- d. The resulting number (in density units, carried out to the nearest one-hundredth unit) will be the maximum residential development potential. Any combination of dwelling types and numbers may be developed, so long as their combined density unit values do not exceed the maximum potential.

B. Density Transfer.

- 1. Development potential may be transferred within the area covered by a Planned Development (PD) Zone, in conformance with the requirements of Chapter 18-15.
- 2. Where a portion of a lot is within a zone or zones that allow residential use and the rest of the lot is in a O Zone and the portion within the O-P Zone is not large enough to allow one dwelling, the fractional dwelling unit potential from the O Zone may be transferred to the other portion of the lot, without planned development rezoning.

C. Density averaging. Where portions of a lot are within two or more different zones that allow different maximum densities and any portion is not of the size required for a lot in that zone, density may be averaged over the whole lot, with each portion contributing to the overall maximum development potential in proportion to its area and maximum allowed density.

D. Density bonus for low-income and moderate-income housing. Pursuant to California Government Code Section 65915, the City may negotiate a density bonus or other benefits in exchange for provision of housing affordable to households with low or moderate income, as defined in the Government Code and as stipulated in Chapter 18.31 (Density Bonus) of these regulations.

E. Exceptions for dwellings rebuilt after involuntarily destroyed. Residences in RR, LDR, MDR, HDR, CD, GC and MUX Zones, which have been involuntarily damaged or destroyed by fire, other catastrophic event or the public enemy by more than 50% of their pre-damaged value, may be rebuilt at the same density and up to the same size, under the following circumstances:

- 1. All construction must conform to current building codes, zoning regulations and architectural guidelines, except that the previously existing number of dwelling units and size of buildings will be allowed.
- 2. A building permit for the replacement structure(s) must be obtained within 3 years of the date of the damage or destruction. This time limit may be extended by the Director on a case by case basis.
- 3. Notwithstanding the above provisions, application for replacement structures of the same density and size may be denied if the Director makes one of the following findings:
 - a. The reconstruction, restoration or rebuilding will be detrimental or injurious to the health, safety or general welfare of persons living or working in the neighborhood.
 - b. The reconstruction, restoration or rebuilding will be detrimental or injurious to property and improvements in the neighborhood.

- c. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted.
- d. There no longer exists a zone in which the existing nonconforming use is permitted.

18-20.040 Yards.

A. Definitions and Purpose.

- 1. A “yard” is an area along a property line within which no structures, parking spaces or parking backup spaces may be located, except as otherwise provided in these regulations. Yards are intended to help determine the pattern of building masses and open areas within neighborhoods. They also provide separation between combustible materials in neighboring buildings. Yards are further intended to help provide landscape beauty, air circulation, views and exposure to sunlight for both natural illumination and use of solar energy.
- 2. These regulations provide for two types of yards:
 - a. “Street yard” means a yard fronting and/or adjacent to a local street or State highway. Frontages on Highway SR 53 are not street yards.
 - b. An “other yard” is any yard other than a street yard (i.e. side and rear yards).

B. Measurement of yards. Street yards shall be measured from the right of way line to the nearest point of the wall of any building. Other yards shall be measured from the property line to the nearest point of the wall of any building.

C. Yard standards.

- 1. Street yards shall comply with Table 13, as follows:

Table 13. Minimum Street Yards	
Zone	Minimum Street Yards
RR	20 feet
LDR	20 feet
MDR	15 feet
HDR	15 feet
MUX	As provided in zone of adjacent lot*
CD	As provided in zone of adjacent lot*
GC	As provided in zone of adjacent lot*
IN	As provided in zone of adjacent lot*
O	20 feet

Table 13. Minimum Street Yards

Zone	Minimum Street Yards
Notes: * If the zone of adjacent lot does not have its own standard, no street yard is required. Lots separated by streets or other rights-of-way are not considered adjacent. If more than one zone is adjacent, the largest yard shall be required.	

2. Other yards shall comply with Tables 14, 15, 16 and 17 as follows:

Table 14. Minimum Other Yards In RR, LDR, MDR, and HDR Zones

Rear Yard	Side Yard
10'	5'
Except for accessory and junior accessory dwellings in accordance with Section 18-19.320	

Table 15. Minimum Other Yards In MUX, GC, CD, O and IN Zones

Zone	Minimum Other Yard
MUX	As provided in zone of adjacent lot *
GC	As provided in zone of adjacent lot *
IN	As provided in zone of adjacent lot *

3. Yards with City-required landscape plans and storm water facilities shall be landscaped and maintained in accordance with approved plans.

D. What may and may not occupy yards.

1. Prohibited encroachments. Table 16 summarizes what may not occupy yards.

Table 16. Prohibited Encroachments within Yards	
Description	Prohibited Encroachments
A. Intersection visibility	At the intersections not controlled by a stop sign or traffic signal, no plant, structure or other solid object over 3 feet high which would obstruct visibility may be located within the area indicated in Figure 1. At controlled intersections, the Public Works Director may determine visibility requirements for proper sight distance.
B. Front yard paving (See Figure 2)	No more than 50% of any residential front yard (see definition of "front yard"), no covered by concrete or any other impervious material, including driveways, landscape features (see Table 18 (F) for exceptions).
C. Vehicles parked in front Yard areas of residential lots (See Figure 3)	Vehicles may only be parked in areas within the driveways leading to garage parking or other approved parking spaces allowed in accordance with the City's Parking and Driveway Standards. Vehicle parking on pavement or other surfaces outside the driveway area that does not meet the definition of Figure 3 shall be prohibited. Vehicles may be parked in tandem (one behind another) provided there is sufficient space that no part of the vehicle overhangs the property line or sidewalk.

Figure 1.

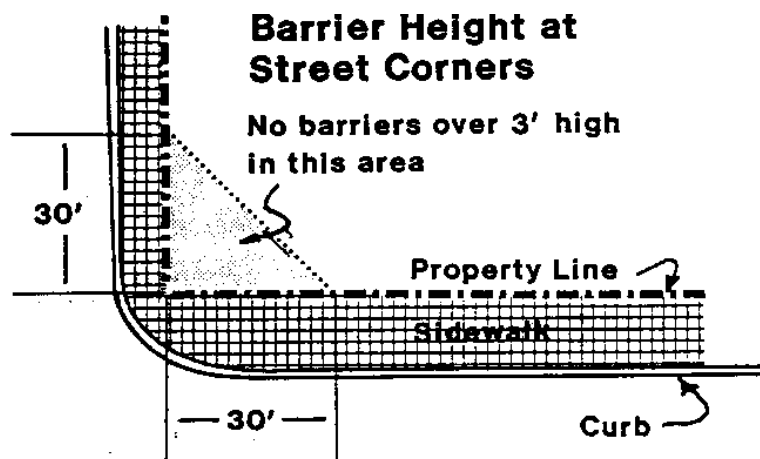


Figure 2.

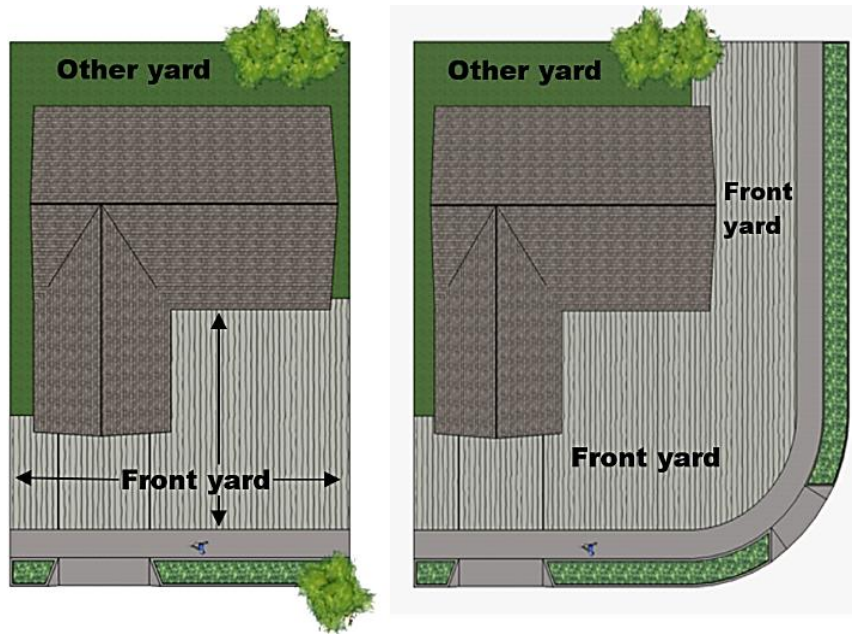


Figure 3.

Examples of allowed front yard parking for typical two-car garage and side loaded two-car garage. Vehicles are parked in driveway within area leading to approved parking in garage.



2. Allowed encroachments. Table 17 summarizes what may occupy yards. Upon approval of an administrative use permit or in conjunction with tandem parking approval, the Director may reductions in yard standards as provided for in Table 18.

Table 17. What May Occupy Yards			
Location / Projection	Permitted Encroachments		
	(A) Into Yard	(B) From Lot Line	(C) Into Right-of-Way
All Yards			
A. Awnings without supports that extend to ground, not less than 8 feet above sidewalk, and no interference with traffic flow	To the lot line	Generally, 2 ft.; 0 ft. in CD	Generally, not permitted; 10 ft. in CD over a sidewalk or pedestrian area or on sites with frontage along the downtown fringe streets, but not closer than 5 ft. from back of curb ¹
B. Steps, 4 feet or less above grade, which are necessary for access to a building, or for access to a lot from a street or alley	Permitted as necessary for pedestrian access	Permitted as necessary for pedestrian access	Permitted as necessary for pedestrian access; shall not interfere with vehicular traffic
C. Chimneys	2 ft.	-	Not permitted
D. Arbors and trellises	-	5 ft.	Not permitted
E. Flagpoles	-	5 ft.	Not permitted
F. Fences, walls and hedges. Fences, walls and hedges may occupy yards to the extent provided in Section 18-20.070.	-	-	Not permitted
G. Signs in conformance with the Sign Regulations in Chapter 18-21 may occupy yards to the extent provided in those regulations.	-	-	Overhangs per Chapter 18-27
H. Trash enclosures which have been approved by the Director or Design Review Committee.	-	-	No part of the enclosure is less than 3 feet from any right of way.
I. Unenclosed vehicle parking and loading spaces in conformance with Section 18-20.100. Unenclosed. J. Tandem Parking Spaces. Except for accessory and junior accessory dwelling units where tandem parking is allowed by right tandem parking for single family dwellings may be approved by the Director when determined to be safe and compatible	-	-	Not permitted

with the surrounding neighborhood (see Section 18-20.100 B-2).			
K. On corner lots in the RR, and LDR Zones, the street yard along the lot frontage having the longer dimension shall be not less than 10 feet, as in Figure 4 (unless Subsections L and M below applies).	-	-	Not permitted
L. Street yards on corner lots where each corner lot has its longer frontage along the cross street. In the LDR and MDR Zones, when each corner lot on a cross street has its longer frontage along the cross street, as in Figure 5, the street yard along the longest frontage shall be not less than 10 feet (unless Subsection K or M applies).	-	-	Not permitted
M. Street yard averaging (developed areas). Where these regulations require street yards and where buildings have been erected on at least one half of the lots in a block as of the effective date of the regulations codified in this Section, the minimum required street yard shall be the average of the street yards of the developed lots, but in no case less than 10 feet nor more than would otherwise be required.	-	-	Not permitted
N. Discretionary Exceptions. Upon approval of an administrative use permit the Director may approve reductions in yard standards as provided for in Table 18.	-	-	-
Front Yard			
O. Overhanging eaves and gutters	2.5 ft.	-	Generally, not permitted; permitted in CD or on sites with frontage along downtown streets but shall not interfere with vehicular traffic in the roadway or with pedestrian traffic along the sidewalk
P. Outdoor dining area in conjunction with an existing restaurant	To the lot line in CD and along downtown streets	0 ft. in CD and along downtown streets	Generally, not permitted; 10 ft. in CD over a sidewalk or pedestrian area and along downtown

			streets, but not closer than 5 ft. from back of curb
Q. Patios or decks, provided that decks are not more than 6 feet above grade	15 ft.	5 ft.	Not permitted
Side Yard			
R. Overhanging eaves and gutters	2 ft.	1 ft.	Generally, not permitted; 5 ft. in CD or on sites with frontage along downtown streets over a sidewalk or pedestrian area and along the downtown fringe streets, but not closer than 5 ft. from back of curb
S. Air conditioning units	6 ft. if screened from view by a fence, wall, or hedge that is one foot taller than the equipment	2.5 ft.	Not permitted
T. Decks, less than six feet above grade	-	3 ft.; 0 ft. if located adjacent to permanent open space	Not permitted
U. Decks, six feet or more above grade	Generally, 6 ft.; 0 ft. in CD and on sites with frontage along downtown streets	Generally, 2 ft.; 0 ft. in CD	Not permitted
Rear Yard			
V. Overhanging eaves and gutters	2.5 ft.	1 ft.	Generally, not permitted; 5 ft. in CD or on sites with frontage along downtown streets over a sidewalk or pedestrian area and along the downtown fringe streets, but not closer than 5 ft. from back of curb

W. Air Conditioning Units	6 ft. if screened from view by a fence, wall, or hedge that is one foot taller than the equipment	5 ft.	Not permitted
X. Decks, less than six feet above grade	-	10 ft.	Not permitted
Y. Decks, six feet or more above grade	15'	5 ft.; 0 ft. if located adjacent to permanent open space	Not permitted

Notes: Right-of-Way Encroachment Permit Required. If a structure/encroachment or portion thereof is permitted to project into the right-of-way in this Section, then a right-of-way encroachment permit as provided in the City of Clearlake Municipal Code, shall be required prior to installation of the projection.

Figure 4.

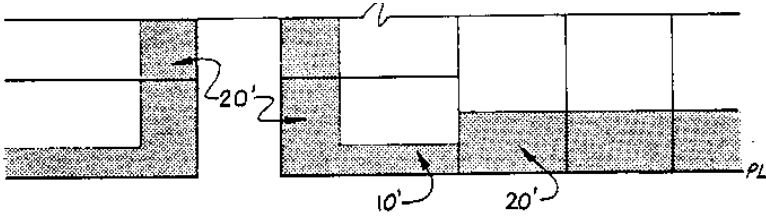
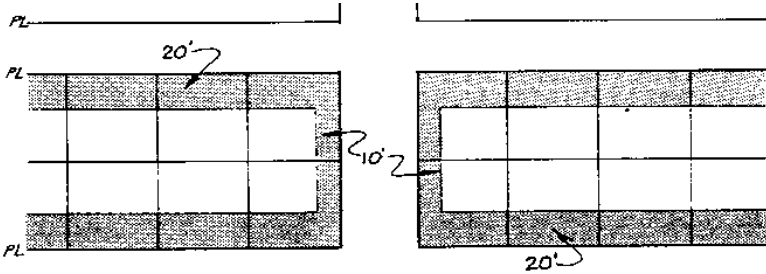


Figure 5.



- 3. Discretionary encroachments: Upon approval of an administrative use permit or in conjunction with tandem parking approval, the Director may reductions in yard standards as provided for in Table 17.

Table 18. Discretionary Exceptions to What May Occupy Yards	
Description	Permitted Encroachments
A. Reduced street yards	Street yards may be reduced to 10-feet for structures including carports. Reductions may be approved for garages when the driveway is long enough to accommodate a parked car that doesn't overhang the sidewalk (18 feet minimum).
B. Variable street yards in new subdivisions	In new residential subdivisions, the entity approving the subdivision may approve variable street yards, to be noted on the approved map, provided the average of the yards on a block is at least 15 feet and no yard is less than 10 feet. Garages or carports which back directly onto the public right-of-way shall maintain a minimum setback so that a parked car doesn't overhang the sidewalk (18 feet).
C. Variable other than street yards in new subdivisions	In new residential subdivisions, the entity approving the subdivision map may approve exceptions to the other yard standards, with the exceptions to be noted on the map, provided a separation of at least 10 feet between buildings on adjacent lots will be maintained and an acceptable level of solar exposure will be guaranteed by alternative yard requirements or private
D. Other yard variations in previously subdivided areas.	<p>Other yards may be reduced to zero under either of the following circumstances:</p> <ul style="list-style-type: none"> i. When there exists adequate recorded agreement running with the land to maintain at least 10 feet of separation between buildings on adjacent parcels; or ii. When the reduction is for either a minor addition to an existing legal structure which is non-conforming with regard to yard requirements or for a detached single-story accessory structure provided that the Director makes the following findings: <ul style="list-style-type: none"> iii. In the case of a minor addition, that the minor addition is a logical extension of the existing non-conforming structure; iv. In the case of a detached single-story accessory structure, that the accessory structure is consistent with the traditional development pattern of the neighborhood and will have a greater street yard setback than the main structure; v. That adjacent affected properties will not be deprived of reasonable solar exposure; vi. That no useful purpose would be realized by requiring the full yard; vii. That no significant fire protection, emergency access, privacy or security impacts are likely from the addition; and viii. That it is impractical to obtain a 10 foot separation easement pursuant to Subsection i above. ix. <p>All such minor additions and new accessory structures shall comply with applicable provisions of the City's adopted Building Code.</p>

<p>E. Other yard exceptions</p>	<p>Except for accessory and junior accessory dwellings exceptions may be provided to the standards referenced in Tables 14, 15, 16 and 17. Such exceptions may be granted in any of the following and similar circumstances, but in no case shall exceptions be granted for less than the minimum yard required:</p> <ul style="list-style-type: none"> i. When the property that will be shaded by the excepted development will not be developed or will not be deprived of reasonable solar exposure, considering its topography and zoning; ii. When the exception is of a minor nature, involving an insignificant portion of total available solar exposure; iii. When the properties at issue are within an area where use of solar energy is generally infeasible because of landform shading; iv. When adequate recorded agreement running with the land exists to protect established solar collectors and probable collector locations; v. When the property to be shaded is a street. vi. Where no significant fire protection, emergency access, privacy or security impacts are likely to result from the exception.
<p>F. Front yard paving of more than 50% in residential front yards (see Table 16, Section B)</p>	<p>Exceptions to this requirement may be approved subject to appropriate conditions and upon finding that:</p> <ul style="list-style-type: none"> 1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity; 2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and 3. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property.

18-20.050 Coverage.

A. Definition. "Coverage" means the area of a lot covered by the footprint of all structures, as well as decks, balconies, porches and similar architectural features, expressed as a percentage of the total lot area. Uncovered decks or porches which are 30 inches or less from the ground shall not be included in the determination of coverage. (See Figures 6 and 7).

Figure 6.

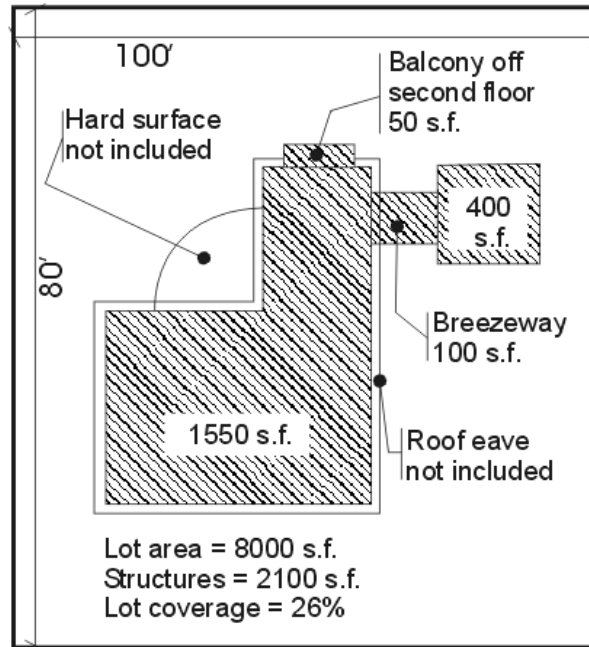
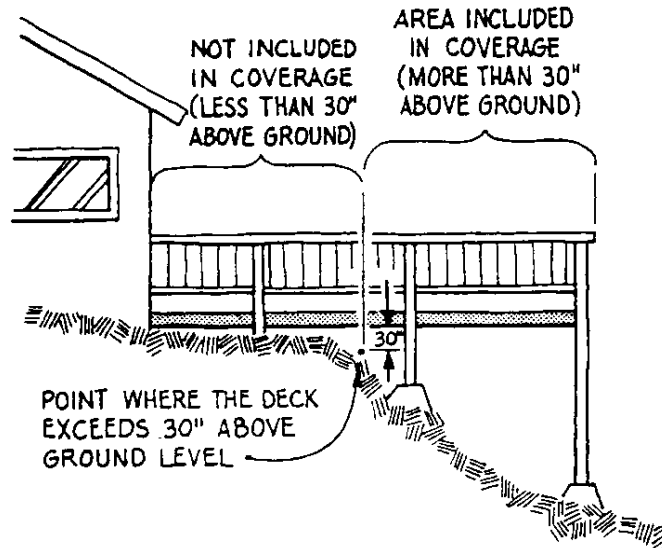


Figure 7.



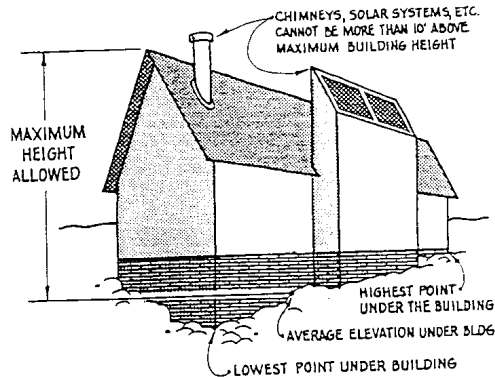
B. Application and exception. Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapter 18-20 inclusive, except that the Planning Commission may grant exceptions to maximum coverage for public assembly and institutional uses, in any zone, subject to approval of a use permit.

18-20.060 Height.

A. The height of a building is the vertical distance from the average level of the ground under the building to the topmost point of the roof, including parapets. The average

level of the ground is determined by adding the elevation of the lowest point of the part of the lot covered by the building to the elevation of the highest point of the part of the lot covered by the building and dividing by two. (See Figure 8) Height measurements shall be based on existing topography of the site, before grading for proposed on-site improvements.

Figure 8.



- B.** Maximum building height shall be provided by zoning district in accordance with Table 19, as follows:

Table 19. Maximum Height by Zone	
Zone	Maximum Height
RR and LDR	35 ft. (up to 45 feet with approval of an administrative use permit)
MDR	35 feet
HDR	35 feet
MUX	35 feet
CD	35 feet (maximum 25 feet on lake side of Lakeshore Drive)
GC	45 feet (maximum 25 feet on lake side of Lakeshore Drive)
IN	35 feet

- C.** Components of solar energy systems, chimneys, elevator towers, screening for mechanical equipment that is not integral with building parapets, vents, antennae and steeples shall extend not more than 10 feet above the maximum building height.
- D.** Commercial and governmental agency antennae may exceed the height limits for the zone in which they are located if such an exception is approved by the Director.
- E.** Any other exception to the height limits requires approval of a variance as provided in Chapter 18-29.

F. For height limits of signs, see Chapter 18-21.

18-20.070 Fences, Walls, Trash Enclosures and Hedges.

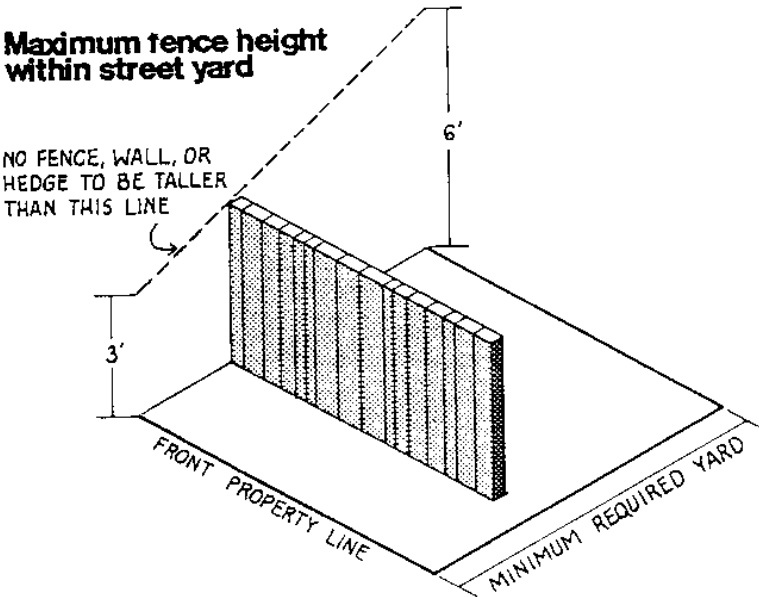
A. Purpose and application.

- 1. The purpose of these regulations is to achieve a balance between concerns for privacy and public concerns for enhancement of the community appearance, visual image of the streetscape, overall character of neighborhoods, contain trash and recyclables, and to ensure the provision of adequate light, air and public safety.
- 2. These regulations apply to any type of visible or tangible obstruction which has the effect of forming a physical or visual barrier between properties or between property lines and the public right-of-way, including but not limited to: any type of artificially constructed barriers of wood, metal or concrete posts connected by boards, rails, panels, wire or mesh and any type of natural growth such as hedges and screen plantings. Refer to the City's Fencing Design Standards which are adopted by separate resolution by the City. City Council.

B. Fences, walls or hedges may be placed within required yards, provided:

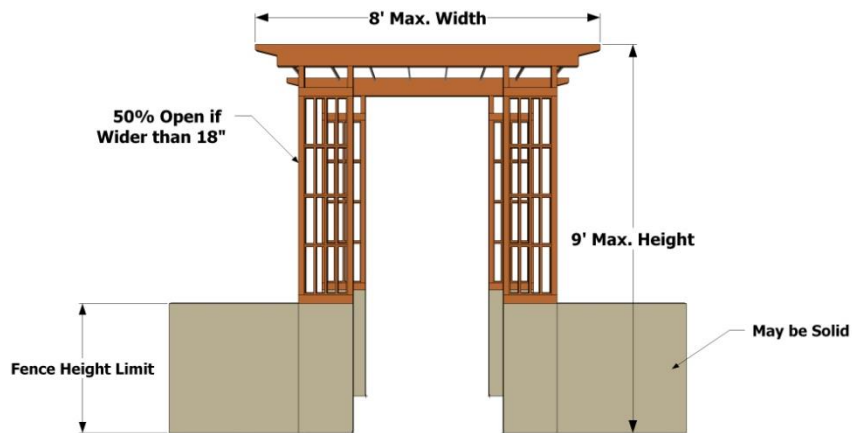
- 1. The maximum height in any street yard shall be as shown in Figure 9.
- 2. The maximum height in any other yard shall be 6 feet.
- 3. Arbors, trellises and other lightweight ornamental landscape elements are allowed within a required yard, subject to the same height limits that apply to fences and hedges.

Figure 9



1. **Fences or walls may be placed outside required yards, provided:** The maximum height is 8 feet.
2. Arbors, trellises and other ornamental features are allowed within a required yard, subject to the same height limits that apply to fences and hedges except as provided below;
3. Arbors. Up to one such feature per street frontage may be allowed with a maximum height of 9 feet and an area of not more than 40 square feet as measured by the perimeter formed by the vertical projection to the ground of the outermost elements of the feature and no horizontal dimension shall exceed 8 feet in length. Any portion of such a feature wider than 18 inches and that exceeds the usual fence height requirements of this Section shall be of an open design such that a person standing on the adjacent public right-of-way can see completely through at least 50% of the structure to the depth of the required street yard (Figure 10). Such features within required yards shall not be connected to a building and shall comply with intersection visibility requirements in Figure 4.

Figure 10.



4. Decorative pilasters, statuary, flower pots and similar ornamental elements attached to or incorporated into the design of conforming fences or walls may exceed the required height limit up to 18 inches provided that the decorative element is not wider than 18 inches and that such elements are used to define a gateway or other entryway or are otherwise at least 4 feet apart.
- C. Fence height.** Fence height is measured from the adjacent grade along the lower side of the wall or fence, directly at the base of the wall or fence.
- D. Measurement of height where fences or walls are located on retaining walls.**
1. Where fences or walls are located on front yard retaining walls, the height of the retaining wall shall be considered as part of the overall height of the

fence or wall. Walls or fences must have a minimum spacing of 5 feet to be considered separate structures for purposes of measuring overall height.

- 2. Where fences are located on a berm or mound the height of fence shall include the berm or mound directly beneath the fence and above natural grade in the overall height measurement.
- 3. Where fences are located on retaining walls within other yards(excluding front yards), fences not to exceed 6 feet as measured from the uphill side may be erected or replaced on top of the retaining walls provided no modification of grade has occurred from the original subdivision improvements and/or design approvals. A building permit is required for the combined fence and retaining wall height that exceed 6 feet and if there is evidence that a modification to the grade has occurred from the original subdivision/design approvals the height must be authorized through a fence height exception.

- E. Exceptions.** The Director may grant exceptions to these standards subject to a finding that no public purpose would be served by strict compliance with these standards.
- F. Public notice required.** A public notice shall be posted at the site of each proposed fence height exception. If anyone informs the Community Development Department of a reasonable objection concerning the proposed fence height exception within 5 days of the posting, the Director shall schedule a hearing for the application as provided for administrative use permits. If no questions or objections are received by the Community Development Department within 5 days after posting, the Director may issue a letter of approval upon submission of all required information and without further notice or public hearing.
- G. Fence design standards.** Fencing design and installation shall comply with the requirements of the City's Fencing Design Standards adopted by Council resolution.
- H. Trash/Recycling enclosure requirements and standards.** Trash and/or recycling enclosures shall be provided, designed and installed in accordance with the City's Trash and Recycling Enclosure Design Standards adopted by Council resolution.

18-20.080 Location of pool and pool equipment.

- A.** A swimming pool shall not be located in a required front or side yard unless an administrative use permit is approved by the Director.
- B.** A swimming pool shall not be located within 5 feet of a property line.
- C.** Pool equipment shall not be located in a required front yard. To minimize the potential impact of noise, equipment shall be located not less than 10 feet from any window or other opening into a dwelling or other habitable building on an adjacent property.
- D.** Pool equipment shall be enclosed or screened from street and adjoining property view.

18-20.090 Parking space requirements.

- A. Intent.** This Section is intended to ensure provision of adequate off-street parking, considering the demands likely to result from various uses, combinations of uses and settings. It is the City's intent, where possible, to consolidate parking and to minimize the area devoted exclusively to parking and driveways when typical demands may be satisfied more efficiently by shared facilities. Varying standards apply to the downtown area in accordance with Section 18-20.090 (H).

B. Parking and Driveway Design and Exceptions.

1. Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by Council resolution.
2. The Director may grant exceptions to the standards subject to appropriate conditions and upon finding that:
 - a. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;
 - b. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and
 - c. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property.

C. Shared parking reduction. Where two or more uses share common parking areas, the total number of parking spaces required may be reduced by up to 10%, with approval of an administrative use permit. Where shared parking is located on more than one parcel, affected parties must record an agreement governing the shared parking, to the satisfaction of the Director.

D. Mixed-use parking reduction. By approving an administrative use permit, the Director may reduce the parking requirement for projects sharing parking by up to 20%, in addition to the shared parking reduction, for a total maximum parking reduction of 30%, upon finding that the times of maximum parking demand from various uses will not coincide.

E. Automobile trip reduction. By approving an administrative use permit, the Director may reduce the parking requirement for projects implementing non-auto travel, particularly for commuting, when it can be demonstrated that reduction of on-site parking will be safe and will not be detrimental to the surrounding area or cause a decline in quality of life. The applicant shall provide reasonable justification for the reduction, including innovative project design, transportation demand management (TDM) or incentives, which will reduce single-occupant vehicle travel to and from the site. These may include, but are not limited to programs such as carsharing, employer-paid transit passes (i.e. trip reduction incentive plans) or off-peak work hours.

F. Off-site parking. The Director may, by approving an administrative use permit, allow some or all of the required parking to be located on a site different from the use. Such off-site parking shall be within a zone where the use is allowed or conditionally allowed or within commercial or industrial zones. It shall be within 300 feet of the use and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use.

G. Bicycle and motorcycle spaces. Each use or development, which requires 10 or more spaces, shall provide facilities for parking bicycles and motorcycles as follows:

1. **Motorcycle spaces.** Parking for motorcycles shall be provided at the rate of one space for each 20 car spaces. Projects that provide more motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five motorcycle spaces, up to a 10% reduction, subject to the approval of the Director.
2. **Bicycle spaces.** Parking for bicycles shall be provided in accordance with Table 17. All bicycle spaces shall be located at the ground floor level. Additional City standards and guidelines for bicycle parking can be found in the City’s Parking Standards and Design Review Manual. Projects which provide more bicycle and/or motorcycle spaces than required may reduce the required car spaces at the rate of one car space for each five bicycle spaces, up to a 10% reduction, subject to the approval of the Director. All bicycle parking that exceeds the required number of spaces shall be apportioned between short-term and long-term bicycle spaces as stipulated by Table 20.

Table 20. Bicycle Parking Space Requirements	
Zone	Number of bicycle spaces as a percentage of required auto spaces ^{a b}
MDR, HDR, MUX	5%
CD, GC, IN	15%
Notes:	
a. All parking shall be provided on site.	
b. Requirements apply to uses that require 10 or more vehicle parking spaces. When less than ½ space is calculated, 1 space is required.	

H. Downtown area: Within the Downtown-Commercial (CD) Zone the following parking standards and incentives shall apply

1. Parking space reductions noted in items B through E above shall not be applicable in the CD Zone, as the reduced parking rates established herein are intended to provide flexibility in meeting parking requirements and rely on the consolidation of parking.
2. Restaurants, sandwich shops, take-out food, bars, taverns, night clubs, other food service or entertainment establishments, theaters, auditoriums, convention halls and churches: One-half that required in Table 23; provided, however, that in no case the requirement shall exceed one space per 350 square feet gross floor area.

3. Dwellings, motels, hotels and bed and breakfast inns: One-half that required in Table 21. In order to support and encourage residential uses in the CD Zone, additional options for meeting parking requirements for residential uses are available as listed in Subsection 7 below.
4. All other uses: One space per 500 square feet gross floor area.
5. In determining the total number of required spaces, all fractions shall be rounded to the nearest whole number. Fractions of one-half or greater shall be rounded to one; fractions less than one-half shall be rounded to zero.
6. For existing buildings, only the parking needed for additions thereto or for changes in occupancy which increase parking requirement relative to prior uses shall be required.
7. The parking space requirement may be met by:
 - a. Providing the required spaces on the site occupied by the use;
 - b. The Director may, by approving an administrative use permit, allow some or all of the parking to be located on a site different from the use. Such off-site parking shall not be within a residential zone. It shall be within reasonable walking distance and no greater than 500 feet of the use and shall not be separated from the use by any feature that would make pedestrian access inconvenient or hazardous. The site on which the parking is located shall be owned, leased or otherwise controlled by the party controlling the use.
 - c. Participating in a commonly held and maintained off-site parking lot where other businesses maintain their required spaces; Participating in a parking district that provides parking spaces through a fee or assessment program.
 - d. Participating in an in-lieu fee program as may be established by the City Council. Any parking agreement approved prior to adoption of the parking standards contained in subsections (1) through (3) of this Section may be adjusted to conform with those standards, subject to approval by the Director and City Attorney;
 - e. In order to facilitate housing development in the downtown, the Director may reduce the parking requirement for any residential element of a project in the CD district by 10% or one space, whichever is greater. In allowing this reduction, the Director may require a vehicle trip reduction plan be submitted for approval and such other conditions deemed necessary to reduce parking demand. Requests for parking reductions greater than 10% shall be reviewed by the Planning Commission and shall require a use permit. In granting such additional reduction, the Commission must find that the increased demand for parking in the Downtown resulting from the

project is not significant due to such considerations as the project's design, location, size or other features. The Commission may require a trip reduction plan and other conditions deemed necessary to reduce parking demand.

I. Requirements by type of use.

1. Except as otherwise provided in these regulations, for every structure erected or enlarged and for any land or structure devoted to a new use requiring more spaces according to the schedule set out in this subsection, the indicated minimum number of off-street parking spaces located on the site of the use shall be provided.
2. The right to occupy and use any premises shall be contingent on preserving the required parking and maintaining its availability to the intended users, including residents, staff, and/or customers.
3. Parking, in addition to these requirements, may be required as a condition of use permit approval.

J. Uses not listed. The Director shall determine the parking requirement for uses which are not listed. His/her determination shall be based on similarity to listed uses and may be appealed to the Planning Commission.

K. Parking calculations.

1. The parking requirement is based on the gross floor area of the entire use, unless stated otherwise.
2. When the calculation of required parking results in a fractional number, it shall be rounded to the next highest whole number if the fraction is one-half or more; otherwise it shall be rounded down to the next lowest whole number.
3. Where there has been a reduction in required parking, all resulting spaces must be available for common use and not exclusively assigned to any individual use. In mixed-use projects, required residential parking may be reserved, but commercial parking must be made available for guests or overflow from residences.

L. Tandem parking.

1. For residential uses (when parking spaces are identified for the exclusive use of occupants of a designated dwelling, required spaces may be arranged in tandem (that is, one space behind the other) subject to approval of the Director. Tandem parking is intended to allow for needed flexibility on constrained lots or where tandem parking is consistent with the existing neighborhood pattern. Tandem parking shall not be used to provide for the conversion of garage spaces. However, tandem parking is allowed by right for accessory and junior accessory units which may not be denied by the Director.
2. Hotel and Restaurant Projects (New and Existing). Tandem parking may be used for hotel and restaurant development in the CD Zone where parking service is provided, subject to the approval of a Parking Management Plan by the Director and Public Works Director. A Parking Management Plan is a document that outlines how site parking will be regulated and includes provisions to reduce parking demand, including but not limited to, availability of transit in close proximity, access to a car share program and access to information regarding alternative transportation programs.
3. Tandem parking may be considered in commercial office development if all of the following requirements are satisfied:
 - a. With review of the location and design by the Design Review Committee, where adequate maneuverability and access arrangements are provided; and
 - b. When the tandem spaces are set aside for the exclusive use of on-site employees; and
 - c. Where the total number of tandem spaces does not exceed 30% of the total parking provided for projects that require 10 vehicle parking spaces or less and 15% of the total parking provided for projects that require 11 or more vehicle parking spaces; and
 - d. With the approval of a Parking Management Plan by the Director and Public Works Director to ensure that proper management and oversight of the use of the proposed tandem spaces will occur.
4. For existing office development where there is a desire to upgrade or modify the parking layout to increase efficiency or better meet standards and review by the Design Review Committee would not be required, the approval of new tandem parking spaces would require the approval of an administrative use permit, where adequate maneuverability and access arrangements are provided.

M. Senior or Elderly housing parking. Housing occupied exclusively by persons aged 62 or older may provide one-half space per dwelling unit or one space per four occupants of a group quarters.

N. Low-income housing parking. Housing occupied exclusively by very low or low-income households, as defined by the State, may provide for reduced parking requirements of one car and one bicycle space per dwelling unit.

O. Additions and changes in use for existing uses or structures which do not meet current parking standards.

1. Minor additions. Minor additions to existing legal structures or uses, which are non-conforming because they do not meet current parking standards, may be permitted if they meet the following requirements:

- a. The parking spaces required for the addition are provided in conformance with this Chapter, in addition to all parking spaces already provided for the existing use or structure; and
- b. All existing parking shall be in substantial compliance with parking and driveway standards; and
- c. The addition is not more than 25% of the existing gross floor area or 1000 square feet, whichever is greater; and
- d. For residential projects, at least one legally conforming space is provided for each existing unit except that in accordance with California Government Code Section 65863.3. (a) additional parking may not be required by the City for remodels, renovations, and/or additions to single-family units.

2. Larger additions. Existing legal structures or uses which are non-conforming because they do not meet current parking standards may be expanded more than 25% of the existing gross floor area or 1,000 square feet, subject to the following:

- a. All existing parking shall be in substantial compliance with parking and driveway standards; and
- b. All required parking for the existing use or structure plus that required for the addition is provided; or an administrative use permit is obtained and parking is provided pursuant to Table 21:

Table 21. Parking Requirements for Larger Building Additions		
Increase in Gross Floor Area	Parking for Addition in Existing Lot	Parking Provided for Existing Use or Structure is at Least:
25 - 49%	100%	50%
50-74%	100%	75%
>75%	100%	100%
Notes: For residential projects, at least one legally conforming space is provided for each existing unit, in addition to all parking required for the addition itself.		

3. Use changes. Changes in use, which increase the total parking demand from existing legal uses which are non-conforming because they do not meet current parking requirements, may be permitted so long as the number of spaces equal to the difference between the number required by the previous use and the number required by the new use is provided, in addition to all spaces already provided for the previous use.

P. Electrical Charging Stations. Electric charging stations for vehicles shall be provided in accordance with the City’s Building Codes as adopted.

Q. Required parking for residential uses. The parking requirements for residential uses are set out in Table 21, Required Parking for Residential Uses.

Table 22 - Required Parking for Residential Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
Accessory and Junior Accessory Dwelling Units	Refer to Section 18-20.100 B-2 of this Chapter	N/A
Single-Family Detached	2 covered spaces / dwelling unit except for AV Zone which requires two spaces one of which must be covered. Relaxation of this requirement is provided for accessory and junior accessory dwellings, senior housing, and other types of housing in accordance with State Law.	N/A
Single-Family Attached	2 spaces / dwelling unit. Relaxation of this requirement is provided for accessory and junior accessory dwellings senior, low income housing,	N/A

Table 22 - Required Parking for Residential Uses

Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
	and other types of housing in accordance with State Law .	
Multiplex and Multifamily	<p>Spaces per the bedroom configuration:</p> <p>1.5 spaces for 1 and 2 bedroom units</p> <p>2 spaces for 3 to 4 bedroom units</p> <p>2.5 spaces for 4 plus bedroom units</p> <p>In addition to the following:</p> <p>0.5 spaces for Guest space/dwelling unit</p> <p>1 space for Recreational vehicle per five (5) dwelling units as may be required by Director or Planning Commission.</p> <p>Parking requirements of no more than one space per dwelling for multi-family development that comply with low-income criteria of the State's housing code</p> <p>Additional relaxation of this standard is proved for accessory and junior accessory units senior housing, and other types of housing in accordance with State Law.</p>	N/A
Manufactured Home (outside manufactured home park or subdivision)	Same as for Single-Family Detached	N/A
Manufactured Home (inside manufactured home park or subdivision)	2 spaces per dwelling unit + 1 guest space per 4 dwelling units. Relaxation of this standard is provided for accessory and junior accessory dwelling units senior housing, and other types of housing in accordance with State Law.	N/A
Senior Independent Living Center	1 space per dwelling unit or as provided by State Law.	N/A
Emergency Shelters and Warming Shelters	1.5 spaces per employee during maximum occupancy at shelter.	1 space per shared kitchen facility; not required if kitchen facilities are not shared. In accordance with Government Code Section 65583 (a)(4) sufficient parking shall be provided to accommodate all staff

Table 22 - Required Parking for Residential Uses		
Use	Standard Development	
	Required Parking Spaces	Required Loading Spaces
		working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

R. Required parking for institutional uses. The parking requirements for institutional uses are set out in Table 22, Required Parking and Loading for Institutional Uses.

Table 22. Required Parking and Loading for Institutional Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Cemetery	Greater of: Sum of 1 space per 100 sf. of indoor assembly space + 3 spaces per 1,000 sf. of office floor area; or 20 spaces per acre of grave sites	1 space per building with a floor area of 50,000 sf. or greater
College / University / Vocational Technical schools	1 space per 200 sf. of floor area (except auditoriums, theaters, gymnasiums and stadiums) + 1/3 space per person times the capacity (persons) of auditoriums, theaters, gymnasiums and stadiums	1 space per building with a floor area of 50,000 sf. or greater
Hospitals	1 space per 2 beds + parking required for medical offices for out-patient serving areas	1 space per building with a floor area of 50,000 sf. or greater
Institutional Residential	1 space per 3 beds or as provided by State Law.	1 space per 30 beds
Place of Public Assembly: Adult Day Care	1 space per 300 sf.	N/A
Places of Public Assembly including Day Care / Preschool	1 space per 100 sf. or Special Parking Study by Licensed Traffic Engineer or as required by Director	N/A
Places of Public Assembly: Elementary School	3 spaces per classroom or as provided in accordance with State Law.	1 space per 40,000 sf.

Table 22. Required Parking and Loading for Institutional Uses

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Places of Public Assembly: Middle School	4 spaces per classroom or as provided in accordance with State Law.	1 space per 40,000 sf.
Places of Public Assembly: High School	Special Study by Licensed Traffic Engineer or as required by Director or as provided in accordance with State Law.	1 space per building with a floor area of 50,000 sf. or greater
Places of Public Assembly: Library or Museum	1/3 space per person times building capacity (in persons)	1 space per 75,000 sf. of floor area
Places of Public Assembly: Other	Greater of: 1 space per 6 seats in auditorium; or 1 space per 250 sf. of floor area	N/A
Private Club: No Food Service	1 space per 250 sf. of floor area used for assembly	Over-the-curb loading allowed during off-peak hours, otherwise 1 space per building
Private Club: With Food Service	1 space per 100 sf. of floor area used for assembly	1 space per 25,000 sf.
Protective Care: Jail or Prison	1 per 5 cells	1 per 30 cells
Protective Care: Other	1 space per 4 beds	1 space per 20 sleeping rooms
Public Service: Fire Station	4 spaces per emergency vehicle bay	N/A
Public Service: Police Station	1 space per 250 sf.	1 space per 60,000 sf. if the building is larger than 40,000 sf.
Public Service: Post Office	1 space per 200 sf. + 1 space per postal vehicle stored on-site or as provided in accordance with Federal Law.	1 space per 10,000 sf.
Public Service: Other	1 space per 300 sf. or as provided in accordance with State Law.	N/A
Residential Eldercare Facilities: Assisted Living	1 space per dwelling unit + 1 space per 3 beds in shared living facilities or as provided in accordance with State Law.	1 space per site
Residential Eldercare Facilities: Congregate Care	1 space per dwelling unit or as provided in accordance with State Law.	N/A

Table 22. Required Parking and Loading for Institutional Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Residential Eldercare Facilities: Nursing Home	1 space per 3 beds or as provided in accordance with State Law.	1 space per 20 sleeping rooms

S. Required parking for commercial uses. The parking requirements for commercial uses are set out in Table 23, Required Parking and Loading for Commercial Uses. Relaxed parking requirements are provided for the Downtown Parking area (refer to Section 18-20.090 (H) of this Chapter).

Table 23. Required Parking and Loading for Commercial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Agricultural Support / Other Rural Services: Equipment Dealers and Feed Stores	1 space per 300 sf. of office + 1 space per 750 sf. of other use	1 space per 75,000 sf.
Agricultural Support / Other Rural Services: Crop Storage / Packing	1 space per 500 sf. of floor area	1 space per 15,000 sf.
Agritourism	1 space per 3 persons of the maximum capacity.	N/A
Alcoholic Beverage Sales: Package	1 space per 200 sf.	1 space per 15,000 sf.
Alcoholic Beverage Sales: Other, See Restaurants and Bars, below	See Restaurants and Bars, below	See Restaurants and Bars, below
Boarding or Rooming House	1 space per 12 beds	N/A
Car Wash	3 spaces + 2 spaces per bay or stall	N/A
Commercial Cannabis	Refer to Table 23	
Commercial Lodging: Full Service Hotel	1 space per guest room + 2 spaces per 10 guest rooms + 1 space per 100 sf. of meeting space + 1/2 of required parking for accessory retail, restaurant and alcoholic beverage sales uses	1 space + 1 space per 50,000 sf. meeting rooms, restaurants and shops
Commercial Lodging: Other	1 space per guest room + 2 spaces per 10 guest rooms	1 space per 75 rooms

Table 23. Required Parking and Loading for Commercial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Commercial Retail: 0 to 2,000 structure's square feet of floor area	1 space per 250 sf.	1 space per 25,000 sf.
Commercial Retail: 2,001 to 5,000 structure's square feet of floor area – greater of minimum requirement or space per floor area	8 spaces minimum requirement or 1 / 300	1 space per 25,000 sf.
Commercial Retail: 5,000 plus structure's square feet of floor area greater of minimum requirement or space per floor area.	17 spaces minimum requirement, or 1 / 400	1 space per 25,000 sf.
Gas Stations with Convenient Store	1 space per 200 sf.	N/A
Heavy Retail: Home Center	1 space per 500 sf. of floor area	1 space per 50,000 sf.
Heavy Retail: Lumberyard	1 space per 500 sf. of office + 1 space per 1,000 sf. yard space	1 space per 50,000 sf. of area put to the heavy retail use
Kennel	1 space per 250 sf.	1 space if the use is larger than 10,000 sf.
Light Automobile Service	4 spaces + 1 space per service bay (pump stations are not counted)	1 space
Marijuana Dispensary		
a. Retail	1 space per 200 sf.	N/A
b. Delivery Only	2 spaces per delivery vehicle	N/A
Mixed-Use	As approved by Special Study	1 space per 25,000 sf. of nonresidential uses
Office: Financial Institutions	1 space per 300 sf.	1 space per 33,000 sf.
Office: Medical	1 space per 250 sf.	1 space per 33,000 sf.
Office: Call Center	7 spaces per 1,000 sf.	1 space per 33,000 sf.
Office: Other	3 spaces per 1,000 sf.	1 space per 33,000 sf.
Restaurant: Drive-In or Drive-Through	1 space per 60 sf.	1 space

Table 23. Required Parking and Loading for Commercial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Restaurants and Bars, with or without Dancing	1 space per 60 sf. of dining space + 1 space per 100 sf. of kitchen space + 1 space per 500 sf. of outdoor dining	1 space
Services: Beauty or Nail Salon, Barber Shop, Spa	4 spaces per 1,000 sf.	N/A
Services: Dry Cleaner	3 spaces per 1,000 sf.	1 space if dry cleaning is done off-site
Services: Other	3 spaces per 1,000 sf. + 1 space per stored company vehicle	1 space per 75,000 sf.
Vehicle Sales, Rental and Service	1 space per 400 sf. of office + 1 space per 600 sf. of showroom + 1 space per 500 sf. of service area	1 space + 1 space per 25,000 sf. of service area
Veterinarian	1 space per 250 sf.	N/A
Warehousing, Mini-Storage	1 space per 300 sf. of office; but in no case less than 2 spaces visitor parking + 1 space per caretaker unit	N/A

T. Required parking for recreation and amusement uses. The parking requirements for recreation and amusement uses are set out in Table 24 Required Parking and Loading for Recreation and Amusement Uses.

Table 24. Required Parking and Loading for Recreation and Amusement Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Adult Entertainment Uses	Greater of 4 spaces per 5 seats; or 1 space per 150 sf. of floor area	1 space
Campgrounds	2 spaces per campsite. Four spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall be provided at the park entrance for guest registration.	N/A
Indoor Commercial Amusement: Bowling Alley	5 spaces per lane	1 space

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Indoor Amusement: Commercial Movie Theaters	1 space per 3 seats + 3 spaces per screen	1 space
Indoor Amusement: Commercial Skating Rinks	1 space per 100 sf. of rink surface	1 space
Indoor Amusement: Commercial Other	6 spaces per 1,000 sf.	1 space
Outdoor Amusement: Commercial Outdoor Arenas	1 space per 3 seats	1 space per 500 seats
Outdoor Amusement: Commercial Other	Per approved parking study	Per approved parking study
Indoor Recreation: Swimming Pool	1 space per 2 persons capacity	1 space
Indoor Recreation: Tennis, Racquetball; Handball	2 spaces + 1 space per court + 1 space per 5 courts	1 space
Indoor Community Center Recreation: Recreation	1 space per 400 sf.	1 space per 50,000 sf.
Indoor Recreation: Other	1 space per 400 sf.	1 space
Outdoor Recreation: Athletic Fields	Greater of: 1 space per 4 seats (spectator); or 30 spaces per athletic field	N/A
Outdoor Recreation: Day Camp	1 space per 4 campers	N/A
Outdoor Recreation: Driving Range	3 spaces per 4 stations	N/A
Outdoor Recreation: Mini Golf	4 spaces per hole	N/A
Outdoor Recreation: Golf Course	4 spaces per hole	N/A
Outdoor Recreation: Playgrounds	12 spaces per acre	N/A
Outdoor Recreation: Swimming Pool	1 space per 250 sf. of pool	N/A

Table 24. Required Parking and Loading for Recreation and Amusement Uses

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Outdoor Recreation: Tennis Courts	2 spaces per court + 1 space per 250 sf. of clubhouse or pro shop	N/A
Outdoor Recreation: Other Active Recreation	12 spaces per acre	N/A
Outdoor Recreation: Passive Recreation	2 spaces per acre	N/A
Recreational Vehicle Parks	2 spaces per lot. 4 spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall be provided at the park entrance for guest registration.	
Wineries		
Areas for use by or for patrons, including tasting rooms and reception areas and office or administration areas	1 space per 300 square feet	N/A
Production, storage or warehousing areas	1 space per 1,500 square feet	N/A
Promotional event parking	1 space per 2.5 persons	N/A

U. Required parking for industrial uses. The parking requirements for industrial uses are set out in Table 25, Required Parking and Loading for Industrial Uses.

Table 25. Required Parking and Loading for Industrial Uses

Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Disposal	5 spaces per 4 disposal vehicles	1 space per disposal vehicle
Heavy Industry	Per approved parking study	Per approved parking study
Light Industry: Laboratories, Research and Development, Testing	1 space per 300 sf.	1 space per 20,000 sf.
Light Industry: Other	1 space per 750 sf. or in accordance with a Special Study prepared by a	1 space per 20,000 sf.

Table 25. Required Parking and Loading for Industrial Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
	licensed traffic engineer or as required by the Director	
Recycling/Salvage	Per approved parking study	Per approved parking study
Utilities, Community	Per approved parking study	Per approved parking study
Utilities, Neighborhood	1 space (may be grass)	N/A
Warehousing and Transportation	1 space per 300 sf. of office + 1 space per 1,000 sf. of warehouse + 1 space per loading dock	Greater of: 1 space per 20,000 sf.; or 1 space per loading bay

V. Required parking for agricultural uses. The parking requirements for agricultural uses are set out in Table 26, Required Parking and Loading for Agricultural uses.

Table 26. Required Parking and Loading for Agricultural Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Agriculture or Forestry	2 spaces per dwelling unit used as a farm residence	N/A
Agri-tourism	1 space per 3 persons of the maximum capacity.	N/A
Commercial Stables	1 space per 6 stalls	1 space per 24 stalls
Nursery or Greenhouse: Wholesale	3 spaces per 1,000 sf. of office or sales floor area + 10 spaces per acre of outdoor nursery area	2 spaces per 5 acres
Nursery or Greenhouse: Retail	1 space per 250 sf. of enclosed floor area + 15 spaces per acre of outdoor nursery area	3 spaces per 5 acres
Wineries (as follows:)		
Areas for use by or for patrons, including tasting rooms and reception areas and office or administration areas	1 space per 300 square feet	N/A
Production, storage or warehousing areas	1 space per 1,500 square feet	N/A

Table 26. Required Parking and Loading for Agricultural Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Promotional event parking	1 space per 2.5 persons	N/A

W. Required parking for special uses. The parking requirements for special uses are set out in Table 27, Required Parking and Loading for Special Uses.

Table 27. Required Parking and Loading for Special Uses		
Use	Parking and Loading	
	Required Parking Spaces	Required Loading Spaces
Airports	Per approved parking study or as provided in accordance with State Law.	Per approved parking study
Bed and Breakfast Establishments and vacation rentals	1 space per guest room	N/A
Commercial Cannabis		
a. Distributor or Manufacturer	1 space per 800 sf processing area and 300 sf of office area.	1 space per 20,000 sf.
b. Nursery/Cultivation	1 space per 1,000 sf nursery or cultivation area and 1 space per 300 sf of office or processing floor area	1 space per 20,000 sf.
c. Testing Lab	1 space per 300 sf.	1 space per 20,000 sf.
Parking and Transit Facilities: Stand Alone Parking Lot	N/A	N/A
Parking and Transit Facilities: Transit Facility	Per approved parking study	Per approved parking study
Self-Storage Facilities	1 space per 20 storage units + 1 space per on-site caretaker residence	N/A
Wireless Telecommunications Facilities	1 per freestanding facility (may be grass)	N/A

18-20.100 Parking and Driveway Design and Exceptions.

- A. Parking and driveway design and requirements for permits shall be as provided in the parking standards adopted by Council resolution.
- B. The Director may grant exceptions to the standards subject to appropriate conditions and upon finding that:
 - 1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;
 - 2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and
 - 3. The exception is reasonably necessary for the applicant’s full enjoyment of uses permitted upon his/her property.

18-20.110 Screening of outdoor sales and storage.

Screening shall be required for all outdoor sales and storage. Such screening shall consist of a solid fence, wall or mature hedge or other screen planting at least 6 feet high. The Director may waive the screening requirement when the use customarily is not screened from public view, such as auto sales or displays at gas stations. The Director may defer the screening requirement where the sales or storage is adjacent to vacant land and where it is not visible from a public street. Such waiver or deferral may be by approval of whatever type of use permit may be required for the use. If no use permit is required, the waiver or deferral shall be in writing and shall set forth the circumstances justifying the action.

18-20.120 Night Sky Preservation.

- A. **Purpose and intent.** To establish outdoor lighting regulations that encourage lighting practices and systems that will:
 - 1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security and enjoyment while preserving the ambience of night;
 - 2. Curtail and reverse any degradation of the nighttime visual environment and the night sky;
 - 3. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive or unnecessary;
 - 4. Help protect the natural environment from the damaging effects of night lighting;
 - 5. Meet the minimum requirements of the California Code of Regulations for Outdoor Lighting and Signs (Title 24, Chapter 6).

6. Comply with other laws or ordinances may require minimum illumination levels for specific applications and may conflict with these regulations. In such cases, those laws or ordinances shall govern.

B. Application requirements. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, and/or approval of any development project, the applicant shall, as a part of said application, submit sufficient information to enable the Community Development Department to determine whether the proposed lighting will comply with the provisions of this Section. The application shall include information determined appropriate by the Community Development Department that accurately describes projected illumination levels which shall include working drawings and details as described in the City's Lighting Checklist as provided and maintained by the Director. The application Fees commensurate with the costs of processing and reviewing applications and administering this Chapter shall be collected at the time the application is filed.

C. Operational standards. Outdoor lighting shall be designed, installed and maintained to prevent nighttime sky light pollution, preserve and enhance visibility of stars and use energy efficiently by lighting only those areas or objects necessary for safety and security. Outdoor lighting design and requirements are also referred to in the City's Lighting Design Standards that are adopted by Council resolution. All outdoor lighting shall conform to the following regulations:

1. Outdoor lighting shall be directed downward and away from adjacent properties and public rights-of-way.
2. No lighting on private property shall produce an illumination level greater than two maintained horizontal foot-candles at grade on any property within a residential zoning district except on the site of the light source.
3. The maximum light intensity on a residential site shall not exceed a maintained value of 10 foot-candles, when measured at finished grade.
4. The maximum light intensity on a nonresidential site, except auto sales lots, ATMs and sports fields, shall not exceed a maintained value of 10 foot-candles, when measured at finished grade.
5. The maximum light intensity on an ATM shall not exceed a maintained value of 20 foot-candles, when measured at finished grade.
6. The maximum light intensity on an auto sales lot shall not exceed a maintained value of 40 foot-candles, when measured at finished grade.
7. The maximum light intensity on a sports field shall not exceed a maintained value of 50 foot-candles, when measured 3 feet above grade. Baseball field lighting and lighting for other recreational uses may be increased to a maintained value of 100 foot-candles with approval of the Director.

8. Outdoor lighting shall be completely turned off or significantly dimmed at the close of business hours unless lighting is essential for security or safety (e.g. illumination of parking areas, ATMs and plazas).
 9. Outdoor lighting shall not blink, flash or rotate.
 10. Outdoor flood light projection above the horizontal plane is prohibited, unless exempted by Section 18-20.120(E).
 11. All upward directed sign lighting, including illumination of billboards, is prohibited, unless exempted by Section 18-20.120(E).
 12. Outdoor sports fields shall not be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
- D. Lighting standards.** Lighting shall comply with the requirements of the City's Lighting Design Standards adopted by Council resolution.
- E. Exemptions.** The following lighting fixtures are exempt from the requirements of this Section:

1. Neon and other low intensity outdoor lighting fixtures used for signage or architectural decoration that are approved through design review.
2. Outdoor lighting fixtures on public rights-of-way provided that measures have been taken to mitigate impacts on surrounding properties and the night sky.
3. Emergency lighting operated by public agencies or for the purpose of aviation safety.
4. All temporary lighting used for the construction or repair of roadways, utilities and other public infrastructure.
5. Non-electric lighting such as gas lamps or kerosene lanterns.
6. Temporary lighting equipment and seasonal lighting equipment provided that individual lamps are 10 watts or less.
7. Accent lighting for architectural features, national flags, statues, public art, signage or other objects of interest provided the fixture emits a very narrow cone of light for the purpose of confining the light to the object of interest and minimizing spill-light and glare. Accent lighting is subject to Director's approval.

18-20.130 Water Efficient Landscaping.

- A. Purpose and intent.** To establish water efficient landscaping regulations in compliance with compliance with State law and enhance the appearance of the community through the development of attractive landscapes throughout the City.
- B. Applicability.** The provisions of this Section shall apply to the following landscape projects:
1. New construction and rehabilitated landscapes for institutional, commercial and multi-family development projects with a landscape area equal to or greater than 2,500 square feet which are otherwise subject to a building permit or development review.
 2. Developer-installed single-family residential landscapes and common areas of a project with a landscape area equal to or greater than 2,500 square feet which are otherwise subject to a building permit or development review. Where model homes are included, the developer shall install at least 2 model homes with landscapes that comply with the requirements of this Chapter and include signs and printed materials explaining design strategies and plant materials for water conservation.

3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit or development review.
4. Homeowners associations and common interest developments' architectural guidelines (i.e., CC&Rs) shall not prohibit or include conditions that have the effect of prohibiting the use of low water-using plants as a group. Further, the guidelines shall not prohibit the removal of turf, nor restrict or prohibit the reduction of turf in lieu of more water-efficient alternatives (Civil Code Section 1353.8).

C. Landscaping design standards and guidelines. Landscaping design and installation shall comply with the requirements of the City's Landscaping Design Standards and Guidelines adopted by Council resolution.

D. Applicable Projects: Projects that fall under the applicable thresholds cited shall submit the following:

1. Landscape design plan which meets the maximum applied water allowance calculation and design criteria in the City Engineering Standards uniform design criteria for landscaping and irrigation; and
2. Irrigation design plan which meets the design criteria in the City Engineering Standards uniform design criteria for landscaping and irrigation.

E. Exempt Activities. The provisions of this Section shall not apply to the following activities:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system; or
3. Plant collections, as part of botanical gardens and arboretums open to the public.

F. Submittal requirements.

1. **Landscape design plan.** For the efficient use of water, a landscape shall be designed and planned for the intended function of the project. For each landscape project subject to this Section, applicants shall submit a landscape design plan as described in the City 's Landscaping and Design Standards and Guidelines.
2. **Irrigation design plan.** The irrigation system and its related components shall be planned and designed to allow for proper installation, management and maintenance. For each landscape project subject to this Chapter,

applicants shall submit an irrigation design plan that is designed and installed to meet irrigation efficiency criteria as described in the City's Landscaping Design Standards and Guidelines.

- 3. **Soils management report.** In order to reduce runoff and encourage healthy plant growth, soil amendment, mulching and soil conditioning recommendations shall be prepared by a licensed landscape architect, licensed landscape contractor, licensed civil engineer or licensed architect as described in the City's Landscaping Design Standards and Guidelines.
- 4. **Grading design plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff and water waste as described in the C City's Landscaping Design Standards and Guidelines.
- 5. **Storm water management.** Storm water management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing storm water best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration are required. Project applicants shall refer to Chapter 17 and the City's Design and Construction Standards Engineering Standards.

G. Implementation procedures. For projects that require development review (tentative parcel map, tentative tract, development plan or conditional use permit), project applicants shall submit the following documentation:

- 1. A completed maximum applied water allowance for the conceptual landscape design.
- 2. A conceptual landscape design plan which demonstrates that the landscape will meet the landscape design specifications of the City Engineering Standards uniform design criteria for landscaping and irrigation.
- 3. A conceptual irrigation design plan which notes the irrigation methods and design actions that will be employed to meet the irrigation specifications of the City Engineering Standards uniform design criteria for landscaping and irrigation.
- 4. A grading plan which demonstrates the landscape will meet the specifications of the City Engineering Standards uniform design criteria for landscaping and irrigation.

H. Building Application. Prior to the issuance of a building permit, project applicants shall submit the following:

- 1. A completed maximum applied water allowance form (appendices, City Engineering Standards) based on the final landscape design plan.

2. A final landscape design plan that includes all the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
3. A final irrigation plan that includes all the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
4. A soils management report that includes at a minimum the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
5. A final grading plan that includes all the criteria required in the City Engineering Standards uniform design criteria for landscaping and irrigation.
6. A hydrozone table (refer to City's Landscaping and Irrigation Standards City Engineering Standards).

I. Project completion. Upon completion of the installation of the landscape and irrigation system and prior to the issuance of the certificate of occupancy, the project applicant shall submit the following:

1. A certification of completion (appendices, City Landscape Design Standards and Guidelines) signed by the professional of record for the landscape and irrigation design certifying that the project was installed per the City-approved landscape design, irrigation and grading plans and meets or exceeds an average landscape irrigation efficiency of 0.71. The City reserves the right to inspect and audit any irrigation system which has received an approval through the provisions of this Chapter.
2. A project applicant shall develop and provide to the owner or owner representative and the City an irrigation schedule that assists in the water management of the project and utilizes the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the criteria in the City's Landscape Design Standards and Guidelines.
3. A regular maintenance schedule shall be submitted by the project applicant with the certificate of completion that includes: routine inspections, adjustment and repairs to the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning and weeding. The maintenance schedule will be provided to the owner or owner representative.

18-20-140 – Curb, Gutter, Sidewalks Installation

A. Purpose Establish pedestrian safe corridors by providing a uniform procedure for the installation of curb, gutter, and sidewalks; to impose a reasonable public property improvement requirement as a condition of construction of buildings or other improvements for the orderly development and improvement of public property consistent with public health, safety and enhancing the appearance of the City.

B. General Provisions:

1. Property Improvements: When property improvements exceed \$50,000 on a parcel, the installation of curb, gutter and sidewalk improvements shall be required to applicable road standards. If the existing right-of-way improvements are damaged or in a state of disrepair they shall be reconstructed to comply with the current standards. This requirement shall apply to all Land Use Zoning Designations within the City.

2. Discretionary/Entitlement Permits: The installation of Curb, Gutter, Sidewalks Improvements shall be a standard condition of approval for all Discretionary Land Use Permits/Entitlements (Administrative Use Permits, Conditional Use Permits, Parcel/Subdivision Maps, Rezones, General Plan Amendments, Planned Development Projects, etc.)

3. Exemptions: The following property improvements are exempt from these requirements:
 - Repairs made to comply with state or local health and safety regulations to assure safe living conditions.

 - Repairs made to restore a structure to its pre-existing condition when the damage has been caused by a natural disaster (such as fires, earthquakes, floods, slides, and/or a strong wind events).

 - Routine property maintenance such as re-roofing, replacement of heating/cooling equipment, sewer/water line repairs, electrical/plumbing repairs, existing foundation repair, and required upgrades to bring a structure into compliance with the Americans Disabilities Act (ADA).

 - Improvements to elevate structures within a floodplain to current FEMA and local agency requirements.

C. Submittal & Completion Requirements:

1. Plan Requirements: All Curb, Gutter and Sidewalk Improvement Plans shall be prepared and stamped by a California Licensed Civil Engineer and prepared in accordance with all applicable Federal, State, and local agency requirements, including the City of Clearlake Municipal Code and Design/Construction Standards.
2. Inspection of Right-of-Way Improvements: The City Manager or designee shall have the power to appoint qualified persons to inspect construction of the work specified in this chapter. If the inspection requires a Licensed Special Inspector, it shall be the responsibility of the applicant to secure such inspection.
3. Permit Requirements: Prior to installation, the applicant shall apply for and secure all required Federal, State and local agency permits, including an Encroachment Permit with the City.
4. Installation Requirements: All Curb, Gutter and Sidewalk Improvements shall be installed on all street frontages prior to final inspection and/or occupancy.

D. Construction Requirement Waiver.

- a. A waiver from requiring curb, gutter, and sidewalk to be installed in conjunction with the improvements to the abutting property may be granted under the following circumstances:
 - i. Where the upon request by application the City Manager or designee finds and determines there are circumstances applying to the project site, such as size, shape or topography, which do not apply generally to land within the vicinity. Such circumstances shall not constitute a grant of special privilege/entitlement inconsistent with the limitations upon other properties in the vicinity; or
 - ii. If the project parcel is located within a City Roadway Improvement Project, in lieu of installing such improvements, as normally required, the applicant shall pay a fee to the City equal to the cost of installing the improvements to the City. Said fee shall be determined by the City Engineer; or
 - iii. Enter into an Improvement Deferral Agreement approved by the City Attorney which shall contain, required timelines for installation among other provisions determined by the city, agreement by applicant to furnish improvement security by cash deposit or bond(s) duly authorized corporate surety with the City. The amount of said improvement security shall be determined by the City Engineer and shall be equal to the City's Engineers estimate of the cost of the improvement to be deferred, plus ten (10) percent. The security shall run with the land and shall be binding upon successors in interest to the property receiving deferral. Said Improvement Deferral Agreement shall be record at the Lake County Assessor/Recorders Office.

Chapter 18-21: Sign Regulations

Sections:

- 18-21-010 Purpose and intent.
- 18-21-020 General principles
- 18-21-030 Permit application process.
- 18-21-040 General regulations.
- 18-21-050 Signs in residential and agricultural zones.
- 18-21-060 Signs in commercial and industrial zones.
- 18-21-070 Off-site signs.
- 18-21-080 Temporary signs.
- 18-21-090 Specific regulations regarding murals.
- 18-21.100 Enforcement.
- 18-21.110 Non-conforming signs.
- 18-21-120 Signs on public property.

18-21.010 Purpose and intent.

- A. Purpose and intent.** It is the purpose and intent of this Chapter is to provide minimum standards to safeguard life, health, property, aesthetics and public welfare and safety by regulating and controlling the type, size, number, design, quality of materials, construction, illumination, location and maintenance of all signs in the City of Clearlake.

- B. Adoption of sign regulations.** By adopting this Chapter, the City intends to balance several competing interests, including:
 - 1. To regulate signs in a constitutional manner, with rules that do not regulate protected noncommercial speech by content or favor commercial speech over noncommercial speech;
 - 2. To provide adequate opportunity for persons to express themselves by displaying an image or message on a sign;
 - 3. To preserve and enhance the aesthetic, traffic safety and environmental values of our community;
 - 4. To minimize distraction, obstruction or other impediments to traffic circulation which would be caused by excessive or inappropriately placed signage;
 - 5. To safeguard and preserve the health, property and public welfare of Clearlake residents by regulating the physical design, location and maintenance of signs;
 - 6. To provide a method for abatement of illegal and abandoned signs; and
 - 7. To implement the Clearlake General Plan.

18-21.020 General principals.

- A. Regulatory scope.** This Chapter regulates signs on City property, regulates signs, as defined herein, which are located on or displayed from private property located within the City, as well as signs located on public property owned by public agencies other than the City over which the City has land use regulatory authority.
- B. Owner’s consent.** No sign may be displayed on private property without the consent of the property owner or person holding the present right of possession and control of the property, except that a landlord’s consent is not required for a tenant to display signs as specified in Civil Code Section 1940.4.
- C. Noncommercial messages.** There is no location criterion for noncommercial messages that are protected by the First Amendment to the U.S. Constitution and/or the corollary provisions of the California Constitution.
- D. Message substitution.** Any constitutionally protected noncommercial message may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.
- E. Permit generally required.** Unless exempted from the sign permit requirement, all signs shall be installed or displayed only pursuant to a sign permit issued by the City. It is unlawful for any person, association, corporation or other entity to erect in any manner within the City a sign, except in conformance with the provisions of this Chapter and all other applicable laws, rules and regulations, and policies.
- F. Discretionary approvals.** Whenever a sign or a proposed sign is subject to any discretionary review, permit or approval, such discretion may be exercised only as to the compatibility of the sign within its location and other structural, architectural and locational factors and consistency with the City’s Design Review Manual in accordance with Section 18-33 of this Chapter.
- G. Administrator interpretations.** All interpretations of this Chapter shall be exercised in light of message neutrality and message substitution policies. Where a particular type of sign is proposed and the type is neither expressly allowed nor prohibited by this Chapter or whenever a sign does not qualify as a “structure” as defined in the Building Code, as adopted by the City, then the Planning Commission or Director or his/her authorized representative, as applicable, shall approve, conditionally approve or disapprove the application based on the most similar sign type, using physical and structural similarity, that is expressly regulated by this Chapter.

- H. **Compatibility factors.** In determining compatibility of a sign with its surrounding environment, the following criteria may be considered: (1) Style or character of existing improvements upon the site and properties adjacent to the site; (2) visual elements such as construction materials, physical design details and the number and spacing of signs in the area; (3) the sign's height, size and location, in relation to its proposed location and use; (4) potential effect of the proposed sign on driver and pedestrian safety; (5) potential blocking of view (whole or partial) of a structure or façade or public view of natural, historical or architectural significance; (6) potential obstruction of views of users of adjacent buildings to side yards, front yards, open space or parks; (7) potential negative impact on visual quality of public spaces, including but not limited to recreation facilities, public squares, plazas, courtyards and the like; (8) whether the sign structure will impose an aesthetically foreign or inharmonious element into the existing skyline or local viewscape. In addition, in accordance with Section 18-33 of this Code, sign review must include evaluation for consistency with certain standards and guidelines contained in the City's Design Review Manual.

- I. **Federally Registered Marks.** The provisions of this Chapter shall not require alteration of the display of any registered mark or any trademark, service mark, trade name or corporate name that may be associated with or incorporated into a registered mark, where such alteration would require the registered mark to be displayed in a manner differing from the mark as exhibited in the certificate of registration issued by the United States Patent and Trademark Office. However, the City does have discretion of the size of the display in relation to compatibility factors. It is the responsibility of the applicant to establish that a proposed sign includes a registered mark.

18-21.030 Permit Application Process.

- A. All sign permit applications shall be consistent with the provisions of this Chapter. All signs that are not expressly exempted from the sign permit requirements may be installed, erected or displayed only pursuant to a sign permit. There are three types of sign processes that require City review, including: (1) review of some exempt signs that don't require permits; (2) Sign Installation Permits; and (3) Comprehensive Sign Package Permits. The following addresses Sign Installation and Comprehensive Sign Package Permits.
 - 1. Sign installation permit and fee. Application for a Sign Installation Permit may be filed with the City upon forms furnished by the City. The application shall include working drawings and details as described in the City's Sign Application Checklist as provided and maintained by the Director. Fees commensurate with the costs of processing and reviewing applications and administering this Chapter shall be collected at the time the application is filed in accordance with Section 18-37 of this Chapter.

2. Comprehensive sign package and fees. Buildings or building complexes containing three or more uses or separately leasable spaces, shall be required to submit a Comprehensive Sign Package to the City on forms furnished by the City prior to the issuance of the first sign permit for the building complex. Such sign package shall include a sign program and other information as described in the City's Comprehensive Sign Package Application Checklist as provided and maintained by the Director. Fees commensurate with the costs of processing and reviewing applications and administering this Chapter shall be collected at the time the application is filed in accordance with Section 18-37 of this Chapter.

B. Approving authority. The following persons, departments, advisory or legislative bodies are entitled to approve or deny sign requests as follows:

1. Sign installation permit. The Director or his/her authorized representative, is authorized to issue a Sign Installation Permit if said application complies with the provisions of this Chapter and all other applicable laws, rules, regulations, procedures, design guidelines and standards and policies, including all applicable health and safety codes. In accordance with the City's Design Review Procedures, the Sign Installation Permit may also be subject to review by the Design Review Committee and/or the Planning Commission. The Director or authorized representative may also refer Sign Installation Permit to the Planning Commission if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Chapter. The Design Review Committee, Planning Commission or Director or authorized representative as the case may be, may approve a Sign Installation Permit if on the basis of the application, plans, materials and testimony submitted, finds:
 - a. The proposed sign(s) conform to the criteria set forth in this Chapter;
 - b. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;
 - c. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic;
 - d. The proposed sign(s) will not have an adverse visual impact on adjoining land uses; and
 - e. The proposed is consistent with the Design Review Manual in accordance with Section 18-33 of this Code.

The Director or authorized representative may approve a Sign Installation Permit application subject to such conditions, modifications or limitations as the committee and/or commission deems appropriate to carry out the purposes and goals of this Chapter.

2. Comprehensive sign package. The Director or authorized representative shall consider and either approve or deny Comprehensive Sign Packages according to the provisions of this Chapter and all other applicable laws, rules, regulations and policies, including all applicable health and safety codes. The Director or authorized representative may approve a Comprehensive Sign Package application subject to such conditions, modifications or limitations as the Director or authorized representative deems appropriate to carry out the purposes and goals of this Chapter. In accordance with the City's Design Review Procedures, the Comprehensive Sign Package may be subject to review by the Design Review Committee and/or the Planning Commission. The Director or authorized representative may also refer Comprehensive Sign Packages to the Design Review Committee and/or Planning Commission if he/she finds that the proposal may conflict with the purposes and criteria set forth in this Chapter. The Design Review Committee, Planning Commission or Director or authorized representative as the case may be, may approve a Comprehensive Sign Package if on the basis of the application, plans, materials and testimony submitted, finds:
 - a. The proposed sign(s) conform with the criteria set forth in this Chapter;
 - b. The proposed sign(s) is/are compatible with other signs on the site and in the vicinity;
 - c. The proposed sign(s) will not adversely impact traffic circulation in adjacent right-of-way or create a hazard to vehicular or pedestrian traffic; The proposed sign(s) will not have an adverse visual impact on adjoining land uses; and
 - d. The proposed sign (s) is/are consistent with the Design Review Manual in accordance with Section 18-39 of this Chapter.
3. Time required between substantially similar applications. In accordance with Section 18-35 of this Section, the City shall not accept any application that is substantially similar to an application that was denied within the 6 months from the date the application is denied.
4. Public hearing process. Any application for a Sign Installation Permit or Comprehensive Sign Package which was denied is appealable in accordance with the provisions in Section 18-36 of this Section.
5. Installation and expiration. Signs shall be installed substantially consistent with the plans approved by the approval authority within 6 months of the approval or the sign approval will be deemed to have expired and becomes null and void. Prior to sign installation, a sign building permit shall be obtained as required by the Uniform Sign Code and/or related City's regulations.

18-21.040 General Regulations.

- A. Sign installation and maintenance.** The installation of signs and their supports shall be in accordance with applicable provisions of the California Building Code, as adopted and applied by the City pursuant to Chapter 15.04 of this Code and the California Electrical Code, as adopted and other applicable codes, statutes, ordinances and regulations. The owner of any parcel on which a sign is located shall properly maintain or cause to be maintained, in good condition and repair every sign and its parts, structure, supports and surrounding landscape areas, if any.

- B. Exempt signs.** An exemption from a Sign Installation Permit or Comprehensive Sign Package shall not be deemed to grant authorization for the installation of any sign not in compliance with all requirements of this Chapter or consistent with the Design Review Manual, nor any provisions of the codes of the City. All signs that have an electrical system shall require an electrical permit issued by the Building Department. Some signs that may qualify to be exempt from permit requirements may be subject to approval by the Director. However, if after initial review of a sign that may be listed as exempt is found not to be in compliance with this Chapter and/or not consistent with the Design Review Manual, the Director may qualify the sign as subject to a Sign Installation Permit. Signs that have been deemed subject to a Sign Installation Permit are then subject to all provisions of Section 18-20.030 of this Chapter. Sign types are generally exempt from the sign permit requirement, but are still subject to all other applicable laws, rules, regulations, policies and approvals as shown below in Table 28:

Table 28. Exempt Signs and Level of Review		
	Subject to Director Approval	No Clearance Required
1. Temporary Signs (see Section 18-21.080)	X	
2. Window Signs (See Section 18-21.060 (4))	X	
3. Feather Banners (See Section 18-21.060 (8))	X	
4. Commercial Mascots (See Section 18-21.060 (9)).		X
5. Address numerals and other such devices not exceeding one square foot in area and bearing only property numbers, post box number, names of occupants or other similar identification on a site.		X
6. Official flags of national, State or local governments or nationally recognized fraternal, public service or religious organizations, provided the length of the flag shall not exceed one-fourth the height of the flagpole and the flag is not used for commercial advertising.		X

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
7. Legal notices, identification, informational or directional/traffic controlling devices erected or required by government agencies.		X
8. Decorative or architectural features of buildings, (not including lettering or trademarks or moving parts) which do not perform a communicative function (examples include color stripes around an office building or retail store).	X	
9. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for no more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages.		X
10. Aerial banners towed behind aircraft.		X
11. Kiosks, including Automated teller Machines (ATMs, when not used for general advertising).	X	
12. Historical monuments, plaques and tablets.		X
13. Signs or displays located entirely inside of a structure and not clearly visible from public view.		X
14. California State Lottery signs, approved by the Lottery Commission for display by Lottery Game Retailers, in accordance with the California Government Code.		X
15. Symbols embedded in architecture- symbols of noncommercial organizations or concepts including but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or base relief doors or walls, bells and religious statuary.		X
16. Directional signs less than 4 square feet in size.		X
17. Accessory signs not exceeding 4 square feet in area within non-residential zones.		X
18. Real estate signs. a. Residential Zones. One non-illuminated real estate sign not more than 8 square feet in area, including riders, advertising, the lease, rent or sale of a parcel or structure, may be located on the property it advertises. b. Non-Residential Zones. One non-illuminated real estate sign not more than 32 square feet, with a		X

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
maximum height for freestanding signs of 8 feet, for each parcel street frontage.		
19. Subject to the provisions of Section 18-21.120 of this Chapter regarding signs on public property, government signs posted by the City on City Property to express its own message(s) to the public; traffic control and traffic directional signs erected by the City or other governmental entity; official notices required or authorized by law or court order; signs placed in furtherance of the City's governmental functions.		X
20. Grave markers, gravestones, headstones, mausoleums, shrines and other markers of the deceased.		X
21. Subject to the provisions of Section 18-5.120 of this Chapter regarding signs on public property, picketing and the personal carrying of signs "picketing," displaying protected noncommercial speech messages, is allowed in Traditional Public Forum Areas, except in the roadway when it is open to normal vehicular traffic; picketers may not interfere with public ingress or egress or free use of sidewalks or public rights-of-way. For safety reasons, picketing is allowed from sunrise until 10:00 p.m. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic lane when a roadway is open for use by vehicles and persons displaying signs on public sidewalks must give at least 3 feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area.		X
22. Fuel pump accessory signs that don't exceed 4 square feet for each side of a pump.		X
23. Gas station island advertising signs that don't exceed 8 square feet for each side of a gas island.		X
24. Menu signs that don't exceed 12 square feet for each drive-through lane.		X
25. Gas station price signs required by State law, not exceeding the number and area required by State law and subject to review by the City.	X	
26. Wall or freestanding signs not exceeding 10 square feet each for sales of food sales from produce primarily grown on the same site.		X
27. A-frame or T-Frame signs in commercial zones that comply with Section 18-021.060 (7) of this Chapter.		X
28. Replacement or change of a changeable copy sign.	X	

Table 28. Exempt Signs and Level of Review		
Description of Sign	Subject to Director Approval	No Clearance Required
<p>29. Small off-site signs on vehicles in all non-residential zones in the City, subject to the following conditions and regulations:</p> <ul style="list-style-type: none"> a. Signs shall be painted on, placed on or affixed to a vehicle. No more than one sign per location permitted. b. Signs shall be placed only on operable vehicles with current California Department of Motor Vehicles registration. c. No sign shall exceed 32 square feet in size. Double-sided signs shall be permitted, in which case each side shall not exceed 32 square feet in size. d. All vehicles with signs parked in the City shall comply with all applicable state and City vehicle stopping and parking regulations. e. No vehicle with a sign permitted by this Section shall be parked in any manner that the vehicle or sign or both, will or reasonably may be expected to: (a) obstruct the free flow of vehicular and pedestrian traffic; (b) obstruct the view of motorists and/or pedestrians; (c) obstruct the view of or conflict with any traffic sign, signal or device; or (d) otherwise be detrimental to public safety. 		X

C. Prohibited signs.

1. Types of prohibited signs. All signs not expressly allowed by this Chapter shall be prohibited.
2. Examples of prohibited signs. Examples of prohibited signs include the following:
 - a. Flashing, rotating, moving, blinking, reflecting and/or florescent painted signs or signs which emit smoke, fumes, flashes, sparks or sound;
 - b. Signs on trees, shrubs, stones, fences or utility poles;
 - c. Any sign erected in such a manner that it will or reasonably may be expected to, obstruct the view of or conflict with any traffic sign, signal or device, obstruct the view of pedestrian or vehicular traffic or otherwise be detrimental to public safety;
 - d. Animated Signs, including electronic message display signs and variable intensity, blinking or flashing signs, balloons, inflatable signs or other similar attention getting devices or signs that emit a

- varying intensity of light or color (except for commercial mascot signs).
- e. Roof signs excepting therefrom signs permitted explicitly in this Chapter.
 - f. Abandoned signs.
 - g. Illegal signs.
 - h. Signs displayed without permission of owner or lessee.
 - i. Signs that are hazardous or unsafe by virtue of their physical condition.
 - j. Search lights used for advertising or attention getting.
 - k. Signs that are activated by air, forced air, forced gas or wind.
 - l. Signs that interrupt or encroach into the corner clear zone.
 - m. Private party signs placed on City property without consent.
 - n. Digital display/electronic message signs, excepting therefrom signs permitted explicitly in this Chapter.
 - o. Flags, except as specifically allowed Section 18-21.080 of this Chapter.
 - p. Inflatable or tethered signs or devices.
 - q. Obscene signs, such as graphic images of human anatomical areas or specified sexual activities as more completely described in Section 18-19.160.
 - r. Off-premises signs, except as permitted under the provisions of this Section.
 - s. Except for cannabis dispensaries and cannabis microbusinesses, which shall have a sign program approved as a component of a use permit for the microbusiness, there shall be no signage or markings on the premises or off site which in any way evidences that commercial cannabis operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building. (Ord. #200-2017; Ord. #229-2019, § 2)

D. Illumination of signs. Sign illumination shall be from an interior light source contained within the sign cabinet. Indirect exterior illumination shall be permitted provided the light source is entirely shielded from view. Such signs shall comply with the following provisions:

1. No sign shall be illuminated by an exposed light source visible from any public street or residential property. Neon tubing shall be allowed on a limited basis, subject to Director or authorized representative approval, if it is made an integral part of the sign design and computed within the sign area.
2. No sign shall employ the use of mirrors or any other highly reflective surfaces so as to direct or reflect any natural or artificial light onto any public right-of-way or adjoining property.
3. Halo or back lighting shall not count toward the total sign area.
4. The light illuminating a sign shall not be of a brightness or intensity that will interfere with the reasonable enjoyment of residential properties. Refer to Section 18-20.120 of this Code for specific sign illumination requirements.
5. Sign illumination shall not blink, flash, flutter or change light brightness, color or intensity.
6. Permanently installed illuminated panels, visible tubing and strings of lights outlining all or a portion of a structure, other than lighting that is primarily for indirectly illuminating architectural features, signs or landscaping, shall be deemed "signs" subject to this Chapter and shall be counted as part of the allowed maximum sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least 6 inches for the purpose of calculating sign area.
7. Neon lighting tubing for signs or architectural elements shall be allowed in commercial zones only.
8. Neon tubing shall not exceed 0.5 inches in diameter.
9. Neon signs and linear tubing shall be UL (Underwriters Laboratories) listed with a maximum 30 milliamps per circuit and be designed to accommodate a dimmer in order to reduce the brightness of the neon.

E. Sign maintenance.

1. Each sign and supporting hardware, including temporary signs, shall be maintained in good repair and functioning property at all times.
2. A repair to a sign shall be of equal or better quality of materials and design as the original sign.

3. A sign that is not properly maintained and is dilapidated and has been deemed a public nuisance and may be abated in compliance with this Code.
4. When an existing sign is removed or replaced, all brackets, poles and other supports that are no longer required shall be removed.
5. Unpainted areas of a sign and supporting structure and hardware shall be painted to match the adjacent portion of the structure or the sign support structure.

F. Sign relocation. A permanent sign may be relocated only pursuant to a new permit. Relocated signs must comply with all rules that apply to the new location.

G. Flags. Flags are considered signage meeting the definition of “flag” in Section 18-45 of this Chapter.

18-21.050 Signs in Residential and Agricultural Zones.

A. Signage for residential uses.

Signage for residential uses is allowed, unless specifically prohibited by this ordinance, if complying with the following standards:

1. Signs on single- and multi-family residences (individual dwelling units). Single-family residential units may display signs as stated in this subsection, subject to the rules stated in this subsection.
 - a. Sign area. At all times, the total display area of all signs shall not exceed 5 square feet; in the case of freestanding signs, area shall be measured on all sides and shall count separately. However, during the pre-election period, this allowable display area may be increased by 8 square feet.
 - b. Height. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction or other traffic or pedestrian hazard.
 - c. Number of signs. Not limited
 - d. Location. Not on public property or public right of- way or mounted on utility structures or poles or trees or vegetation.
 - e. Prohibited signs. A-frame signs, digital displays, interior illuminated signs, feather banners and roof signs are prohibited in residential zones.
2. Project entrance signs. New housing developments may display signs as authorized by this subsection, subject to the rules stated in this subsection.

The signs authorized by this Subsection are in addition to those authorized for individual dwelling units.

- a. Number of signs. Two signs per each main vehicular traffic entrance. The signs must be placed within a maintained landscaped area within an acceptable easement or open space lot authorized for signage.
 - b. Location. Near the main entrance to the project, on private land. The signs must be placed at the main street intersection of the major entrances to the project in such a location as to not obstruct sight distance. Signs may not be located within a public right-of-way. Signs located in the corner clear zone shall not exceed 30 inches in height, nor create a traffic sight obstruction or other pedestrian or traffic hazard.
 - c. Size and height. Maximum 24 square feet (per side); maximum 4 feet high.
- 3. Tourist oriented directional signs in compliance with Section 18-21.060(10) of this Chapter.
 - 4. Bed and breakfast establishment signs. One non-internally illuminated sign may be erected on the property not to exceed 10 square feet in size per street frontage. Lighting level shall comply with City sign regulations for the zoning district. The sign shall compliment the nature of the use and shall be architecturally integrated into the architecture of the main building; The sign shall contain no information other than identification of the premises as the named bed and breakfast establishment.
- B. Agricultural or Open Space Signs.** The following signs are allowed in agricultural or open space zones or easements:
- 1. Wall signs. Wall sign area shall not exceed 40 square feet.
 - 2. Monument signs. Monument signs shall not exceed 20 square feet or 5 feet in height. Monument signs shall be placed within a landscaped area.
 - 3. Tourist oriented directional signs. Tourist oriented directional signs in compliance with Section 18-21.060(10) of this Chapter.

18-21.060 Signs in Commercial and Industrial Zones.

A. Permanent signs. The following types of signs may be mounted, erected, installed and is played on commercial, institutional and industrial uses in the CD, GC, MUX and IN Zones, subject to the rules stated in this Section. All commercial messages shall be on-site only.

1. Freestanding signs. Freestanding sign types include pole signs, ground signs or monument signs.
 - a. Pole or ground signs. A pole or a ground sign may be permitted if all of the following design standards are met.
 - i. Frontage requirement. The site shall have a street frontage of at least 200 feet.
 - ii. Number of signs. The identification of a single use not located within a building complex will be limited to one freestanding pole or ground sign. The identification of uses located within a building complex will be limited to one freestanding pole or ground sign per each 1,000 feet of street frontage provided that complexes with multiple street frontages may be allowed one secondary ground sign with a maximum height of 15 feet provided the total allowable sign area is not exceeded. No individual use located within a building complex will be permitted to have its own freestanding pole or ground sign. Off-site retail center signs may exceed this requirement.
 - iii. Sign area. The total sign area of all freestanding pole or ground signs for a 3 single building or a building complex shall not exceed that shown in Table 29. Off-site retail center signs may exceed this requirement.

Table 29. Sign Area Allowances for Freestanding Signs	
Total Building(s) Area (s.f.)	Total Sign Area (s.f.)
0 – 10,000	50
10,001 – 20,000	100
20,001 – 50,000	150
50,001 – 100,000	200
100,001 – 200,000	250
Over 200,000	300 max.

- iv. Sign height. The height of a freestanding pole or ground sign shall not exceed that shown in Table 30.

Table 30. Sign Height Allowances for Freestanding Signs	
Total Building(s) Area (s.f.)	Maximum Allowable Height
0 – 20,000	20
20,001 – 75,000	25
Over 75,000	30
Height Exception	25% increase in height for signs incorporating City Logo or City reference on the top section of sign-design subject to approval by the Planning Commission.

- v. Location. Freestanding pole or ground signs shall not be placed within a corner clear zone and shall be located so as to not create a pedestrian or traffic hazard.
 - vi. Setback/freestanding pole or ground signs shall be set back a minimum 5 feet from a street or interior property line and a minimum 10 feet from the edge of a driveway.
 - vii. Readability. Freestanding pole or ground signs shall have a minimum letter size of 4 inches. Sign copy shall not be located closer than one half letter height to the sign edge or other line of copy.
 - viii. Landscaping. Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the sign or 75 square feet, whichever is greater. For example, a 40 square foot sign will need to provide at least 880 square feet of landscaped area. The review authority may waive or modify this requirement on a case-by-case basis to take into account existing site conditions.
 - ix. Address. Freestanding pole or ground signs shall incorporate the street address to assist emergency response personnel in locating the site.
- b. Monument signs. Freestanding monument signs may be permitted subject to following design standards.
- i. Building complexes. Limited to one monument sign per each 150 feet of street frontage.
 - ii. Frontage requirement. No more than one monument sign shall be allowed per street frontage.
 - iii. Sign area. For the purposes of computing the area of a monument sign and to encourage better design, a border or frame shall not be counted as sign area provided such border

or frame does not exceed an additional 25% of the sign area. The sign area of a monument sign shall not exceed that shown in Table 31:

Table 31. Sign Height Allowances for Freestanding Signs	
Total Building(s) Area (s.f.)	Total Sign Area (s.f.)
0 – 10,000	20
10,001 – 25,000	30
Over 250,000	40 max.

- ii. Sign height. No monument sign including a frame, border or base shall exceed 6 feet in height as measured from existing grade.
- iii. Sign location. A minimum distance of 75 feet must be maintained between monument signs. The sign shall be set back a minimum of 5 feet from a street or interior property line and a minimum of 10 feet from the edge of a driveway. The sign shall not be placed within a corner clear zone and shall be located as to not create a pedestrian or traffic hazard. No portion of the sign shall project over public property, vehicular easements or rights-of-way.
- iv. Sign structure. The base of a monument sign shall be designed to be an integral part of the sign design, not merely a support. The base of a monument sign shall be solid.
- v. Address. To assist emergency personnel, monument signs shall incorporate the street address. Numbers shall be a minimum of 6 inches in height, but may not be included in the calculations for allowed maximum sign area.
- vi. Readability. To ensure the readability of the sign, the minimum letter size allowed shall be 4 inches. Sign copy shall not be located closer than half-letter height to the sign edge or other line of copy.
- vii. Landscaping. Landscaping with automatic irrigation shall be provided at the base of the supporting structure equal to twice the area of one face of the monument style sign or 75 square feet, whichever is greater. For example, a 40 square foot monument sign would need to have at least 80 square feet of landscaping area. The review authority may waive or modify this requirement on a case-by-case basis to take into account existing site conditions.

2. Wall signs. The following specific design standards shall apply wall signs.
 - a. Sign area. The maximum size of a wall sign, including a logo, shall be 2 square feet of sign area for each lineal foot of primary tenant frontage and 0.5 additional square feet for each linear foot of secondary tenant frontage or 10% of the area of the building façade on which the sign is mounted or painted, including the area of windows, doors and recesses, whichever is less. The total area of all signs on a primary frontage shall not exceed 100 square feet and total area of all signs on a secondary frontage shall not exceed 50 square feet. Wall signs for second story tenants shall not exceed 12 square feet. Frontage is computed on an individual basis in multi-tenant buildings. Building frontage shall be measured along that side of the building for which the sign is proposed.
 - b. Sign copy and readability. Wall signs shall be limited to a maximum of 2 lines of copy. The maximum letter height and/or sign face height shall be measured as the combination of both lines of copy, including the space between or the distance between the top of the sign face and the bottom of the sign face. To ensure the readability of the sign, the minimum letter size allowed shall be 4 inches. Sign copy shall not be located closer than half-letter height to the sign edge or other line of copy.
 - c. Location. The top of the sign shall not project above the intersection of the wall and roof or parapet line. Wall signs shall be limited to two sides of a building.
 - d. Projection. A wall sign shall not project more than 12 inches from the surface to which it is attached.
3. Projecting, canopy or suspended signs. The following specific design standards shall apply to projecting, overhead and suspended signs.
 - a. Sign area. A projecting sign shall not exceed 30 square feet. Signs that are suspended from a canopy or other roof structure over the sidewalk or building entrance shall not exceed 12 square feet. Projecting, canopy, and/or suspended signs shall count towards the maximum allowable sign area.
 - b. Number of signs. Only one sign per use is allowed and shall only be allowed if the wall it is projecting from does not have any wall signs. (Exception: If a canopy is over the entrance to a use, a projecting sign may be allowed under the canopy at each entrance provided such sign does not exceed 8 square feet and the total projecting signage for the use does not exceed 30 square feet).
 - c. Sign clearance. The bottom of any projecting sign shall be at least 8 feet above the walkway.

- d. Horizontal distance. The minimum horizontal clearance between a sign and the curb line shall be 2 feet. The maximum projection over a public sidewalk shall be $\frac{2}{3}$ and the width of a public sidewalk below or 6 feet, whichever is less. Any projection over a public right-of-way shall require an Encroachment Permit.
- 4. Window signs. The following specific design standards shall apply to window signs.
 - a. Sign area. Permanent window signs shall not occupy more than 15% of the total window area. Window sign area shall count towards the maximum allowable sign area.
 - b. Sign location. Signs shall be allowed only on windows located on the ground level and second story of a structure frontage.
 - c. Sign materials. Signs shall consist of individual letters, logos or symbols applied on, stenciled on or etched into the glass surface, however, neon signs with transparent backgrounds may be hung inside the window glass.
 - 5. Directional signs. Directional signs shall be no more than 3 feet high and 3 square feet. They are not limited by number or location.
 - 6. Awning signs. The following specific design standards apply to awning signs.
 - a. Signs on awnings are limited to ground level or second story occupancies only.
 - b. Awnings or awning signs shall not be internally illuminated. Direct exterior lighting may be allowed.
 - 7. A-Frame signs (also T-Frame type signs). The following specific standards apply to a-frame and other portable signs.
 - a. Sign area. An A-frame sign must not exceed 6 square feet in area on each side.
 - b. Timing. A-frame signs must be removed at the end of each business day.
 - c. Location. A-frame signs must be located at ground level on-site of the business and located as closely as possible to the building face so as to leave the maximum available clear area for pedestrian traffic. Signs may not be located in the City street right-of-way, they cannot block the sidewalk or interfere with traffic, either pedestrian or vehicular, and they must be anchored or weighted to keep them safely in place.

- d. Number of signs. One per business.
8. Feather banners. Feather banners authorized by this Section are in addition to the maximum allowable signage which is otherwise permitted. Feather banners shall be maintained in good condition at all times, without faded, frayed or torn fabric. The following specific standards apply to feather banners.
- a. Location. Feather banners may only be installed on private property and shall not extend over the public right-of-way. Minimum spacing between feather banners shall be 8 feet. Signs shall not create a traffic sight obstruction or other pedestrian or traffic hazard and shall comply with applicable engineering design standards.
 - b. Height. Maximum height for feather banners shall be the lesser of 15 feet or the height of the building.
 - c. Number of signs. Two per business.
 - d. Illumination. Feather banners may not be illuminated.
9. Commercial mascots. Commercial mascots authorized by this Section are in addition to the maximum allowable signage which is otherwise permitted. The following specific standards apply to commercial mascots.
- a. Private property. No more than one commercial mascot may be allowed on private property per business location only within commercial zones.
 - b. Public property. On public sidewalk areas during the daytime hours between sunrise and sunset, as specified by the United States Naval Observatory (USNO) data. Commercial mascots may not interfere with public ingress or egress or free use of sidewalks or public right-of-way. In order to serve the City's interests in traffic flow and safety, persons displaying signs on public sidewalks must give at least 3 feet width clearance for pedestrians to pass by. Persons holding signs may not block the view within the clear corner area. No more than one commercial mascot shall be allowed to occupy a street intersection corner area. No more than one commercial mascot shall be allowed for each business and the business must be within 300 feet from the location where the commercial mascot is performing. A 10-foot minimum separation shall be maintained between commercial mascots. The total sign area displayed shall not exceed 20 square feet. Sign display exhibits involving airborne signage shall not be permitted.
 - c. Illumination. Commercial mascots shall not utilize any form of illumination or lighting.

10. Tourist oriented directional signs. Tourist oriented directional signs are allowed in all zones subject to a use permit from the Planning Commission and subject to the following requirements.
 - a. The signs shall be smaller in size, each not exceeding 5 square feet in area.
 - b. The signs shall be non-illuminated in order to be compatible with their generally rural surroundings.
 - c. The signs shall be hand crafted, generally made of wood or other natural materials.
 - d. The signs shall be subject to the issuance of an Encroachment Permit.

11. Off-site retail center signs. Additional off-site freestanding signs for providing improved visibility for retail centers located within 500 feet of the retail center premises off-site may be allowed in all zones subject to a use permit from the Planning Commission and subject to the following requirements.
 - a. Maximum size, heights and design of signs shall comply with Tables 29 and 30 of this Chapter.
 - b. Property owner shall approve of the sign. This shall include a covenant on the property, that includes the City, that can transfer ownership and long term maintenance of the sign. An agreement, or other system shall be provided to ensure proper maintenance of the sign and any accompanying landscaping.
 - c. Prior to installation, a bond or other financial security approved by the Director shall be posted with the City for the total cost of removal and disposal of the sign if it becomes non-conforming in accordance with Section 18-21.110 of this Chapter.
 - d. The sign may only identify the retail center and related businesses that occupy the retail center which it is intended to identify except for minor identification of events to be held at the retail center or to identify City and other public events that may be approved by the Director.
 - e. If the sign is located near Highway 53, within Caltrans jurisdictional area, the sign review and installation shall be subject to the provisions of the Outdoor Advertising Act (Business and Professions Code Sections 5200 through 5486), and no sign permit shall be issued until after any necessary permit has been issued by the Director of Transportation of the State of California or his/her authorized agent.

12. Message center signs. Message center signs may be approved in all Mixed Use and non-residential zones subject to Design Review approval and subject to certain performance standards. Message center signs may also be approved with a use permit issued by the Planning Commission in any residential zone, also subject to the certain performance standards as provided as follows:
 - a. If the sign includes any illuminated features it shall comply with the following standards:
 - i. The lighting shall shine onto a street in such a way as to threaten to cause distractions or glare for passing motorists.
 - ii. All light sources shall be directed or covered with a translucent cover or other suitable measure to prevent the actual source of the lighting (such as the filament of an incandescent bulb) from being visible from another lot or a street.
 - iii. In residential zones, the sign shall incorporate measures to minimize the production of glare that is perceptible beyond the property line of the lot on which the operation is situated, through the use of shielding, luminaire reflectors or other suitable measures, minimizing the intensity of lighting. No more than 0.5 foot-candle of light from lighting or signs shall fall upon any residentially used lot between the hours of 9:00 p.m. and 6:00 a.m.
 - b. If the sign contains any digital display it shall comply with the following standards:
 - i. The message displayed shall be static and nonanimated and shall remain fixed for a minimum of 10 seconds. Fading or dissolving images are permitted.
 - ii. It shall not display any message that moves, appears to move, scrolls, or changes in intensity during the fixed display period.
 - iii. The transition time between changes in the sign face or message shall be less than one second.
 - iv. It must be equipped with brightness controls which shall be used to reduce the intensity of the light based on outside ambient light levels.
 - v. It shall include an automatic shut-off system in case of failure.
 - vi. The digital LED display shall not have lighting that would

compete with or distract from traffic signal lighting.

18-21.070 Highway Oriented Signs.

Off-site signs other than tourist oriented directional, retail center, and City entry signs are prohibited. Highway oriented signs may only be allowed with a sign installation permit subject to approval of a use permit by the Planning Commission. If the highway oriented is subject to the provisions of the Outdoor Advertising Act (Business and Professions Code Sections 5200 through 5486), no sign permit shall be issued until after any necessary permit has been issued by the Director of Transportation of the State of California or his/her authorized agent.

18-21.080 Temporary Signs.

Temporary signs authorized by this Section are in addition to the maximum allowable signage which is otherwise allowed for signage on a site or residential lot, are subject to the following requirements:

- A. Height.** Maximum height for freestanding temporary signs is 5 feet.
- B. Number of signs.** Unless otherwise stated, the maximum number of separate, temporary signs is 4 within commercial, institutional or industrial zones and 2 within residential, agricultural or open space zones.
- C. Location.** Signs shall not be located on public property. Signs in the corner clear zone shall not exceed 30 inches in height and shall not create a traffic sight obstruction hazard. Temporary signs shall not be posted on any tree, bush or other vegetation.
- D. Time period.**
 - 1. Non-residential zones. Temporary commercial message signs may be displayed for up to three separate periods per calendar year from 1 to 15 days each period, per use. For building complexes, the combined number of temporary sign display periods shall not exceed 5 per calendar year. Temporary sign display time periods may be combined consecutively on a site to allow for a total of up to 45 consecutive days of temporary sign display (up to 75 consecutive days for building complexes).
 - 2. Residential, agricultural, open space zones. Temporary commercial message signs may be displayed for up to three separate periods per calendar year from 1 to 15 days each period, per each lot. Temporary sign display time periods may be combined consecutively on a lot to allow for a total of up to 45 consecutive days of temporary sign display.
 - 3. Temporary signs displaying protected noncommercial speech. Temporary signage used to display protected noncommercial speech is allowed at all times, however the sum of commercial and noncommercial speech

temporary sign display area(s) at any given point shall not exceed the maximum area permitted within the zone it is located. During the election period, temporary noncommercial display area allowances may be increased to permit an unlimited number of signs. Sign area for these signs shall be limited to 16 square feet per sign for commercial and industrial uses and 8 square feet per sign within residential, agricultural or open space zones.

- a. Exceeding time allowance. If the duration of temporary sign display of commercial messages exceeds the applicable maximum time period for temporary signs, then the sign shall be deemed permanent and the area thereof shall be counted against the allowable area for permanent signage for the site or lot. A sign permit must be obtained or the sign must be removed.

E. Sign area.

- 1. Commercial, institutional or industrial uses. The maximum allowable temporary sign area for a site, per time period, is the same as the allowable wall sign area. For the purposes of temporary sign area computation, the area of pennants, flags, streamers, whirligigs and similar attention-getting devices not displaying written messages shall not be included.
- 2. Residential, agricultural and open space zones. The maximum allowable temporary sign area is 8 square feet.

18-21.090 Murals.

Murals shall be reviewed by the Director. The Director may refer mural applications to the Planning Commission for consideration. The application shall include a detailed drawing or sketch of the mural plus other details as prescribed on the application

- A. In approving or denying the proposed mural, the Director shall consider the extent to which the proposal fulfills the following standards:
 - 1. The mural shall demonstrate superior artistic quality or theme as opposed to direct or indirect illustrative advertising.
 - 2. The mural or graphic shall be designed to enhance or distinguish the architectural features of the structure on which it is placed.
 - 3. The design and colors used shall be harmonious with the surrounding environment and shall not be used for the exclusive purpose of calling attention to the mural or graphic.
 - 4. The mural shall not have an adverse impact on the safe and efficient movement of vehicular or pedestrian traffic.
 - 5. The proposed mural, by its design, construction and location, will not have

a substantial adverse effect on abutting property or the permitted use thereof and will contribute to the City's unique character and quality of life.

- 6. The paint to be used and applied shall be appropriate for use in an outdoor locale, for an artistic rendition and shall be of a permanent, long-lasting variety.

18-21.100 Enforcement.

- A. Any sign installed contrary to the provisions of this Chapter shall be unlawful and a public nuisance, which nuisance may be abated by the City and the cost of abatement shall be made a lien or special assessment against the property upon which the sign is located. The City may order a sign removed from the public right-of-way at any time at no cost to the City for purposes of utilizing the right-of-way for any public purpose. In the event of emergencies or urgent circumstances, the Code Enforcement Officer may summarily remove a sign located in the public right-of-way without notice.
- B. With the consent of the owner or occupier of any building, structure or premises or under an inspection warrant and upon prior notice to the owner of the subject property, the Code Enforcement Officer may enter at all reasonable times any building, structure or premises in the City to investigate all purported violations of this Chapter and to otherwise take such measures as are necessary and expedient to enforce and secure compliance with the provisions of this Chapter and to perform any duty imposed by this Chapter.
- C. Any person, firm or corporation violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties provided in Section 18-44 (Enforcement). Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted by such person, firm or corporation and shall be punishable as provided in this Section.
- D. The remedies provided for in this Chapter shall be cumulative and not exclusive.

18-21.110 Non-Conforming Signs.

- A. **Purpose and intent.** It is the purpose and intent of this Section to encourage and promote compliance of existing signs with the provisions of this Chapter and the eventual elimination of non-conforming signs. The achievement of full compliance of all signs with the provisions of this Chapter is as important as is the prohibition of new signs that would violate these regulations. If the sign is one defined by the Outdoor Advertising Act, Section 5499.1, it shall be abated following notice and hearing procedures required by Section 5499.1 et seq. of the Business and Professions Code.

B. Legal non-conforming signs. Every on-site sign becoming non-conforming as a result of this Chapter shall not be required to be removed, except as provided for in California Business & Professions Code Sections 5492, 5493, 5495 and 5497. An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Chapter or other regulation will be allowed to remain unless any of the following occurs:

1. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration;
2. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code; or
3. The sign or sign structure is replaced (excluding change of copy).

Upon the occurrence of any one of 1, 2 or 3 above, the sign shall be immediately brought into compliance with this code with a new permit secured or shall be removed in accordance with the City's nuisance abatement procedures.

C. Sign removal. Every legal off-site sign becoming non-conforming as a result of this ordinance may be removed in accordance with the provisions of California Business & Professions Code Sections 5412, 5412.1, 5412.2 and 5412.3. All illegal signs listed below shall be removed in accordance with the City's nuisance abatement procedures:

1. A sign which was legal but non-conforming that becomes illegal and non-conforming by the occurrence of B1, B2 or B3 above.
2. Any illegal sign.
3. An abandoned sign.
4. A display existing without permission of owner or lessee.

D. Identification and inventory. As often as may be desirable, but no less frequently than required by State law, the Director or authorized representative shall authorize an identification and inventory of all illegal and abandoned signs within the City in accordance with the requirements of State law.

18-21.120 Signs on Public Property.

A. In adopting this Section, the City Council acts in its proprietary capacity as to City property. This Section states City policies and rules for the display of signs on City property.

- B. Intent as to public forum.** The City declares its intent that all public property shall not function as a designated public forum for sign display, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.
- C. General prohibition.** Unless a specified sign type is exempt from the permit requirement, private persons may display signs on public property only after obtaining a sign permit. Any permit application which is denied may be appealed in the same manner as described in Section 18-36 of this Chapter.
- D. Temporary inanimate signs in the public right-of-way.** Temporary signs displaying any type of variety of constitutionally protected noncommercial speech may be displayed by private persons up to 30 days prior and 5 days after any official local, state, regional or national authorized election. Such sign display by private persons is subject to a sign permit and the following rules:

 - 1. Sign area. The maximum allowable sign area is 6 square feet per sign (measured on both sides).
 - 2. Height. Maximum height of freestanding signs is 5 feet.
 - 3. Posting on structures. All signage within the public right-of-way shall be self-supporting and freestanding. No temporary sign shall be posted on any streetlight, utility pole, post, pole or structure supporting a traffic control sign or signal, fire hydrant or similar structures in the public right-of-way.
 - 4. Safety of placement. Temporary signs posted in the public right-of-way shall meet the following criteria:

 - a. When located in the Corner Clear Zone, the sign shall not exceed 30 inches in height.
 - b. Signs shall not obstruct a motorist's view of pedestrian or vehicular traffic, traffic-control signs or signals or otherwise represent a hazard to vehicular or pedestrian traffic.
 - c. Signs shall not impede a pedestrian's free use of the sidewalk.
 - d. Signs shall be securely affixed to the property on which they are placed.
 - e. Signs shall not be placed in the center of public roadway or medians.
 - 5. Sign removal. Temporary signs shall be removed from the public right-of-way not later than the removal date indicated in the sign permit application.

2024 Zoning Regulations

Chapter 18-22 : Performance Standards

Sections :

- 18-22.010 Noise.
- 18-22.020 Vibration.
- 18-22.030 Illumination.
- 18-22.040 Air contaminants.
- 18-22.050 Discharges to water and public sewer.
- 18-22.060 Heat.
- 18-22.070 Solid waste.
- 18-22.080 Energy conservation.
- 18-22.090 Odors.
- 18-22.100 Flammable material.
- 18-22.110 Electromagnetic interference.
- 18-22.120 Viewshed analysis.
- 18-22.130 General and special conditions.

18-22.010 Noise.

No use shall be established, nor any activity conducted which violates the standards of the Clearlake General Plan Noise Element or Noise Ordinance.

18-22.020 Vibration.

No activity shall be conducted which causes ground vibrations perceptible at the property line.

18-22.030 Illumination.

No lighting or illuminated device shall be operated so as to create glare which creates a hazard or nuisance on other property.

18-22.040 Air contaminants.

- A. No use or activity shall be conducted without first obtaining any required permit from the County Air Pollution Control District.
- B. Uses shall be conducted to prevent dust or other airborne material from crossing property lines.

18-22.050 Discharges to water and public sewer system.

- A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with the requirements of the Regional Water Quality Control Board, Lake County Water Resources Department and the California Fish and Wildlife Service Department.

- B. Discharge of liquid waste into rivers, creeks, ditches or Clear Lake is prohibited.
- C. Liquid waste shall not be discharged into a public sewer system unless it has been pretreated to a level required by the jurisdiction managing the wastewater treatment system.

18-22.060 Heat.

No activity shall be conducted which causes radiant heat or a stream of heated air resulting in a temperature increase of more than 20 degrees Fahrenheit at any property line or any public right-of-way.

18-22.070 Solid Waste.

Solid wastes shall be handled and stored so as to prevent nuisances, health and fire hazards and to facilitate recycling. Suitable containers shall be provided to prevent blowing or scattering of trash by animals. Suitable space and containers shall be provided to encourage on-site sorting and collection of recyclables (see also Chapter 11 of this Code).

18-22.080 Energy Conservation.

The use of conventional energy sources for space heating and cooling, water heating and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.

18-22.090 Odors.

The emission of odorous matter shall not be readily detectable beyond the property line so as to become a public nuisance or hazard.

18-22.100 Flammable Material.

All uses involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local, State and Federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment.

18-22.110 Electromagnetic Interference.

No use shall produce electromagnetic interference with any activity on other properties. Utilities and communications facilities shall comply with all applicable State and Federal regulations.

18-22.120 General and Special Conditions.

These performance standards are general requirements and shall not be construed to prevent the Director, Council, Planning Commission or Design Review Committee from imposing, as part of project approval, specific conditions which may be more restrictive, in order to meet the intent of these regulations.

Chapter 18-23: Non-Conforming Uses

Sections:

- 18-23.010 Intent.
- 18-23.020 Regulations.

18-23.010 Intent.

Within the districts established by this Zoning Code or amendments thereto, there exist land uses and characteristics of uses which were lawful prior to the adoption of or amendments to this Zoning Code, but which, by reason of such adoption or amendment, fail to conform to the present requirements of the zoning district. It is the purpose of this Chapter to:

- A. Permit the continued operation of such uses while guarding against such uses becoming a threat to more appropriate development; and
- B. Provide for the eventual elimination of those uses likely to be most objectionable to their neighbors and which are deemed to be harmful to the community environment and not in the best public interest.

18-23.020 Regulations.

- A. **Existing uses.** Except as otherwise specified, any use existing when a zoning ordinance amendment rendered the use nonconforming, may be continued, even though such use may not conform with the provisions of this title for the district in which it is located; provided, that:
 - 1. The use was not established in violation of any zoning regulation previously in effect in the area which constitutes the City, unless such use now conforms with this Zoning Code; and
 - 2. Such use does not constitute a nuisance.
- B. **Conditional uses.** Any use which was a permitted use until the date this Zoning Code changed the use to a use for which a conditional use permit is required in the applicable district shall be and remain a nonconforming use until a conditional use permit is obtained as provided in Chapter 18-28.
- C. **Enlargement and alteration of nonconforming uses.** Except for dwellings, no building existing on the date that this Zoning Code rendered the use nonconforming, that is devoted to a use not permitted in the zoning district in which such building is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located and except as provided in Subsection D, Substitution or alteration of a nonconforming use

D. Substitution or alteration of a nonconforming use. Nonconforming uses shall not be reconstituted or substituted or substantially altered, unless the use thereof is changed to a use permitted in the district in which such building, structure or land is located or except upon approval of a conditional use permit by the planning commission pursuant to Subsection B, Conditional use approval and to the criteria of this subsection. The proposed alteration of a nonconforming use shall result in a lesser discrepancy between the existing conditions and the zoning requirements for the district based on the following criteria:

1. The new use serves a need which is directly related or complementary to permitted uses of the property;
2. The new use results in reduced parking, traffic or congestion problems;
3. The new use is not to be detrimental to the habitability of adjacent properties throughout the period of its continued use; and
4. The new use and resulting general appearance will not detract from the neighborhood character or desirability.

The Director may approve a one-time expansion to an industrial use that is legally nonconforming due to the fact that the property is not zoned for the existing use. Approvals shall be subject to the following:

5. The area of expansion shall be consistent with the Design Review Manual in accordance with Chapter 18-33;
6. Existing storage and areas of outdoor operation shall be fully screened; and
7. The site shall be brought up to standards in terms of complying with performance standards referenced in Chapter 18-22.

E. Cessation of use.

1. If a nonconforming use ceases for a continuous period of 6 months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the zoning district in which it is located.
2. Abandonment or discontinuance shall include cessation of a use for any reason, regardless of intent to resume the use.
3. Nothing in this Chapter shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

2024 Zoning Regulations

Chapter 18-24: Non-Conforming Lots

Sections:

- 18-24.010 Intent.
- 18-24.020 Regulations.

18-24.010 Intent.

A lot having less area, width, depth or frontage than required by the Zoning Code and Subdivision Regulations, for the zone in which it is located, but which was lawfully created prior to the effective date of regulations requiring such greater area or dimension, shall be considered a nonconforming lot. These regulations are intended to provide for the reasonable use of such nonconforming lots, consistent with other standards adopted to protect the public health, safety and general welfare.

18-24.020 Regulations.

- A.** If a nonconforming lot has been held in common ownership with any contiguous property at any time since November 16, 1987 (Ordinance No. 4-87) and it otherwise meets the requirements for parcel merger under Government Code Section 66451.11, it may not be individually developed. The area within such a lot may be developed only after it has been merged with contiguous property or otherwise re-subdivided in conjunction with the contiguous property to create one or more conforming parcels or one parcel which more nearly conforms.

An exception to the above merger requirement may be requested through an administrative use permit. To approve the administrative use permit, the Director must find that retention of the property line(s) will not adversely impact neighborhood character. Factors that assure that neighborhood character is maintained include:

1. The regular spacing of buildings on the affected lots, when viewed from the street, is consistent with other developed properties within the same block;
 2. Convenient and conforming access and parking is available to serve site uses.
- B.** In LDR and MDR zones, the merger or re-subdivision requirement set forth in the first paragraph of this Subsection shall not apply to a nonconforming lot and contiguous commonly owned property where each of the parcels has an area, width, depth and frontage equal to at least 80% of the minimum required in this code.

2024 Zoning Regulations

Chapter 18-25: Non-conforming Structures

Sections:

- 18-25.010 Intent.
- 18-25.020 Regulations.

18-25.010 Intent.

Within the districts established by this Zoning Code or amendments thereto, there exist structures and characteristics of uses which were lawful prior to the adoption of or amendments to this Zoning Code, but which, by reason of such adoption or amendment, fail to conform to the present requirements of the zoning district. It is the purpose of this Chapter to:

- A.** Permit the continued operation of such structure while guarding against such uses becoming a threat to more appropriate development;
- B.** Provide for the eventual elimination of those structures likely to be most objectionable to their neighbors and which are deemed to be harmful to the community environment and not in the best public interest; and
- C.** Limit the number and extent of nonconforming structures by prohibiting their movement, alteration or enlargement in a manner that would increase the discrepancy between existing conditions and standards prescribed in this Zoning Ordinance and by regulating their restoration after major damage.

18-25.020 Regulations.

A. Replacement of damaged or destroyed nonconforming structures.

- 1. Any nonconforming building or structure that has been damaged by more than 60% of its then appraised value for tax purposes, exclusive of the foundations at the time of damage, shall not be restored or reconstructed and used as before such damage or destruction.
- 2. If less than 60% of the nonconforming building or structure is damaged above the foundation, it may be restored, reconstructed or used as before; provided, that all restoration or reconstruction shall be substantially completed within 6 months of such damage or destruction.
- 3. Increasing the square footage of a nonconforming residential structure does not constitute adding to or enlarging for purposes of this Section; provided, that no additional dwelling unit is created and such increase otherwise conforms to applicable development standards.

B. Repairs, Alterations and Relocation.

- 1. Repairs. Such repairs and maintenance work as required to keep the nonconforming building or structure in sound condition may be made.
- 2. Alterations.
 - a. In general. Enlargements or alterations may be made to a nonconforming structure only if the enlargements or alterations are consistent with all applicable district standards.
 - b. Single-family and duplex structures. Nonconforming single-family and duplex structures may be altered if the structure was legally built prior to the effective date the zoning ordinance amendment rendered the structure nonconforming.
 - c. Accessory structures and garages. Accessory structures, including garages, which were legally built prior to the date a zoning ordinance amendment rendered the structure nonconforming may be altered or expanded, provided the alterations comply with applicable parking requirements. Nonconforming garages or storage buildings may not be expanded to include a habitable space nor converted to a habitable space.
 - d. An accessory or junior accessory dwelling unit that conforms with the standards in this chapter will not be required to correct a nonconforming zoning condition.

C. Relocation. A nonconforming structure shall not be moved unless it conforms to the standards of all applicable district standards at its new location.

Chapter 18-26: General Plan Amendment Regulations

Sections:

- 18-26.010 Title.
- 18-26.020 Amendments to be made in manner provided in this Chapter.
- 18-26.030 Purpose.
- 18-26.040 Initiation of amendments – Applications.
- 18-26.050 Schedule for amendments.
- 18-26.060 Planning Commission actions.
- 18-26.070 City Council actions.
- 18-26.080 Coordination of plan amendments.

18-26.010 Title.

This Chapter shall be known and may be cited as the “General Plan amendment regulations of the City.” (Prior code § 9600)

18-26.020 Amendments to be made in manner provided in this Chapter.

The Clearlake General Plan or any part or element thereof shall be amended in the manner provided in this Chapter. (Prior code § 9601)

18-26.030 Purpose.

It is the purpose of this Chapter to provide for the orderly processing of General Plan amendments in a manner consistent with the overall goals of the community’s planning program and the requirements of the California law. In particular, this Chapter is intended to:

- A. Assure that the General Plan is amended for good reason and with due consideration of community-wide interests;
- B. Help achieve and maintain internal consistency of General Plan elements and conformance between the General Plan and implementing techniques, such as zoning; and
- C. Establish rights and assign responsibilities for the persons and agencies involved in General Plan administration so each can perform fairly and effectively (prior code § 9602).

18-26.040 Initiation of amendments – Applications.

- A. Initiation of amendment by the City Council.** The City Council may initiate General Plan amendments at any time by directing staff to prepare the necessary analysis and scheduling the proposed amendment for consideration at a hearing, as provided in Section 18-27..

- B. Applications to initiate amendments.** Any person may request an amendment of the General Plan by filing an application with the department of community development. Such application shall include:

 - 1. A description of the proposed amendment, including, as may be necessary, additions or modifications to the text and graphics of adopted General Plan elements or reports;
 - 2. A statement explaining how the proposed change will better reflect community desires as expressed in General Plan goals and policies;
 - 3. If the amendment involves change of a basic goal or policy, why the change is warranted by new information or reevaluation of community needs;
 - 4. An analysis of how the proposed change will beneficially and detrimentally affect adjacent areas or shared resources. This analysis may take the form of a draft environmental impact report;
 - 5. A description of how the amendment of one policy may reinforce or conflict with related policies, including those in other elements;
 - 6. Such other supporting data as the director may require to enable evaluation of the proposal; and
 - 7. A fee sufficient to cover the expected costs incurred in processing the application, to be established by resolution of the council.

18-26.050 Schedule for Amendments.

Any element of the General Plan may be amended not more than 4 times per year. Each amendment may include more than one change to the General Plan. Such amendments may be scheduled at any time deemed necessary or convenient. The Planning Commission may review individual amendments as often as necessary, but the City Council must consider them in no more than 4 batches per year, so that cumulative effects of such amendments can be considered.

18-26.060 Planning Commission Actions.

- A. Public Hearings – Notice.** The Planning Commission shall hold at least one public hearing before taking action on any General Plan amendment. Notice of the date, time and place of the hearing shall be given at least 10 calendar days before the hearing by publication of the notice, describing the nature of the proposed amendment(s), in a newspaper of general circulation within the City.
- B. Resolution.** The approval of the Planning Commission of any amendment to the General Plan shall be by resolution of the commission adopted by the affirmative vote of not less than a majority of its total voting members.
- C. Transmittal to Council.** Upon approval by the Planning Commission of any General Plan amendment or denial of a City Council initiated amendment, it shall be transmitted to the council with the Planning Commission’s report and recommendation.
- D. Appeals.** Any denial by the Planning Commission may be appealed to the City Council.
- E. Other situations.** When neither a majority of the commission recommends approval nor a majority of a quorum recommends denial, the Planning Commission may transmit the amendment to the council with a report explaining the situation and stating the recommendations of the individual commissioners.

18-26.070 City Council Actions.

- A. Public Hearings – Notice.** Upon transmittal from the Planning Commission or upon appeal from the applicant, the council shall hold at least one public hearing on proposed General Plan amendments. Notice of the time, place and subject of the hearing shall be given as provided in Section 18-26.060(A).
- B. Resolution.** Any amendment of the General Plan shall be adopted by resolution of the council adopted by the affirmative vote of not less than three of its members.
- C. Referral of Council changes.** In adopting any General Plan amendment which has been approved by the Planning Commission, the council shall not make any substantive changes or additions involving issues not considered by the Planning Commission in their review, until the proposed change or addition has been referred to the Planning Commission for a report and the report has been filed with the council. Failure of the Planning Commission to report within 40 calendar days after the referral or such longer period as may be designated by the council, shall be deemed to be approval of the change or addition.

18-26.080 Coordination of plan amendments.

Changes in policy or land use designations which involve more than one element shall be made as concurrent amendments to the related elements in order to maintain internal plan consistency

2024 Zoning Regulations

Chapter 18-27: Zoning Amendments

Sections:

- 18-27.010 Scope.
- 18-27.020 Initiation.
- 18-27.030 Planning Commission action.
- 18-27.040 Council action.
- 18-27.050 Annexation and pre-zoning.
- 18-27.060 Other requirements.

18-27.010 Scope.

An amendment to these regulations which changes any property from one zone to another shall be adopted as set forth in Sections 18-27.020 through 18-27.060. Any other amendment to these regulations may be adopted as other ordinances and amendments to the Municipal Code are adopted.

An amendment to these regulations may be initiated by:

- A.** A resolution of intention of the Planning Commission;
- B.** A resolution of intention of the City Council; or
- C.** An application by the Director or any other person or agency in the form prescribed by the Director.

18-27.020 Planning Commission Action.

- A.** Before taking any action on a proposed zone change, the Planning Commission shall hold a public hearing. Notice of the time, date, place and purpose of the hearing shall be given in each of the following ways at least 10 calendar days before the hearing:
 - 1. Publication in a newspaper of general circulation within the City;
 - 2. Posting each street frontage of the property to be rezoned or the nearest street access if the property does not abut a dedicated street; and
 - 3. First-class mail to owners of the property to be rezoned and of property within a radius of 300 feet, as listed in the most recent annual revision of the County Assessor's roll.
- B.** Failure to post or notify by mail shall not invalidate any amendments duly adopted.

- C. If the Planning Commission approves a rezoning or denies a Council-initiated rezoning, its action shall be a written recommendation to the Council, including any findings required for approval.
- D. If the Planning Commission denies a rezoning which it or a private party has initiated, the action shall be final unless appealed. It shall be rendered in writing and shall state the reasons for denial.

18-27.040 Council Action.

Before taking action on a recommendation of the Planning Commission, the Council shall hold a public hearing for which notice shall be given as provided in Section 18-30.110 and 18-30.120.

18-27.050 Annexation and Pre-zoning.

Any area annexed to the City shall be pre-zoned consist with the Clearlake General Plan or classified C/OS until rezoned after annexation.

18-27.060 Other Requirements.

Procedures for pre-zoning and adoption of urgency interim regulations shall be as provided in the California Government Code. Requirements for the scheduling of zoning hearings in relation to General Plan amendments, reports from the Planning Commission to the Council upon referral and all other matters not prescribed in greater detail in these regulations shall be as provided in the Government Code.

2024 Zoning Regulations

Chapter 18-28: Zoning Permits and Use Permits

Sections:

- 18-28.010 Purpose and intent.
- 18-28.020 Application form.
- 18-28.030 Procedures.
- 18-28.040 Findings.
- 18-28.050 Conditions of approval.
- 18-28.060 Criteria for approval.
- 18-28.070 Requirement for and compliance with use permits.

18-28.010 Purpose and intent.

It is intended that zoning and use permits allow flexibility in providing for, regulating or preventing various uses, so they will be compatible with existing or desired conditions in their neighborhoods. The permit approval is required for certain uses so that their detrimental effects can be reduced or avoided and potential conflicts in land use can be prevented. This is necessary because of the wide variety of uses that are allowed within zone districts and because of the variety of existing sites and uses found in the community.

18-28.020 Application form.

Application shall be made to the Community Development Department in the form prescribed by the Director, including, as may be necessary, site plans, written descriptions of activities to be conducted, technical studies of site characteristics.

18-28.030 Procedures.

A. Zoning Permits.

1. Before acting on the zoning permit, the director shall verify that it is an allowable use in said zoning district and that it is able to meet all applicable requirements.
2. The Director may add conditions of approval, or may or deny the zoning permit. If the Director denies an application for a zoning permit the Director will include findings as to the reasons the permit is denied. The Director's decision shall be final unless appealed to the Planning Commission
3. If the Director determines that the zoning permit application could adversely impact the neighborhood, the Director may convert the zoning permit application to an administrative use permit and follow all requirements under Subsection B of this Section. Alternatively, the Director may refer a zoning permit application to the Planning Commission, pursuant to the requirements in Subsection C of this Section, when the Director determines the application involves a major policy issue or public controversy that would be resolved more suitably by the Commission.

- 4. Expiration: When a use that was allowed by approval of a zoning permit ceases operation for 1 year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new zoning permit.

5. B. Administrative Use Permits.

- 1. Before acting on any administrative use permit application, the Director may hold a public hearing conducted according to its By-Laws. Notice of the time, date, place and purpose of the hearing shall be given by posting on the property and/or publishing an advertisement in a local newspaper of general circulation at least 10 days before the hearing.
 - i. Decisions of the Director shall be rendered in writing within 10 days of the hearing. They shall state the conditions of approval, if any or the reasons for denial. The Director's decision shall be final unless appealed.
 - ii. The Director may refer an administrative use permit to the Planning Commission, pursuant to the requirements in Subsection B of this Section, when the director determines the application involves a major policy issue or public controversy that would be resolved more suitably by the Planning Commission.
- 2. **Manner of giving public notice.** Public notice requirements shall be met by:
 - i. Mailing, Email or delivery to the applicant and to all owners of real property within three hundred feet of the property included in the project.
 - ii. Notify (i.e email, mailings, etc.) any person who has filed a written request for such notice with the Director, and
 - iii. Publication at least once in a local newspaper of general circulation published and circulated in the City. Said notice shall be published at least 10 days before the hearing date and shall include: (a) the time and place of the public hearing and (b) a general project description, including the property location, proposed land uses and applicant's name. The written notice shall declare that the requested administrative use permit may be issued without a public hearing if no written request for public hearing is filed within ten (10) calendar days of the date of mailing and/or by the referenced date within the legal notice.

D. Expiration of administrative use permits.

- i. When a use that was allowed by approval of a administrative use permit ceases operation for 1 year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new administrative use permit.

- ii. The Director may extend the 1-year limit stated in D.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation.

a. E. Planning Commission Conditional Use Permits

- 1. Before acting on any use permit application, the Planning Commission shall hold a public hearing conducted according to its By-Laws. Notice of the time, date, place and purpose of the hearing shall be given by posting the property and publishing an advertisement in a local newspaper of general circulation at least 10 days before the hearing.
- 2. Decisions of the Planning Commission shall be rendered in writing within 10 days of the hearing. They shall state the conditions of approval, if any or the reasons for denial. The Planning Commission's decision shall be final unless appealed to the City Council.
- 3. When a use permit application is presented before the Planning Commission, the Commission may act to impose additional development standards beyond those indicated in this Code. Use permit findings and procedures shall apply as provided in relevant sections of these regulations.
- 4. Public notice for use permit applications, in order to fulfill the intent of this Section, shall be sufficiently general so the public will be aware of the type of project proposed and the types of actions the Commission may take, without further notice, to approve or conditionally approve the project.
- 5. Minor amendments to a conditional use permit may be approved by the Director in accordance with Section 18-28.80.

C. Manner of giving public notice. Public notice requirements shall be met by:

- 1. Mailing, Emailing or delivery to the applicant and to all owners of real property within three hundred feet of the property included in the project;
- 2. Notify (i.e. email, mailings, etc.) to any person who has filed a written request for such notice with the Director, and
- 3. Publication at least once in a newspaper of general circulation published and circulated in the City. Said notice shall be published at least 10 days before the hearing date and shall include: (a) the time and place of the public hearing and (b) a general project description, including the property location, proposed land uses and applicant's name.

D. Expiration of Use Permit.

- 1. When a use that was allowed by approval of a use permit ceases operation for 1 year or such other time period as specified in the conditions of approval, then reinstatement of that use will be allowed only with approval of a new use permit.
- 2. The Director may extend the 1-year limit stated in D.1, above, upon receipt of a written request, upon finding that circumstances have not changed significantly since the time the use ceased operation.

18-28.040 Findings for Administrative and Conditional Use Permits.

In order to grant an administrative or conditional use permit, the Community Development Director or Planning Commission or on appeal, the Council, must find that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. The Director, Planning Commission or Council may deny the proposal or attach conditions as deemed necessary to secure the purposes of these regulations. Actions on use permits shall be justified by written findings, based on substantial evidence in view of the whole record.

18-28.050 Conditions of Approval.

- A.** Conditions imposed by the Director, Planning Commission or Council may include, but are not limited to, the following:
 - 1. Modification or limitation to activities, including times and types of operation;
 - 2. Special yards or open spaces;
 - 3. Fences, walls or landscape screens;
 - 4. Provision and arrangement of parking and vehicular and pedestrian circulation;
 - 5. On-site or off-site street, sidewalk or utility improvements and maintenance agreements;
 - 6. Noise generation and attenuation;
 - 7. Dedication of right-of-way or easements or access rights;
 - 8. Arrangement of buildings and use areas on the site;
 - 9. Special hazard reduction measures, such as slope planting;
 - 10. Minimum site area;

11. Other conditions which may be found necessary to address unusual site conditions;
12. Establishment of an expiration date, after which the use must cease at that site;
13. Recycling and solid waste plans; and
14. Conditions may not be imposed that restrict the use to a specific person or group.

18-28.060 Criteria for Approval.

- A.** In deciding whether a proposal is acceptable at a given location, the Director, Planning Commission and Council shall consider whether the proposal could be established and maintained without jeopardy to persons or property within or adjacent to the proposed site and without damage to the resources of the site and its surroundings. Appropriate criteria may be found in the following sources, without limitation:
1. Clearlake General Plan elements (such as Land Use, Circulation, Housing, Noise, Seismic Safety, Public Safety, Open Space and Conservation):
 2. Specific plans and special studies; and
 3. Standards and recommendations of agencies commenting on environmental documents for the proposal or for similar projects.
 4. That the application has been processed in accordance with all applicable Federal, State and local agency requirements, including the California Environmental Quality Act (CEQA) and the City of Clearlake Environmental Review Guidelines.

18-28.70 Requirement for and Compliance with Use Permits.

- A.** When more than one use permit - including more than one type of use permit - is required by individual uses per these regulations, only one-use permit application shall be filed and acted upon. If a use permit for site development exceptions and/or requests for shared and mixed-use parking reductions is required, and review by the Design Review Committee are required, then only the design review application shall be filed.
- B.** The modification or addition to a use requiring use permit approval shall itself be subject to use permit approval. The addition of an allowed use to a premises occupied by a conditionally allowed use shall require use permit approval of the type required for the existing use. The Director shall determine when such an addition or change is of such a minor or incidental nature that the intent of these regulations can be met without further use permit control.

- C. Any conditions established pursuant to these regulations shall be met before the use is established, except that the Director, Planning Commission or on appeal, the Council, may establish a schedule for certain conditions to be met after establishment of the use. Continuance of the use shall then be contingent on complying with the schedule for meeting deferred conditions.
- D. If a land use authorized by use permit is not established within 1 year of the date of approval or such longer time as may be stipulated as a condition of approval, the use permit shall expire. If a structure or associated site development authorized by use permit is not issued building permits (if building permits are required) within 3 years of the date of approval, the use permit shall expire. Upon written request received prior to expiration, the Director may grant renewals of use permit approval for successive periods of not more than 1 year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the use permit was originally approved have substantially changed. Renewal of a use permit shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Director must make the findings required for initial approval.

18-27.80 Amendments to Approved Conditional Use Permits:

- A. Amendments to a Planning Commission may be made upon application to the City in the form of either a major or minor modification of the project. Major amendments are subject to Planning Commission review in compliance with processing a new conditional use permit in accordance with Section 18-27-30 E. Minor amendments may be reviewed by the Community Development Director as determined appropriate and are subject to the same process provided for an administrative use permit under Section 18-27.40.
- B. Major Amendments to a Planning Commission Use Permit are determined necessary when the modification will result in a material change in the nature of a project. The following are deemed major modifications for purposes of this section. This list is not inclusive, and the fact that a particular change is not included does not limit discretion or authority of the decision-maker to determine that a particular proposed change or set of changes to the permit constitutes a major modification. The following changes constitute major modifications for purposes of this provision:
 - a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the permit;
 - b. Any increase in the density of dwelling units per acre;
 - c. Any material changes in the orientation or location of structures on the parcel.
 - d. Will involve an increased intensification of land use that results in environmental impacts that were not previously evaluated under the current conditional use.

C. For Minor amendments of a Planning Commission Conditional Use Permit, the Community Development Director may establish requirements related to, but not limited to, days and hours of operation, parking, temporary structures and site planning, in addition to performance standards beyond those issued by the Planning Commission under the original Conditional Use. The Community Development Director may refer any proposed minor amendments to Planning Commission Conditional Use Permits to the Planning Commission regardless of what constitutes a major or minor amendment under this Chapter.

Chapter 18-29: Variances

Sections:

- 18-29.010 Intent.
- 18-29.020 Scope.
- 18-29.030 Procedure.
- 18-29.040 Findings.
- 18-29.050 Expiration.

18.29.010 Intent.

The variance procedure is intended to allow minor relaxation by the Director of certain standards that would otherwise prevent a property from being used in the same manner as other, similar property, where the intent of these regulations is not compromised by such minor relaxation.

18-29.020 Scope.

Yards, height limits, coverage and parking space requirements may be relaxed. No variance to use regulations or density standards may be granted.

18-29.030 Procedure.

- A. Application shall be in the form prescribed by the Director, shall state the precise nature of the grounds for the variance sought and shall generally follow the form established for use permits.
- B. Notification requirements and actions of the Director shall be as provided for administrative use permits in Section 18-28.030.

18-29.040 Findings.

In order to approve a variance, the Director, Planning Commission or Council must make each of the following findings:

- A. That there are circumstances applying to the site, such as size, shape or topography, which do not apply generally to land in the vicinity with the same zoning;
- B. That the variance will not constitute a grant of special privilege - an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning; and
- C. That the variance will not adversely affect the health, safety or general welfare of persons residing or working on the site or in the vicinity.

D. That the application has been processed in accordance with all applicable Federal, State and local agency requirements, including the California Environmental Quality Act (CEQA) and the City of Clearlake Environmental Review Guidelines.

18-29.050 Expiration.

If building permits are not issued for site development_authorized by variance (if building permits are required) within 3 years of the date of approval or such longer time as may be stipulated as a condition of approval, the variance shall expire. Upon written request received prior to expiration, the Director may grant renewals of variance approval for successive periods of not more than 1 year each. Approvals of such renewals shall be in writing and for a specific period. Renewals may be approved with new or modified conditions upon a finding that the circumstances under which the variance was originally approved have substantially changed. Renewal of a variance shall not require public notice or hearing, unless the renewal is subject to new or modified conditions. In order to approve a renewal, the Director must make the findings required for initial approval.

2024 Zoning Regulations

Chapter 18-30: Development Agreements

Sections:

- 18-30.010 Authority.
- 18-30.020 Initiation of hearings.
- 18-30.030 Fees
- 18-30.040 Application – Contents
- 18-30.050 Public notice.
- 18-30.060 Failure to receive notice.
- 18-30.070 Planning Commission hearing and recommendation.
- 18-30.080 City Council hearing.
- 18-30.090 City Council action.
- 18-30.100 Recordation of executed agreement.
- 18-30.110 Amendment – Time extension – Cancellation.
- 18-30.120 Review for compliance – Director’s authority.
- 18-30.130 Consequences of termination.
- 18-30.140 Irregularity in proceedings.
- 18-30.1540 Coordination of approvals.

18-30.010 Authority.

This Chapter establishes procedures and requirements for Development Agreements as authorized by Article 2.5, Chapter 4, Title 7 of the Government Code, Sections 65864 et seq. The Planning Commission may recommend and the City Council may enter into a Development Agreement for the development of real property with any person having a legal or equitable interest in such property, as provided below. At its sole discretion, the council may, but is not required to, approve a Development Agreement where a clear public benefit or public purpose can be demonstrated.

18-30.020 Initiation of Hearings.

Hearings on a Development Agreement may be initiated: (a) upon the filing of an application as provided below; or (b) by the council by a simple majority vote.

18-30.030 Fees.

The council shall establish and from time to time may amend, a schedule of fees to cover the City’s costs of processing applications for Development Agreements.

18-30.040 Application – Contents.

- A.** A Development Agreement application shall include the following information:
 - 1. A planning application and processing fee;

2. Evidence that the applicant has a legal or equitable interest in the property involved or written permission from a person having a legal or equitable interest to make such application;
3. Location of the subject property by address and vicinity map;
4. Legal description of the property, including a statement of total area involved;
5. Such other information as the director may require.

B. The director may waive the filing of one or more of the above items where the required information is filed with an application for a rezoning, use permit, variance, subdivision approval or other development entitlement to be considered concurrently with the Development Agreement.

1. The Director may reject any application that does not supply the required information or may reject incomplete applications.
2. The accuracy of all information, maps and lists submitted shall be the responsibility of the applicant.

18-30.050 Public Notice.

When the Director certifies that the application is complete, the item shall be scheduled for planning commission hearing; and the Director shall give notice of the public hearing.

18-30.060 Failure to Receive Notice.

The failure to receive notice by any person entitled thereto by law or this Chapter does not affect the authority of the City to enter into a Development Agreement.

18-30.070 Planning Commission Hearing and Recommendation.

A. The Planning Commission shall consider the proposed Development Agreement and shall make its recommendation to the council. The recommendation shall include whether or not the proposed Development Agreement meets the following findings:

1. The proposed Development Agreement is consistent with the Clearlake General Plan and any applicable Specific Plan;
2. The proposed Development Agreement complies with zoning, subdivision and other applicable ordinances and regulations;
3. The proposed Development Agreement promotes the general welfare, allows more comprehensive land use planning and provides substantial public benefits or necessary public improvements, making it in the City's interest to enter into the Development Agreement with the applicant; and

- 4. The proposed project and Development Agreement:
 - a. Will not adversely affect the health, safety or welfare of persons living or working in the surrounding area;
 - b. Will be appropriate at the proposed location and will be compatible with adjacent land uses; or
 - c. Will not have a significant adverse impact on the environment.

18-30.080 City Council Hearing.

After the recommendation of the Planning Commission, the director shall give notice of a public hearing before the City Council in the manner provided for in Section 18-28.030.

18-30.090 City Council Action.

- A. Referral.** After it completes the public hearing and considers the commission’s recommendation, the council may approve, conditionally approve, modify or disapprove the proposed Development Agreement. The council may refer matters not previously considered by the commission during its hearing back to the commission for review and recommendation.
- B. Approval.** The Development Agreement may be approved if the City Council makes the findings for approval listed in Section 18-28.030

18-30.100 Recordation of Executed Agreement.

Following the execution of a Development Agreement by the City Administrative Officer, the City Clerk shall record the executed agreement with the County Recorder.

18-30.110 Amendment – Time extension – Cancellation.

A Development Agreement may be amended, extended or canceled in whole or in part, by mutual consent of all parties to the agreement or their successors in interest. Procedures for amendment, time extensions or cancellation of the Development Agreement by mutual consent shall be the same as provided for initiation and consideration of such agreement.

18-30.120 Review for Compliance – Director’s Authority.

- A.** Every Development Agreement entered into by the City Council shall provide for director review of compliance with the Development Agreement at time intervals as specified in the agreement, but not less than once every 12 months.
- B.** It is the duty of the applicant or his or her successor in interest to provide evidence of good faith compliance with the agreement to the director’s satisfaction at the time of the director’s review. Refusal by the applicant or his or her successor in interest to provide the required information shall be prima facie evidence of violation of such agreement.

18-30.130 Consequences of Termination.

Upon termination or expiration of the Development Agreement, the owner shall otherwise comply with City codes, regulations, development standards and other applicable laws in effect at the time of termination of the agreement.

18-30.140 Irregularity in Proceedings.

No action, inaction or recommendation regarding the proposed Development Agreement shall be held void or invalid or be set aside by a court by reason of any error, irregularity, informality, neglect or omission as to any matter pertaining to the application, notice, finding, record, hearing, report, recommendation or any other matters of procedure whatsoever unless, after an examination of the entire record, the court is of the opinion that the error was prejudicial and that a different result would have been probable if the error had not occurred or existed.

18-30.150 Coordination of Approvals.

- A. Public hearings.** Where an application for a Development Agreement is concurrently filed with an application for a zone change, use permit, variance, minor subdivision or tract map or annexation and the applications may be feasibly processed together, public hearings may be concurrently held.
- B. Zoning or subdivision exceptions.** Yards, building height, coverage, parking requirements, density and other design standards may be modified or relaxed during consideration of a Development Agreement. The council may modify or relax development or subdivision standards when: (1) such modification or relaxation is otherwise allowed by this municipal code, (2) the council makes findings as required by zoning and subdivision regulations and (3) the council determines that such modification or relaxation of standards is consistent with the General Plan and reasonably necessary to allow the safe, efficient or attractive development of the subject property.

2024 Zoning Regulations

Chapter 18-31: Density Bonuses

Sections:

- 18-31.010 Purpose.
- 18-31.020 Bonus requirements for residential projects.
- 18-31.030 Eligibility for density bonus, incentives or concessions.
- 18-31.040 Inclusionary housing.
- 18-31.050 Allowed incentives or concessions.
- 18-31.060 Processing of bonus requests.
- 18-31.070 Density bonus agreement.

18-31.010 Purpose.

The purpose of this Section is to implement State law requirements under California Government Code, Sections 65915-65918, as they may be amended from time to time or the current equivalent to encourage the development of residential development that offers a percentage of its units to be made available to families of low or moderate income.

18-31.020 Bonus Requirements for Residential Projects.

Pursuant to Government Code Section 65915 and 65917, the City must grant to an applicant of a qualifying housing development who seeks a density bonus (“developer”) either 1) a density bonus or 2) a density bonus with an additional incentive(s) as set forth in this Article. A density bonus housing agreement shall be made a condition of any density bonus approved pursuant to this Section. The agreement shall be recorded as a covenant on the property on which the designated affordable dwelling units will be constructed, which covenant shall run with the land.

18-31.030 Eligibility for Density Bonus, Incentives or Concessions.

The following are eligibility requirements for a density bonus, incentives or concessions applicable to this Section:

- A. Affordability.** A developer entering into density bonus agreement to construct a housing development may qualify for a density bonus as provided under Government Code Section 65915. Government Code Section 65915.5 shall govern the availability of bonus incentives for projects which convert apartments to condominium projects which include at least 33% of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code or 15% of the total units to lower income households as defined in Section 50079.5 of the Health and Safety Code.

B. Allowed density bonus. Qualifying developments are eligible for a density bonus and one or more additional incentives or concessions as follows:

1. Low-income households. A housing development eligible for a bonus in compliance with criteria of Subsection A.2 above (10% of lower income households), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915 (f)(1).
2. Very low-income households. A housing development eligible for a bonus in compliance with criteria of Subsection A.1 above (5% of very low-income households), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915 (f)(2).
3. Senior citizen development. A housing development eligible for a bonus in compliance with criteria of Subsection A.3 above (senior citizen development or mobile home park), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915 (f)(3).
4. Common interest development. A housing development in compliance with criteria of Subsection A.4 above (10% for moderate income households), shall be entitled to a density bonus calculated pursuant to Government Code Section 65915(f)(4).
5. Density bonus for land donation. When an applicant for a tentative subdivision map, parcel map or other residential development approval donates land to the City, the maximum allowable residential development shall be as set forth under the applicable zoning ordinance and Clearlake General Plan, as permitted by Government Code 65915(g)(1). This increase shall be in addition to any other density bonus. The applicant shall meet the conditions in Government Code Section 65915(g) in order to qualify for the additional development.
6. Density bonus for housing with childcare facilities. The City shall grant a housing development that includes a childcare facility in compliance with Government Code Section 65915(h).
7. Any additional qualifying density bonus, incentive, or concession allowable under Government Code Section 65915 as amended from time to time.

C. Development Standards. Projects qualifying under this Section shall comply with the following development standards.

1. Designated affordable units shall be reasonably dispersed throughout the project where feasible, shall contain on average the same number of bedrooms as the non-designated units in the project and shall be compatible with the design or use of the remaining units in terms of appearance, materials and finished quality.

2. If the project is phased, the density bonus units shall be phased in in the same proportion as the non-density bonus units or phased in another sequence acceptable to the City.

18-31.040 Inclusionary Housing.

At the time of adoption of this Density Bonus Ordinance, the City does not have an inclusionary housing policy in place. However, if an inclusionary housing policy is adopted, designated affordable units shall count towards the requirements of the City's inclusionary housing requirements.

18-31.050 Allowed Incentives or Concessions.

The following are allowed incentives or concessions that can be made for projects qualifying under this Section:

- A. Applicant request and City approval.** An applicant for a density bonus may submit to the City a proposal for the specific incentives or concessions listed that the applicant requests and may request a meeting with the City staff prior to submitting the development application. The City Council shall grant an incentive or concession request that complies with the requirements of this Section and State Law, unless the City Council makes in writing, based on substantial evidence, the findings established in Government Code Sections 65915(d)(1)(A), 65915(d)(1)(B) or 65915(d)(1)(C).
- B. Number of incentives.** The applicant shall receive other concessions or incentives, as listed in Subsection C below, which significantly contribute to the economic feasibility of construction or the qualifying development project. The number of concessions or incentives will be determined by Government Code Section 65915(d)(2).
- C. Types of incentives.** For the purposes of this Section, bonus concessions or incentives which the City may provide include, but are not limited to, any of the following, as established in Government Code Section 65915(k).
 1. A reduction in site development standards or a modification of zoning code requirements of architectural design requirements that exceed the minimum State of California Building Standard pursuant to California Government Code Section 65915(k).
 2. A modification of zoning ordinance requirements or design standards requirements that result in identifiable financially sufficient and actual cost reductions that exceed the minimum State of California Building Standards pursuant to California Government Code Section 65915(k), including but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.
 3. 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

- 4. Any other incentive or concession proposed by the Developer or the City that results in an identifiable, financially sufficient and actual cost reductions.

18-31.060 Processing of Bonus Requests.

The following is required for processing a bonus request:

- A. Permit requirement.** A request for a density bonus and other incentives and concessions shall be evaluated and decided through the permit process in as though it were a use permit application through the Planning Commission and then recommended to the City Council for approval.
- B. Finding for approval.** The approval of a density bonus and other incentives and concessions shall require that the review authority first make all the following findings:
 - 1. The residential development will be consistent with the General Plan,
 - 2. The approved number of dwellings can be accommodated by existing and planned infrastructure capacities.
 - 3. Adequate evidence exists to indicate that the project will provide affordable housing in a manner consistent with the purpose and intent of this Chapter.
 - 4. There are sufficient provisions to guarantee that the units will remain affordable for the required time period.

18-31.070 Density Bonus Agreement.

The following is required for a density bonus agreement:

- A. Agreement required and provisions.** An applicant requesting a density bonus agreement shall agree to enter into a recordable density bonus agreement (“agreement”) with the City in a form approved by the City Attorney. The executed agreement shall be recorded on the property designated for the construction of the designated affordable units. The approval and recordation shall take place prior to final map approval or where a map is not being process, prior to issuance of building permits for such properties.
- B. Project information.** The agreement shall include at least the following information about the project:
 - 1. The total number of units approved for the housing development, including the number of designated affordable units.

2. A description of the household income group to be accommodated by the housing development and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with U.S. Department of Housing and Urban Development (“HUD”) Guidelines.
3. The marketing plan for the affordable units.
4. The location, unit sizes (square feet) and number of bedrooms of the designated affordable dwelling units.
5. Tenure of the use restrictions for designated affordable dwelling units of the time periods required by this Section and Government Code Section 65915.
6. A schedule for completion and occupancy of the designated affordable dwelling units.
7. A description of the additional incentives being provided by the City.
8. A description of the remedies for breach of the agreement by the owners.
9. Other provisions to ensure successful implementation and compliance with this Section and Government Code Section 65915.

C. Minimum requirements. The agreement shall provide, at a minimum, that:

1. The developer shall give the City the continuing right-of-first-refusal to lease or purchase any or all the designated affordable dwelling units at the appraised value.
2. The deeds to the designated affordable dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet or otherwise transfer any interest for designated affordable dwelling units without the written approval of the City.’
3. When providing the written approval, the City shall confirm that the price (rent or sale) of the designated affordable dwelling unit is consistent with the limits established for low and very low-income households, as published by HUD.
4. The City shall have the authority to enter into other agreements with the developer or purchasers of the designated affordable dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households.
5. Applicable deed restrictions, in the form satisfactory to the City Attorney, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance or withdrawal of the Certificate of Occupancy.

6. In any action taken to enforce compliance with deed restrictions, the City Attorney may take all action allowed by law to recover all of the City's costs of action including legal services and reasonable attorney's fees.
7. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.
8. The designated affordable dwelling units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable units in compliance with the requirements of Government Code Section 65915(c).

D. For-sale housing conditions. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of designated affordable dwelling units during the applicable restriction period:

1. A requirement that designated affordable dwelling units shall be owner-occupied by eligible households or by qualified residents in the case of senior housing.
2. Provisions as the City may require ensuring continued compliance with maintaining affordable dwelling units in compliance with this Section and State law.
3. Terms for future sales and recapture of any equity to ensure continued affordability of dwelling units for the requisite time period, as prescribed by Government Code Section 65915(c).

E. Rental housing conditions. In the case of rental housing development, the agreement shall provide for the following conditions governing the use of designated affordable dwelling units during the restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and maintaining the designated affordable dwelling units for qualified tenants.
2. Provisions requiring owners to annually verify to the City tenant incomes and maintain books and record to demonstrate compliance with this Section.
3. Provisions requiring owners to submit an annual report to the City, which includes the name, address and income of each person occupying the designated affordable dwelling units and which identifies the bedroom size and monthly rent or cost of each unit.
4. The applicable use restriction shall comply with the time limits for continued availability in compliance with this Section.

- F. Execution of Agreement.** Following City Council approval of the agreement and execution of the agreement by all parties, the City shall record the completed agreement on the parcels designated for the construction of designated affordable dwelling units, at the County Recorder's Office.
- G.** The approval and recordation shall take place at the same time as the final map or, where a map is not being processed, before issuance of building permits for the project.
- H.** The agreement shall be binding on all future owners, developer and/or successors-in-interest.

Chapter 18-32: Environmental Guidelines

Sections:

18-32.010 Purpose and intent

18-32.010 Purpose and intent.

The City Council shall, by resolution, establish and maintain Environmental Review Guidelines for the review of all projects that are subject to the provisions of the California Environmental Quality Act, Sections 15350 to 15387 of the California Public Resources Code.

Chapter 18-33: Design Review

Sections:

- 18-33.010 Purpose and intent.
- 18-33.020 Application forms and fees.
- 18-33.030 Procedures.
- 18-33.040 Affordable housing development application
- 18-33.050 Design Review Committee.
- 18-33.060 Findings.
- 18-33.070 Design Review Manual.
- 18-33.080 Conditions of approval.
- 18-33.090 Requirements for and compliance with use permits.

18-33.010 Purpose and Intent.

Consistent with the Clearlake General Plan, the Design Review Committee is hereby established for the purpose of review of new development, signs and related community appearance changes to enhance the design characteristic in all neighborhoods within the City of Clearlake.

18-33.020 Application Forms and Fees.

Projects which are subject to design review shall require submittal of a complete application, in accordance with information requirements checklists maintained by the Director. Application review and process shall be subject to payment of fees in accordance with the City’s Fee Schedule to defray the City’s cost to process applications.

18-33.030 Procedures.

The City Council shall, by resolution, establish and maintain Procedures for implementing Design Review in accordance with the Zoning Code.

18-33.040 Affordable Housing Development Applications.

Certain qualifying housing projects shall be processed in a manner in accordance with Government Code Sections 65903, 65913, 65943 and 65950. This provision shall remain in effect for the terms prescribed by the Government Code and as described in Section 18-19.340 of the Zoning Code.

18-33.050 Design Review Committee.

The City Council shall appoint a Design Review Committee consisting of two Planning Commissioners. A third member shall consist of the Community Development Director. Terms of office and duties are provided in the Design Review Procedures in accordance with Section 18-33.030 of this Chapter.

18-33.060 Findings.

All projects subject to design review shall be designed consistent with the Design Review Manual. Decisions regarding projects that are subject to design review must include findings of consistency that the project is consistent with the Design Review Manual.

18-33.070 Design Review Manual.

The City Council shall, by resolution, establish and maintain a Design Review Manual consisting of a planning document for guidance to the City decision makers, property owners, merchants, real estate interests, architects, designers and building contractors in designing new development and signs related to community appearance changes in the City of Clearlake to carry out the purpose of design review.

18-33.080 Conditions of Approval.

Decisions pertaining to projects that are subject to design review may include conditions to assure that they are designed consistent with the Design Review Manual.

18-33.090 Requirements for and Compliance with Use Permits.

Use permits which involve appearance impacts on the City may also be subject to design review approval.

2024 Zoning Regulations

Chapter 18-34: Repeat Applications

Sections:

18-34.010 Waiting period of 1 year required – Exceptions

18-34.010 Waiting period of 1 year required when – Exceptions.

- A.** When any application made pursuant to these regulations has been denied, no new application which is substantially the same shall be filed within 1 year of the date of the previous denial unless the Planning Commission or City Council, for good cause, shall grant permission to do so. The Commission or Council shall initiate such application based on whether the project was denied by the Commission or Council. If the decision to deny an application reviewed by the Commission is finally determined on appeal by the Council, the Council shall grant permission

- B.** The Director shall determine when an application is substantially the same as a previous application, subject to the appeal procedures of Chapter 18-36.

2024 Zoning Regulations

Chapter 18-35: Inactive Applications

Sections:

18-35.010 Applications deemed withdrawn after 180 days of inactivity.

18-35.010 Applications deemed withdrawn after 180 days of inactivity.

An application will be classified as “inactive” when the applicant has not adequately responded within 180 days to submittal items required by staff for further processing as provided in an incomplete letter. The Director shall determine when an application is in an “inactive status” and 30-day extensions may be granted at the discretion of the Director. Any determination of inactive status is subject to appeal procedures of Chapter 18-36.

2024 Zoning Regulations

Chapter 18-36: Appeals

Sections:

- 18-36.010 Standing to appeal.
- 18-36.020 Time limits.
- 18-36.030 Course of appeals.
- 18-36.040 Content of appeals.
- 18-36.050 Hearings and notice.

18-36.010 Standing to Appeal.

Any person may appeal a decision of any official body...

18-36.020 Time Limits.

Appeals must be filed within 10 calendar days of the rendering of a decision which is being appealed. If the tenth day is a Saturday, Sunday or holiday, the appeal period shall extend to the next business day.

18-36.030 Course of Appeals.

- A.** Decisions of the Director shall be appealed to the Planning Commission. Such appeals shall be filed with the Director.
- B.** Decisions of the Planning Commission shall be appealed to the Council. Such appeals shall be filed with the City Clerk.

18-36.040 Content of Appeals.

The appeal shall concern a specific action and shall state the grounds for appeal (Ord. 941 - 1 (part), 1982; prior code - 9204.8(D)).

18-36.050 Hearings and Notice.

- A.** Action on appeals shall be considered at the same type of hearing and after the same notice that is required for the original decision.
- B.** Once an appeal has been filed, it shall be scheduled for the earliest available meeting, considering public notice requirements, unless the appellant agrees to a later date.

Chapter 18-37: Fees

Sections:

18-37.010 Establishment authority.

18-37.010 Establishment Authority.

The City Council may, by resolution, establish fees for applications and procedures required by these regulations, to the extent such fees have a reasonable relationship to the costs incurred in processing the applications and providing public notice.

2024 Zoning Regulations

Chapter 18-38: Reasonable Accommodation

Sections:

- 18-38.010 Purpose.
- 18-38.020 Definitions.
- 18-38.030 Review authority.
- 18-38.040 Requests for reasonable accommodation.
- 18-38.050 Application requirements.
- 18-38.060 Required findings.
- 18-38.070 Performance standard.
- 18-38.080 Conditions of approval.
- 18-38.090 Appeals.

18-38.010 Purpose.

The reasonable accommodation provisions allow for flexibility in the application of regulations and procedures to ensure equal access to housing. The provisions set forth in this Section provide a procedure under which a disabled person may request a reasonable accommodation in the application of zoning requirements. This Section is based on requirements of the federal and state fair housing laws and is designed to eliminate barriers to housing opportunities.

18-38.020 Definitions.

Refer to Chapter 45, Definitions, for disabled person, fair housing laws and reasonable accommodation.

18-38.030 Review Authority.

- A. Director.** Requests for reasonable accommodation shall be reviewed by the Director, if no approval is sought other than the request for reasonable accommodation. The Director may refer the matter to any advisory commission or committee, as appropriate.
- B. Other review authority.** Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority responsible for reviewing the application.

18-38.040 Requests for Reasonable Accommodation.

- A. Request.** A request for reasonable accommodation in the application of land use and zoning regulations may be made by a disabled person, his or her representative or a developer or provider of housing for individuals with disabilities. A request for reasonable accommodation may include a modification or exception to the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers. A reasonable accommodation cannot waive a requirement for a conditional use permit when otherwise required or result in approval of uses otherwise prohibited by the City’s land use and zoning regulations.
- B. Assistance.** If an applicant needs assistance in making the request, the planning division will endeavor to provide the assistance necessary to ensure that the process is available to the applicant.
- C. Balancing rights and requirements.** The City will attempt to balance (1) the privacy rights and reasonable request of an applicant for confidentiality, with (2) the land use requirements for notice and public hearing, factual findings and rights to appeal, in the City’s request for information, considering an application, preparing written findings and maintaining records for a request for reasonable accommodation.

18-38.050 Application Requirements.

- A.** Whenever a request for reasonable accommodation is submitted for consideration, as a part of said application, sufficient information shall be submitted to the Community Development Department to determine whether the reasonable accommodation request complies with the provisions of this Section. In addition to the required Administrative Approval Application checklist items, the application shall include the following:

 - 1. The basis for the claim that the individual is considered disabled under the fair housing laws. Identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person’s medical, physical or mental limitations.
 - 2. The rule, policy, practice and/or procedure of the City for which the request for accommodation is being made, including the zoning code regulation from which reasonable accommodation is being requested.
 - 3. Type of accommodation sought.
 - 4. The reason(s) why the accommodation is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation.

18-38.060 Required Findings.

- A. The approval of a reasonable accommodation shall require that the review authority first find that:
 - 1. The housing will be used by a disabled person;
 - 2. The requested accommodation is necessary to make housing available to a disabled person;
 - 3. The requested accommodation would not pose an undue financial or administrative burden on the City; and
 - 4. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

18-38.070 Performance Standard.

Occupancy. A modification approved under this Section is considered a personal accommodation for the individual applicant and does not run with the land.

18-38.080 Conditions of Approval.

- A. Conditions imposed by the review authority may include, but are not limited to, the following:
 - 1. Inspection of the property periodically, as specified, to verify compliance with this Section and any conditions of approval.
 - 2. Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists.
 - 3. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
 - 4. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists.
 - 5. Measures in consideration of the physical attributes of the property and structures.
 - 6. Other reasonable accommodations that may provide an equivalent level of benefit and/or that will not result in an encroachment into required setbacks, exceedance of maximum height, lot coverage or floor area ratio requirements specified for the zone district.

18-38.090 Appeals.

The Director shall administer and interpret these requirements, subject to the applicable codes and City procedures. Decisions of the Director or other review authority are appealable; subject to the Zoning Regulations appeal provisions Chapter 18-36.

Chapter 18-39: Reserved

2024 Zoning Regulations

Chapter 18-40: Native Tree Protection

Sections:

- 18-40.010 Purpose.
- 18-40.020 Protected trees.
- 18-40.030 Exemption from protection and removal regulations.
- 18-40.040 Tree protection regulations.
- 18-40.050 Removal regulations.
- 18-40.060 Heritage trees.
- 18-40.070 Penalty

18-40.010 Purpose.

A. The purpose of this Chapter is to ensure the preservation and protection of resources that cannot be replaced while also balancing the needs of commerce, industry and the human population within the City. Trees are a valuable asset to make the City environment a healthier and more aesthetically appealing place to live. Given these recognized benefits and constraints, the intent and objectives of this Chapter are to:

1. Protect and enhance the aesthetic qualities of the community provided by mature native trees;
2. Promote a healthy and attractive urban landscape as the community grows;
3. Limit the indiscriminate felling, removal and destruction of certain trees;
4. Require the replacement of certain trees that are removed, where appropriate; and
5. Promote the preservation of existing trees during development.

18-40.020 Protected Trees

A. A Native Tree Removal Permit shall be required for the following, unless exempted under Subsection 18-40.030:

1. Native oak trees with the following diameter at breast height (DBH):
 - a. Blue Oak (*Quercus douglasii*) greater than 6-inch DBH
 - b. Valley Oak (*Quercus lobata*) greater than 6-inch DBH
 - c. Interior Live Oak (*Quercus wislizeni*) greater than 6-inch DBH
 - d. California Black Oak (*Quercus kelloggii*) greater than 6-inch DBH

- e. Canyon Live Oak (*Quercus chrysolepsis*) greater than 6-inch DBH
 - f. Oregon White Oak (*Quercus garryana*) greater than 6-inch DBH
2. Any other tree designated by the City Council as a “Heritage Tree” as described in Subsection 18-40.030.

18-40.030 Exemption from Protection and Removal Regulations.

A. No protected trees meeting the standards in Subsection 18-40.020 may be removed until Zoning Clearance is granted pursuant to this Section. In the following situations, protected trees may be removed without the need for planting replacement trees as described in Subsection 18-40.050c, but are first required to obtain a Zoning Clearance:

- 1. The removal of dead or hopelessly diseased trees.
- 2. The removal of trees judged to be hazardous to life or property;
- 3. The removal of trees judged by a public utility company to be a hazard to the safety of high voltage power lines in accordance with Public Resources Code 4293.
- 4. The removal of trees that must be felled to accommodate public improvements by the City, County or public utility company.
- 5. The removal of trees that pose a fire safety hazard as certified by the Lake County Fire Protection District.
- 6. The removal of trees whose dripline falls within the footprint of a proposed single-family dwelling, garage and driveway on an existing lot where the trees cannot be reasonably avoided for construction.
- 7. The thinning of a stand of trees to improve the overall health of the stand. In this instance, the Planning and Community Development Director shall have discretion to approve which trees shall be removed.

B. An administrative use permit shall be issued for removal of a heritage tree meeting criteria in Subsection A.6 above.

18-40.040 Tree Protection Regulations

A. Any disturbances including, but not limited to, the following, which might cause harm to a protected tree, are strictly prohibited within the Root Protection Zone (RPZ) of that tree:

- 1. Removing, moving or failing to install and maintain proper temporary protection fencing in the vicinity of construction prior to completion of on-site work;

2. Trenching;
3. Any permanent or temporary structures, however temporary structures not fixed to the ground shall be allowed as long as they will not compact the soil;
4. Grading, cutting, filling or changing the natural grade in any way;
5. Installation of an irrigation system;
6. Covering with any substance impermeable to air and rain water, such as asphalt, concrete, plastic, etc.; however, pervious surfacing such as pavers, gravel, pervious asphalt or other such materials may be used to within one-half (1/2) the distance from the dripline of the tree to the trunk;
7. Burning, open fires or open flames;
8. Compaction of the soil;
9. Girdling; and/or
10. Topping.

18-40.050 Removal Regulations.

- A. Removal criteria.** Unless exempt under Subsection 18-40.030, no Heritage Tree shall be approved for removal unless first declassified in accordance with Subsection 18-40.030b. Native Tree Removal Permits may be issued for all other protected trees meeting the following criteria unless a waiver is granted for a parking reduction in accordance with Subsection B below:
1. Protected trees that cannot be avoided and associated with residential or non-residential construction, remodels, renovations, expansions or grading that does not meet exemption criteria;
 2. Installation of temporary structures such as above-ground pools, sheds or other structures that are not fixed to the ground.
 3. A tree removal permit shall not be granted prior to the granting of all other permits required for the project in question.
- B. Waiver of parking spaces.** At the discretion of the Director, the number of required parking spaces for commercial development may be reduced by up to 2 parking spaces per protected tree that is retained within a proposed parking lot.
- C. Removal of slash and felled trees.** All slash, downed trees or tree scraps except for wood that is cut, stacked and stored for firewood, shall be chipped, burned or removed from the property by the permittee within 45 days following the felling of any tree. Should debris be burned, the permittee shall first obtain a burn permit from the Lake County Fire Protection District and comply with all burning

regulations. Exceptions to this Subsection may be approved by the Director should extenuating circumstances exist that delay the clean-up of the debris.

D. Replacement trees.

1. For each protected tree felled and/or removed, 2 replacement trees shall be planted for the first 10 inches DBH of tree removed and 1 tree for each additional 2 inches of DBH of the protected tree felled. The replacement trees shall be of the same species type as that of the removed tree and shall be planted by the permittee within 12 months of issuance of the removal permit. Replacement saplings shall be a minimum of a 5-gallon sapling. All required replacement trees shall be maintained or replaced if needed, until they are established. Should the site not contain appropriate habitat to allow for the success of same-species replacement, the Director may authorize all or partial on-site replacement of a different species from among the list of protected trees.
2. Where replacement trees cannot be reasonably accommodated on site, replacement trees shall be planted off-site at a ratio of 4 replacement trees for the 6 inches DBH of the protected tree felled and/or removed and 1 tree for each additional inch of DBH of the protected tree felled. Maintenance of replacement trees shall be as required for Subsection D.1 above.
3. Off-site replacement may be on other property owned by the applicant or on public property, in locations to be determined by the City. All off-site replanting requests shall be submitted to the Director or his/her designee at the time of the tree removal permit application.
4. For off-site replacement on public property, the applicant shall contribute to a fund established by the City to replant and maintain the trees. The fee shall be established by the City Council and shall be equivalent to the estimated cost to purchase, replant and maintain the trees until established.
5. A Tree Replacement Plan shall be submitted with all applications for a Native Tree Removal Permit where the applicant is proposing to undertake the replanting. The Plan shall be reviewed and approved by the Community Development Department prior to issuance of a permit. The Plan shall depict the proposed location and manner of tree replacement, consistent with the above requirements.

E. Security. Security shall be provided to the City, guaranteeing the maintenance of the replacement trees for a period not less than 5 years to minimize loss. The security shall be relinquished when it is determined the trees are established.

F. Inspections. The Community Development Departments may make inspections at any time during which the security is in effect to verify that the replacement trees are being maintained according to the terms of the permit.

18-40.060 Heritage Trees.

A. Designation of heritage trees.

1. A tree owner may submit an application to the City requesting that the City Council establish by resolution the designation of a tree or group of trees located on his or her property as a heritage tree(s). Applications shall be submitted on a form supplied by the City. The Council may also, on its own motion, commence the process of designating a heritage tree. The City shall notify the owner of the proposed heritage tree(s) by mail 20 days prior to the meeting to consider the application. Once an application has been submitted and prior to Council action, the tree or trees shall be afforded the same level of statutory protection as a designated heritage tree.
2. In order to designate a tree as a heritage tree, the City Council must find that the tree is a significantly beneficial feature of the community because it possesses one or more of the following attributes:
 - a. The tree is an outstanding specimen of a desirable species;
 - b. The tree is one of the largest or oldest trees in Clearlake;
 - c. The tree is of historical interest; or
 - d. The tree is of distinctive appearance.

B. Declassification of heritage trees.

An owner of a heritage tree may submit an application to the City requesting that the City Council declassify by resolution a tree or group of trees previously designated as a heritage tree(s). The Council may also, on its own motion, commence the process of declassifying a heritage tree. The City shall notify the owner of the heritage tree(s) 20 days prior to the Council meeting scheduled for the proposed action.

The Council may declassify a heritage tree upon a finding that the tree(s) is no longer a significant community benefit because:

1. It has deteriorated in health or appearance;
2. It no longer has habitat value; or
3. It prevents reasonable use of the property.

18-40.070 Penalty.

- C.** It is unlawful for any person to commit an act which is prohibited by this Section. Any violation of this Section shall constitute a misdemeanor; provided, however, the City Attorney or prosecuting attorney shall have the discretion to deem a

violation of this Section as an infraction in accordance with Section 1-5 of the City Code.

- D.** Any person found guilty of violating this Section shall be fully responsible for all costs arising from or relating to enforcement, investigation and legal costs associated with an infraction or misdemeanor. Each tree removed or damaged in violation of this Section shall constitute a separate violation.
- E.** The felling removal or damage of a tree in violation of this Section shall be punishable by a fine of \$1,000.00.
- F.** Any person who causes a tree to be removed or damaged in violation of this Section, shall repair or replace any such tree at the violator's expense pursuant to double the ratio of the tree replacement requirements set forth in Subsection 18-40.050d. The location, species and planting specification for replacement trees shall be approved by the Director prior to replanting.

2024 Zoning Regulations

Chapter 18-41: Cannabis Personal Cultivation

Sections:

- 18-41.010 Purpose and intent.
- 18-41.020 Relationship to other laws.
- 18-41.030 Personal cultivation indoors.
- 18-41.040 Personal cultivation outdoors.
- 18-41.050 Regulations applicable to indoor and outdoor personal marijuana cultivation.
- 18-41.060 Outdoor marijuana cultivation permit.
- 18-41.070 Prohibited marijuana cultivation declared a public nuisance.
- 18-41.080 Enforcement
- 18-41.090 Penalties for violation

18-41.010 Purpose and Intent.

It is the purpose and intent of this section to regulate personal cultivation of marijuana within the City in order to preserve the public peace, health, safety and general welfare of the citizens of the City of Clearlake. (Ord. #197-2017)

18-41.020 Relationship to Other Laws.

This section is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to any activity that is regulated by Federal or State law to the extent that application of this section would conflict with such law or would unduly interfere with the achievement of Federal or State regulatory purposes. It is the intention of the Council that this section shall be interpreted to be compatible and consistent with Federal, City, and State enactments and in furtherance of the public purposes which those enactments express. It is intended that the provisions of this section will supersede any other provisions of this Code found to be in conflict. (Ord. #197-2017)

18-41.030 Personal Cultivation – Indoors.

Indoor cultivation shall comply with all State laws, guidelines, and license requirements applicable to indoor marijuana cultivation, as well as all laws regarding building permits. Nothing in this Article shall be construed to allow a permittee to cultivate marijuana within the City of Clearlake in violation of State law. (Ord. #197-2017)

18-41.040 Personal Cultivation – Outdoors.

Persons twenty-one (21) years of age or older may cultivate marijuana for personal use outdoors on the grounds of a private residence subject to the following regulations:

- A.** Must obtain a cultivation permit from the City before beginning any outdoor cultivation.
- B.** The outdoor cultivation must occur within an area one hundred (100) square feet or less.
- C.** No outdoor cultivation is permitted in the following areas within the City:
 - 1. Outdoors within any mobile home park as defined within Clearlake Municipal Code;
 - 2. Outdoors on any property that is improved with multi-family dwellings as defined within the Clearlake Municipal Code.
 - 3. Outdoors on any parcel fronting on Clear Lake.
 - 4. Outdoors within one hundred (100') feet of Clear Lake. The setback shall be measured from where the water surface intersects the natural ground at the full lake level of 7.56 feet on the Rumsey Gauge.
 - 5. Outdoors within one hundred (100') feet from the top of banks of Borax Lake, as well as existing major, natural drainage courses, and major tributaries thereto, hereby identified as Burns Valley Creek, Miller Creek, Alvita Creek, Molesworth Creek, and Cache Creek.
 - 6. Outdoors within any commercial zone, MUR zone, Scenic Corridor zone, or “beautification zone” specifically identified as an area requiring a higher level of aesthetics.
 - 7. Within a “hoop style greenhouse” structure.
- D.** All outdoor cultivation areas shall be enclosed, with solid wood or other conforming types of solid fencing, and be constructed pursuant to provisions set forth in subsection 18-20.070 of the City of Clearlake Zoning Code pertaining to fences, walls and hedges.
- E.** The outdoor cultivation site must be enclosed/surrounded within a single, square, opaque, six (6') foot high fenced area no larger than 10' by 10', with dimensions equal on all four (4) sides.
- F.** Six (6') foot high perimeter fencing of the entire yard is required, per fence

ordinance and in compliance with CMC.

- G. The enclosed cultivation site must be secured by a locking mechanism and locked at all times when the owner is not tending the site.
- H. Setbacks for the cultivation site are five (5') feet from the residence and ten (10') feet from the property line. Additional setbacks or prohibitions may also apply from the City's zoning code.
- I. Outdoor cultivation must be conducted in accordance with all State law requirements.
- J. No outdoor marijuana cultivation area shall be visible from a public right-of-way. Cultivators shall take appropriate steps to shield their marijuana plants from being visible from a public right-of-way, as per paragraphs d, e. and f. above.
- K. If the person cultivating marijuana is anyone other than the owner of a private residence, the owner must give notarized, written permission authorizing the cultivation of marijuana on the grounds of the private residence. (Ord. #197-2017)

18-41.050 Regulations Applicable to Indoor and Outdoor Personal Marijuana Cultivation.

- A. Diversion of Waterways Prohibited. Diversion of water from any waterway for the purposes of cultivating marijuana is prohibited.
- B. Processing of Marijuana. Processing of marijuana that in any way alters the chemical structure is prohibited, unless otherwise permitted by state law.
- C. Personal marijuana cultivation permitted by this section shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes.
- D. Use, storage, or discharge into City wastewater facilities of any hazardous chemicals in the cultivation of marijuana is strictly prohibited. Hazardous chemicals shall include, but is not limited to, any chemical or substance that is prohibited by the Federal Environmental Protection Agency or the California Department of Food and Agriculture.
- E. Water usage for cultivation of marijuana under this section shall not exceed any limitations imposed by Federal, State, or local water restrictions.
- F. Marijuana cultivation shall only be conducted on the grounds of a private residence that has its own water source, either through metered water or an on-site well. Trucked in water is prohibited as a water source for cultivation.

G. As provided by state law, no more than a total of six (6) living marijuana plants may be cultivated on the grounds of a single private residence, whether indoor or outdoor, at one time. (Ord. #197-2017)

18-41.060 Outdoor Marijuana Cultivation Permit.

A. Prior to commencing any marijuana cultivation outdoors, a person wishing to cultivate marijuana outdoors within the City limits must obtain an outdoor marijuana cultivation permit from the City Manager of the City of Clearlake. The permit application and/or renewal application shall be completed by the applicant, signed and notarized by the applicant, and shall contain the following information, which will be required with the initial permit application and subsequent permit extensions:

1. The name of each person owning, leasing, occupying, or having charge of any legal parcel or premises where marijuana will be cultivated.
2. A notarized signature from the owner of the property consenting to the cultivation of marijuana at the premises on a form acceptable to the City, and when the applicant is not the sole owner of the property, then written permission of the owner's consent to allow marijuana cultivation to occur on the premises with the owner's notarized signature.
3. The physical site address of where the marijuana will be cultivated.
4. A signed consent form, acceptable to the City Manager, authorizing City staff, including the Chief of Police or his or her designee, to conduct a compliance inspection of the outdoor area of the residence used for the cultivation of marijuana upon twenty-four (24) hours' notice.

B. The initial permit shall be valid for one year and each renewal permit shall be valid for one year.

C. To the extent permitted by law, any personal information submitted with a marijuana cultivation permit application or permit extension shall be kept confidential and shall only be used for purposes of administering this Article.

D. The City Manager may deny any application for an outdoor marijuana cultivation permit, or extension thereof, if the applicant proposes to cultivate marijuana outdoors in an area or in a manner prohibit by this Article, or if the applicant has prior criminal conviction for a drug-related offense. Such denial shall be given to the applicant in writing and shall describe the grounds for the denial.

- E.** A person who is denied an outdoor marijuana cultivation permit under this section may appeal such denial to the Planning Commission within five (5) days of the date the City issues the written denial required by paragraph d. of this subsection.
- F.** Upon timely request by the person requesting the outdoor marijuana cultivation permit, the appeal hearing process and related procedures of a denial of its permit pursuant to this section shall proceed pursuant to the provisions of this Chapter XVIII of the Clearlake Municipal Code.
- G.** An applicant shall pay an annual permit fee to cover the reasonable cost of administering this Article. The permit fee shall initially be two hundred fifty (\$250.00) dollars and shall be updated annually in the City of Clearlake schedule of fees.
- H.** Permittees shall comply with all State laws, guidelines, and license requirements applicable to marijuana cultivation including those set forth and promulgated under the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA). Failure to comply with any State law, regulations, or license requirement pertaining to marijuana cultivation shall be grounds for City permit revocation. Nothing in this Article shall be construed to allow a permittee to cultivate marijuana within the City of Clearlake in violation of State law. (Ord. #197-2017)

18-41.070 Prohibited Marijuana Cultivation Declared a Public Nuisance.

The establishment, maintenance, or operation of any prohibited cultivation of marijuana, as defined in this section, within the City is declared to be a public nuisance and each person or responsible party is subject to abatement proceedings under Clearlake Municipal Code Chapter 10. (Ord. #197-2017)

18-41.080 Enforcement.

- A.** It is the intent of the City of Clearlake to enforce the provisions of this section on the bases of legitimate and verified complaints received from the public as well as to protect the general welfare, safety and health, as determined by any individual charged by the City to enforce the terms of this Article.
- B.** Nothing in this Article shall be construed to prevent the City of Clearlake from pursuing any and all other legal remedies that may be available, including but not limited to criminal and civil actions filed by the City of Clearlake seeking any and all appropriate relief such as civil injunctions, penalties, and forfeiture. (Ord. #197-2017)

18-41.090 Penalties for Violation.

- A.** Any existing marijuana cultivation sites located within the City of Clearlake which are operating contrary to the requirements of this article are hereby declared to be a public nuisance.

- B.** Administrative Fines. A violation of any provision of this article shall constitute a separate and distinct offense subject to an administrative fine. Violators shall also be subject to any other enforcement remedies available to the City under any applicable State or Federal statute or pursuant to any other lawful power the City may possess.

 - 1. The administrative fine for a violation of subsection 18-41.060, subsection 18-41.070A, and subsection 18-41.060G shall be:

 - a. A fine of five hundred (\$500.00) dollars for a first violation.
 - b. A fine of seven hundred fifty (\$750.00) dollars for a second violation of the same ordinance.
 - c. A fine of one thousand (\$1,000.00) dollars for each additional violation of the same ordinance.
 - 2. The administrative fines set forth above shall be subject to revision by resolution of the City Council.

- C.** Suspension of Cultivation Privileges.

 - 1. Failure to abate will result in a one (1) year suspension of cultivation privileges both for the individual in violation and for the property itself. Any fines previously assessed must be paid in full prior to lifting the suspension of cultivation privilege.
 - 2. A subsequent failure to abate may result in up to a five (5) year suspension of cultivation privileges, with approval for the individual in violation and for the property itself. Any fines previously assessed must be paid in full prior to lifting the suspension of cultivation privileges. A suspension is appealable to the City Manager or their designee.

- D.** Cultivation of marijuana in a manner that violates this article is hereby declared to be a public nuisance and may be abated pursuant to the provisions of Chapter 18-42.

- E.** Each day a violation is allowed to continue shall constitute a separate and distinct offense and shall be subject to all remedies. (Ord. #197-2017; Ord. #222-2019, § 12)

Chapter 18-42: Abatement of Public Nuisances Created by Cultivation of Marijuana in Violation of Section 18-41

Sections:

- 18-42.010 Investigation.
- 18-42.020 Abatement order.
- 18-42.030 Immediate threat to public health or safety.
- 18-42.040 Request for a hearing regarding abatement order.
- 18-42.050 Hearing Notice.
- 18-42.060 Hearing and determination.
- 18-42.070 Failure of property owner to abate.
- 18-42.080 Sale of materials.
- 18-42.090 Accounting of abatement expenses.
- 18-42.100 Abatement expenses statement – posting.
- 18-42.110 Statement of expense – hearing.
- 18-42.120 Collection of unrecovered costs.
- 18-42.130 Refund of excess receipts.

18-42.010 Investigation.

The public official, upon receipt of information leading him/her to believe that a public nuisance, subject to this section, exists upon private property in any zone in the City, shall make a reasonable investigation of the facts and inspect the property to determine whether or not a public nuisance exists. Inspections may include photographing the conditions or obtaining samples or other physical evidence. If an owner, occupant or agent refuses permission to enter or inspect, the public official may seek an inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure Section 1822.50 through Section 1822.59. (Ord. #197-2017)

18-42.020 Abatement Order.

- A.** Upon making a reasonable determination that a public nuisance exists, the public official shall notify the property owner, as such person’s name appears on the last equalized assessment roll, as well as any lessees or occupants of the property, that a public nuisance exists upon the property. Notice shall be given by means of first class mail postage prepaid and a copy shall be posted on the property. A copy of the notice shall also be sent by first class mail postage prepaid to the last known address of any responsible party if the public official determines that such responsible party directly or indirectly contributed to the condition creating the nuisance.
- B.** The notice shall describe the use or condition which constitutes the public nuisance, and shall also state what repair or other work is required in order to abate the nuisance.

- C. The notice shall order that the uses or conditions constituting the nuisance be abated within a reasonable time as determined by the public official, normally being five (5) days from the date such notice is posted.
- D. The notice shall contain instructions to the property owner describing procedures for scheduling a hearing for the purpose of presenting information as to why the property should not be considered a public nuisance.
- E. The notice shall also state that if the work is not completed within the number of days specified on the notice, or hearing has not been requested in accordance with subsection 18-10.070, the City may abate the nuisance without further notification and the property owner may be responsible for all costs associated with the investigation and abatement of the public nuisance.
- F. The notice shall also state that if the property owner fails to request a hearing, all rights to appeal any action of the City to abate the nuisance are waived. (Ord. #197-2017)

18-42.030 Immediate Threat to Public Health or Safety.

- A. The public official, upon making a finding that an immediate threat or danger exists to the health, safety or welfare of the occupants or the public, may order a summary abatement of the hazardous condition. Such abatement shall not include the eradication of marijuana plants without first obtaining an abatement warrant.
- B. Upon such finding, the public official may require immediate action on the part of the property owner or occupant to eliminate the hazardous condition.
 - 1. The public official shall make a reasonable attempt to notify the owner and occupant of the property or responsible party of the dangerous conditions that require the immediate vacation, repair, cleanup and/or securing of the property or structures thereof, either by telephone, or by personally visiting the premises; and
 - 2. If the imminently dangerous condition can be substantially relieved by the performance of minor repairs, disconnection of certain utility services, or other acts, then the public official may perform or direct such acts of work without the prior consent of, or notice to, the owners, occupants, or responsible party; and
 - 3. If such danger cannot be substantially relieved by such work and upon the failure or refusal of the occupants to voluntarily vacate such premises, then the public official may personally disconnect the electrical, gas and other utility services to such premises or may request the appropriate utility companies to do so; and

4. If the public official finds that an immediate threat to public health, safety or welfare exists, and that it is unhealthy or hazardous to delay abatement action, the public official may order City staff or contractors to abate the condition. Abatement may be, but is not limited to, clean-up and disposal of rubbish or other materials which threaten public health; and
5. Following a noticed hearing, the property owner, occupant and/or responsible party may be liable for all costs associated with this abatement, including administrative, labor (including staff time), equipment, material and other costs; and
6. The public official shall post warnings to all persons not to enter the premises stating the reasons therefor. (Ord. #197-2017)

18-42.040 Request for a Hearing Regarding Abatement Order.

- A. A hearing regarding an abatement order may be requested by filing a written request for a hearing with the City Clerk of the City of Clearlake prior to such date set for the abatement of the nuisance.
- B. The filing of such request for hearing shall stay the effectiveness of the order of abatement until such time as the case has been decided by the City Council.
- C. If a request for a hearing is not filed within the number of days to abate the nuisance as specified on the abatement order, the public official may order the work to be performed. (Ord. #197-2017)

18-42.050 Hearing Notice.

- A. Upon receipt of a request for hearing, filed in accordance with subsection 18-10.060, the public official shall schedule a hearing before the City Council. Notice of the hearing shall be sent by first class mail postage prepaid, return receipt requested, to the person filing the request and to those persons identified under subsection 18-42.060.
- B. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than five (5) days from the date of mailing and posting such notice unless mutually agreed to by the property owner or responsible party and the public official), the specific conditions or uses which constitute the public nuisance, and shall direct the owner(s) and/or lessees to appear and show cause why the specified condition or use should not be declared a public nuisance and abated.
- C. The failure of any property owner, occupant, responsible party, or other person to receive any notice required to be given or posted pursuant to the provisions of this section shall not affect in any manner the validity of any proceedings taken thereunder. (Ord. #197-2017)

18-42.060 Hearing and Determination.

- A. At the time fixed in the notice, the City Council shall proceed to hear testimony from any interested person regarding the specified condition or use deemed by the public official to be a public nuisance, the estimated cost of its reconstruction, repair, removal or other work, and any other matter which the City Council may deem pertinent thereto.
- B. Upon the conclusion of the hearing, the City Council will make a determination by resolution based on the evidence presented at the hearing. The resolution shall set forth the Council’s decision and the findings supporting its decision. The resolution shall cite to the provisions of Section 1094.5 and 1094.6 of the Code of Civil Procedure.
- C. In the event that the City Council declares the condition or use is a public nuisance, the Council may direct the owner(s) to abate the same within five (5) days after posting and mailing and impose an administrative fine as provided for in Clearlake Municipal Code Chapter 10. .
- D. After the determination of the Council directing the abatement of a public nuisance, the public official shall conspicuously post a copy thereof on the building, structure or other property declared a public nuisance and shall mail a copy to the owner(s) thereof as well as to the occupants, to the mortgagees of record and trust deed beneficiaries of record, and to any responsible persons.
- E. The City Council may grant reasonable extensions of time to abate the nuisance upon good cause shown.
- F. If the City Council finds no public nuisance, the Council shall grant the applicant’s appeal and take no further action. (Ord. #197-2017)

18-42.070 Failure of Property Owner to Abate.

If the property owner, lessee or other responsible party fails to abate the nuisance within the time specified by the City Council, or the public official, and is not granted a time extension, the public official, upon authorization of the department head may, but is not required to obtain an abatement warrant to secure, remove, demolish, raze or otherwise abate the nuisance at the expense of the owner(s). (Ord. #197-2017)

18-42.080 Sale of Materials.

Any materials used for marijuana cultivation obtained from the nuisance abatement may be sold by the City at public sale to the highest responsible bidder after not less than five (5) days’ notice of the intended sale, published at least once in a newspaper of general circulation in the City, either before or after the nuisance is abated. The City may allow

contractors to consider the salvage value of the materials in the preparation of abatement bids. (Ord. #197-2017)

18-42.090 Accounting of Abatement Expenses.

The public official shall keep an itemized account of the expenses incurred in abating the nuisance and shall deduct therefrom the amounts receivable from the sale of such materials. (Ord. #197-2017)

18-42.100 Abatement Expenses Statement—Posting.

- A. The public official shall cause to be conspicuously posted on the property from which the nuisance was abated a statement verified by the public official in charge of abating the nuisance showing the expenses of abatement, together with a notice of the time and place that the statement will be submitted to the City Council in a hearing as discussed below in subsection 18-42.100, for approval and confirmation by the City Council.

- B. At such time and place the City Council shall consider objections or protests, if any, which may be raised by any person liable to be assessed for the cost of such abatement work, and any other interested person. A copy of the statement and notice shall be mailed to the owner and occupant of the property, and to the responsible party, in the manner prescribed in subsection 18-42.030. The time of submitting the statement to the City Council for confirmation shall be not less than five (5) days from the date of posting and mailing the statement notice. (Ord. #197-2017)

18-42.110 Statement of Expense—Hearing.

At the time fixed for hearing objections or protests to the statement of expense, the City Council shall consider the statement together with any objections or protests which may be raised. The City Council may make such revision, correction or modification in such statements as it may deem just. The Council’s decisions on the statement, protests and objections shall be final and conclusive. Notice of the Council’s decision shall be mailed by first class mail postage prepaid, return receipt requested, to owner(s) and lessees in accordance with the provisions of subsection 18-42.030, and shall include reference to Sections 1094.5 and 1094.6 of the Code of Civil Procedure. (Ord. #197-2017)

18-42.120 Collection of Unrecovered Costs.

- A. In the event that the cost of abating the nuisance exceeds the proceeds received from the sale of materials, such unrecovered costs, if not paid within five (5) days after the Council’s decision, shall constitute a special assessment on the real property from which the nuisance was abated.

- B.** The assessment may be collected at the same time and in the same manner as ordinary taxes are collected and shall be subject to the same penalties and the same procedure for sale in case of delinquency as provided for ordinary taxes. All laws applicable to the levy, collection and enforcement of taxes shall be applicable to such special assessment, except that if any real property to which such cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached hereon prior to the date on which the first installment of such taxes would become delinquent, then such cost of abatement shall not result in a lien against such real property but instead shall be transferred to the unsecured roll for collection.
- C.** The public official shall file a notice of a lien in the office of the recorder of the County in an amount no greater than the total cost of abatement appearing in the statement of expense earlier approved by the City Council. The notice of lien shall be in a form approved by City Attorney.
- D.** From and after the date of recording the notice of lien, all persons shall be deemed to have notice of the contents thereof. The statute of limitations shall not run against the right of the City to enforce the payment of the lien.
- E.** Amounts owed to the City for abatement shall bear interest at the maximum rate allowed by law per year from the date of the abatement. (Ord. #197-2017)

18-42.130 Refund of Excess Receipts.

In the event that the amounts received from the sale of materials exceed the expenses of razing, removing or otherwise abating the nuisance, such excess shall be deposited with the Treasurer of the City to the credit of the owner of such property or to such other person legally entitled thereto. Such excess shall be payable to the owner or other person upon production of evidence of ownership, or other interest, satisfactory to the Treasurer. (Ord. #197-2017)

2024 Zoning Regulations

Chapter 18-43: Commercial Cannabis

Sections:

- 18-43.010 Purpose and findings.
- 18-43.020 Applicability.
- 18-43.030 Limitations of use.
- 18-43.040 Sensitive use setbacks.
- 18-43.050 Commercial cannabis permitting and applications.
- 18-43.060 General operating requirements.
- 18-43.070 Cultivation operating requirements.
- 18-43.080 Manufacturing operating requirements.
- 18-43.090 Distribution operating requirements.
- 18-43.100 Testing laboratory operating requirements.
- 18-43.110 Violations; enforcement.
- 18-43.120 Severability.

18-43.010 Purpose and Findings.

This article provides the development and operating standards for medical and adult use commercial cannabis uses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine, and provide opportunities for economic development.

18-43.020 Applicability.

A. Commercial Cannabis Uses. For purposes of this article, commercial cannabis uses shall include the following land use classifications:

1. Commercial cannabis cultivation;
2. Cannabis manufacturer;
3. Cannabis distributor;
4. Cannabis testing laboratory;
5. Cannabis nursery;
6. Cannabis processor;
7. Cannabis microbusiness.

Commercial cannabis uses are subject to the following provisions as set forth in this article, all other applicable provisions in the Zoning Code, and any applicable State licensing requirements. It is unlawful for any person to operate a commercial cannabis business in the City without obtaining a use permit to operate. The City may suspend, revoke, or deny a zoning clearance or permit upon denial or revocation of a State cannabis license.

B. Where Allowed. The commercial cannabis uses that are subject to the standards of this article shall be located in compliance with the requirements of Section 18-17, CB combining zone district, and the additional specific locational requirements for each use as follows:

1. Commercial cannabis cultivation is allowed only in the CB zones when all cultivation activities are conducted entirely inside a building utilizing no natural light, or in a hybrid greenhouse east of State Route 53 in CB zones.
2. Cannabis manufacturer is allowed in all CB zones; however, a manufacturer shall only use processes for extracting or processing cannabis products after consultation, review and approval of the manufacturing process by the Lake County Fire Protection District Chief or designee.
3. Cannabis distributor is allowed in all CB zones.
4. Cannabis testing laboratory is allowed in all CB zones.
5. Cannabis nursery utilizing a hybrid greenhouse is allowed in the CB zones east of State Route 53 only. A cannabis nursery functioning completely indoors within a building utilizing no natural light and not a hybrid greenhouse is allowed in all CB zones, except the RP base zone west of State Route 53.
6. Cannabis processor is allowed in all CB zones.
7. Cannabis microbusiness is allowed, but is limited to the same locations where cannabis dispensaries are allowed, and after approval of a development agreement and use permit specific to the location of the microbusiness.

C. Cannabis Business Use Permit.

1. Prior to, or concurrently with, application for a cannabis business regulatory permit, the applicant shall process and be issued a cannabis business use permit as required by this article. Information that may be duplicative in the two (2) applications can be incorporated by reference. The cannabis business use permit shall run with the regulatory permit and not the land.
2. No cannabis business use permit shall be issued until either the City Council approves a development agreement for the site, a license agreement for the site, or until after the effective date of an approved ballot measure authorizing the taxation of commercial cannabis businesses in the City.

D. Development Standards. The standards for cannabis uses in this article supplement and are required in addition to those general building and development standards as required by Code.

18-43.030 Limitations on Use.

Commercial cannabis businesses shall only be allowed in compliance with the following sections and all applicable regulations set forth in the Code, including, but not limited to, building, grading, plumbing, septic, electrical, fire, hazardous materials, and public health and safety. Cannabis operators shall comply with all laws and regulations applicable to the type of use and shall comply with all zoning clearance, use permit, approval, inspection, reporting and operational requirements required by other State and Federal regulatory agencies having jurisdiction over the type of operation. Cannabis operators shall provide copies of other agency and department permits, zoning clearances, or certificates to the Community Development Director to serve as verification for such compliance. Use permits for commercial cannabis uses shall only be issued where written permission from the property owner or landlord is provided.

18-43.040 Sensitive Use Setbacks.

- A. A cannabis business premises permitted under this article shall not be located within six hundred (600') feet of a youth-oriented facility, licensed pre-school, or post-secondary educational facility. This setback shall be measured in a straight line from the boundary line of the property on which the cannabis business is located nearest to the boundary of the property on which the building or structure, or portion of the building or structure, in which the above listed use occurs or is located; however, that if the State adopts a different method of calculating distance for purposes of setbacks, State law shall control. The City Council may waive all or part of this requirement if it determines that the proximity does not constitute a risk to public health or safety as it relates to anything other than a K-12 public or private school or a youth center.
- B. When considering the compatibility of a cannabis business with the uses of adjacent property, the Planning Commission shall condition the use permit with appropriate setbacks and/or buffering techniques such as fencing, walls, berms or landscaping to mitigate any potential conflicts between cannabis business uses and the use of adjacent property. (Ord. #229-2019, § 4 (Ex. A))

18-43.050 Commercial Cannabis Permitting and Applications.

- A. **Permit Required; Application.** The owner of a proposed commercial cannabis facility shall file an application for a use permit with the Community Development Department on a form provided by the City. The maximum number of use permits to be issued by the City shall be twelve (12) in total, based on the date the City determines an application complete. Every completed application shall be filed with a filing fee established by resolution of the City Council. The application shall include the name and address of the owner and lessor of the prospective cannabis business premises and a copy of the lease or other such proof of the legal right to occupy and use the premises and a statement from the owner or agent of the owner of the real property where the facility will be located demonstrating the

landowner has acknowledged and consented to permit the cannabis business to operate on the property, and all other information required by the Community Development Department use permit application checklist.

- B. Cannabis Business Regulatory Permit.** No person or entity shall operate a cannabis business facility within the City of Clearlake without first obtaining a cannabis business regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the cannabis business activities that will be allowed at that site. No cannabis business activities will be allowed unless specifically identified in the regulatory permit. In addition, all persons or entities who undertake any subcomponent of a cannabis business performed by a subcontractor or tenant of the holder of a cannabis business use permit within the cannabis business permitted premises shall first obtain a cannabis business regulatory permit from the City. (Ord. #229-2019, § 4 (Ex. A))

18-43.060 General Operating Requirements.

The following general operating requirements are applicable to all applications for commercial cannabis business use permits subject to the additional requirements set forth in subsections 18-43.070 (Cultivation Operating Requirements), 18-43.080 (Manufacturing Operating Requirements), 18-43.090 (Distribution Operating Requirements), and 18-43.100 (Testing Laboratory Operating Requirements), respectively.

A. Compliance with State and Local Law.

1. **State Licensing.** All cannabis operators shall be required to obtain a State cannabis license at such time as the State begins issuing such licenses pursuant to MAUCRSA, and shall comply at all times with any applicable State licensing requirements, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria. Failure to apply for, receive, maintain, and operate in full compliance with a State cannabis license, when available, shall be grounds for revocation of City approval of commercial cannabis permits as set forth in this chapter.
2. **State Law and Agency Compliance.** Compliance with the provisions of the MAUCRSA, as may be amended, as well as any and all rules and regulations for commercial cannabis as may now be adopted or hereafter promulgated by any of the State agencies and departments with oversight of cannabis activity and licensing including, but not limited to, the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, the State Water Resources Control Board, and the Department of Tax and Fee Administration shall be considered conditions of zoning clearance or permit approval for any commercial cannabis use in the City.

3. Inventory and Tracking. Cannabis operators shall comply with any track and trace program established by the State agencies and shall operate in a manner to prevent diversion of cannabis.
- B. Building and Fire Permits.** All applicants must illustrate that their facilities are compliant with all applicable local building and fire codes.
- C. Management and on-Site Community Relations Contacts.** Each applicant for a commercial cannabis business shall provide the Community Development Department, Fire Department, and Police Department with full contact information for the person or persons having management and/or supervision of the cannabis business as well as an on-site community relations contact. Subsequently cannabis operators shall provide prompt written notice to the Planning Department, Fire Department, and Police Department of any changes to such contact information.
- D. Transfer of Ownership or Control.** A permittee shall not transfer ownership or control of a cannabis business or transfer a use permit or zoning clearance for a cannabis business to another person unless and until the transferee obtains an amendment to the permit or zoning clearance from the Community Development Director stating that the transferee is now the permittee. Such an amendment is obtained through the issuance of a zoning clearance that documents the transfer and commits the transferee to compliance with each of the conditions of the original use permit or zoning clearance.
- E. Security Plan.** Every cannabis business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. As part of an application for a cannabis use, each applicant shall prepare and submit a security plan, which plans shall remain updated and secured on file in the protective custody of the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction. Minimum security plan requirements include the following:
1. Security Cameras. Security surveillance cameras shall be installed to provide coverage on a twenty-four (24) hour basis of all areas where cannabis is cultivated, weighed, manufactured, packaged, stored and dispensed in a manner that provides clear and certain identification of individuals. Cameras shall remain in active, operable condition and capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.
 2. Alarm System. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The alarm system shall be installed in accordance with Section 5-13 of the City of Clearlake Municipal Code and shall include sensors to detect entry and exit from all secure areas and windows. Cannabis operators shall keep the name and

contact information of the alarm system installation company as part of the business's on-site books and records.

- 3. **Limited Access Areas.** A cannabis business shall establish limited access areas accessible only to authorized personnel and enforcement.
- 4. **Storage.** All cannabis on the permitted premises shall be stored and secured in a store room, safe, or vault in a manner that prevents diversion, theft, and loss.
- 5. **Transportation.** Each cannabis business shall provide as a part of its security plan a description of its procedures for transportation delivery, and safely and securely transporting cannabis products and currency in accordance with State law.
- 6. **Locks.** All points of ingress and egress to a cannabis business shall ensure the use of commercial-grade, nonresidential door locks and window locks.
- 7. **Emergency Access.** Security measures shall be designed to ensure emergency access in compliance with fire safety standards.

F. Odor Control. All cannabis businesses in the City shall be required to incorporate and maintain adequate odor control measures such that the odors of cannabis cannot be readily detected from outside of the structure in which the permitted premises is located. The cannabis operator shall be solely responsible for taking any and all appropriate measures to meet this standard and to install, operate and maintain appropriate odor mitigation measures consistent with the manufacturer's specifications and requirements.

G. Lighting. Exterior lighting shall be provided for security purposes in a manner that shall be sufficient to provide illumination and clear visibility to all outdoor areas, including all points of ingress and egress, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood, and in compliance with all illumination standards adopted by the City on a City-wide basis.

H. Inspections. The cannabis business shall be open for inspection by any City law enforcement officer or City Code Enforcement Officer at any time the cannabis business is operating, at any other time upon responding to a call for service related to the property where the cannabis business is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any cannabis business shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

I. Modifications to Premises. A permittee shall not make physical change, alteration, or modification of the permitted premises that materially or substantially alters the permitted premises from the plans approved by the review authority without the prior written approval of the review authority. Material changes include, but are not limited to: an increase or decrease in the total square footage of the permitted premises, or modifications made for the purpose of

increasing power usage, or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress.

- J. Display of Permit.** Every commercial cannabis facility shall display at all times during business hours the use permit or zoning clearance issued pursuant to the provisions of this article for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the facility.
- K. Hours of Operation.** Cannabis businesses shall be allowed to operate per the requirements of the underlying zone district or the use permit, whichever is the more restrictive, and subject to the City’s noise and nuisance ordinances.
- L. Permit Requirements for a Cannabis Microbusiness.** A cannabis microbusiness shall be subject to approval of a use permit by the Planning Commission.
- M.** Cannabis processing operations that are an ancillary and integral part of the operations of a cannabis manufacturer or cannabis cultivator are not required to have an additional cannabis processing permit.

18-43.070 Cultivation Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis cultivation in the City.
- B. Permit Requirements.** In the CB combining district, all cannabis cultivation businesses shall be subject to approval of a use permit by the Planning Commission.
- C.** All cultivation facilities must be secured from public access with metal security fencing and drive and pedestrian gates with electronic key code or similar access controls approved by the Chief of Police, as set forth in subsection 18-03.300.

18-43.080 Manufacturing Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis manufacturers in the City.
- B. Permit Requirements.** In the CB combining district, all cannabis manufacturing businesses shall be subject to approval of a use permit by the Planning Commission.
- C. Operating Requirements.**

 - 1. All cannabis manufacturers shall utilize only extraction processes that are approved by the Lake County Fire Protection District Chief or designee and are generally recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act and/or use solvents exclusively within a closed loop system that meets the requirements under the Federal Food, Drug, and Cosmetic Act including use of specified solvents, prevention of off-gassing, and certification by a licensed engineer.
 - 2. All cannabis manufacturers shall receive and maintain approval from the Fire Department for the closed-loop system, other equipment, the extraction operation and the facility.
 - 3. All cannabis manufacturers shall meet required fire, safety, and building code requirements in one (1) or more of the California Fire Code, National Fire Protection Association standards, the International Building Code and the International Fire Code. Cannabis manufacturer facilities, all operations conducted therein, and all equipment used must be in compliance with all applicable State and local laws, including all building, electrical, and fire codes. Cannabis manufacturers shall prepare hazardous materials handling and safety plans as required by State law and departmental guidelines for review and approval by the Fire Chief of the Lake County Fire Protection District or his or her designee, or if the proposed location is under the jurisdiction of CalFire, review and approval by the appropriate CalFire official in coordination with the Fire Chief of the Lake County Fire Protection District.
 - 4. All cannabis manufacturers shall possess a valid seller's permit issued by the Department of Tax and Fee Administration.
 - 5. A hazardous materials disclosure/inventory statement shall be provided and kept current with the Fire Department. The cannabis manufacturer shall further provide the Fire Department with a lock box for keys to gates and doors.

- 6. All processing and analytical testing devices used by the cannabis manufacturer must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.
- 7. A cannabis manufacturer that produces edible cannabis products must comply with the provisions of all relevant State and local laws regarding the preparation, distribution, and sale of food.

18-43.090 Distribution Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis distributors in the City.
- B. Permit Requirement.** A use permit issued by the Planning Commission shall be required to operate a cannabis distribution facility, and may only be issued for cannabis distribution uses located in the CB combining zone districts.
- C. Manifests.** Cannabis distributors shall maintain records of transactions and shipping manifests at its distribution or transportation site and shall operate in full compliance with State law.

18-43.100 Testing Laboratory Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis testing laboratories in the City.
- B. Permit Requirements.** A use permit issued by the Planning Commission shall be required to operate a cannabis testing laboratory and may only be issued for a cannabis testing laboratory located in the CB combining zone districts.

18-43.110 Violation Enforcement.

- A.** Any person that violates any provision of this article shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- B.** Any use or condition caused or permitted to exist in violation of any of the provisions of this article shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Clearlake Municipal Code. Such abatement shall not include the eradication of marijuana plants without first obtaining an abatement warrant.

C. The violation of any provision of this article shall be, and is hereby declared to be, contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

18-43.120 Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this article or of the regulatory permit issued to implement this article, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article.

2024 Zoning Regulations

Chapter 18-44: Enforcement

Sections:

- 18-44.010 Delegation of authority.
- 18-44.020 Violations.

18-44.010 Delegation of authority.

The Director shall be responsible for enforcing these regulations and shall issue no permit in conflict with them. Any such permit issued shall be void.

18-44.020 Violations.

- A. General regulations and requirements.** The Director shall enforce these regulations in accordance with provisions of this code and any other procedures as may be adopted by resolution of the City Council.
- B. Revocation of use permits, variances and home occupation permits.**
 - 1. A use permit or variance shall be automatically revoked if not used within 1 year, unless a longer period is specified in the approval or unless an extension is granted.
 - 2. All types of permits and variances may be revoked by the body that originally approved them, upon determining that any of the conditions have been violated. Procedures for revocation shall be as prescribed for issuance of the permit, including written notice to the permittee at least 10 calendar days before the hearing.

Chapter 18-45: Definitions

The following terms are used throughout this document and the City Design Review Manual. They are generally defined as stated. As interpretation questions arise with implementation of these terms, any terms that are unclear and/or not contained herein should be clarified and/or added.

A

Abandonment: The relinquishment of property or a cessation of the use of the property by the owner for a period of 2 years or more, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidence by the cessation of activities or conditions that constitute the principal use of the property.

Abatement: Eliminating a zoning violation.

Abutting: Having a common boundary except that parcels having no common boundary other than a common corner shall not be considered abutting.

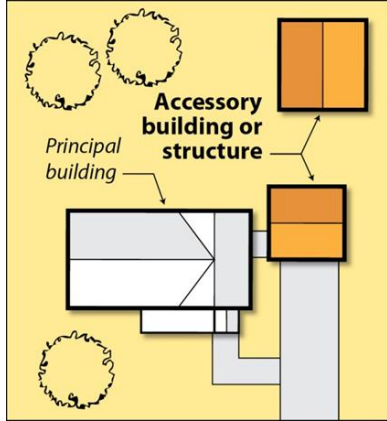
Access: A means of vehicular or non-vehicular approach or entry to or exit from a property, a street or highway.

Accessory: Incidental, appurtenant or subordinate to the principal use or structure on the same lot or parcel.

Accessory structure: A structure that is incidental and/or subordinate in size to the principal use/structure on the same lot and serving a purpose clearly incidental to the permitted principal use and/or structure(s) of the lot/property.

Buildings or structures (including sheds, barns, garages, carports, greenhouses, detached solar power generation systems or shade structures) which:

- Are customary, incidental, appropriate and subordinate to the use of the principal building or the principal use of the land;
- Do not contain a kitchen and is located upon the same lot or parcel as the principal use or structure to which it is accessory;
- Shall be constructed with or subsequent to the construction of the principal structure or subsequent to activation of the principal use structures;
- The gross floor area of which shall not exceed that of the structure(s) associated with the primary use.



Accessory sign: A sign which provides information pertaining to, but does not specifically identify, a business, product or activity, such as, “open”, “closed,” “Visa”, “phone number, website, email”, etc.



A-frame sign: A sign made of wood, cardboard, plastic or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable. Also referred to as sandwich sign and/or portable freestanding sign.



Accessory use: A subordinate use of a building, other structure or use of land that is:

- Conducted upon the same lot or parcel as the principal use or structure to which it is accessory;
- Is customary, incidental, appropriate and subordinate to the use of the principal building or the principal use or the land;
- Shall be activated with or subsequent to the construction of the principal structure or activation of the principal use, only if authorized by the permit;

Accessory uses and structures, agricultural: Those uses and structures customarily incidental and subordinate to the agricultural use of the land including but not limited to:

- Barns, storage sheds, corrals, pens, fences, windmills, watering and feed troughs;
- The storage and use of farm implements, irrigation and crop-protection equipment;
- The storage and use of fuels for heating buildings and operating farm equipment or appliances;
- Dams and reservoirs;
- Storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls or when covered with wood siding and a roof and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied; and
- Other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the agricultural use of the lot or parcel.
- Accessory use, agricultural, shall not include residences of any kind or construction equipment storage yards, mobile storage trailers, truck trailers or boxes.

Accessory uses and structures, commercial: Those uses and structures customarily incidental and subordinate to the commercial use of the land including but not limited to: trash storage areas and bins; vending machines; six (6) or fewer games/amusement devices and two (2) or fewer pool tables occupying less than 25% of the net floor area of the principal use; required loading and unloading facilities; outdoor tables, benches, umbrellas, fountains, ponds, statues, sculpture, paintings and other works of art; exempt wireless communication facilities; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; water and wastewater treatment facilities and systems; incidental services such as cafeterias, storage facilities and garages, sales offices, showrooms and administrative offices; permitted signs; the storage and use of commercial fleet vehicles as part of the principal

use; storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers when completely screened from public view by buildings, fences or walls or when covered with wood siding and a roof and when equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied and other accessory uses and structures which are determined by the Community Development Director to be customary and incidental to the commercial use of the land. "Accessory use, commercial" shall not include mobile storage trailers, truck trailers or boxes

Accessory uses and structures, industrial: Those uses and structures customarily incidental and subordinate to the industrial use of the land including but not limited to: loading and unloading facilities and equipment; parking areas and shipping terminals; water and wastewater treatment facilities and systems; incidental services such as cafeterias, storage facilities, garages, sales offices, showrooms or administrative offices; exempt wireless communication facilities; the storage and use of fuels for fleet vehicles, heating buildings or for operating appliances or equipment used within a building; the storage and use of fleet vehicles, heavy equipment or trucks as part of the principal use.

Accessory uses and structures, residential: Those uses and structures customarily incidental and subordinate to the residential use of the land including but not limited to: private garages, children's playhouses, patios, decks, fences, landings, porches, gazebos, outdoor gardens; art works including: lawn art, statuary, sculpture and other media; storage sheds; exempt wireless communication facilities; solar panels; flag poles; private boat docks, boathouses or boat ramps; private pools, pool houses, tennis courts, spas and hot tubs; domestic animal keeping of up to four cats and/or dogs over the age of 4 months; water and wastewater treatment facilities and systems for private domestic use; permitted signs; the storage and use of fuels for heating buildings or for operating light equipment or household appliances; the parking of or temporary storage of fully-operative automobiles, light trucks, boats, recreational vehicles and motorcycles.. . "Accessory use, residential" shall not include mobile storage trailers, truck trailers or boxes; or the parking of tractor-trailers or separate tractors or cargo trailers. Notwithstanding accessory structure, accessory use sea walls, bulkheads and fences, docks, piers and similar structures in compliance with other provisions of this Chapter and Code are permitted uses and structures on a residential lot or parcel which does not possess a principal use.

Accessory wind energy system: An Accessory wind energy system consists of one or more wind turbines that generate electricity primarily for the principal use on a site. (When referring to accessory wind energy systems, "primarily" means that more than 50% of the energy shall be used on site.) An accessory wind energy system includes all the wind turbines on a single lot or on multiple parcels in common ownership with a single, common land use. An Accessory wind energy system typically has a rated capacity of not more than 50 kilowatts. This capacity may be increased to a maximum of the actual demonstrated energy use for a specific site in question.

Accessory wind energy system height: The combined height of the tower, the turbine and any blade when at the 12 o'clock position.

Accessory wind energy tower height: The height above grade of the fixed portion of the tower, excluding the wind turbine.

Acre: A measure of land area containing 43,560 square feet unencumbered by any public or private street right of way or roadway easement except as provided for herein. The term gross acre means all land within a given boundary. The term net acres means all land measured to remove certain features such as roads, utilities, and open space.

Addition: Any construction which increases the size of a building such as a porch, attached garage or carport or new room or wing. An addition is a form of alteration.

Adequately shielded light: The shielding of a light fixture by opaque components or materials, such that light rays are limited to the parcel of origin and the light source is not visible from another property or public right-of-way.

Adult entertainment establishment: An establishment or use devoted to adult entertainment and characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical genital areas.

Affordable housing development: Any development project that results in adding residential dwellings or mixed-use projects consisting of at least 2/3rds of the square footage of the buildings devoted to residential uses which are restricted to lower income families as defined in California Health and Safety Codes Sections 5-1-6 and 50106. Affordable housing development may also include supportive and transitional housing (also see "Housing development").

Agricultural family dwelling: Single-family dwellings located on and used in connection with farms.

Agricultural processing: The refinement, treatment or packaging of agricultural products. Examples of agricultural processing include but are not limited to, packing sheds, fruit dehydrators, cold storage houses and hulling operations and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form including all uses customarily incidental thereto. "Agricultural processing" shall not include wineries or manufacturing of secondary products using agricultural products such as commercial kitchens, bakeries, breweries and woodworking.

Agricultural sales and supplies store (agricultural sales and service): A use primarily engaged in the sale or rental of farm tools and implements, feed, grain, tack, animal care products and farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but includes food sales and farm machinery repair services that are accessory to the principal use.

Agricultural service establishment: A commercial business principally established to serve farming or ranching activities, and which relies on agriculture as its major means of support. Agricultural service establishments shall include blacksmiths or farriers; commercial harvesters, irrigation or crop sprayers; farm equipment repair services; and custom meat cutters.

Agricultural structure: A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying or raising of agricultural commodities, including the raising of livestock.

Agricultural tours: Tours of agricultural land and associated facilities. Tours include, but are not limited to agricultural tours, garden/nursery tours, natural history tours, ranch/farm tours, winery/vineyard tours.

Agricultural use: The tilling of soil, the raising of crops, horticulture, silviculture, viticulture, aviculture, aquaculture, apiculture, livestock grazing, the raising of small animals and poultry, domestic livestock farming, dairying and animal husbandry.

Agri-tourism: An agriculturally based enterprise or activity that brings visitors to a working farm, ranch or other agricultural operation or agricultural plant/facility conducted for the enjoyment and education of visitors that generates income for the owner or operator.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

Airstrip: Any area of land or water used for the landing, take-off or taxiing of aircraft.

Alcohol: Any bottled or prepared beverage with more than 0.005% alcohol content per volume. This includes any beer, wine, wine cooler, frozen mixed drink, hard alcohol or spirits, liqueur or any other variation of a drink with alcoholic content.

Alcoholic Beverage Sales, Offsite Consumption: A business whose floor space is primarily devoted to the retail sale of beer, wine or other alcoholic beverages for off-premises consumption, and which requires a license under state regulations.

Alcoholic Beverage Sales, Onsite Consumption: A business whose floor space is primarily devoted to the sale of beer, wine or other alcoholic beverages for on-premises consumption, and which requires a license under state regulations.

Alley: A public or private thoroughfare which affords a secondary means of access to abutting property and not intended for general traffic circulation.

All Weather Surface: A drivable surface for parking and driveways having a surface that has weight bearing capability, as approved by the City Engineer, to support the loads of firefighting equipment used or likely to be used by the local fire protection agency in all weather conditions.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows or any enlargement to or diminution of a building or structure, whether horizontally or vertically or the moving of a building or structure from one location to another.

AUMA: Adult Use of Marijuana Act, also known as Proposition 64. See MAUCRSA, the state Medicinal and Adult Use of Cannabis Regulation and Safety Act

Amphitheaters: A large open area (outdoor/indoor) venue used for entertainment, (such as live performances, plays, sports venues, etc.)

Amplified voice or music: Voice or music which is augmented rebroadcast or amplified through the use of electrically powered microphones or speakers.

Amusement enterprise: Any indoor or outdoor place that is maintained or operated for the amusement, patronage or recreation of the public to include any coin-controlled amusement device of any description, commonly known as baseball, football, pinball amusements, pool tables, water slides, miniature golf courses or driving range.

Animal density: Animals per unit area of land area

Animal husbandry: The breeding, keeping, care and production of animals.

Animal keeping, household: Small animals typically kept for the sole purpose as pets or for limited 4-H purposes. Excluded are farm animals, animals raised for food and exotic animals.

Animal sales yard: Permanent structure or location specifically for the purpose of transferring ownership of livestock and/or horses.

Animal shelter: A facility used to house or contain stray, homeless, abandoned or unwanted animals and that is owned, operated or maintained by a public body, an established humane society for the prevention of cruelty to animals or other organization devoted to the welfare, protection and humane treatment of animals.

Antenna: Any systems of wires, poles, rods, reflecting discs or similar devices for the transmission or reception of electromagnetic waves. Such a system may transmit, receive or repeat electromagnetic frequencies for purposes of communication uses such as radio, television, telephone, data, paging or other similar technologies.

Antenna, ground-mounted: Any antenna with its base placed directly on the ground or a mast less than 10 feet tall and 6 inches in diameter and not exceeding the height limit for the zoning district.

Antenna, structure-mounted: Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than 10 feet tall and 6 inches in diameter and not exceeding the height limit for the zoning district.

Antique: Any object of fine art or household furniture or appliances which were produced more than 50 years ago.

Antique store: Any premises used for the sale or trading of articles of which 80% or more of the products are antiques. An antique is a product sold or exchanged because of value derived because of oldness as respect to present age and not simply because the same is not a new product. For the purposes of this definition, an antique is typically over 50 years old or has collectable value.

Apartment: A room or suite of rooms within a building but comprising an independent self-

Apartment house: Any building or portion thereof containing five (5) or more apartments or dwelling units. See “Multi-Family Dwelling” or “Multi-Family Dwelling Group”.

Apiary: A place where bee colonies are kept.

Appurtenant: Accessory to a principal use or structure on the same site.

Aquaculture: The culture of plants or animals in water.

Applied water: The portion of water supplied by the irrigation system to the landscape.

Arcade-fun center: Any business which has on its premises six or more amusement devices.

Architectural services: The industry comprising of establishments primarily engaged in planning and designing the construction of residential, institutional, leisure, commercial and industrial buildings and other structures by applying knowledge of design, construction procedures, zoning regulations, building codes and building materials.

Asphalt or concrete plant: A concrete or asphalt batch plant that is assembled on a site for the construction of a particular improvement.

Assisted living facility: A residential facility that makes available to three or more adults' room and board and at least the following services: Personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that is available on a twenty-four-hour basis, but not to the extent that regular twenty-four-hour medical or nursing care is required. This phrase does not include any facility licensed in this state as a residential care facility.

ATM: Automated Teller Machine; a computer terminal that takes the place of a human bank teller and allows the user to access basic bank services, such as making deposits and cash withdrawals from remote locations, 24 hours a day.

Attached Facilities (telecommunication): An antenna array that is attached to an existing structure or similar facility, including but not limited to utility poles, signs or water towers with any accompanying pole or device which attaches the existing building or similar facility.

Attached housing: Dwelling units that are attached to each other on at least one side, possibly divided from one another by firewalls or other physical partitions.

Automatic irrigation controller: An automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Auto parts and accessories shops (automobile parts / supply, retail): The use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers or recreational vehicles.

Automotive repairs, major: Repair or refurbishing of any motor vehicle including the dismantling of an engine by removal of the head or pistons; the removal of the transmission, rear-end or major assembly of any motor vehicle; includes collision repair, painting and body work.

Automotive repairs, minor: Limited repair of any motor vehicle including the sales and installation of tires or replacement of fluids or minor automotive parts including, but not limited to, spark plugs, belts, batteries, mufflers, tires and wheels. Major automotive repair, painting and body work are excluded.

Auto Sound Installation: An operation that specializes in installing and maintaining audio equipment.

Auto wrecking yards: Lands used for dismantling or wrecking of used motor vehicles or trailers or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

Aviary: A place for keeping birds confined for the purpose of raising, exhibiting or selling.

Awning Sign: A sign copy or logo attached to or painted on an awning.



B

Backflow prevention device: A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Background Check: A criminal records check from a variety of public sources that would provide information regarding an individual's possible criminal history.

Backup generator: A permanently installed backup electric power source that is powered by natural gas, propane or diesel fuel and is integrated with the electrical system of the facility.

Balcony: A railed projecting platform found above ground level on a building.

Baluster: One of a series of short pillars or other uprights that support a handrail.

Base: The lowest part of a column or architectural structure. A base story is the lowest story of a building.

Bay: A main division of a structure, usually containing a window or door. A building with three windows across the front is referred to as three bays wide. Also, a bay can be an enclosed space protruding from the exterior of a building such as a bay window.

Bay window: A projecting window that forms an extension to the floor space of the internal room; usually extending to the ground level.

Banking, finance and loan services (bank): A financial institution that is open to the public and engaged in deposit banking and that performs closely related functions such as making loans, investments and fiduciary activities.

Banquet Hall: A structure or a portion of a structure which is used by individuals, business or groups for the purpose of holding events.

Bar: A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.

Barber shop: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Barn: A building used for the shelter of livestock, the storage of agricultural products, the storage and maintenance of farm equipment or the storage of agricultural supplies.

Beauty salon: Any commercial establishment, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation; may include the training of apprentices under regulations of the California Board of Barbering and Cosmetology.

Bed and breakfast inn: A building or group of buildings providing less than 8 bedrooms or suites that are rented for overnight lodging, with a common eating area for guests, and is Owner occupied and managed, or occupied by a residential manager. A Bed and Breakfast Inn is considered a hotel in commercial zoning districts.

Berm: An earthen landform used to deflect noise, direct views or add visual interest.

Big Box Retail Center: A shopping center that includes a large retail store that occupies more than 40,000 square feet in building area and offers a large number of products and services to on a retail basis.

Bicycle path: A pathway, often paved and separated from streets and sidewalks, designed to be used by bicyclists.

Billboard sign: A sign which is used for the display of off-site commercial messages which directs attention to a commercial messages, including, but not limited to, a business, product, or commodity conducted, sold, or offered elsewhere (off-site) not more than 500 feet from the sign location. than upon the same premises beyond where such sign is displayed.

Birthing Center: A medical facility with specialized equipment for giving birth.

Blacksmith: One that works with metals, including the making, repairing and fitting of horseshoes.

Blight: Property which is not kept clean and sanitary and free from all accumulations of offensive matter or odor including, but not limited to, overgrown or dead or decayed trees, weeds or other vegetation, rank growth, dead organic matter, rubbish, junk, garbage, animal intestinal waste and urine, and toxic or otherwise hazardous liquids and substances and material. For the purposes of this section the term "rubbish" shall include combustible and noncombustible waste materials, and the term shall also include the residue from the burning of wood, coal, coke, and other combustible material; and the term shall also include paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, hay, straw, tin cans, metal, mineral matter, glass, crockery, and dust;

Block: An area of land that is surrounded by streets or other transportation rights-of-way or by physical barriers such as water bodies or public open spaces. Blocks are normally, but not necessarily, divided into lots.

Blue-line creek: A creek, stream or watercourse indicated by a solid or broken blue line on a U.S. Geologic Survey 7.5- or 15-Minute Series topographic map.

Boat dock (boat launch/ramp): A facility to launch and retrieve recreational boats from a trailer. Some are limited to hand launching of canoes. Most ramps have breakwater protection from large waves, parking lots, a courtesy dock to assist in launching, toilets, refuse containers, lighting and telephones.

Boat, houseboat and jet-ski rentals: A facility that deals in the rental of watercraft.

Boathouse: An accessory structure constructed either wholly or partially over a body of water and designed primarily to provide shelter for watercraft or for marine-related equipment.

Boat manufacturing and repair facility: A facility where boats are repaired and stored until repairs are completed.

Bowling alley: An establishment that devotes more than 50% of its gross floor area to bowling lanes, equipment and playing area.

Broadcasting Center: Establishment containing broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures.

Buildable area: The net lot area minus any required minimum yard provided the maximum lot coverage is not exceeded.

Building Envelope: The area on a lot that is bounded by setback lines, on which development of a principal building is permitted.

Buffering: An area set aside to preserve the integrity of an adjacent area and to prevent physical or aesthetic encroachment on that area.

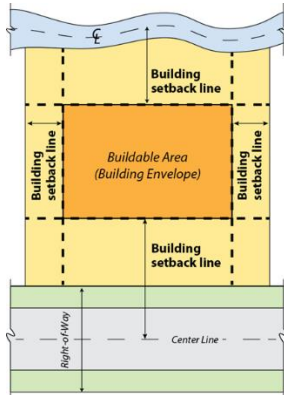
Buffer yard: A yard area that is designed to mitigate impacts of adjoining land uses through the use of landscaping and walls.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature. "Building" shall include "structure".

Building, accessory: See "Accessory building or structure".

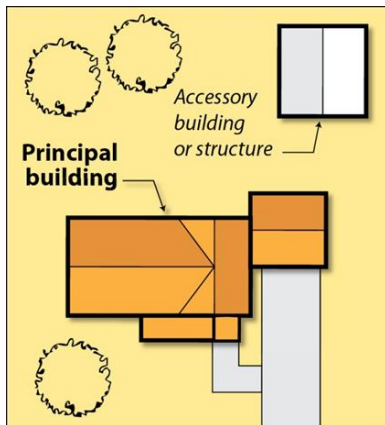
Building envelope: See “Buildable area”.

Building height: See “Maximum height”.



Building official: means the person that has been authorized by the City Manager to interpret and enforce the latest approved Building Codes for the City of Clearlake.

Building principal: A building or structure in which is conducted the principal use of the lot or parcel on which it is situated.



Bus station: Any premises for the storage or parking of motor-driven buses and the loading and unloading of passengers.

Business (Established): A business and/or operation that has secured all necessary Federal, State, and local agency permits (such as discretionary permits, business license, etc.)

Business, retail The sale of any service, article, substance or commodity to the consumer.

Business Services: The sale, rental, or repair of equipment, or provision of professional services and supplies typically used by other commercial or industrial uses. Typical uses include janitorial and building maintenance services, offices and commercial equipment supply firms, and printing shops.

Business, wholesale: The handling and sale of any article, substance or commodity for resale, including incidental retail sales.

C

Cabinet Sign (Can Sign): A sign with its text and/or logo symbols and artwork on a translucent face panel that is mounted within a metal frame or cabinet that contains the lighting fixtures that illuminate the sign face from behind.



Café: See “Coffee shop (coffee house)”

Caliper: The diameter of a tree trunk measured 6 inches above the ground for all trees less than 4 inches in caliper and 12 inches above the ground for all trees more than 4 inches in caliper.

Campground: Any area or tract of land used for outdoor overnight accommodations of one or more camping parties in tents, trailers or recreational vehicles, provided that no more than 25% of the campground spaces possess waste disposal facilities suitable for recreational vehicles, not including the occasional and temporary use by a single camping party.

Camping party: A person or group of not more than ten (10) persons occupying a campsite.

Campsite: An area within a campground designed for the purpose to be occupied by a camping party.

Cannabis: All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means Marijuana as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972. For the purposes of this section, “Cannabis” does not mean “industrial hemp” as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code: Cannabis is classified as an agricultural product separately from other agricultural crops.

Cannabis Business: The businesses of commercial cannabis cultivation, cannabis manufacturer, cannabis testing laboratory, micro-business and cannabis distributor.

Cannabis Cultivation Site: The premise(s), leased area(s), property, location or facility where Cannabis is planted, grown, harvested, dried, cured, graded, or trimmed or that does all or any combination of those activities.

Cannabis Delivery: The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. “Delivery” also includes the use by a licensed or permitted dispensary of any technology platform owned or accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products.

Cannabis Distributor: A Cannabis Operator permitted pursuant to this Chapter to operate a location or a facility where a Person conducts the business of procuring Cannabis from permitted Cannabis Cultivation Sites or Cannabis Manufacturers for sale to permitted Cannabis Dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to permitted Medical Cannabis Dispensaries.

Cannabis License: A State license issued pursuant to MAUCRSA, as may be amended from time to time.

Cannabis Licensee: A Person issued a Cannabis License under MAUCRSA to engage in commercial Cannabis activity.

Cannabis Manufacturer: A Person that produces, prepares, or compounds manufactured Cannabis or Cannabis Products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages Cannabis or Cannabis Products or labels or relabels its container, that holds a valid Cannabis License and that holds a valid City zoning clearance or use permit.

Cannabis Manufacturing Site: A location that produces, prepares, or compounds manufactured Cannabis or Cannabis Products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a permittee for these activities.

Cannabis Micro-Business: A location operating as a microbusiness as defined in the State regulations issued by the Bureau of Cannabis Control for cannabis microbusinesses, but must include a dispensary component and cannabis cultivation activities are limited to nursery-only cultivation as defined by State regulations for a Type 4 nursery license.

Cannabis operator: Person or entity that is engaged in the conduct of any commercial cannabis use.

Cannabis processor: A location that dries, cures, grades, trims and packages cannabis products.

Cannabis Product: Any product containing Cannabis, including but not limited to flowers, buds, oils, tinctures, concentrates, extractions, and edibles intended to be sold for use according to MAUCRSA. For the purposes of this chapter, Cannabis does not include industrial hemp, as defined by Section 81000 of the Food and Agricultural Code or Section 11018.5 of the Health and Safety Code.

Cannabis Testing Laboratory: A facility, entity, or site in the State that offers or performs tests of Cannabis or Cannabis Products and is both of the following:

- a. Accredited by an accrediting body that is independent from all other Persons involved in the Cannabis Testing Laboratory.
- b. Registered with the California Department of Public Health.

Cannabis Operator: The Person or entity that is engaged in the conduct of any commercial Cannabis use.

Commercial Cannabis Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis that is intended to be transported, processed, distributed, dispensed, delivered, or sold in accordance with MAUCRSA for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 ("Proposition 215"), found at Section 11362.5 of the Health and Safety Code or for adult use. Commercial cannabis cultivation is allowed only within a fully enclosed, permanent and secure structure, and outdoor commercial cannabis cultivation is prohibited in the City. Any cannabis cultivation which does not strictly comply with the provisions for personal cannabis cultivation set forth in Chapter 18-43 shall be considered commercial cannabis cultivation.

Cannery: A facility where fish, vegetables or other foods are canned.

Canopy: A permanent roofed structure supported in part by wall of the building on posts or stanchions.

Cargo Container: A container that was originally designed as an intermodal freight container that could be transported by ships, trains, cargo planes and trucks.

Car wash: The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

Card rooms: A place whose main purpose is to provide card games of chance or legal gambling.

Canopy Sign. Any sign that are part of a projecting awning, canopy or other fabric, plastic or structural protective cover over a door, entrance or window or outdoor service area.



Caretaker's quarters (caretaker's residence): A residence located on premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

Carport: A roofed structure or a portion of a building, opens on 2 or more sides for the parking of automobiles.

Case Management: A system for arranging and coordinating care and services whereby a case manager assesses the needs of the client and client's family and arranges, coordinates, monitors, and advocates for services to meet the client's needs.

Cattle and hog feed yard: Any area where cattle or hogs are held or maintained for the purpose of feeding and fattening where 60% or more of the feed for such cattle is imported or purchased; when not incidental to a farm or ranch.

Cellular service: A telecommunications service that permits customers to use wireless, mobile telephones to connect, via low-power radio transmitter sites called cell sited, either to the public switched network or to other mobile cellular phones.

Cemetery: Land dedicated for the burial of animal or human remains and for this Chapter including columbarium's, crematoriums, mausoleums and mortuaries.

CEQA: California Environmental Quality Act. Guidelines established to identify and prevent potentially significant environmental impacts as well to identify ways that environmental damage can be avoided or significantly reduce by the use of alternatives or mitigation measures.

Certificate of Completion: A document required that certifies that landscaping and irrigation have been completed for a project consistent with the plans approved by the City. This document must be signed by the professional of record for the landscape and irrigation design certifying that the project was installed per the City-approved landscape design, irrigation and grading plans and meets or exceeds an average landscape irrigation efficiency of 0.71. The City reserves the right to inspect and audit any irrigation system which has received an approval through these provisions of this Code.

Changeable Copy Sign: A sign on which it is possible to change the display copy by hand or with ordinary hand tools or by electronic control.



Character: The qualities and attributes of any new structure, site, street or district.

Check valve: A valve located under a sprinkler head or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Child care, commercial: A facility, by whatever name known, that is commercially run and maintained for the whole or part of a day for the care of children who are 18-years of age or younger whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The phrase “child care center” includes, but is not limited to, facilities commonly known as:

- Day care centers;
- School-age child care centers;
- Before and after school programs;
- Nursery schools;
- Kindergartens;
- Preschools;
- Day camps;
- Summer camps;
- Centers for developmentally disabled children; and
- Facilities that give twenty-four-hour care for children.

The term does not include any facility licensed as a family child care home nor a foster care home.

Child care, in-home, small: A private residence where a total of eight or fewer persons under the age of 18 attend for the purposes of custody, care or instruction and which persons are not a part of the resident family.

Child care, in-home, large: A private residence where a total of between nine and fourteen persons under the age of 18 attend for the purposes of custody, care or instruction and which persons are not a part of the resident family.

Christmas tree sales: A site where evergreen trees are sold for the use of Christmas decoration and ornamentation

Church: A place or facility used for worship and religious activities and gatherings

City Engineer: The City Engineer for the City of Clearlake or designee.

Claiming: Through legal manner establishing rights to resources for extraction.

Cobble: Rounded rock, variable in size, with no fine material and not material exceeding 6 inches in diameter.

Cocktail lounge: An area or room within or connected to a restaurant where alcoholic beverages are sold for consumption on the premises, structurally separated from the dining area.

Coffee shop (coffee house): An informal restaurant primarily offering coffee, tea and other beverages and where light refreshments and limited menu meals may also be sold.

Cohousing: A group of 7 to 70 residential units (cottages, single-family detached, lot lines or duplex types) that are organized according to a site plan that encourages interaction among residents and which includes a common house and other common facilities (e.g., open space, playground equipment, gardens, etc.). The residential units typically face each other across a pedestrian street or courtyard, with cars parked on the periphery. The common house typically includes a common kitchen, dining area, sitting area, children's playroom and laundry and also may contain a workshop, library, exercise room, crafts room and/or one or two guest rooms. Transitional or supportive housing that complies with State of California program requirements and that meets the City of Clearlake' cohousing standards, is also included in this term.

Co-located communication facility: A telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes or similar devices owned or used by more than one public or private entity.

Collectible: Any object, art, furniture, appliance or other article of personal property which is not an antique, but which was produced more than 30 years ago and whose current market value is greater than when it was produced. Examples of items which may be considered collectibles include, but are not limited to, certain rugs, dolls, coins, gems, medals, stamps, baseball cards and jukeboxes.

Collectible store: A store or shop whose inventory is substantially comprised of collectibles.

Collectors Permit: To allow the total accessory structure(s) (such as garage, carports, sheds, etc.) square footage to exceed the gross square footage of primary residential structure(s) with the following exception: although guest houses are residential accessory structures, they are not included in the square footage calculations for purposes of determining primary use versus accessory use.

College/university/vo-tech: A community college, college, university, vocational/technical school, trade school, language school, business school, training center, beauty school, culinary school and comparable advanced or continuing education facilities. The phrase does not include music schools, fitness centers, sports instruction, swimming instruction or martial arts instruction.

Commercial: Buildings that house commercial activities, such as retail trade, commercial services, entertainment, restaurants, fast food and other commercial uses permitted under the Zoning Code.

Commercial amusement, indoor: Uses that provide commercial amusement indoors (except sexually oriented businesses), including, but not limited to:

- Bowling alleys and pool rooms;
- Indoor sports arenas
- Movie theaters and live theaters;
- Indoor skating rinks (ice or roller); and
- Video arcades.

Commercial amusement, outdoor: Uses that provide commercial amusement outdoors (except sexually oriented businesses), including, but not limited to:

- Outdoor arenas or stadiums (including, but not limited to, amphitheaters, sports stadiums, concert facilities, rodeos and racing facilities);
- Amusement parks or theme parks;
- Fairgrounds;
- Miniature golf establishments;
- Golf driving ranges;
- Water slides; and
- Batting cages.

Commercial Cannabis Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis, including nurseries, that is intended to be transported, processed, distributed, dispensed, delivered, or sold in accordance with MAUCRSA for use by Medical Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (“Proposition 215”), found at Section 11362.5 of the Health and Safety Code or for adult use. Commercial Cannabis Cultivation is allowed only within a fully enclosed, permanent and secure structure, and outdoor commercial cannabis cultivation is prohibited in the City. Any cannabis cultivation which does not strictly comply with the provisions for Personal Cannabis Cultivation set forth in Article 18-9 of this Chapter shall be considered Commercial Cannabis Cultivation.

Commercial retail: Commercial and retail uses that do not include regular outside storage and/or sales. This phrase includes uses that are comparable to the following:

- Furniture and home furnishings stores;
- Electronics and appliance stores;
- Paint and wallpaper stores;
- Hardware stores;
- Food and beverage stores;
- Health and personal care stores;
- Clothing and clothing accessory stores;
- Sporting goods, hobby, book and music stores;
- General merchandise stores; and
- Miscellaneous store retailers.

Commercial parking lot: A parcel of land or portion thereof used for the parking or storage of motor vehicles as a commercial enterprise for which any fee is charged independently of any other use of the premises.

Commercial stables: The stabling, training, feeding of horses or the provision of riding facilities for the use of anyone other than the resident of the property. Equestrian trails that are constructed as part of the common open space of a subdivision and intended for the exclusive use of residents of the subdivision are not commercial stables.

Commercial vehicle: Any vehicle that has a capacity of 1.5 tons or larger and/or is consistent with California Vehicle Code Section 15210. Commercial motor vehicle does not include recreational vehicles or agricultural vehicles or implements used for agricultural purposes on the same property on which it is stored

Commercial worm farming: A facility where worms are grown to be sold or for the sale of their byproducts.

Common area: A parcel or parcels of land or an area of water or a combination of land and water within a site designated for a planned development and designed and intended for the use or enjoyment of residents of a planned development. These areas may include green open spaces and pedestrian walkways. Common areas may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the planned development. Maintenance of such areas shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

Communication facility collocated wireless: A wireless communication facility comprised of a single tower, building, water tank or other such structure supporting one or more antennas, dishes or similar devices owned or used by more than one public or private entity.

Communication facility, wireless: A public, commercial or private facility for transmission, broadcast, repeating or reception of electromagnetic or other communication signals, including, but not limited to, radio, telephone, data, paging, internet, television, telegraph, telephone or other wireless communication signals. Includes but is not limited to towers, antennas, generators, accessory equipment and buildings and the land on which they are situated. Telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections are not included in this definition.

Community care facility: Any facility, place or building which is maintained and operated to provide non-medical residential care, emergency shelters, adult day care or home finding agency services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. "Community care facility" shall include residential facility, residential care facility for the elderly, adult day care facility, home finding agency and social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code.

Community Development Department: The Community Development Department for the City of Clearlake.

Community garden: An area where neighbors and residents have the opportunity to contribute and manage the cultivation of fruits and vegetables

Composting Facility: A public/private facility where organic matter/yard waste is transformed into soil or fertilizer.

Comparable housing: Housing that is comparable in floor area and number of bedrooms to the mobile home to which comparison is being made, which housing meets the minimum standards of the State Uniform Housing Code.

Common interest development: A community apartment project, condominium project, planned developments and stock cooperative per California Civil Code Section 1351.

Comparable mobile home park: Any other mobile home park substantially equivalent in terms of park conditions, amenities and other relevant factors.

Comprehensive sign package: Overall sign program for building complexes containing three or more uses or separately leasable spaces.

Condominium: The joint ownership of certain common property along with private, separate ownership of living space, including stock cooperatives and timeshare developments.

Conforming: A use, structure or site complied with all applicable development regulations at the time the use was established, the building permit for the structure was issued or the site work was begun.

Congregate Care: Congregate care is a kind of residential child care community and a residential treatment center that consists of 24-hour supervision for children in highly structured settings such as group homes, residential treatment facilities, or maternity homes

Construction process: The entire time period during which site development occurs, from initial planning surveying to final clean-up and issuance of all necessary permits and certificates.

Contractor's equipment storage yard: Storage of large equipment, vehicles or other materials commonly used in the contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

Conversion: A change in the use of land or a structure from one use to another.

Corral: The primary enclosure for confining livestock.

Cottage industry: A small-scale commercial or manufacturing activity accessory to the principal residential or agricultural use.

Coverage: See "Maximum lot coverage".

Covered space: See "Parking, covered"

Cultivate or Cultivation: The planting, growing, harvesting, drying, or processing of one or more marijuana plants in any location.

Curb wall: A non-bearing, non-structural wall located underneath the exterior wall of a structure.

D

Dairy: An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment and processes.

Dams, small, medium and large: An earthen, concrete or stone wall to confine a flow of water, as a stream and raise its level. Small dams do not exceed six (6) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Medium dams are of seven (7) to fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. Large dams are those exceeding fifteen (15) feet in height from the natural bed of the stream or watercourse at the downstream toe of the barrier. The height of a dam shall be measured to the highest level of water that may be impounded.

Dance and art studio: An establishment where dance or art are taught or studied.

Deck: An exterior floor supported on at least two opposing sides by an adjacent structure, and/or posts, piers or other independent supports.

Delicatessen: An establishment where food is sold for consumption off-premises and no counters or tables for on-premises consumption of food is provided, but excludes groceries and supermarkets.

Demolition: The process of razing or removing all or a substantial portion of a building, structure or appurtenance without the intent to restore or rehabilitate the original structure.

Design review: A process established by Chapter 18-37 of the Zoning Code for the review of new development, signs and related community appearance changes in the City of Clearlake under the provisions of the Zoning Code.

Design Review Committee: An appointed panel to conduct Design Review consisting of two Planning Commissioners and one at large citizen member, all of which shall reside within the City Limits of the City of Clearlake in accordance with Chapter 18-37 of the Zoning Code.

Design Review Manual: A planning document adopted by the City Council for guidance to the City decision makers, property owners, merchants, real estate interests, architects, designers and building contractors in designing new development and signs related to community appearance changes in the City of Clearlake under the provisions of the Zoning Code.

Density: The total number of dwelling units permitted per acre of land. Accessory dwelling units are not counted in the total number of dwelling units when calculating density.

Density bonus: A density increases over the otherwise maximum permitted density for residential dwelling units as specified by the zoning district and as provided under Government Code Section 65915.

Detached: Not sharing a common wall or roof.

Development: On land, in or under land or 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 of 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 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 the size 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 timber harvesting operations.

Developer: Any person, firm, partnership, joint venture, limited liability company, association or corporation who participates as owner, promoter, developer or agent in the planning or development of a subdivision or development.

Development standards: A set of regulations contained within each zoning district of this Chapter setting forth minimum requirements or specifications which must be met by all applicants for permits; including but not limited to: lot dimensions, setbacks and height limits; lot coverage; animal densities; parking and signs.

De Novo: A new hearing. The Review Authority may approve, disapprove or modify any proposed permit without regard to any previous testimony or action by another Review Authority.

Directional sign: A sign that provides directional information for drivers and pedestrians.



Director: The Planning Director for the City of Clearlake Community Development Department or the person given the authority to carry out the responsibilities of the Planning Director in the Clearlake General Plan and Municipal Code.

Disabled person: A person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code Section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons or an authorized representative of a disabled person. The term “disabled person” does not include a person who is currently using illegal substances, unless that person has a separate disability.

Design Review Manual: A set of standards and guidelines adopted by the City Council and periodically updated that provides design direction of the City’s expectations regarding the aesthetics and functionality of new development, alterations to existing development and sign proposals in the City.

Dispatching services: An establishment for assigning employees, workers or vehicles to customers. Typical industries include taxicabs, couriers, emergency vehicles, home and commercial services include maid services, plumbing, HVAC, pest control and electricians.

Disposal: Facilities used for the disposal of non-nuclear waste or fill or the composting of organic wastes. The term includes landfill and composting facility.

District: The zoning classification with associated use and bulk regulations that apply to all parcels within the zoning classification.

Dog grooming: An establishment that cleans, beautifies, brushes and cuts hair and nails of dogs.

Donation Box Definitions: (as referenced in Section 18-19,080 regarding Second-hand goods):

- a. Accessory activity: An activity that is incidental to, and customarily associated with, a specified principal activity.
- b. Agent: A person who is authorized by the parcel owner to act on their behalf to be the applicant for a UDCB permit. To be considered an agent, a person must be given express written authorization from the parcel owner on a form provided by the City to apply specifically for a UDCB permit. For the purpose of this chapter, a person who is only given general authorization to act on the behalf of a parcel owner for various activities and transactions in regards to a property is not considered an agent.
- c. Donated/collected material: Salvageable personal property, such as clothing and books and household items that is collected for periodic transport off-site for processing or redistribution or both.
- d. Parcel owner or property owner: The owner of real property on which a UDCB is or is proposed to be placed.
- e. Principal activity: An activity that fulfills a primary function of an establishment, institution, household, or other entity.
- f. Principal building: A main building that is occupied a principal activity.
- g. UDCB operator or operator: A person or entity who utilizes or maintains a UDCB to solicit donations/collections of salvageable personal property.
- h. Unattended donation/collection boxes or UDCBs: Unstaffed drop-off boxes, containers, receptacles, or similar facility that accept textiles, shoes, books and/or other salvageable personal property items to be used by the operator for distribution, resale, or recycling.

Dorm (dormitory): A structure specifically designed for a long-term stay by students of a college, university or nonprofit organization for the purpose of providing rooms for sleeping purposes. One common kitchen and some common gathering rooms for social purposes may also be provided.

Drafting services: This industry comprises establishments primarily engaged in drawing detailed layouts, plans and illustrations of buildings, structures, systems or components from engineering and architectural specifications.

Drip Irrigation: Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Drip line: An imaginary line extending from the perimeter of a tree's foliage down to the ground.

Drive-thru services: An establishment that has a devoted window(s) and driving lane that is designed and intended to be used to provide for sales to and / or service to patrons who remain in their vehicles.

Driveway: A private access for vehicles located on a single parcel, excepting that "Driveway" also includes shared, reciprocal access along both sides of a common property boundary serving no more than two (2) adjoining parcels.

Driving range: An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting and which may include a snack-bar and pro-shop, but excludes miniature golf courses and "putt-putt" courses.

Drought tolerant plants: Vegetation that uses little to no water once established.

Duplex: See "Dwelling, two family". Dwelling group: A group of two (2) or more detached or semi-detached single-family, two-family or multi-family dwellings occupying a parcel of land in one ownership and having any yard or court in common.

Dwelling unit: A habitable room or group of internally connected or more habitable rooms, designed to be occupied by one family, with facilities for living, sleeping, cooking, eating and sanitation. that have permanent sleeping, cooking, eating and sanitation facilities which constitute on independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Dwelling unit, accessory dwelling unit: An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on the same lot as the proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An accessory dwelling unit also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

Dwelling unit, junior accessory dwelling: A unit that complies with the requirements of Government Code Section 65852.22, as amended from time to time.

Dwelling, single-family: A single detached dwelling designed for and occupied exclusively by one family alone. Single-family dwelling includes “factory-built housing” as defined in Section 19971 of the Health and Safety Code.

Dwelling, studio unit: A one-room dwelling unit with not more than 450 square feet of gross floor area, designed for occupancy by not more than two people. The floor area in a loft is included as part of the gross floor area calculation.

Dwelling, primary unit: An existing single-family residential structure that conforms with all zoning regulations in effect, including this Section. Accessory and junior accessory dwelling units may be allowed within a non-conforming use/building.

Dwelling, two-family: A single detached building designed for and occupied by two families alone, living independently of each other as separate units and having but two kitchens. “Two-family dwelling” includes duplex. A two-family or duplex is considered a multiple family dwelling use.

E

Eave: The projecting overhand at the lower edge of a roof which may include an architectural gutter or aesthetic features.

Ecological restoration project: A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Educational Agriculture: A part of agritourism that centers on programs meant to educate the public.

Effective Date means the date that Ordinance No. _____ first became effective.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Egress: A point of vehicle, bicycle or pedestrian exit from a parking area, lot, garage, driveway or building.

Electrical Substation: A subsidiary station of an electricity generation, transmission and distribution system where voltage is transformed.

Electric vehicle charging station: An electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this Chapter and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

Election period: That period of time which begins 30 days before a special, general or primary election in which at least some registered voters in the City are eligible to vote and ends 5 days after such election.

Electroplating establishment: An establishment that performs the process of coating the surface of a conducting material with a thin layer of metal.

Emergency shelter: Housing with minimal supportive services for homeless persons that is limited to occupancy of 6 months or less consistent with California Health and Safety Code Section 50801(e).

Employee housing (employee quarters): Accessory residential structures that house people employed by the residents of the principal building or owners of the property and that is not used for rental purposes.

Enclosed building: A structure supported by columns, enclosed on all sides by walls and covered by a roof.

Encroachment:

- A building or structure or part thereof, that is located:
 - Between a lot line and the nearest required setback line for the building or structure; or
 - In an easement which does not allow for the building or structure; or
- A part of a building or structure that crosses a lot line:
 - Into another lot under separate ownership; or
 - Onto a right-of-way.

Electrical Vehicle (EV) Charging Station: A charging station, also known as a charge point, charge point, or electric vehicle supply equipment, is a power supply device that supplies electrical power for recharging plug-in electric vehicles.

Elevation: The vertical plane of a building façade. An elevation drawing is a view of such vertical plane.

Employee housing: housing as described in California Health and Safety Code Section 17008 and shall be subject to the provision of Health and Safety Code sections 17021.5 and 17021.6.

Environment: The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, mineral, flora, fauna, noise and objects of historic or aesthetic significance.

Equipment repair, light: A shop for the restoration or the replacement of parts or machinery powered by motors of 15 horsepower or less.

Equipment repair, heavy: A shop for the restoration or the replacement of parts or machinery powered by motors greater than 15 horsepower.

Equipment storage yard: See “Contractor’s equipment storage yard”.

Equipment structure: With respect to communication facilities, a structure, shelter, cabinet or vault used to house and protect the equipment necessary for processing communication signals. Associated equipment may include, but is not limited to, switching devices, transmitters, receivers, air conditioning, backup power supplies and generators.

Erosion: The loosening and transportation of rock and soil debris by wind, rain or running water.

Established landscape: The point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or 2 years of growth.

Establishment period: The first year after installing the plant in the landscape or the first 2 years if irrigation will be terminated after establishment. Typically, most plants are established after one or 2 years of growth

Estimated Total Water Use (ETWU): The total water used for the landscape.

Exterior Features: Architectural style, general design and arrangement of the exterior of a building or other structure, including the color, the kind and texture of the material constituting or applied to the exterior walls and the type and style of all windows, doors, light fixtures, signs, other appurtenant fixtures and other natural features such as trees and shrubbery.

Evapotranspiration Adjustment Factor (ETAF): A factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor is $(0.7) = (0.5/0.71)$. ETAF for a special landscape area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration Rate (ETo): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Event Facility: Establishment used to host mass gatherings such as festivals, exhibitions, competitions, conventions, trade shows, corporate meetings, weddings, receptions, reunions, private parties, and similar events.

Extraction: Uses that involve extraction of minerals and fossil fuels from the ground, including surface and subsurface mining and quarrying facility.

Exercise trail: A trail that combines running and exercising and may include various types of exercise stations along the trail.

F

FAA: Federal Aviation Administration.

Facade: The front exterior surface of a building.

Factory-built housing: A residential building, dwelling unit or an individual dwelling room or combination of rooms thereof or building component, assembly or system manufactured in such a manner that all concealed parts or processes of manufacture cannot be inspected before installation at the building site without disassembly, damage or destruction of the part, including units designed for use as part of an institution for resident or patient care, that is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled onsite in accordance with building standards published in the California Building Standards Code and other regulations adopted pursuant to California Health and Safety Code Section 19990. Factory-built housing does not include a mobile home, a recreational vehicle or a commercial modular.

Fair housing laws: (1) the Federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Govt. Code § 12955 and following), including amendments to them.

Family: One or more persons occupying a dwelling and living together as a single housekeeping unit in which each resident has access to all parts of the dwelling and there is a sharing of household activities, expenses, experiences and responsibilities.

Farmer's market: A designated area where, on designated days and times, growers of farm produce and producers of value-added food products may sell directly to the public from open or semi-open facilities in accordance with these regulations.

Farm product: Warehousing, Processing and Storage means the work involved to turn agricultural products into sellable goods and the housing of such goods.

Farm stand: A temporary or permanent structure or vehicle used for the sale of agricultural produce in-season, at least 50% of which is grown by the seller or farmers within 25 miles of the city limits. Farm stand operators are not itinerant vendor sales.

Farmstead: A commercial farm, all of its buildings and the surrounding fields, operating as a unit.

Farmworker housing: Housing up to 36 beds in group quarters or up to 12 individual units designed for use by a single household that complies with the State of California program standards for farmworker housing. The term also includes employee housing.

Fascia: A flat band, usually a horizontal member of a building that covers the open end of a projecting eave.

Family: One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a hotel, club, fraternity or sorority house. The family shall be deemed to include necessary servants.

Family day care home, large: A residential facility providing care for 7 to 14 children consistent with California Health and Safety Code Section 1596.78.

Family day care home, small: A residential facility providing care for 8 or fewer children consistent with California Health and Safety Code Section 1596.78.

Farm labor camp: Living accommodations, including structures, tents, trailers and mobile homes, manufactured homes, mess halls, garages and accessory buildings and uses, for any number of persons, maintained in connection with any work or place where work is being performed and including the premises on which said buildings and uses are situated or the area set aside for them. Labor camp and labor quarters shall also include any such living accommodations and the premises which they occupy, which are owned, operated or maintained by any person engaged in the business of supplying lodging or meals for five (5) or more persons who are or may be employed by him or by others.

Farm labor quarters: Rooming and boarding houses, mobile homes, manufactured homes, single-family dwellings and mess halls for any number of farm help customarily employed principally on land owned by the owner of the building site occupied by said structures.

Farmer's market: A seasonal or year-round open-air market where agricultural products are sold directly to consumers.

Farm stays: A form of agriculture tourism where paying guests are hosted tourists upon a farm where they are exposed to the daily activities associated with farming or ranching.

Farrier: A person who shoes horses.

Feather banner: Feather banner or feather banner sign means a flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bow flag," "teardrop banners," and others. The definition includes functionally similar display devices.



FCC: Federal Communications Commission.

Feedlot, commercial: See “Cattle and hog feed yard”.

Finger island: Used to divide up parking stalls in a parking lot. Usually planted to break up the hardscape of a parking lot.

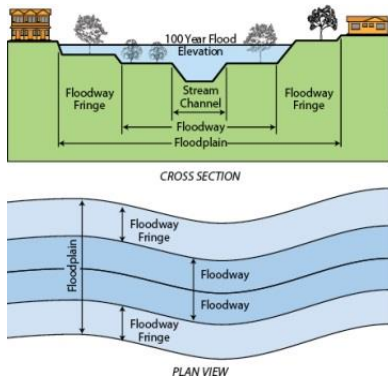
Final map: A subdivision map supported by complete engineering data, prepared in accordance with the conditions of an approved tentative map and in acceptable form for processing and filing for record, as provided in the City of Clearlake’s Subdivision ordinance.

Fire Chief: The Fire Chief for the City of Clearlake or designee, such as from the Fire District.

Fish and wildlife habitat: An area characterized by fish or wildlife that forage, nest, spawn or migrate through in search of food or shelter. Examples include forests, fields, riparian areas, wetlands and water bodies.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.

Flood plain: A floodplain is a land area adjacent to a river, stream, lake, estuary or other water body that is subject to flooding. This area, if left undisturbed, acts to store excess floodwater. The floodplain is made up of two sections: the floodway and the flood fringe.



Floodway: As determined by the Federal Insurance Administration’s Flood Insurance Study (FIS).

Floodway fringe: As determined by the Federal Insurance Administration’s Flood Insurance Study (FIS), the portion of the 100-year floodplain that is not within the floodway

and in which development and other forms of encroachment may be permitted under certain circumstances.

Floor Area Ratio (FAR): The gross floor area permitted on a site, divided by the total area of the site expressed in decimals to one or two places.

Flow rate: The rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour or cubic feet per second. **Floorspace:** The gross floor area of a detached accessory dwelling unit as measured to the outside surface of exterior walls, including its living area, basement area whether conditioned or unconditioned, and any garage or other enclosed accessory structure attached to the detached accessory dwelling unit.

Foot-candle: A unit of measure for illuminance and is equal to one lumen per square foot.

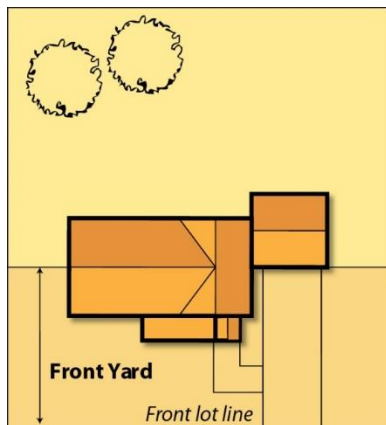
Foster family home: Any residential facility providing 24-hour care for 6 or fewer children which is owned, leased or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.

Foundation: The lowest exposed portion of the building wall, which supports the structure above.

Fourplex: A detached residential structure containing four and only four dwelling units, designed for occupancy by not more than four families living independently of each other.

Frontage: The area between a building Façade and the street lanes for vehicles.

Front yard: That yard or area located between the dwelling and front property line.



Fuel tank farm: An open-air facility containing a number of above-ground, large containers for the bulk storage in liquid form of petroleum products.

Fuel pump accessory sign: A sign that is attached to a gasoline pump identifying acceptable payment methods or other information related to the use of the pumps and sales of fuel.



Fully Enclosed and Secure Structure: In application of commercial cannabis, means a space within a building, greenhouse or other structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

Function: The use or uses accommodated by a building and its lot.

Funeral home: An establishment engaged in the undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

G

Game preserves: A public or private land area, chiefly in a natural state, set aside for the protection, enhancement and enjoyment of wild animals or birds; includes “game reserve”.

Game rooms/amusement arcades: A place wherein games/amusement devices occupy 25% or more of the net floor area and do not include any card games of chance or gambling.

Garage: An accessible and usable covered and completely enclosed space of not less than 10 feet by 20 feet per vehicle for storage of automobiles, measured from the outside of the structure, provided that a minimum dimension of 19 feet by 10 feet within the garage for a 1-car garage or 19 feet by 19 feet within the garage for a 2-car garage is free of any permanently constructed or attached fixture or appliance.

Garage sale: The temporary use of a dwelling unit or residential property to display tangible personal property for sale to the public, where the property that is offered for sale was obtained for the personal use of a resident of the premises. Garage sales are also commonly known as estate sales, yard sales, basement sales, attic sales and rummage sales.

Gas station: A retail business that sells gasoline to the public and typically also sells a variety of food and drinks.

Gas station island advertising sign: Advertising sign located on a gasoline dispensing island or above pumps.



General administrative services: Professional management work involving fiscal, administrative, personnel and related support functions for a business, group or other entity.

Go-cart track: A specialized course used for small, motorized vehicles for recreation, entertainment or racing.

Golf course: A lot or portion of a lot used for the playing of golf and shall include pitch-and-putt courses but shall not include stand-alone driving ranges, miniature golf courses or other similar commercial enterprises. A golf course may include a snack bar, pro shop and/or restaurant.

Granny residential units: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons for elderly residents. Granny residential units established prior to adoption of this ordinance may be considered legal and considered secondary dwelling units with no age restriction. Secondary dwelling units established after adoption of this ordinance may be considered accessory dwelling units that shall comply with applicable standards of this ordinance (refer to Section 18-19.320).

Green waste: Green waste includes, but is not limited to, yard trimmings, untreated wood wastes, natural fiber products and construction and demolition wood waste. Green waste does not include food material, biosolids, mixed solid waste, material processed from commingled collection, wood containing lead-based paint or wood preservative, mixed construction or mixed demolition debris.

Green waste composting facility (composting facility): A facility where organic matter that is derived primarily from off-site is to be processed by composting and / or is processed by commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing or use of compost.

Greenhouse: A building or structure constructed chiefly of glass, glasslike or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross floor area: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group care home: See “Community care facility”.

Guest quarters: A separate accessory space, attached or detached, which contains bathroom facilities including toilets, bathing facilities, showers or sinks but does not contain a kitchen.

H

Halo lighting: Lighting showing from the back of or from within a letter or graphic shape out towards the surface so that the letter or graphic is mounted on without having any light visible through the face of the letter or graphic.



Hardscape: All features of the landscape such as sidewalks, streets, furnishings and constructed elements.

Hazardous material: Any material that, because of its quantity, concentration or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. “Hazardous materials” include, but are not limited to, hazardous substances, hazardous waste and any material that a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

Hazardous waste disposal facility: All structures, other appurtenances and improvements on the land used for treating, storing or disposing of hazardous waste, including all operations or storage areas, diked overflow or emergency spillway areas. A hazardous waste disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous waste may be received, stored, handled or processed.

Health care facility: Any facility, place or building which is organized, maintained and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including after convalescence and rehabilitation and including care during and after pregnancy or for any one (1) or more of these purposes, for one (1) or more person, to which the persons are admitted for a 24-hour stay or longer. “Health care facility” shall include general acute care hospital, acute psychiatric hospital, skilled nursing facility, intermediate care facility, intermediate care facility/developmentally disabled habilitative, special hospital or intermediate care facility/developmentally disabled.

Health club: A facility where members or nonmembers use equipment or space for the purpose of physical exercise.

Heavy equipment rental yard: An establishment that rents large pieces of machinery or vehicles, especially those used in the building industry, including bulldozers and excavators.

Height: See “Maximum height”.

Height, average: See “Maximum height”.

Helicopter Facility Definitions:

- Elevated heliport: A heliport located on a rooftop or some other elevated structure where the TLOF is at least thirty (30) inches above ground level.
- Emergency medical services (EMS) helicopter landing site: A site that is not permitted or licensed as a heliport or helistop and that is located at or as near as practical to a medical emergency or at or near a medical facility and is designated an EMS helicopter landing site by the fire chief under authority of Public Utilities Code Section 21662.1 and the state regulations.
- Emergency use facility: An area for accommodating helicopters in support of emergency public safety agency operations, but that is not permitted or licensed as a heliport or helistop which is not used as a heliport for any other purpose.
- General aviation (GA) heliport: A heliport intended to accommodate individuals, corporations, and helicopter air taxi operators. Scheduled passenger services may be available. GA heliports do not include emergency medical services (EMS) helicopter landing sites, emergency use facilities, hospital heliports, rooftop emergency facilities, or temporary helicopter landing sites.
- Helicopter: A type of aircraft which derives both lift and propulsion from one or more sets of horizontally revolving overhead rotors and capable of moving vertically and horizontally, the direction of motion being controlled by the pitch of the rotor blades.
- Heliport: An area of land or water or a structural surface which is used or intended to be used for the landing and take-off of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities, and that is permitted or licensed by the California Department of Transportation.
- Helistop: A minimally developed heliport for boarding and discharging passengers or cargo. The heliport/helistop relationship is comparable to a bus terminal/bus stop relationship with respect to the extent of services provided or expected. Unless otherwise stated, all references to heliports in this chapter shall include helistops.

- Hospital heliport: A heliport limited to serving helicopters engaged in air ambulance or other hospital related functions.
- Rooftop emergency facility: A clear area of a roof of a tall building that is not permitted or licensed as a heliport or helistop and is not intended to function as a heliport, yet it capable of accommodating helicopters engaged in fire fighting and/or emergency evacuation operations. Rooftop emergency facility is also known as an "emergency evacuation facility."
- State aeronautic regulations: The rules and regulations governing airports and heliports issued by the California State Department of Transportation Division of Aeronautics (21 California Code of Regulations Section 3525 et seq., Airports and Heliports), including the recommendations contained in the Federal Aviation Administration's Advisory Circular AC 150/5390-2B and all other ACs referenced by and/or incorporated into the rules and regulations governing airports and heliports issued by the California Department of Transportation Division of Aeronautics.
- Temporary helicopter landing site: A site, other than an emergency medical services helicopter landing site, that is not permitted or licensed as a heliport or helistop and that is used for landing and taking off of helicopters, where the use is for one year or less, except for recurrent or annual events, is not marked or lighted as a heliport, and is not used exclusively for helicopter operations. "TLOF" means touchdown and lift-off area and is a load bearing, generally paved area on which a helicopter lands or takes off. (Ord. 2006-023 § 1)

Highway oriented sign: Freestanding sign that may be on or off-site, that is designed and oriented toward Highway SR 53 located within the Scenic Corridor Combining Zoning District.

Hog farm, commercial: See "Cattle and hog feed yard".

Home occupation: An occupation conducted principally by a person(s) residing in a primary dwelling, which is as an accessory activity of a non-residential nature which is performed within a living unit or within a garage or accessory building reserved by an occupant of the living unit and which is customarily incidental to the residential use of the living unit.

Homeowner association: An organization in a subdivision, planned community or condominium that makes and enforces rules for the properties and their residents.

Homeowner-provided landscaping: Any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this Chapter, is a person who occupies the dwelling the homeowner owns. This excludes speculative homes, which are not owner-occupied dwellings.

Homeowner-provided landscaping: Any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this ordinance, is a person who occupies the dwelling the homeowner owns. The term does not include speculative homes.

Hoop Style Greenhouse: A temporary structure used as a greenhouse or a season extender and is characterized by its typical construction of polyethylene and PVC pipe. Also known as a hoop house, poly-tunnel, poly-house, or high-tunnel.

Hospital: A hospital is a licensed healthcare institution providing patient treatment with specialized health science and auxiliary healthcare staff and medical equipment

Hotel: Any building, portion thereof or group of buildings, providing transient accommodations containing six (6) or more rooms; used, designed or intended to be used, let or hired out for transient occupancy.

Hothouse: A heated greenhouse for plants that require an even, relatively warm temperature.

Housing development: Any development project that results in adding residential dwellings or mixed use projects consisting of at least 2/3rds of the square footage of the buildings devoted to residential uses. Housing development shall also include supportive and transitional housing (also see “Affordable housing development”).

Hunting cabin: A building used by hunters for hunting expeditions, not permanently occupied for residential uses. A hunting cabin located at a hunting club of one hundred (100) acres or larger and not visible from a public road may consist of one recreational vehicle, travel trailer, mobile home or cabin constructed to all City Building and County Environmental Health Department requirements, but not subject to the residential construction standards of the zoning district in which it is located. A hunting cabin or recreational building shall not be occupied for more than 90 days per calendar year.

Hunting club, commercial: An area used for hunting and available for hunting by payment of fees or on membership basis to the general public.

Hunting club, private: An area used or leased for hunting by the owners or lessees of the land or invited guests.

Hybrid Greenhouse: Hybrid greenhouses utilize dehumidifiers, chillers, lighting, coolers, HVAC systems and similar equipment to allow year around operations. The roof on a hybrid greenhouse should be made from a high-quality cladding or similar material, and the sidewalls may be constructed from metal cladding or a polycarbonate material.



Hydro-zone: A portion of the landscaped area having plants with similar water needs. A hydro-zone may be irrigated or non-irrigated.



Import/export of fill: The deposit or removal of earth in amounts exceeding one thousand (1,000) cubic yards in any one (1) lot or parcel.

Incidental: Secondary, accessory, appurtenant or subordinate to another use, structure or activity. The gross area of incidental structures shall not exceed that of the primary structure.

Indirect lighting: The illumination of a sign by a light source that is not a component part of the sign, such as spotlights.

Indirectly illuminated sign: A sign whose light source is external to the sign and which casts it's light onto the sign from some distance from the sign face.



Indoors: Inside a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.

Indoor recreation facility: Any premises which offers indoor recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including, but not limited to, country clubs, shooting ranges, bowling alleys, swimming pools and other private noncommercial recreation areas and facilities or recreation centers, including private swimming pools.

Industrial use: A business use or activity at a scale greater than home industry involving manufacturing, fabrication, assembly, warehousing and / or storage.

Infill development: Development of vacant land (usually individual lots or leftover properties) within areas, which are already largely developed.

Ingress and egress: The ability to enter a site from a roadway (ingress) and exit a site onto a roadway (egress) by motorized vehicle.

Infrastructure: The basic framework for provision of municipal services including, but not limited to, streets, sidewalks, storm drains, water, sewer and other utility systems, parks and recreation.

Illuminance: The amount of light falling on a surface and is measured in foot-candles.

Infiltration rate: The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

In-home childcare: A State licensed family day care home serving children where care, protection and supervision are regularly provided in the caregiver's own home for periods of less than 24 hours per day, while the parents or guardians are away. The permitted number of children shall include children under the age of 10 years who reside at the home.

Impound yard: A place where cars towed by law enforcement are locked up.

Inoperable vehicle: See "Vehicle, inoperable".

Interior lot: See "Lot, interior".

Internal lighting: The illumination of a sign by a light source that is a component part of the sign itself, including neon.

Internally illuminated sign: A sign whose light source is located in the interior of the sign so that the rays go through the face of the sign or light source which is attached to the face of the sign is perceived as a design element of the sign.



Intersection (Street Intersection): Any street that joins another street at an angle, whether or not it crosses the other street.

Invasive plant species: A species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species.

Irrigation audit: An in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor.

Irrigation Efficiency (IE): The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71.

Irrigation services (irrigation): The methods of supply and application of water other than natural rainfall.

Itinerant vendor: An itinerant vendor is any person who has not established a place of business in the City and who either goes from door to door or place to place for the purpose of selling goods, wares or merchandise or who solicits orders for the sale of goods, wares or merchandise to be delivered at some future time or date or who solicits contributions for any charitable, social, fraternal or similar purpose, cause or organization.

J

Junk: Any used, waste, discarded or salvaged machinery, scrap iron, steel, other ferrous and nonferrous metals, tools, implements or portions thereof, glass, plastic, cordage, building materials or other waste which has been abandoned from its original use and may be used again in its present or in a new form. Also including automobiles, other vehicles or dismantled vehicles in whole or part.

Junkyard: The use of any parcel or portion of a parcel of land for the commercial keeping, storage, salvaging, reconditioning, sorting, distribution, bartering or sale of “junk”, including the dismantling or wrecking of automobiles or other vehicles for sale or storage.

K

Kennels, commercial: Any lot, building, structure, enclosure or premises whereupon five (5) or more dogs or cats over the age of 4 months are kept and/or maintained, regardless of their housing arrangements.

Kennels, large: Any premises where more than 7 dogs, cats or similar animals over 4 months of age are kept or maintained for non-commercial purposes. Dogs used in herding farm animals, incidental to an agricultural use, are excluded from this definition.

Kennels, small: An accessory use of a principal residential or agricultural use where five (5) to seven (7) dogs over 4 months of age are sheltered, bred or trained.

Kitchen: Any area within any structure including one or more of the following facilities that are capable of being used for the preparation or cooking of food: oven/microwave oven, stove, hotplate, refrigerator exceeding six cubic feet, dishwasher, garbage disposal, sink having a drain outlet larger than 1.05 inches in diameter and cabinets, counter space or other areas for storing food.

Kiosk: A free-standing structure that may or may not provide a service (such as an ATM) and which provides signage and information which may or may not contain advertising.



L

Lamp: A source of light, commonly referred to as a bulb.

Landmark: Refers to a building, element or site (including a specific tree or tree species) having historic, architectural, social or cultural significance and designated for preservation by the local, state or federal government.

Landscaping: The planting of ornamental trees, shrubs and groundcovers, including mulching, borders, irrigation systems and incidental ornamental features such as fencing, wagon wheels, fountains, antique farm equipment, planters and plant containers.

Landscape area: All the planting areas, turf areas and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape project: Total area of landscape in a project as defined in “landscape area” for the purposes of this Zoning Code.

Laundromat and cleaners: A facility where patrons wash, dry or dry clean clothing or other fabrics in machines operated by the patron.

Light food or snack: Foods eaten between meals requiring limited food preparation such as beverages, cheese crackers, candy, fruits, nuts and appetizers including potentially hazardous foods. A light food or snack does not include food items that would normally constitute a meal. The light food or snack should not be served so as to be intended as a sit-down meal (CRFC Section 113893)

Light pollution: The night sky glow caused by the scattering of artificial light in the atmosphere.

Light source: An electrical bulb, tube, diode or other device that produces artificial light or illumination.

Light trespass: Light falling across a property line onto another lot or parcel of land or onto a public right-of-way.

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

Livestock farming: The raising of livestock animals, including cattle, pigs, sheep, goats, horses and mules for use, sale, food purposes or pleasure.

Livestock grazing: The use of land for livestock to feed on growing grass or herbage.

Living space: The improved interior ‘habitable’ area within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes.

Live work: A townhome that includes square footage in an area that is internally separated from the residential area that is devoted to occupational endeavors.

Logo: A distinctive emblem, symbol or insignia identifying a particular product, service, business, activity or entity.



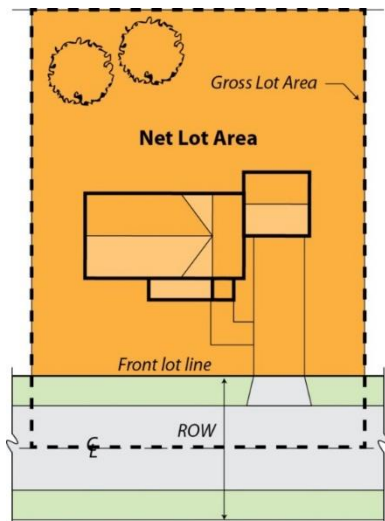
Lot: See "Lot of record".

Lot area, gross: The area included within the boundaries of a "lot of record", including any portion described in the map or deed creating the lot as lying within a public or private street right-of-way or roadway easement. For lots five (5) or more acres in size or when the zoning regulations require minimum lot size of 5 or more acres, up to, but not exceeding, 15% of the minimum lot size or maximum permitted density requirement may consist of any area required for new road dedication or one half (1/2) of any existing public right-of-way.

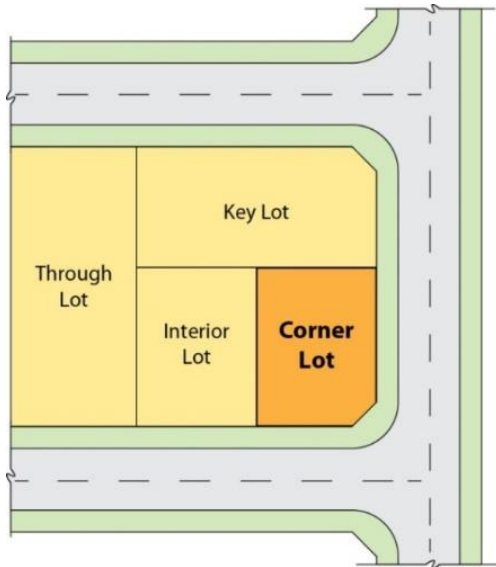
Lineal: Arrangement in a system of lines.

Lintel: A horizontal structural member that supports a load over an opening.

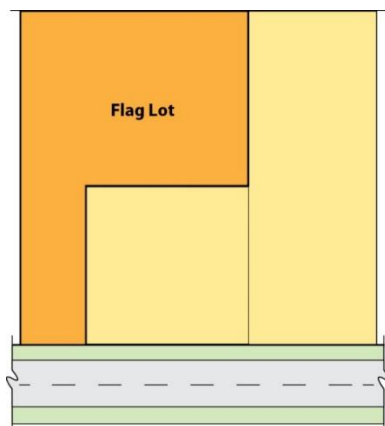
Lot area, net: The gross lot area minus any public or private street right-of-way and minus any roadway easement.



Lot, corner: A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than 134 degrees.

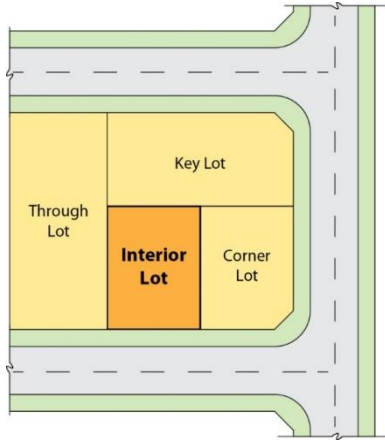


Lot, flag or panhandle: Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street. The panhandle portion of the lot shall be included when calculating residential densities but excluded when determining compliance with minimum lot size standards. The Planning Director shall determine the front, side and rear of a flag lot for purposes of identifying required setbacks and yards, guided by the relationship of the lot to surrounding lot sand structures. In general, the flag lot yards should match the yard on adjacent lots. The panhandle portion of the lot shall be excluded when determining setbacks and yards.

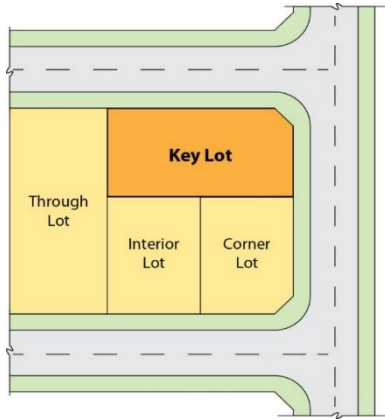


Lot coverage: See "Maximum lot coverage".

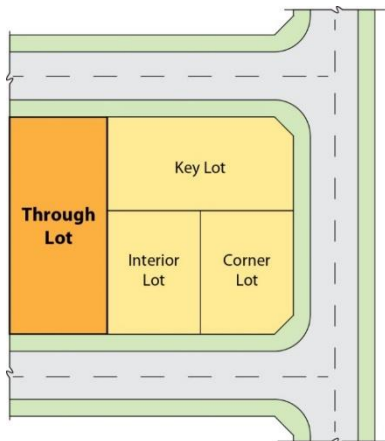
Lot, interior: A lot which is bordered on three sides by other lots and which fronts upon a street or right-of-way.



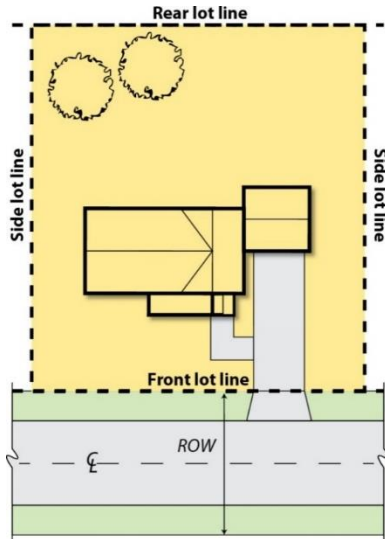
Lot, key: A lot, the sideline of which abuts the rear line of one or more adjoining lots.



Lot, through: A lot having frontage on two parallel or approximately parallel streets.



Lot line: A line separating the frontage from a street; the side from adjoining property; or the rear from an alley or street or adjoining property.



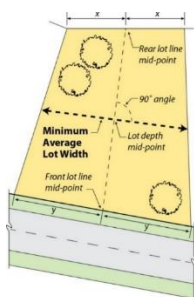
Lot line, front: A line separating a front yard of a lot from the street.

Lot line, rear: The lot line most distant from and generally opposite the front lot line; or on a lot with two front lot lines, the lot line opposite the narrowest front lot line.

Lot line, side: Any lot line not a front lot line or a rear lot line.

Lot of record: A single parcel of land, the boundaries of which are delineated in the latest recorded parcel map, subdivision map, certificate of compliance or deed provided that such recorded deed does not create or attempt to create a lot in violation of the provisions of any applicable California law or City/County Ordinance.

Lot width, minimum average: The average horizontal distance between the side lot lines measured at right angles to the lot depth of the lot at a point midway between the front and rear lot lines. In the case of triangular lots or lots that are bound by more than four straight lines or that have curvilinear side lines, the Community Development Director shall determine lot width.



Low Barrier Navigation Center: A housing shelter focused on “Housing First, low-barrier, service-enrichment for the purpose of moving people into permanent housing. In accordance with California Government Code Sections 65660 through 65668, this housing shelter use provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelters and housing.

Low-intensity lighting: Lighting designed to accent architectural features or signs that does not produce glare, such as tubular neon or LED rope lighting.

Low Volume Irrigation: The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Lumberyard: An area used for the storage, distribution and sale of lumber and lumber products, but not including the manufacture, remanufacture or fabrication of lumber, lumber products or firewood.

Lumen: A unit of luminous flux.

Luminaire: An entire lighting unit, including one or more lamp, reflector, refractor, diffuser, baffle, lenses and other devices to distribute the light and parts that position and protect the lamp and connect the lighting unit to the power supply.

M

Manufactured housing: A structure constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling unit when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and which is placed on a permanent perimeter foundation. “Manufactured home” also includes any structure that meets all the requirements of this paragraph for which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401 and following). If not placed on a permanent foundation the manufactured home is defined as a mobile home as set forth in Section 17.02.365.

Marijuana: See Cannabis.

Marquee (canopy) sign: A sign which is attached to or otherwise made a part of a permanent roof-like structure which projects beyond the building wall in the form of a large canopy to provide protection from the weather.



Mass and scale: Size and shape of a building and its relationship to the surrounding structures and spaces.

Massing: Composition of a building's volumes and surfaces that contribute to its appearance.

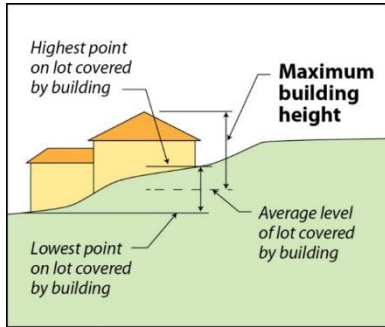
MAUCRSA: The state Medicinal and Adult Use of Cannabis Regulation and Safety Act, as may be amended.

Menu sign: A sign illustrating the menu or specials for an establishment.

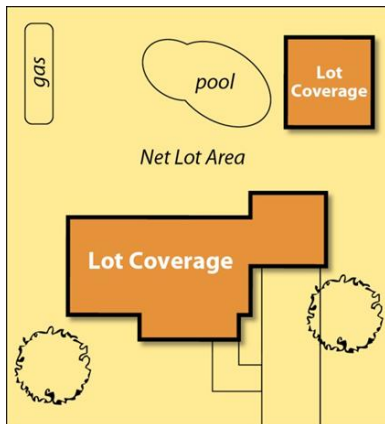


Maximum Applied Water Allowance (MAWA): The upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor and the size of the landscape area.

Maximum height: The height for any principal or accessory structure above which air space cannot be occupied by any building, structure or accessory structure. The maximum height shall be the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the building to the topmost point of the roof.



Maximum lot coverage: A development standard which shall have the following meaning: the percentage of the net lot area covered by the vertical projection of any structure, excluding any structure not extending above grade. Lot coverage shall not include swimming pools and shall not include underground accessory structures such as septic tanks, gas tanks or water and sewer lines.



Medical marijuana dispensary: Any facility or location where medical marijuana is made available to and/or distributed by or to three or more persons who are primary caregivers, qualified patients or persons with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq.

Message center sign: A mechanically variable-message sign in which changes can be made on the sign and can use computer-generated messages or some other means of changing messages and may include lamps, LEDs, LCDs, or flipper matrix.



Mineral Extraction: The exploration and/or extraction of subsurface or subterranean compounds and materials; this includes oil and gas exploration and production and the mining and production of metallic and nonmetallic minerals, or materials.

Ministerial: A governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. Examples of ministerial permits of this Chapter include building permits, zoning clearance, minor and moderate design review, zoning and development review permits.

Mini storage warehouse: means a building or buildings used for storage which is divided into sub-spaces intended to be rented individually.

Mixed housing: means a residential development that consists of a variety of lot sizes and more than one housing type.

Mixed-use: The combining of two or more uses on a single parcel or a single structure, including but not limited to residential, professional offices, retail or entertainment in a urban compact form.

Mobile home: A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width or 40 body feet or more in length, in the traveling mode or when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a dwelling with or without a foundation when connected to required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein as set forth in Health and Safety Code Section 18008. Mobile home includes any structure that meets all the requirements of this paragraph and is either certified under the National Mobile Home Construction and Safety Act of 1974 (42 U.S.C. Section 85401 and following) or complies with state standards for mobile homes in effect at the time of construction. Mobile home does not include any automobile, trailer, camp trailer, camper, house car, motor vehicle, recreational vehicle or other vehicle defined in the California Vehicle Code, a commercial coach or a manufactured home as defined by state law.

Mobile home park (also known as Manufactured Home Park): An area of land where two or more mobile home spaces are used, rented, leased or held out for use, rent or lease, to accommodate mobile homes for human habitation. For purposes of this Chapter, “mobile home park” shall not include a mobile home subdivision, stock cooperative or any park where there is any combination of common ownership of the entire park or individual mobile home spaces. This shall not include recreational vehicle parks or portions of parks that include recreational vehicle spaces.

Model homes / on-site real estate offices: A dwelling unit that is temporarily used as a model to display the layout and finishes of other dwelling units that are or will be available for sale within a subdivision or condominium development. Sales Office means: a dwelling unit within a subdivision; a dwelling unit within a condominium; or a modular unit that is temporarily used as a sales office for a subdivision or condominium.

Modular home: See “Factory-built housing”. Monopole: A structure erected on the ground to support wireless communication antennas and connecting appurtenances and consisting of one (1) pole.

Monotonous structures: Unvarying structures marked by a sameness of pitch and intensity.

Monument sign: A freestanding sign not exceeding 6 feet in height which is supported by a base which extends the entire length of the sign area and is an integral part of the design.



Mortuary: An establishment providing services such as preparing the human dead for burial and arranging and managing funerals and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums and columbaria.

Motel: See “Hotel”.

Motorhome: A “house car” as defined by the California Department of Motor Vehicles, which is any vehicle designed for human habitation.

Mulch: Any organic material such as leaves, bark, straw, compost or inorganic mineral materials such as rocks, gravel and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature and preventing soil erosion.

Mural: A picture or painting on a wall consisting of the following:

- **Original art mural:** A hand-painted, hand-painted, hand-tiled or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered or goods produced or sold.
- **Public art installation:** A facility, amenity or project that does not contain any commercial message.



Multifamily/Multi-Dwellings Developments: A group of two (2) or more detached or semi-detached -family or multi-family dwellings that occupy a parcel of land in one ownership. Said dwellings, includes but are not limited to apartments, condominiums, duplexes, triplexes, fourplexes, and townhomes.

N

Natural environment: The natural geographic community making up the physical features of property which has not been disturbed from grading or other man-made aspects.

Neighborhood: A geographical section of town having distinguishing physical/environmental characteristics which may be occupied or visited by people.

Non-conforming lot: A legal lot of record having less area, dimensions and/or frontage than required in the regulations of the district in which it is situated.

Non-conforming structure: A legal building or structure, where the setbacks, height and/or area of the structure does not meet the regulations of the district in which it is situated.

Non-conforming use: Any legal use of land established prior to the existing zoning district which does not conform to the regulations of the current district in which it is situated.

Nursery, retail: The retail handling of any article, substance or commodity related to the planting, maintenance or harvest of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals or other nursery goods and related products in small quantities to the consumer

Non-Stealth Free Standing Facilities (Wireless Telecommunications): A wireless telecommunication tower and supporting equipment lattice towers, monopole towers, guyed towers, or other freestanding facilities that do not meet the definition for "WTF, freestanding stealth" and consist of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines, and also means a broadcast tower.

Nursery, wholesale: The growing, storage and sale of garden plants, shrubs, trees or vines for resale; including incidental retail sales.

Nursery school: A public or private school for children usually under 5 years of age.

Nursing home: A residential facility that is maintained primarily for the care and treatment of inpatients under the direction of a physician. The patients in such a facility require supportive, therapeutic or compensating services and the availability of a licensed nurse for observation or treatment on a twenty-four-hour basis. Nursing care may include but is not limited to terminal care; extensive assistance or therapy in the activities of daily living; continual direction, supervision or therapy; extensive assistance or therapy for loss of mobility; nursing assessment and services which involve assessment of the total needs of the patient, planning of patient care and observing, monitoring and recording the patient's response to treatment; and monitoring, observing and evaluating the drug regimen. "Nursing home" includes intermediate nursing facilities for the mentally retarded or developmentally disabled.



Office: Buildings that house both offices and supporting activities including, medical, dental, legal, architectural, engineering, contractors and banks as permitted in the Zoning Code.

Occupancy frontage: The length of that portion of a building occupied by a single business abutting a street or alley or parking area or other means of customer access such as an arcade, mall or walkway.

Off-road vehicle course: An area improved for the use of off-road vehicles, including dirt bikes, motorcycles and four-wheel drive vehicles. Includes facilities for spectators. Off-road vehicle courses are available for the general public either without charge or on an hourly, daily, weekly, monthly or yearly membership basis.

Off-site alcoholic beverage sales: The sale of alcohol or alcohol products for human consumption outside the place of sale.

Off-street parking development standards: A set of standards that have been duly adopted by the City Council and that regulate the design and layout of parking lots,

including the parking stalls, access aisles, landscaped areas, buffer yard locations and other areas associated with the parking lot.

Off-site retail center sign: A freestanding sign that identifies a retail center, located off the site that the retail center is situated.

Off-site sign: A sign, including a billboard, which advertises a business, organization, event, person, place or thing that is located off the site it is situated.

On-site alcoholic beverage sales: The sale of alcohol or alcohol products for human consumption inside the place of sale.

Open or outdoor storage: The storage of new or usable supplies, materials, products, motor vehicles or other appurtenances in the “open” or in view of the general public. “Open storage” is a form of “outdoor storage” but does not include a “junkyard”.

Open space: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

Open to the public: Hours of operation of a commercial use when the goods or services provided are “available for use by persons other than employees”.

Operating Pressure: The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

Outdoors: Any location within the City of Clearlake that is not within a fully enclosed and secure structure.

Outdoor dining area (restaurant, outdoor customer dining): A dining area with seats and/or tables located outdoors of a restaurant, coffee shop or other food service establishment and which is (a) located entirely outside the walls of the subject building, (b) enclosed on two sides or less by the walls of the building with or without a solid roof cover or (c) enclosed on three sides by the walls of the building without a solid roof cover.

Outdoor recreation, agricultural: A part of agritourism, outdoor recreational facilities located on agriculturally zoned properties which are accessory to the primary agricultural use. Uses include but are not limited to: horseback riding, hiking, non-motorized biking, guide/outfitter operations, paintball.

Outdoor recreation facility: Any premises which offers open-air recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including but not limited to golf courses, tennis courts, swimming pools, equestrian trails, private hot springs, skateboard parks, BMX tracks, miniature golf and waterslides.

Overhead sprinkler irrigation system: A system that delivers water through the air (e.g., spray heads and rotors).

Overnight accommodations: Places that offer overnight accommodations for short-term rental in increments of not less than 20 hours, including hotels and motels. This term also includes hotels that offer convention facilities or meeting rooms. This term does not include a bed & breakfast inn.

Overspray: The irrigation water which is delivered beyond the target area.

P

Packing plant: An establishment for processing and packing foods, especially meat, to be sold at wholesale.

Parcel: See “Lot of record”.

Park and ride facility: A facility designed for parking automobiles, the occupants of which transfer to public transit to continue their trips.

Parking covered: An accessible and usable parking space of not less than ten (10) by twenty (20) feet in dimension located within a structure of columns and roof or enclosed by walls and roof. Includes “carport” or “garage.”

Parking lot: An area of land, a yard or other open space on a lot used for or designed for use by standing motor vehicles.

Parking management plan: A document that outlines how site parking will be regulated and includes provisions to reduce parking demand, including but not limited to, availability of transit in close proximity, access to a car share program and access to information regarding alternative transportation programs.

Parking space: An accessible and usable space on the lot for the parking of automobiles.

Passageway: A pathway that is unobstructed clear to the sky and extends from a street to one entrance of an accessory dwelling unit as defined in Government Code Section 65852.2, as amended.

Patio: A hardscaped ground level area, usually (but not necessarily) paved with concrete or decorative pavers, that adjoins a home and is designed for use as an area for outdoor lounging, dining or other comparable leisure activities.

Paved surface (also impervious surface): Area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

Pawn Shop or Pawnbroker: A business that offers secured loans to individuals, where personal property is physically held as collateral at the place of business. Property that has not purchased back by the borrower within the specified time-frame is then made available for retail sale at the place of business.

Pedestrian Networks: A connecting and linked series of pathways, sidewalks and walkways.

Performance standards: A set of regulations establishing minimum requirements or maximum allowable limits on the effects or characteristics of a use; including but not limited to performance standards on air quality, erosion, glare, landscaping, hazardous wastes, noise, outdoor storage and satellite dish antennas.

Permit holder: The person or entity who receives the City permit for operation of the wireless telecommunications facility and the entity that owns and operates the wireless telecommunications facility.

Person: Any individual, partnership, corporation, joint stock association, trustee, receiver, assignee or personal representative thereof. It also includes any city or state or any subdivision thereof to the extent that the City has jurisdiction over their activities that are within the scope of this Zoning Code.

Personal Grow: No more than the total of six (6) marijuana or cannabis plants per residence, both indoor and outdoor, regardless of number of persons living there.

Personal services: A use that provides non-medical services that are generally used on a recurring basis and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service. Examples of personal services include beauty and barber shops and tailoring. The phrase does not include “professional services, instruction or counseling.”

Photography studio: An establishment engaged in photography for the general public including, but not limited to, portrait, passport, wedding and other special occasion photographs.

Picnic area (picnic area, group): Two or more picnic tables reserved for use by 10 or more persons equipped with picnic tables, barbeque stands and may be provided with a roofed shelter.

Pier: A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Planning Commission: The Planning as established and defined under Chapter 2-9 of the City of Clearlake Municipal Code.

Plant factor: A factor that, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6 and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication “Water Use Classification of Landscape Species”.

Pole sign: A freestanding sign which is supported by itself, one or more uprights, poles, columns or braces in or upon the ground or by a structure other than a building and is otherwise separated from the ground by air.



Police Chief: The Police Chief for the City of Clearlake or designee.

Porch, enclosed: A covered entrance to a building or structure which is enclosed by walls or windows. Porches generally project out from the main wall of the building and may have a separate roof or a roof that is integrated with the building to which it is attached. This definition includes porches that are enclosed by solid walls that are at least 30 inches in height, used in conjunction with or instead of balustrades or railings.

Porch, open: A covered entrance to a building or structure which is not enclosed by walls or windows, but may have columns that support the porch roof and railing. Porches generally project out from the main wall of the building and may have a separate roof or a roof that is integrated with the building to which it is attached.

Power generation facility: Any electrical generating facility using thermal, wind or water energy including but not limited to, biomass plants, wind farms, coal-fired plants or geothermal power plants.

Precipitation rate: The rate of application of water measured in inches per hour.

Principal use: The primary or dominant use of the land, whether it be to farm, to ranch, to reside within a dwelling or to operate a business.

Prison: a facility where individuals are legally held as a punishment for a crime they have been convicted of and/or are awaiting trials.

Private club: Organizations or associations of persons for some common purpose, such as a fraternal, social, educational or recreational purpose, but not including clubs organized primarily for-profit or to render a service which is customarily carried on as a business. Examples of private clubs include (but are not limited to) 4-H Clubs, veterans organizations, Boy Scout and Girl Scout facilities, Elks Lodges, YMCA, YWCA, private community clubhouses, golf clubhouses and fraternities and sororities that do not include residential facilities. The phrase “private club” does not include organizations with a principal purpose of serving alcoholic beverages to its members or others.

Private fishing and hunting club: See “Hunting club, private”.

Private recreation facility: A recreation facility open only to bona fide members and guests of the private organization operating the facility.

Private Road: A private road is a road that is located on private property and is only accessible to the owner(s) and/or a group of owners who share the use and maintenance of the road.

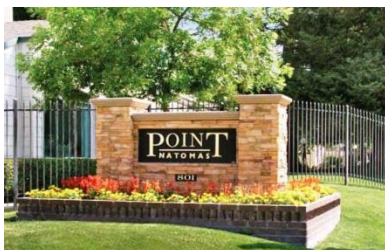
Private utility: Any utility which is not a public utility.

Produce stand: A primarily open-air venue that sells seasonal produce and various products derived from local agricultural operations.

Professional services: Offices that provide professional services such as law offices, real estate, engineering and surveying, architectural and printing services and similar uses.

Project applicant: An individual or entity submitting a landscape and irrigation plan required under this Chapter. A project applicant may be the property owner or his or her designee.

Project entrance sign: A permanent sign located near the entrance to a housing complex, mobile home park, condominium subdivision or other residential subdivision which was developed with a neighborhood name or is operated under a community name.



Projecting sign: A sign which projects more than 12 inches from the exterior face of a building wall or facade and which uses the building wall as its primary source of support.



Projections: A spatial object upon a plane or curved surface or a line that outcrops its points to create shadow effects on a surface.

Prospecting: To search for mineral deposits in a place, especially by means of experimental drilling and excavation.

Protective care: Housing where the residents are assigned to the facility and are under the protective care of the county, state or federal government. This use includes jails or prisons; work release; psychiatric hospitals; and comparable facilities.

Public Assembly: Any area or building/structure (such as auditoriums, theaters, private and public halls, private clubs, convention centers, places of worship, etc.) where people assemble for a common purpose, such as social, cultural, recreational and/or religious purposes.

Public area: An area, structure or building owned by a governmental agency and operated for use by the public including but not limited to: public parks, playgrounds, trails, paths and other recreational areas and other public open spaces; schools, libraries, police stations, corporation yards and other public uses, buildings and structures.

Public convenience and necessity: The grouping of criteria that is considered when making the determination of whether a new site where alcohol will be bought and sold will be established.

Public park: A public playground, public recreation center or area and other public areas, created established, designated, maintained, provided or set aside by the City, County, State or other agency, for the purpose of public rest, play, recreation, enjoyment or assembly and all buildings, facilities and structures located thereon and therein.

Public transit: A 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.

Publicly maintained road: Any road in the City of Clearlake or Lake County accepted for maintenance or owned and maintained by a city, county, special district or state.

Public service information sign: A sign which exclusively promotes an activity or event of general interest to the community and which contains no advertising features.



Public Transit: A 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.

Public utility: Production, storage, transmission and recovery facilities for water, sewerage, energy, communications and other similar utilities owned or operated by a business organization and subject to the jurisdiction of the Public Utilities Commission.

Public Works Director: The Police Work Director for the City of Clearlake or designee.

Q

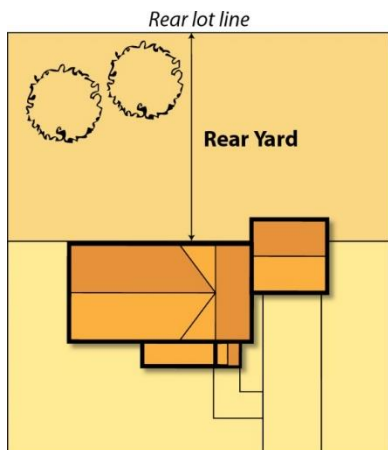
R

Radio box: A cabinet that contains equipment used for transmitting or receiving in support of wireless telecommunication facilities. Rain Sensor means a component which automatically suspends an irrigation event when it rains.

Real estate sign: A sign indicating that the property of any portion thereof is available for inspection, sale, lease, rent or directing people to a property, but not including temporary subdivision signs.



Rear yard: That yard or area within the rear 1/2 of the lot which extends from the rear wall of the principal building or structure to the rear lot line.



Reasonable accommodation: Provision of disabled persons flexibility in the application of land use and zoning regulations and procedures or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include adjustments to standards such as yard area modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City’s land use and zoning program.

Recreational facility, indoor: Any premises which offers indoor recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including, but not limited to, country clubs, bowling alleys, swimming pools and other private noncommercial recreation areas and facilities or recreation centers, including private swimming pools.

Recreation facility, outdoor: Any premises which offers open-air recreational opportunities to the general public either on a membership basis or on an hourly, daily, weekly, monthly or yearly rate including but not limited to golf courses, tennis courts, swimming pools, equestrian trails, private hot springs, skateboard parks, BMX tracks, miniature golf and waterslides.

Recreational vehicle: A motorhome, travel trailer, park trailer, truck camper or camping trailer, with or without motor power, designed for human habitation for recreational or emergency occupancy, with an area of less than four hundred eighty (480) square feet and consistent with California Health and Safety Code Section 1810. Recreational vehicles shall also include trailered boats.

Recreational vehicle park: Any area or tract of land, where one or more spaces are rented or leased or offered for rent or lease or held out for use to owners or users of recreational vehicles or tents and which is utilized for transient occupancy.

Recycling facility: An establishment or premises that provide recycling services, which may include the following:

- Recycling facility, drop-off recycling center: Any premises where recyclable items such as newspapers, magazines, glass bottles or aluminum cans are accepted, whether for compensation or not and stored within containers until such time as the recyclable items are transferred to a recycling processing center. A drop-off recycling center also includes “reverse vending machines”, “bulk reverse vending machines”, “mobile recycling unit” and “small recycling center” as defined in this Article.
- Recycling facility, mobile recycling unit: A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, transported by trucks, vans or trailers and used for the collection of recyclable materials. A mobile recycling unit is also defined as a “small recycling center”.

- Recycling facility, recycling center: A collection center for the acceptance by donation, redemption or purchase of recyclable materials from the public and further defined as follows:
 - Recycling center, small: A collection center of less than five hundred (500) square feet in area, accessory to a commercial or industrial district use including “mobile recycling unit” and “bulk reverse vending machines”, but not including any powered recycling processing except for reverse vending machines or bulk reverse vending machines.
 - Recycling center, large: A collection center of five hundred (500) square feet or larger in area or a small recycling center not accessory to a commercial or industrial district use, not including any powered recycling processing, except for reverse vending machines or bulk reverse vending machines.
 - Recycling processing center: A center that may include collection and processing of recyclable materials. Processing may include powered or unpowered preparation of material for efficient shipment or to an end-user’s specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.
 - Recycling facility, mobile recycling unit: A mobile recycling unit means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers, transported by trucks, vans or trailers and used for the collection of recyclable materials. A mobile recycling unit is also defined as a “small recycling center”.
 - Recycling facility, reverse vending machine, bulk: A reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container. A bulk reverse vending machine is also defined as a “small recycling center”.
 - Recycling facility, reverse vending machine: A reverse vending machine is an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. A reverse vending machine is less than 50 square feet in area.

Rehabilitation: The means, the act or the process of returning a building, object, site or structure to a state of utility through repair, remodeling or alteration that enables an efficient contemporary use while preserving those portions or features of the building, object, site or structure that are significant to its historical, architectural and cultural values.

Rehabilitated landscape: Any landscaping project that requires a building permit or design review where the modified landscape area is equal to or greater than two thousand five hundred square feet.

Repair and replacement: The repair, maintenance or minor alteration of structures, buildings or topographic features involving negligible or no expansion of use beyond that previously existing, including but not limited to interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances; restoration or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards; or additions to existing structures or uses provided that the addition will not result in an increase of more than 50% of the floor area of the structure or use area of the current use before the addition.

Repair services: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops or repair of musical instruments.

Replacement value: A building evaluation by the Chief Building Official and/or certified professional not including the value of land.

Required yard: Defined herein the same as “required front yard” or “required rear yard” or “required side yard”; see “minimum yards”.

Reservoir, small, medium, large: A form of “excavated pond” or “embankment pond”. A small reservoir is greater than 1-acre foot, but shall not exceed 5-acre feet. A medium reservoir is greater than 5-acre feet but shall not exceed 15-acre feet. A large reservoir exceeds 15-acre feet. The aggregate volume of all reservoirs on the property shall be used for calculating reservoir size on any individual parcel.

Residential care facility, large: Any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for more than six persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.

Residential care facility, small: Any state licensed family home, group care facility or similar facility family home, group care facility or similar facility providing 24-hour non-medical care for up to six persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual. The term includes, but is not limited to, foster care homes.

Resort: A building or group of buildings containing guest rooms, meeting rooms, with a large portion of the site devoted to recreational activities such as tennis, horseback riding, swimming and golf.

Restoration: The creation of an authentic reproduction beginning with existing parts of an original object or building. Restoration includes the act or process of accurately recovering the form and details of a building, object, site or structure and its setting as it appeared at a particular period of time by means of removing later work or replacing missing earlier work.

Restaurant: An establishment where food is prepared for consumption on the premises, which may include on-sale alcoholic beverages in conjunction with meals.

Restaurant, Sit Down: Establishment maintained, operated and/or advertised or held to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours. Food is served in and on reusable containers and dinnerware to be consumed on the premises primarily inside the building at tables, booths or counters with chairs/benches or stools.

Retail: Sales and services devoted to the sales of goods and/or commodities to consumers.,

Retail Center: Refer to Big Box Retail Center.

Retail sales of new and used automobiles (automobile dealership): Any business establishment that sells or leases new or used automobiles, trucks, vans, trailers, recreational vehicles, boats or motorcycles or other similar motorized transportation vehicles. An automobile dealership may maintain an inventory of the vehicles for sale or lease either on-site or at a nearby location and may provide on-site facilities for the repair and service of the vehicles sold or leased by the dealership.

Retreat: A facility with permanent structures for meeting, lodging, dining and sanitation in a predominantly natural environment. The primary use of retreats is for religious, educational or charitable purposes, such as meetings and programs in religion, spirituality, personal growth or environmental studies.

Review authority: The officer, committee, commission, board or employee responsible for the approval or disapproval of any permit or entitlement or responsible for the administration, interpretation or enforcement of the provisions of the Zoning Ordinance.

Revitalization: The imparting of a new economic and community life in an existing neighborhood, area or business district, while at the same time preserving the original building stock and historic character.

Ridge: A topographic feature indicated as an extended elevation between valleys, typically the upper part of a range of hills or mountains.

Riding and hiking facility: An area designated for public horseback riding or hiking, usually with an improved path and signage.

Rifle range: Any facility; or premises protected from uncontrolled entry where firearms or arrows are lawfully discharged for target practice or competition. “Rifle range” includes pistol range, archery range or trap shoots.

Right-of-way: The strip of land over which certain transportation and public use facilities are built, such as roadways, railroads and utility lines.

Road: A permanently reserved, public or private right-of-way which affords a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. The service or frontage road of a freeway shall be considered as a street separate from such freeway or highway.

Road, Major Collector: An intraregional travel route providing access to major neighborhood retail and service facilities, community centers, major recreational facilities, employment centers and other intensive land uses.

Road, Minor Arterials: Have two lanes that may be upgraded to an arterial in the future and usually limit on-street parking to maintain smooth flow.

Roads, Local Streets: Have two lanes that provide access for smaller residential subdivisions which are characteristic of low speed, low-capacity roads that provide direct access to adjacent land uses and are typically meant only for local, as opposed to through traffic. Most of the Streets in Clearlake would qualify for this designation.

Road, agricultural: Roads used exclusively for agricultural purposes.

Road building: The removal of more than five hundred (500) cubic yards of earth for road building or grading of public or private roads which crosses or would provide access to more than two parcels, but not including roads constructed exclusively for agricultural purposes.

Roof sign: A sign erected upon or above a roof or a parapet of a building or structure and not contained within a dormer.



Rummage sale, commercial: The sale of secondhand goods, including flea markets by individuals or organizations conducted more than 12 days per calendar year.

Rummage sale, non-profit: The infrequent sale of secondhand goods by individuals or organizations, including garage and yard sales and flea markets conducted between 6 and 12 days per calendar year.

S

Safe Parking: A parking program, operated on property located outside of the public right-of-way and managed by a social service provider that provides individuals and families with vehicles a safe place to park overnight while working towards a transition to permanent housing.

Salvage yard: Any site or portion of a site, that is used to store used equipment and/or construction materials for the purpose of future reuse or resale. If a salvage yard is located on the same site as another established use, the salvage yard area shall be considered a separate freestanding primary use, even if it serves all or a portion of the other established use.

Sanitary landfill: A site for solid waste disposal in which the solid waste is spread in thin layers, compacted to the smallest practical volume and covered with soil at the end of each working day.

Satellite Farm: An area dedicated to telecommunication equipment for the purpose of transmitting and/or receiving antenna equipment.

Satellite dish antenna: A device incorporating a reflective surface that is solid, open mesh or bar-configured and is in the shape of a shallow dish, cone, horn or cornucopia, that is used to transmit and/or receive radio microwave or other electromagnetic waves between terrestrially and/or orbitally based use.

Sawmill: A facility where logs or partially processed cants are sawn, split, shaved, stripped, chipped or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Scenic Resource: Refer to "Viewshed".

School, private: A school that is established, conducted and primarily financially supported by a non-governmental agency or group of individuals.

School, public: A school that is financially supported by a local, city, county, state or other government authority.

Screening: To intentionally prevent or obstruct the public's view of some particular use, article, activity, structure or building.

Seasonal worker: A worker who finds employment only in certain seasons.

Secondary dwelling unit: An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling is situated. Secondary dwelling units established prior to adoption of this ordinance may be considered legal. Secondary units established after adoption of this ordinance shall be considered accessory dwelling units that shall comply with applicable standards of this ordinance (refer to Section 18-03.300).

Secondhand goods: Any goods/property, objects, clothes, furniture, art, appliances, wares that have been previously purchased and/or used and which are not antiques.

Secondhand store: Any person or business/organization (such as co-partnership, firm, or corporations) whose business includes buying, selling, trading, taking in pawn, accepting items for sale on consignment, or auctioning secondhand tangible personal property. This definition encompasses various businesses, including thrift store, consignment shops and other establishments dealing with used goods.

Self-storage: An establishment that offers for rental, lease or ownership of individual bays that are intended for the storage, warehousing or safe-keeping of goods or possessions, regardless of the duration of such storage, warehousing or safe-keeping.

Self-sufficiency program: A program designed to assist individuals and families in meeting their basic needs and address any substance dependency and mental health issues so that they do not need to rely on emergency public or private assistance.

Senior independent living center (SILC): A multiple residential structure(s) that provide housing for occupants who are 55 years or older. In the case of double occupancy of a unit, only one resident is required to be at least 55 years of age. Such a center shall consist of, but not be limited to, individual units, community dining centers and common recreation areas. The facilities are physically accessible to elderly citizens. The individual units may be in the form of multiplexes, cottages, townhouses, patio homes or single-family homes. Generally, senior independent living centers will provide two meals per day, provide transportation for residents and offer indoor and outdoor recreational areas.

Sever Farm (also known as data center): Building and/or a dedicated space within a structure or group of buildings with a dedicated space used to house computer systems and associated components such as telecommunications and storage systems

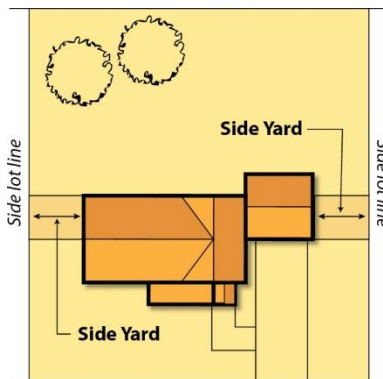
Service station with convenience retail: A retail business that provides the public with a convenient location to quickly purchase a wide variety of consumable products and services, generally food and motor fuels and in the operation and maintenance of automotive vehicles.

Setback: An area of certain distance from a property line within which building development cannot occur. Use of setbacks creates front, side and rear yard areas in developments. Setbacks are also used to establish safe ‘clear areas’ around buildings for fire, police or aesthetic reasons See “Minimum yards” or “Building setback line”.

Shall: “Shall” as used herein, shall is not intended to diminish the flexible application of the stated guidelines, but to reinforce the requirement to meet, at a minimum, the intent of the particular section, standard, guideline or design principle.

Shopping Center: A group of commercial establishments offering a wide range of retail and service uses. **Should:** “Should” signifies a directive to be honored if at all possible.

Side yard: That yard or area within either side of the lot and outside of the front yard of rear yard which extends from the wall of the principal building or structure to the side lot line.



Siding: The exterior wall covering of a structure.

Site: A parcel of land used or intended for use or a group of uses and having frontage on a public or an approved private street.

Sign: Any sign, identification, display, illustration, device or visual representation designed and used for the purpose of communicating a message, advertising, and/or identifying or attracting attention to a premises, product, service, person, activity, business or event and shall include all of its structure and component parts. “Sign” shall not include any flag of the United States of America or State of California or any display of merchandise outside of a business.

Sign area: The entire area in square feet of a sign within a single continuous perimeter composed of squares, rectangles, circles or other shapes which enclose the extreme limits of the sign, including all background or structural material that is utilized in the

expression of the message. The sign area of a multifaced sign shall be the sum of the face areas, except where the sides are parallel, back-to-back and separated by no more than 18 inches, in which case it shall be determined by the larger of the faces.

Sign copy: Any words, letters, numbers, figures, designs or other symbolic representation incorporated into a sign with the purpose of attracting attention to the subject matter.

Sign face: The surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

Sign structure: Any structure that supports or is capable of supporting any sign as defined in this Section. A sign structure may be a single pole and may or may not be an integral part of the building.

Single-family dwelling: See “Dwelling, single-family”.

Site: A parcel of land used or intended for use or a group of uses and having frontage on a public or an approved private street.

Slope: Land gradient described as a percentage equal to 100 times the vertical rise divided by the horizontal run.

Small engine repair: The industry of servicing and repairing small, gas- or diesel-powered machinery. Small engine mechanics service machinery ranging from lawn mowers to chainsaws and other related equipment.

Small residential rooftop solar energy system: A solar energy system that is not larger than ten (10) kilowatts alternating current nameplate rate or thirty (30) kilowatts thermal that is installed on a roof of a single-family or duplex dwelling.

Small wind energy system: A wind energy conversion system shall consist of a wind turbine, a tower and associated control or conversion electronics, which has a rated capacity of not more than ten (10 kW) Kilowatts, and which is intended primarily to reduce on-site consumption of utility power.

Social Service Provider: An agency or organization licensed or supervised by any federal, state or local health/welfare agency that participates in the federal Homeless Management Information System (HMIS) and has demonstrated experience with the homeless population by assisting individuals and families achieve economic self-sufficiency and self-determination through a comprehensive array of programs and actions.

Spa: A commercial establishment with facilities for exercising, bathing and beautification.

Special Event: A gathering of individuals for a special occasion/event. Typically a special event does not last more than a few hours or a full day.

Station: As it relates to irrigation, means an area served by one valve or by a set of valves that operate simultaneously.

Staking: To secure trees to the ground at two or three points to allow their roots to become established: usually removed after one or two growing seasons.

Stealthing: Improvements or treatments added to a wireless telecommunications facility which mask or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it effectively unnoticeable to the casual observer.

Stealth Freestanding Facilities (Wireless Telecommunications): A wireless telecommunication towers an supporting equipment which is designed to substantially blend into the surrounding environment with minimal visibility, such as being incorporated within an architectural feature, such as a steeple, water tower, sign, a tree or parapet.

Storage yard: Any site or portion of a site, that is used for to store new equipment and/or construction materials for the purpose of future use or sale. If a storage yard is located on the same site as another established use, the storage yard area shall be considered a separate freestanding primary use, even if it serves all or a portion of the other established use.

Streamlined housing: A housing development project that meets the qualifications of Government Code Section 65913.4 and therefore is eligible for a ministerial and streamlined approval process.

Street: See "Road".

Street frontage: The distance which a property line of a lot adjoins a public or private road.

Streetscape: The distinguishing and pictorial character of a particular street as created by its width, degree of curvature, paving materials, design of the street furniture, landscaping and forms of surrounding buildings.

Street trees: Trees strategically planted, usually in parkway strips or medians, to enhance the visual quality of a street.

Structure: Anything constructed or erected, the use of which requires location on or above the ground or the attachment to something having location on or above the ground including swimming pools and patio covers.

Structural alteration: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Structural wall: Any bearing wall of a building.

Supportive housing: Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or off-site service that assists 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.

Surgical Facility: A licensed medical facility where general and/or specialized surgical procedures are performed.

Style: A type of architecture distinguished by special characteristics of structure and ornament and often related in time: also, a general quality of distinctive character.

Switching Facility: An installation or facility that (a) uses switches to interconnect communications circuits on a circuit-switching, message-switching, or packet-switching basis, (b) usually is located at a node in a network, and (c) may be the site of a fiber optic station/regenerator section.

Swing joint: An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

T

T-frame sign: An upright portable sign with a base or base sections and vertical frame members forming an inverted T shape.



Tailor: A person who makes, repairs or alters garments such as suits, coats and dresses.

Tandem parking: Parking spaces for two or more automobiles when they are parked on a driveway or in any other location on a lot, lined up behind one another.

Target population: Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse or other chronic health condition or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 3.5 (commencing with Section 4500 of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans and homeless people. This definition is intended to remain consistent with California Government Code Section 65582(i) as may be revised from time to time.

Tasting facility, general: A facility in which agricultural products grown or processed locally.

Tasting facility, wine: See “wine tasting facility (wine-tasting room)”.

Tattoo Parlor: A commercial operation where the marking, coloring, microblading and/or body modifications of the skin is performed by pricking in coloring matter or by producing scars, and which is conducted in exchange for financial or other valuable consideration. It does not include the application of permanent cosmetics or tattooing when applied by a licensed dermatologist on premises licensed as a dermatological office.

Tavern: Any place in which fermented malt beverages or intoxicating liquors are sold for consumption upon said premises and where sandwiches and snacks may be available for consumption on the premises.

Tax consultant: A financial expert especially trained in tax law and provides services using such training in exchange for monetary compensation.

Taxicab company (taxicab business): A service that offers transportation in passenger automobiles and vans to persons including those who are handicapped in return for remuneration. The business may include facilities for servicing, repairing and fueling the taxicabs or vans.

Telecommunication facility: An unstaffed facility that transmits and/or receives electromagnetic signals. It includes cellular towers, antennas, microwave dishes, horns and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment buildings, parking area and other accessory development.

Telecommunication tower: A mast, pole, monopole, guyed tower, lattice tower, free-standing tower or other structure designed and primarily used to support antennas.

Temporary dwelling: A travel trailer or motorhome which serves as a temporary residence for the owner or builder until the principal dwelling unit is built or occupied. An existing permitted or legal nonconforming dwelling may be permitted to be used as a temporary dwelling, upon condition that it be removed or converted to an allowed use prior to final inspection of the new dwelling.

Temporary office: A commercial coach which serves as a temporary office until the principal commercial structure is built or occupied.

Temporary sales office: A real estate sales office located in a subdivision.

Temporary construction storage container: Storage structures or cargo boxes designed or once serving as commercial shipping or cargo containers equipped with a mechanical latch or other similar mechanism to hold the door in the open position when the structure

is occupied or equipped with a mechanism to unlock the door from the inside when the structure is occupied for the use of storing of construction equipment and materials. The temporary construction storage container shall be limited to occupy the construction site from the issuance of the building permit to final inspection.

Temporary wireless telecommunications facility: A wireless telecommunications facility that is intended to be used for 90 days or less (not including temporary mobile services which are exempt from review).

Tennis courts: An improved area used for playing tennis.

Theater: A building or part of a building or structure devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

Thrift shop: A store or shop that primarily sells goods, objects, clothes, furniture, art, appliances or wares that have been previously purchased and/or used and which are not antiques.

Timber: Harvestable trees.

Timber operations: The management of lands and forests for the primary use of commercial production and harvest of trees, including the removal of timber and uses integrally related to growing, harvesting and processing of on-site forest products including roads, log landings and log storage areas.

Timeshare: A single-family dwelling unit whether attached or detached which is in common ownership by more than one (1) family or individual, the purpose of which is to provide temporary living accommodations to all owners on a scheduled basis for recreation. A timeshare may be managed separately and rented to non-owners when approved by the common owners.

Tobacco product: A Tobacco product may include, but is not limited to:

- All forms of cigars (including little cigars).
- Smoking or pipe tobacco (including shisha), chewing tobacco and snuff.
- Any product containing, made of or derived from any amount of tobacco that is intended for human consumption,
- Any product containing, made of or derived from any amount of nicotine that is intended for human consumption and sold with or without a delivery device or system (for example, liquid with nicotine).
- Electronic cigarettes or any device or delivery system sold in combination with nicotine for a single price.

- Any component, part or accessory of an electronic cigarette that is used during the operation of the device when sold in combination with nicotine (for example, a battery used in the operation of the device sold with nicotine for a single price).
- Tobacco products do not include cigarettes or any product that the U.S. Food and Drug Administration has approved as cessation products or for other therapeutic purposes (for example, nicotine patches).

Tobacco product non-specialized retail shop: A store that sells tobacco products as a minor part of sales, such as grocery or drug stores, gas stations,

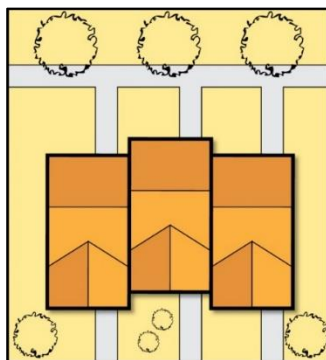
Tobacco product specialized retail shop: A store that specializes in selling tobacco products as a major part of sales.

Tourist oriented directional sign: A sign that provides direction to tourist-oriented activities,



Tower, wireless communication: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including but not limited to self-supporting lattice towers, guyed towers, monopole towers and alternative tower structures.

Townhouse: A single-family dwelling in a row of at least 3 such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by 1 or more common fire-resistant walls.



Trash and Recycling Enclosure: A walled structure for trash and recycling containers, with one or more gates for access.

Transient occupancy: Occupancy of a motel, hotel or other temporary lodging for less than 30 consecutive days in any 12-month period.

Transitional housing: Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than 6 months from the beginning of the assistance.

Trash/Recycling container: A can, cart, dumpster, or barrel for the purposes of containing trash and recycling material.

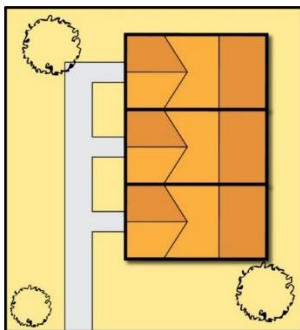
Trash/Recycling enclosures: A walled structure for trash and recycling containers, with one or more gates for access.

Trash/Recycling Hauler: The trash and recycling company that empties waste containers within the City.

Tree farm: Land planted with harvestable trees and wooded areas.

Trim: The decorative framing of an opening and other features on a façade.

Triplex: A detached residential structure containing three and only three dwelling units, designed for occupancy by not more than three families living independently of each other.



Trip reduction plan: A program that provides information about any reasonable method or approach for providing, supporting, subsidizing, and/or encouraging the use of community alternatives, including but not limited to matching and placement services for carpools and vanpools; provision of carpool and preferential parking location and/or fees; fees for Employee parking, provision of and/or placement services for subscription buses; provision of shuttle services; transit fare subsidies; on-site paths, parking and showers and locker for bicyclists and pedestrians; guaranteed ride home and guaranteed transportation in emergencies for users of commute alternatives; on-site child care and other service convenience facilities which lessen the need for a personal vehicle at the place of employment; telecommuting; and teleconferencing.

Truck repair: A place of business primarily engaged in the repair and service of commercial vehicles.

Truck stop: A place of business primarily engaged in providing gas station facilities for commercial vehicles and trailer trucks. Truck stops may include accessory food and lodging services.

Truck Wash: Any building or premises or portion thereof used for washing trucks, trailers, semi-trailers, recreational vehicles, or similar vehicle. Also, a truck wash may be associated with a Truck Stop.

Truck terminal: The premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of five or more trucks.

Turf: A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass and Buffalo grass are warm-season grasses.

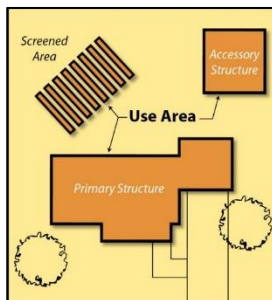
U

Understory trees: A tree whose leaves would occupy the intermediate level of a forest in a natural ecological situation, generally not exceeding 20 to 30 feet at maturity. These trees are also called small or ornamental trees.

Use: The purpose for which land or premises of a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

Use, accessory: See “Accessory use”.

Use area: The area occupied by principal use or structure and accessory buildings, structures and appurtenant outdoor, screened or covered areas accessory to a permitted use or structure.



V

Vacation rental: A dwelling that is rented or leased for compensation for less than 30 consecutive days. Such rentals are referred to as transient rentals, short term vacation rentals and resort dwelling units.

Vending machine: A device which dispenses a product or service, either for sale or for free and which is activated entirely by the receiver of the product or service, including, but not limited to ice machines, propane tank dispensaries, food vending machines and newspaper racks and the like. Vending machine does not include a motor fuel pump. These standards don't apply to reverse vending machines for recycling facilities.

Vehicle, motor: A device by which any person or property may be propelled, moved or drawn upon a highway, street, alley or road except as a device moved by human power or used exclusively upon stationary rails or tracks.

Vehicle, inoperable: A motor vehicle that cannot be moved under its own power due to lack of a motor, transmission or wheels and in the case of trailers is incapable of being towed.

Viewshed: The area within view from a defined observation point.

Vendor's permit: A zoning permit allowing retail sales of items such as flowers, balloons and souvenirs; including vendors of foods such as hot dogs, sandwiches, cotton candy, snow cones, ice cream; and including newsstands, when sales are conducted in a zoning district allowing retail sales. Sales may be from carts, push carts, stands, trailers, kiosks or similar structures.

Vernal pool: See "wetland"

Veterinarian, large animal: An animal hospital or clinic that provides services for horses and other livestock.

Veterinarian, small animal: Veterinary clinics and hospitals that provide care for small domestic animals such as dogs, cats and birds. The term does not include large animal and livestock veterinarians.

Viewshed: The area that can be seen from a given vantage point and viewing direction. A viewshed is composed of foreground items (items close to the viewer) that are seen in detail and background items (items at some distance from the viewer) that frame the view. If a person is moving, as when traveling along a roadway (a view corridor), the viewshed changes as the person moves, with the foreground items changing rapidly and the background items remaining fairly consistent for a long period of time.

W

Wall sign: Any sign attached to, erected against or painted or inscribed upon the wall of a building or structure, with the exposed face of the sign on a plane parallel to the plane of said wall and not located above the roof line, parapet or facade (except when enclosed within a dormer, which does not project more than 12 inches from the building wall).



Warming shelter: A warming shelter is a short-term emergency shelter (generally operated less than 2 months out of the year) that operates when temperatures or a combination of precipitation, wind chill, wind and temperature become dangerously inclement.

Waste transfer station: The use of land or a facility, regardless of name or title, to unload waste of any kind or type from vehicles, and, with or without intermediate processing such as compaction, sorting or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site or disposal site. The phrase “waste transfer station” includes a facility for drop-off of recyclable materials (e.g., wastepaper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard and other discarded household materials), where the materials are sorted, temporarily stored and then shipped in bulk to other locations for processing. The phrase “waste transfer station” does not include a wastewater treatment facility.

Water feature: A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools (where water is artificially supplied). The surface area of water features is included in the highwater use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or storm water best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features.

Water use classification of landscape species (WUCOLS): The document thus entitled and published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

Watering window: The time-of-day irrigation is permitted.

Walk in Clinic: A medical facility that accept patients on a walk-in basis and typically no appointment is necessary.

Wetland: The federal government defines wetlands in Section 404 of the Clean Water Act as “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support (and do support, under normal circumstances) a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3[b] and 40 CFR 230.3). The definition of wetlands requires three wetland identification parameters are present: wetland hydrology, hydric soils and hydrophytic vegetation. The U.S. Army Corps of Engineers (ACOE) is the responsible agency for regulating wetlands under Section 404 of the Clean Water Act, while the Environmental Protection Agency (EPA) has overall responsibility for the Act (ACOE, 2002).

Wholesale: The sale of goods or commodities in quantity for resale; including incidental retail sales.

Wholesale nursery: See “Nursery, wholesale”.

Wholesale sales: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Wholesale storage and distribution centers (wholesale establishment with warehouse): The display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including truck terminal or bus servicing facilities, motor freight transportation, moving and storage facilities, warehousing and storage activities.

Wind turbine: The individual component of a small wind energy system that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering or electrical inverters. This term shall include the towers or supporting structures.

Window sign: Any sign or combination of signs in excess of 4 square feet displayed on or behind a window or similar opening in a wall.



Wine tasting facility (wine-tasting room): A facility in which wine products grown or processed on the owner’s property may be tasted and sold.

Winery: A bonded establishment primarily used for the purpose of processing grapes or other fruit products. Processing includes, but is not limited to, crushing, fermenting, blending, aging, storage, bottling and wholesale or retail sales of wine produced or bottled on the premises. Accessory uses include tasting rooms and incidental retail sales of wine related products, including but not limited to glasses, bottle openers and previously prepared packaged foods.

Wireless telecommunications facility: The placement or installation of wireless facilities including:

1. Equipment and network components, such as towers, utility poles, transmitters, base stations and emergency power systems that are integral to providing wireless telecommunications services.
2. Antennas and related equipment, on or immediately adjacent to, a wireless telecommunications co-location facility.
3. Co-location facilities, including wireless telecommunications facility that includes colocation facilities.
4. Other meanings that are further described in California Government Code 65850.6(d)(2) as may be amended from time to time.

Wireless telecommunications facility (non-stealth-free standing): A wireless telecommunication facility that is not designed and/or conceals the telecommunication equipment.

Wireless telecommunications facility (stealth): A wireless telecommunication facility that is designed to blend into the surrounding environment and/or using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and supporting infrastructure.

Wireless telecommunications master plan: A plan that contains design prototypes for wireless telecommunication antenna facilities, locational criteria for each prototype, number of facilities and proposed screening and landscaping.

Wood yard, commercial: Any premises where large quantities (more than 3 cords) of firewood, whether as whole trees or parts of trees, are imported, openly stored, split, sized and/or cut for sale.

X

Y

Yard: An area that lies between a property line or right-of-way and building, structure, and/or encroachment. See “minimum yards”, “front yard”, “rear yard” or “side yard”.

Youth Oriented Facility: A public or private school (K-12), licensed daycare facilities, public parks, or a “youth center” as defined by state law as any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

Z

Zoning Administrator: The Community Development Director or designee.

Zoning Interpretation and Procedures Manual: Manual maintained by the Director, which provides interpretations and procedures for administering the Zoning Code.



STAFF REPORT	
SUBJECT: Elite CA Enterprises, LLC Development Agreement, DA 2024-01	MEETING DATE: 12/05/2024
SUBMITTED BY: Mark Roberts – Senior Planner	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

Consideration of Development Agreement, DA 2024-01 for an existing approved Commercial Cannabis Operation located at 14915 & 14935 Olympic Drive, Units C/D/E/F.

BACKGROUND/DISCUSSION:

In 2018, the Planning Commission approved Use Permits, UP 13-18 and UP 14-18 (*Refer to Attachment # 3*) to allow commercial cannabis cultivation (*planting, growing, harvesting, drying, curing, grading, or trimming of cannabis*) and distribution/transportation of on-site cannabis products to a California licensed distributor/dispensary.

In 2023, the approved operation was purchased/leased by Elite CA Enterprises, LLC. Since purchasing the operation, the applicant has been coordinating with the City to formally transfer the approved use into their name, including agreeing to the approved terms and conditions of approval of the referenced use permits above.

In accordance with Section 5-25.030 of the City of Clearlake Municipal Code, a Development Agreement for the commercial cannabis operations is required. The use permits have been conditioned not to be effective until the Development Agreement has been adopted by the City Council. The applicant concurs with all provisions of the Development Agreement. This agenda item is focused on the approval of a Development Agreement regarding the subject business and does not venture into potential changes to existing City regulations or ordinances related to allowable cannabis operations. The approval of the proposed Development Agreement should be considered based on existing cannabis related regulations and approved use permits.

FINANCIAL AND/OR POLICY IMPLICATIONS:

The Development Agreement will create a positive revenue source for the City based on the fee structure set forth in the terms of the agreement. There will be a semi-annual production fee paid, as well as an annual facility fee. The actual revenue cannot be estimated at this time since it will be dependent upon the success of the business

OPTIONS:

Hold First Reading of Ordinance No. 273-2024, Read by Title Only, Waive Further Reading, and Set Second Reading and Adoption at the next City Council Meeting

- Attachments:**
 - 1) Development Agreement Ordinance 273-2024
 - 2) Development Agreement DA 2021-04
 - 3) 2018 Approved Cannabis Operation PC Resolution 2018-20

**CITY OF CLEARLAKE
ORDINANCE NO. 273-2024
AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
APPROVING A DEVELOPMENT AGREEMENT (DA 2024-01) WITH
ELITE CA ENTERPRISES, LLC FOR PROPERTY LOCATED AT 14915 AND 14935 OLYMPIC DRIVE, UNITS C/D/E/F,
CLEARLAKE, CA, FURTHER DESCRIBED AS ASSESSOR’S PARCEL NUMBER 039-550-45 AND 039-550-46.**

WHEREAS, the State of California enacted California Government Code Sections 65864, etc. to authorize municipalities to enter into Development Agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction; and

WHEREAS, Elite CA Enterprises, LLC., (APPLICANT) who intends to operate and assume control of an approved commercial cannabis cultivation (*planting, growing, harvesting, drying, curing, grading, or trimming of cannabis*) and distribution and transportation of on-site cannabis products to an off-site state licensed distributor or licensed dispensary at subject property, located at 14915 and 14935 Olympic Drive, further described as Assessor Parcel Number 039-550-45 and 039-550-46.; City of Clearlake, County of Lake, State of California (“Site”) that is the subject of this agreement; and

WHEREAS, the APPLICANT presently intends to develop and continue an approved Commercial Cannabis Operation *as described above* on the site consistent with the California Cannabis Laws, the City’s Municipal Code, and Project Approvals (known as the “Project”); and

WHEREAS, the Planning Commission of the City of Clearlake approved the Use Permits, UP 13-18 (Cultivation) and UP 14-18 (Distribution) to allow a Commercial Cannabis Operation on November 18th, 2018 and;

WHEREAS, the APPLICANT has coordinated with staff and has reviewed the approved project (Use Permit, UP 13-18 (*Cultivation*) and UP 14-18 (*Distribution*) and has agreed to adhere to the approved Terms and Conditions as indicated in a letter dated January 13, 2023, and;

NOW THEREFORE, the City Council of the City of Clearlake does hereby ordain as follows:

SECTION 1. After conducting duly noticed hearings before the City Council on December 5th, 2024, and after independent review and consideration, the City Council approves the execution of the Development Agreement, hereby adopted as Exhibit A to this Ordinance.

SECTION 2. **Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. **Execution.** The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this **5th day of December 2024.**

AYES:
NOES:
ABSENT OR NOT VOTING:

City of Clearlake Mayor

Attest:

City Clerk/Deputy Clerk

RECORDING REQUESTED

BY AND WHEN RECORDED MAIL TO:

City of Clearlake
14050 Olympic Dr.
Attn: City Clerk
Clearlake, CA 95422

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recording Fee Exempt per Government Code §27383

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this 15th day of November, 2024 (the "Execution Date"), by and between the **CITY OF CLEARLAKE**, a California Municipal Corporation ("City") and **Elite CA Enterprises, LLC** ("Owner"). City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement.

RECITALS

- A. The State of California enacted California Government Code Sections 65864 *et seq.* ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction.
- B. The purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the developer, and to meet certain public purposes of the local government.
- C. Owner currently holds a lease located at 14915 and 14935 Olympic Drive, Units C/D/E/F City of Clearlake, County of Lake, State of California (the "Site").
- D. Owner intends to operate a cannabis cultivation, and distribution facility and operation within a 4,747 square feet commercial facility. All such cannabis facilities shall operate in accordance with the California State Compassionate Use Act (Health & Safety Code § 11362.5) ("CUA"), the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7 *et seq.*) ("MMPA"), and the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General (the "AG Guidelines"), and Senate Bill 94, the Medicinal and Adult Use of Cannabis Regulation and Safety Act ("MAUCRSA"),

creating a unified regulatory structure for adult use and medical cannabis, and all regulations promulgated by the responsible state agencies to implement MAUCRSA (collectively the "California Cannabis Laws"). Prior to operating a cannabis facility, Owner shall be required to obtain use and cannabis business regulatory permits from the City for the cultivation and distribution facility and operations.

- E. Owner intends to obtain a state licenses issued pursuant to MAUCRSA to operate cannabis cultivation and distribution facilities at the Site, once such licenses are issued.
- F. Owners presently intend to develop and open a cannabis cultivation and distribution operation on the Site consistent with the California Cannabis Laws and Project Approvals. (known as the "Project").
- G. Owner is the transferee of certain discretionary and regulatory permits previously issued by the City in connection with the approved use of the Site for cannabis cultivation and distribution operations ("Transferred Permits"). The transfer of the Transferred Permits to Owner is subject to the terms and conditions set forth therein and does not involve any expansion or modification of the approved use contained in said permits. Owner has reviewed and hereby accepts all conditions and requirements of the Transferred Permits, as evidenced by Owner's execution of the Acceptance of Permit Conditions Letter.
- H. The Project will maintain inventory of cannabis and cannabis products under the California Cannabis Laws.
- I. The City adopted Ordinance No's. 200-2017 and 201-2017 permitting Cannabis Delivery Only Dispensaries and Cannabis Businesses (as those terms are defined in the applicable city ordinances) in strict compliance with the applicable California Cannabis Laws regulating delivery only dispensaries and cannabis cultivation, manufacturing, processing, and distribution under certain conditions and provisions.
- J. City and Owner have agreed that, as a condition of allowing the Project, as defined herein, and due to the unique circumstances of the proposed Project, Owner shall pay to the City a semi-annual production fee based on the Gross Receipts of its Project operations pursuant to the terms of Section 4.3 of this Agreement (the "Production Fee"), and an annual Facility Fee, as hereinafter defined, which fees shall abate if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.
- K. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied as the project is categorically exempt under CEQA guidelines sec.15301, for modification of existing facilities.
- L. City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in City's General Plan, zoning code and municipal ordinances.

- M. City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner has represented to City that it would not consider or engage in the Project absent City approving this Agreement; *i.e.*, assuring Owner that it will enjoy the development rights. Furthermore, the City agrees to provide reasonable assistance (*i.e.*, verifying information to the State) to the Owner in obtaining necessary permits and approvals required for the Project from other governmental agencies. However, the principle responsibility for obtaining the necessary permits rests with the Owner.

- N. The City agrees that Owner's land use entitlements for the Project shall vest for the term of this Agreement as described below.

- O. After conducting a duly noticed hearing on November 20th, 2018, in conjunction with certain amendments and additions to the City's Municipal Code, the Planning Commission (PC Resolution 2018-20 and PC 2018-21) of the City reviewed, considered and approved the Project and recommended approval of the execution of this Agreement to the City Council. The Planning Commission found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized zoning code; is in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City.

- P. After conducting a duly noticed hearing **December 5th, 2024** in conjunction with amendments and additions to the City's Municipal Code creating an allowable use, appropriate zoning, and comprehensive regulations for the proposed use, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the zoning code; is in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Clearlake and its residents.

- Q. The applicants have reviewed the approved Use Permits and signed a letter with the City dated January 13th, 2024 agreeing to adhere to the Terms and Conditions of Approval of said Use Permits, a copy of which is attached hereto as Exhibit D (the "Owner Letter").

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

AGREEMENT

1. Binding Effect of Agreement. The Parties agree that the Recitals above are true and correct and intend to be bound by same; the Parties further agree to the incorporation by reference herein of said Recitals, together with all definitions provided and exhibits referenced therein. This Agreement pertains to the Site as described in **Exhibit A (Legal Description)** and shown in **Exhibit B (Site Map)** and incorporates by reference all Development Approvals approved by the City for the Site. The burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide continued notice thereof, the Parties will record this Agreement with the Lake County Recorder. The word "Owner" as previously defined and used herein shall include successor owners, apart from government or quasi-public agencies, of any portion of the Site. Should the size or orientation of any Site component specified above be changed in minor respects, *e.g.*, changed by a lot line adjustment, this Agreement shall not thereby be deemed to have been affected or invalidated, but the rights and obligations of the Parties and their successors shall remain as provided herein.

2. Relationship of the Parties. It is hereby specifically understood and acknowledged that the Project is a private project and that neither City nor Owners will be deemed to be the agent of the other for any purpose whatsoever. City and Owners hereby renounce the existence of any form of joint venture or partnership between or among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owners joint ventures or partners.

3. Term. Except as otherwise specified herein, the term of this Agreement (the "Term") is three years from the date the Owner begins commercial operation at the Project Site ("Operation Date"). The Operation Date shall be no later than 12 months following the Execution Date. However, the Operation Date may be extended an additional 6 months with the administrative approval of the City.

3.1 Term Extension – Third Party Issues. Notwithstanding the Parties' expectation that there will be no limit or moratorium upon the Project's development or the issuance of building or other development related permits (a "Development Limitation") during the Term, the Parties understand and agree that various third parties may take action causing a *de facto* Development Limitation. Consequently, the Term shall be extended for any delay arising from or related to any of the potential Development Limitations that follow in the subsections below for a time equal to the duration of that delay occurring during the Term. No Development Limitation may arise or result from an action or omission by Owner.

3.1.1 Litigation. Any third party-initiated litigation that arises from or is related to any City action or omission with respect to this Agreement or any subsequent City approval required in connection with the Project's development, or third party-initiated litigation having the actual effect of delaying the Project's development. This extension period related hereto shall include any time during which appeals may be filed or are pending.

3.1.2 Government Agencies. Any delay arising from or related to the act(s) or omission(s) any third party governmental agency, quasi-public entity or public utility, and beyond the reasonable control of Owner.

3.1.3 Force Majeure. Any delay resulting from pandemics, epidemics, public health emergencies, quarantines, or government-mandated closures or restrictions on operations, including, without limitation, those related to COVID-19 or similar public health crises, riot, war, acts of terrorism, an event during the Term creating radioactive or toxic/hazardous contamination, a catastrophic earthquake, flood, fire or other physical natural disaster, excluding weather conditions regardless of severity, strikes or industrial disputes at national level effecting development involved personnel not employed by Owner, their subcontractors or suppliers and effecting an essential portion of the Project's development, excluding any industrial dispute that is specific to development taking place as a part of the Project.

3.2 Term Extensions. The Term of this Agreement will be extended for seven additional years upon a determination of the City Council, by way of resolution of the City Council acted on at a regularly scheduled meeting, provided that both of the conditions listed in subparts 3.2.1 and 3.2.2 below have been fully satisfied and the Owner is in full compliance.

3.2.1. No Default by Owner. Owner shall not be in default with respect to any provision of this Agreement or any subsequent agreement or understanding between the Parties arising from or related to this Agreement, having received notice from City of said default per this Agreement, or if Owner did in fact default as to this Agreement, upon notice from City, that Owner did cure said default during the period to cure provided herein to City's satisfaction.

3.2.2 Finding of Community Compatibility. The City Council shall review the operations of Owner prior to granting an extension of the term of this Agreement and make a finding that the Project, notwithstanding that the Project activities may not be in precise technical compliance with the issued regulatory permit and special use permit, continue to be compatible with surrounding land uses and are not detrimental to the public health, safety and general welfare.

3.2.3. Mutual Agreement of Parties. In addition to the process listed above in Section 3 and Section 3.2 of this Agreement, this Agreement's Term may be extended by mutual agreement of the Parties and formal amendment of this Agreement.

3.3 Termination of Agreement. Upon the termination of this Agreement, either by expiration or otherwise, Owner shall have no right to continue with the Project activities at the Project Site, to the extent permitted by City ordinance, law, or any separate agreement made between the Parties, except as may otherwise be allowed by City ordinance, law or separate development agreement.

4. Defined Terms. As used in this Agreement, the following terms shall have the meanings hereinafter set forth:

4.1. Certified Report. "Certified Report" shall mean a detailed document prepared by Owner on a form acceptable to the City's Director of Finance to report to the City the gross receipts of the Project's operations and sales, as defined herein, in the Project during each semi-annual period starting January 1 and July 1 of each calendar year. Each Certified Report shall be certified as true and correct by a duly-authorized officer of Owner.

4.2. Development Approvals. "Development Approvals" means the land use entitlements approved by the City for the development of site improvements and buildings on the Site which define the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

4.3. Production Fee. "Production Fee" shall mean a semi-annual fee remitted to the City by Owner based on the Gross Receipts of its Project operations, as defined below, Owner shall pay a Production Fee in the amount of 3% of gross sales from operations. The Production Fee will be temporarily reduced to 1% for the first three years after the Operation Date. After three years, the gross sales percentage will be re-evaluated. With mutual agreement of the parties, the Production Fee structure may be amended within the Term of the agreement. The Production Fee will be reduced by the equivalent tax amount if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.

4.3.1. The Production Fee will be due no later than July 30th for the preceding period of January 1st through June 30th and no later than January 31st for the preceding period of July 1st through December 31st. A late fee of 5% of the amount due shall be added to any payment 30 days past due.

4.4. Certification of Non-Income Tax Exemption. Owner certifies that Owner is not income tax exempt under State or Federal Law and that Owner will not file for such an exemption from the Internal Revenue Service or the Franchise Tax Board.

4.5. Facility Fee. The Facility Fee shall mean an annual fee remitted to the City by Owner in the amount of \$2 per gross square foot of the entire Project facility. The Facility Fee shall be paid annually, starting July 1st of each year. A late fee of 5% of the amount due shall be added to any payment 5 days past due. Fees later than 30 days past due will constitute a breach subject to Section 20 of this agreement.

4.6. “Land Use Regulations” shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Project. “Land Use Regulations” do not include any City ordinance, resolution, code, rule, regulation or official policy governing:

4.6.1. The conduct or taxation of businesses, professions, and occupations applicable to all businesses, professions, and occupations in the City;

4.6.2. Other than as provided in this Agreement, taxes and assessments of general application upon all residents of the City, provided that the taxes and assessments are not imposed for the purpose of taxing the right, power or privilege of developing or improving land (e.g., excise tax) or to directly finance the acquisition or dedication of open space or any other public improvement in respect of which the Developer is paying any fee or providing any improvement pursuant to this Agreement;

4.6.3. The control and abatement of nuisances;

4.6.4. The granting of encroachment permits and the conveyance of rights and interests which provides for the use of, access to or the entry upon public property, as may be approved by mutual agreement between Developer and City; and

4.6.5. The exercise of the power of eminent domain.

4.7. “Existing Land Use Regulations” means all Land Use Regulations in effect as of the approval date of this Agreement, including the Project Approvals.

4.8. “Gross Receipts” means wholesale or retail sales of cannabis products by Owner to third parties.

5. Fee Payments by Owner. In consideration of City’s entering into this Agreement and authorizing the development and operation of the Project, the requirements for City services created by the Project, the City insuring Owner’s compliance with this Agreement, California Cannabis Laws and the City’s municipal ordinances, throughout the Term of this Agreement, Owner shall make the following payments to City:

5.1. Production Fee Payments by Owner. Semi-annual payments of the Production Fee shall be paid by Owner to the City as specified in Section 7 herein. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement, but the Production Fee under this Agreement shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.2. Facility Fee Payments by Owner. The obligations of Owner under this Section shall survive the expiration or any earlier termination of this Agreement, but the Facility Fee shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.3. Sales Tax Point of Sale. Owner agrees that Clearlake will be designated as the point of sale for all operations, as allowed by law.

6. Community Participation. Owner agrees to participate in the community as a good corporate citizen, and to the extent feasible, sponsor events and organizations that improve the community.

6.1. Clearlake Chamber of Commerce. Owner agrees to immediately apply for membership in the Clear Lake Chamber of Commerce and, if accepted, maintain an annual membership in good standing.

7. Payment Procedures. The following payment procedures shall apply during the operation of the Project:

7.1. Remittance of Production Fee/Certified Reports. Within thirty (30) calendar days following the end of each semi-annual period during the Term of this Agreement, Owner shall submit the Certified Report to the City's Finance Director and a payment for the Production Fee for that Operational Period as identified in the Certified Report. Owner shall pay Production Fees to the City on a semi-annual basis without exception. Any material misstatement or misrepresentation in the Certified Report and any failure to pay Production Fees when due shall constitute events of default by Owner subject to the default provisions of this Agreement.

7.2. Maintenance of Records. Owner shall maintain complete records of their operations to substantiate and document the content of each Certified Report. Such records shall include, without limitation, invoices and payments taken by Owner. Owner shall maintain such records in a form and location reasonably accessible to the City, following reasonable notice to Owner and/or any operator, for a period of at least five (5) calendar years following Owner's submission of the Certified Report to which the records apply.

7.3. Audit. Within ninety (90) calendar days following the end of each semi-annual payment term, the City may conduct an audit or arrange for a third-party independent audit, at the City's expense, unless the audit reveals that the Owner has underpaid the Production Fee, of Owner records regarding Certified Reports and the Production Fees. The City's Finance Director shall provide at least fourteen (14) business days written notice of the commencement of such audit to Owner, and shall reasonably attempt to schedule the audit so as to reduce the impact on Tenants' operations as much as is feasible. Owner shall cooperate with the City in completing the audit. If the audit reveals that Owner has underpaid the Production Fee, Owner shall pay such underpaid amounts to the City within thirty (30) calendar days of receipt of written notice from the City's Director of Finance. In case of an underpayment, the Owner may be liable for costs of the audit, including city staff time and outside consultants, but such costs shall not exceed 10% of the underpaid amount. If the audit reveals that the Owner has overpaid any amount of the Production Fee, City shall provide written notification to Owner and shall credit such amount against Owner's subsequent semi-annual payment of Production Fees.

8. Covenants of Owner. During the Term of this Agreement, Owner hereby covenants and agrees with the City as follows:

- 8.1. Implementation. Owner shall use commercial reasonable efforts to pursue the implementation of the Project as expeditiously as feasible, in the form approved by the City, subject to all applicable laws, this Agreement, the Project Approvals and the Municipal Code.
- 8.2. Enhanced Design Requirement. Owner shall submit a design plan for the building and site, for review and approval by the Planning Director, which shall incorporate at a minimum fencing and landscaping improvements that meet or exceed the standards set forth in applicable City ordinances and the Community Character and Design Policies in the City's General Plan.
- 8.3. Maintain & Operate Project. Owner shall maintain and operate the Project on the Site throughout the Term of this Agreement, in accordance with the Project Approvals and all City, and State laws.
- 8.4. Hold Harmless. Owner shall defend (with counsel reasonably acceptable to City), indemnify and hold City and its councilpersons, officers, attorneys, agents, contractors, and employees (collectively, the "Indemnified Parties") harmless from and against all losses, costs and expenses (including, without limitation, reasonable attorneys' fees and costs), damages, claims and liabilities arising out of or in connection with the negligence or willful misconduct of the Owner, their members, officers, employees, agents, contractors, invitees and any third parties on the Site, from and against any challenges to the validity of this Agreement or other Project Approvals. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement.

9. Covenants of City. During the Term of this Agreement, City hereby covenants and agrees with Owner as follows:

- 9.1. Expeditious Services. City shall process applications and address questions and concerns raised by Owner representatives at the "counter" at City Hall as expeditiously as reasonably possible. Upon Owner's request, or if, in an exercise of City's own discretion, City staff determines that it cannot comply with this Section, City shall expeditiously engage the services of private contract planners, plan checkers or inspectors ("Private Contractors") to perform such services as may be necessary to assist in processing the project plans as described herein. Compensation of such Private Contractors shall be at Owner's sole cost and expense, inclusive of any administrative cost to City of integrating services by Private Contractors into the project's development processing. Owner shall pay such costs and expenses of Private Contractors via reimbursement to City, per City's applicable policies and procedures. City shall have absolute discretion in the selection of such Private Contractors.

- 9.2 Vested Rights. During the Term of this Agreement, Owner shall have the vested right and entitlement to develop and operate the Project in accordance with the Existing Land Use Ordinances, in addition to any Cannabis Cultivation and/or Distribution Operating Standards adopted by the City Council, which may be amended at the City's discretion. Parties acknowledge that neither the City nor the Owner can at this time predict when or the rate at which or the order in which parts of the Project will be developed. Owner shall have the vested right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the exercise of its business judgment, provided that Owner is in compliance with the Project Approvals.

- 9.3 Building Permits and Other Approvals and Permits. Subject to (a) Owner's compliance with this Agreement, the Project Approvals the Existing Land Use Ordinances, the Building Ordinances, and Operating Standards; and (b) payment of the usual and customary fees and charges of general application charged for the processing of such applications, permits and certificates and for any utility connection, or similar fees and charges of general application, the City shall process and issue to Owner promptly upon application therefore all necessary use permits, building permits, occupancy certificates, regulatory permits, licenses and other required permits for the construction, use and occupancy of the Project, or any portion thereof, as applied for, including connection to all utility systems under the City's jurisdiction and control (to the extent that such connections are physically feasible and that such utility systems are capable of adequately servicing the Project).

- 9.4 Procedures and Standards. The standards for granting or withholding permits or approvals required hereunder in connection with the development of the Project shall be governed as provided herein by the standards, terms and conditions of this Agreement and the Project Approvals, and to the extent not inconsistent therewith, the Existing Land Use Ordinances, but the procedures for processing applications for such permits or approvals (including the usual and customary fees of general application charged for such processing) shall be governed by such ordinances and regulations as may then be applicable.

10. Effect of Agreement.

- 10.1 Grant of Right. This Agreement shall constitute a part of the Enacting Ordinance, as if incorporated by reference therein in full. The Parties acknowledge that this Agreement grants to Owner the right and entitlement to develop the Project and use the land pursuant to specified and known criteria and rules as set forth in the Project Approvals and Existing Land Use Ordinances, and to grant the City and the residents of the City certain benefits which they otherwise would not receive.

10.2 Binding on City/Vested Right of Owner. This Agreement shall be binding upon the City and its successors in accordance with and subject to its terms and conditions notwithstanding any subsequent action of the City, whether taken by ordinance or resolution of the City Council, by referendum, initiative, or otherwise. The Parties acknowledge and agree that by entering into this Agreement and relying thereupon, the Owner has obtained, subject to the terms and conditions of this Agreement, a vested right to proceed with its development of the Project as set forth in the Project Approvals and the Existing Land Use Ordinances, and the timing provisions of Section 3, and the City has entered into this in order to secure the public benefits conferred upon it hereunder which are essential to alleviate current and potential problems in the City and to protect the public health, safety and welfare of the City and its residents, and this Agreement is an essential element in the achievement of those goals.

10.3 Future Conflicting Local Laws. If any City law, including ordinances, resolutions, rules, regulations, standards, policies, conditions and specifications (collectively "City Laws") are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any proposed initiative or referendum, which City Law would conflict with this Agreement, such City Law shall not apply to the Project Site or Project, unless Elite CA Enterprises chooses to opt-in to the application of such law. The Parties, however, acknowledge that the City's approval of this Agreement and the City Approvals are legislative actions subject to referendum.

10.3.1 Without limiting the generality of the foregoing, no moratorium or other limitation whether relating to the rate, timing, phasing or sequencing of development affecting subdivision maps, building permits, or other Subsequent Approvals shall apply to the Project. Owner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or to impose any other limitation that may affect the Project. In the event of such actions by another public agency, the City agrees to assist the Owner in liaising with the relevant agency to resolve the issue.

11. Specific Criteria Applicable to Development of the Project.

11.1 Applicable Ordinances. Except as set forth in the Project Approvals and subject to the provisions of Section 11.2 below, the Existing Land Use Ordinances shall govern the development of the Site hereunder and the granting or withholding of all permits or approvals required to develop the Site; provided, however, that (a) Owner shall be subject to all changes in processing, inspection and plan-check fees and charges imposed by City in connection with the processing of applications for development and construction upon the Site, provided that such fees and charges are not

increased by more than a reasonable percentage annually and are not imposed solely with respect to the Project Site, (b) Owner shall abide by the Building Ordinances in effect at the time of such applications, (c) Development Impact Fees to be paid by Owner shall be those in effect at the time permits are issued subject to those fees, and (d) development shall be consistent with current Operating Standards.

11.2 Amendment to Applicable Ordinances. Any change to the Existing Land Use Ordinances that conflicts with the Project Approvals shall nonetheless apply to the Project if, and only if (i) it is consented to in writing by Owner in Owner's sole and absolute discretion; (ii) it is determined by City and evidenced through findings adopted by the City Council that the change or provision is urgently required in order to prevent a condition dangerous to the public health or safety, and such determination has been communicated to the Owner in writing; (iii) it is required by changes in State or Federal law; (iv) it consists of changes in, or new fees as permitted herein or (v) it is otherwise expressly permitted by this Agreement. The Parties anticipate that the City shall subsequently adopt Operating Standards that govern this type of use, which Regulations, and any amendments thereto, shall apply to the Project.

11.3 Applicability of Zoning Amendments. In the event that the City zoning ordinance is amended by the City in a manner which provides more favorable site development standards for the Project Site or any part thereof than those in effect as of the Effective Date, Owner shall have the right to notify the City in writing of its desire to be subject to all or any such new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council, such new standards shall become applicable to the Project. Should City thereafter amend such new standards, upon the effective date of such amendment, the original new standards shall continue to apply to the Project as provided above, but Owner may notify City in writing of its desire to be subject to all or any such amended new standards and City shall agree in the manner above provided to apply such amended new standards to the Project.

12. Permitted Delays; Supersedure by Subsequent Laws.

12.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Owner and City shall be excused from performance of their obligations hereunder during any period of delay caused by pandemics, epidemics, public health emergencies, quarantines, or government-mandated closures or restrictions on operations, including, without limitation, those related to COVID-19 or similar public health crises, acts of mother nature, civil commotion, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, any referendum elections held on the Enacting Ordinance, or the Land Use

Ordinances, or any other ordinance effecting the Project or the approvals, permits or other entitlements related thereto, or restrictions imposed or mandated by governmental or quasi-governmental entities, enactment of conflicting provisions of the Constitution or laws of the United States of America or the State of California or any codes, statutes, regulations or executive mandates promulgated thereunder (collectively, "Laws"), orders of courts of competent jurisdiction, or any other cause similar or dissimilar to the foregoing beyond the reasonable control of City or Owner, as applicable. Each Party shall promptly notify the other Party of any delay hereunder within a period of 14 days after the same has been ascertained. The time of performance of such obligations shall be extended by the period of any delay hereunder.

12.2 Supersedure of Subsequent Laws or Judicial Action.

12.2.1 The provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with any new Law or decision issued by a court of competent jurisdiction (a "Decision"), enacted or made after the Effective Date which prevents or precludes compliance with one or more provisions of this Agreement. Promptly after enactment of any such new Law, or issuance of such Decision, the Parties shall meet and confer within 30 days in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. In addition, Owner and City shall have the right to challenge the new Law or the Decision preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended, in accordance with Section 3 above, for a period of time equal to the length of time the challenge was pursued, to extent such challenge delayed the implementation of the project.

13. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Owner finds it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney and the Owner shall mutually agree, upon consultation, whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The

authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any operating Memoranda hereunder without further City Council action.

14. CEQA. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied based on the Project being categorically exempt.

15. Building Permits. Nothing set forth herein shall impair and/or interfere with the right of City to require building permits and plans for the construction, additions/alterations, modifications, improvements, demolishing and/or any other improvements as required by law relating to any specific improvements pursuant to the applicable provisions of the City's Municipal Code, inclusive of such the California and International Standards/Codes as have been adopted in accord therewith, that are in effect at the time such permits are applied for; provided, however, no such permit processing shall authorize or permit City to impose any condition on and/or withhold approval of any proposed improvement the result of which would be inconsistent with this Agreement.

16. Assignment and Transfer of Rights. Except as otherwise provided in this Section, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants that run with the Site. Owner, for itself, its heirs, distributees, executors, administrators, legal representatives, successors and assigns, shall not, at any time during the Term, assign, convey, lease, sell or otherwise transfer all or any portion of its rights under this Agreement ("Assignable Rights") to a third party, a subordinate entity, or a related entity (make an "Assignment") without the prior written consent of City in each instance, which consent shall not be unreasonably withheld. Any assignment in violation of this Section will be void. No permitted assignee of this Agreement may further assign this Agreement without City's prior written consent.

17. Review for Compliance.

17.1 Periodic Review. Pursuant to CGC §65865.1, City shall engage in an annual review this Agreement, on or before the anniversary of the date of execution, in order to ascertain Owner's good faith compliance with its terms (the "Periodic Review"). In the event City fails to formally conduct such annual review, Owner shall be deemed to be in full compliance with the Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties or in the manner provided in CGC §65865.1 or CGC §65868 and section 3 above.

18.1 Provide Notice. Provide the other Party with written notice of such State or Federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

18.2 Meet and Confer. Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or suspend this Agreement to comply with such applicable Federal or State law or regulation. If the Parties cannot agree on a manner or method to comply with such Federal or State law or regulation, the Parties may, but shall not be required to, engage in alternative dispute resolution.

19. Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing [such as Federal Express or UPS]), sent by telecopier or facsimile ("Fax") machine capable of confirming transmission and receipt, or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to City: City of Clearlake
14050 Olympic Drive
Clearlake CA 95422
Attention: City Manager

With copy to: Jones Mayer, City Attorney

6349 Auburn Blvd
Citrus Heights, CA 95621
Attention: Dean Pucci

If to Owner: Faraz Saeed
14935 Olympic Drive; Units C & D
Clearlake, CA 95422

Jesse Arora
14935 Olympic Drive, Units C & D
Clearlake, CA 95422

Qassam Tariq
14935 Olympic Drive, Units C & D
Clearlake, CA 95422

With copy to: Ryan Kocot, Owner Attorney

169 Cedric Rd
Centerville, MA 02632
Attention: Ryan Kocot

Notices sent in accordance with this Section shall be deemed delivered upon the: **(a)** date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); **(b)** date of actual receipt (if personally delivered by other means); **(c)** date of transmission (if sent by email or telecopier, so long as sender receives actual confirmation that the transmission was received); or **(d)** date of delivery as indicated on the return receipt (if sent by certified or registered mail, return receipt requested). Notice of change of address shall be given by written notice in the manner detailed in this Section.

20. Breach and Remedies. Notwithstanding any provision of this Agreement to the contrary, Owner shall not be deemed to be in default under this Agreement with respect to any obligation owed solely to City, and City may not terminate or modify Owner's rights under this Agreement, unless City shall have first delivered a written notice of any alleged default to Owner that specifies the nature of such default. If such default is not cured by Owner within sixty (60) days after receipt of such notice of default, or with respect to defaults that cannot be cured within such period, Owner fails to commence to cure the default within thirty (30) days after receipt of the notice of default, or thereafter fails to diligently pursue the cure of such default, City may terminate Owner's rights under this Agreement, provided that Owner has been given an opportunity to dispute the alleged default. Default by any Assignee or Owner's successor in interest shall affect only that portion of the Site owned by such Assignee or successor, and shall not cancel or diminish in any way Owner's rights with respect to any portion of the Site not owned by such Assignee or successor. In the event that a breach of this Agreement occurs, irreparable harm is likely to occur to the non-breaching Party and damages will be an inadequate remedy. To the extent permitted by law, therefore, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement and not by a claim or action for monetary damages.

21. Entire Agreement. This Agreement and the Exhibits herein contain the entire integrated agreement among the Parties. The Parties intend that this Agreement state their agreement in full to each and every one of its provisions. Any prior agreements, understandings, promises, negotiations or representations respecting the matters dealt with herein or the duties of any Party in relation thereto, not expressly set forth in this Agreement, are agreed by all Parties to be null and void.

22. Severability. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any Party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Attorneys' Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action. Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same instrument.

25. Execution of Agreement. The Parties shall sign this Agreement on or within five (5) business days of approval.

26. Authority to Execute. All persons executing this Agreement on behalf of a party warrant that they have the authority to execute this Agreement on behalf of that party.

27. Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: **(a)** certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); and **(b)** acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed. Any such statement may be relied upon by any prospective purchaser or encumbrancer of all or any portion of the Site. Upon Owner's written request, City shall issue a certificate of performance evidencing completion of any of Owner's obligation(s) under this Agreement.

28. Encumbrances on Real Property.

28.1 Discretion to Encumber. The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the Site or any portion thereof or any improvements thereon then owned by such person with any mortgage, deed of trust or other security device ("Mortgage") securing financing with respect to the Site or such portion. City acknowledges that the lenders providing such financing may

require certain modifications, and City agrees, upon request, from time to time, to meet with Owner and/or representatives of such lenders to negotiate in good faith any such request for modification. City further agrees that it will not unreasonably withhold its consent to any such requested modification. Any mortgagee or trust deed beneficiary of the Site or any portion thereof or any improvements thereon and its successors and assigns ("Mortgagee") shall be entitled to the following rights and privileges.

28.2 Lender Requested Modification/Interpretation. City acknowledges that the lenders providing financing to Owner may request certain interpretations and modifications of this Agreement. City therefore agrees upon request, from time to time, to meet with the Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement, provided, further, that any modifications of this Agreement are subject to the provisions of this Agreement relative to modifications or amendments.

28.3 Mortgage Protection. This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Site or any portion thereof by a Mortgagee (whether pursuant to a Mortgage, foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise) shall be subject to all of the terms and conditions of this Agreement.

28.4 Mortgagee Not Obligated. Notwithstanding the provisions of Section 26.2, no Mortgagee will have any obligation or duty under this Agreement to perform the obligations of Owner or other affirmative covenants of Owner hereunder, or to guarantee such performance, except that to the extent that Mortgagee opts to receive the benefits of the Agreement, including the right to operate, any covenant to be performed by Owner is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder. No Mortgagee will be liable for any monetary defaults arising prior to its acquisition of title to the Site or any portion thereof. Uncured monetary defaults will give rise to a right for the City to terminate the Agreement and Mortgagee's right to operate, provided that the City has given written notice to the Mortgagee and the Mortgagee has been given a reasonable opportunity to cure the default.

28.5 Written Notice of Default. Each Mortgagee shall be entitled to receive written notice from City of any default by Owner under this Agreement, if such default is not cured within thirty (30) days, provided such Mortgagee has delivered a written request to City for such notice. Each Mortgagee shall have a further right, but not the obligation, to cure such default for a period of thirty (30) days after receipt of such notice of default. Any non-curable defaults of Owner of any obligation owed solely to City arising prior to Mortgagee's acquisition of title to the Site or any portion thereof shall be waived; provided, however, the non-payment of money shall not be deemed a non-curable default.

29. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties to this Agreement and, subject to City's written consent, their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

30. Governing Law and Venue. This Agreement and the legal relations between the Parties shall be governed by and construed in accordance with the laws of the State of California. Furthermore, the Parties agree to venue in the Superior Court of Lake County, California.

31. Mutual Covenants. The covenants contained herein, including those contained in the Recitals herein, are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

32. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement ("Successors"). Furthermore, the rights and remedies, together with the benefits and burdens of this Agreement of each Party to this Agreement shall be coextensive with those of its Successors. All provisions of this Agreement shall be enforceable as equitable servitude's and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Site: (a) is for the benefit of and is a burden upon every portion of the Site; (b) runs with the Site and each portion thereof; and, (c) is binding upon each Party and each Successor during ownership of the Site or any portion thereof. From and after recordation of this Agreement, the Agreement shall impute notice to all persons and entities in accord with the recording laws of this State.

33. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their Successors and Assignees. No other person or entity shall have any right of action based upon any provision of this Agreement.

34. Waiver. Failure by a Party to insist upon the strict performance of any of this Agreement's provisions by the other party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

35. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element, with the understanding that any delays caused by factors beyond the control of the Parties, such as force majeure events, shall not be considered a breach of this Agreement.

36. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Government Code Section 65868.5.

37. Headings. The headings in this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

38. Independent Legal Counsel. Each party acknowledges that it has been represented by independent legal counsel of its own choice throughout all of the negotiations that preceded the execution of this Agreement or has knowingly and voluntarily declined to consult legal counsel, and that each Party has executed this Agreement with the consent and on the advice of such independent legal counsel.

39. Further Cooperation. The parties herein agree to execute any and all agreements, documents or instruments as may be reasonably necessary in order to fully effectuate the agreements and covenants of the Parties contained in this Agreement, or to evidence this Agreement as a matter of public record, if required to fulfill the purposes of this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this Agreement.

40. Enforceability. This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been fully executed by and delivered to all of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Execution Date.

"CITY"

CITY OF CLEARLAKE, CA a California Municipal Corporation

Date: _____, 2024

By: _____

Mayor

Attest:

By: _____

City Clerk

Approved as to form:

Jones Mayer

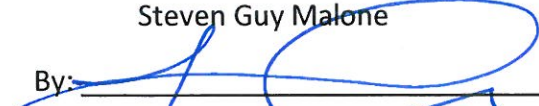
By: _____

Dean Pucci

City Attorney

"OWNER"

Date: Nov 15th, 2024

By:  _____

Steven Guy Malone

Jesse Arora

CLEAR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Sacramento)

On 11/15/2024 before me, Hope Elliott, A Notary Public
Date Here Insert Name and Title of the Officer

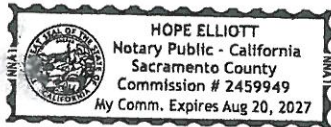
Personally appeared Jesse Arora
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Hope Elliott
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document Development Agreement Document Date

Number of Pages Signer(s) Other Than Named Above

Capacity(ies) Claimed by Signer(s)

- Signer's Name
Corporate Officer—Title(s)
Partner Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other

- Signer's Name
Corporate Officer—Title(s)
Partner Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other

Signer Is Representing

Signer Is Representing

1. The Board of Directors shall have the authority to...

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LAKE

**SEE ATTACHED
NOTARIAL WORDING**

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT A - LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CLEARLAKE, COUNTY OF LAKE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT ONE:

All that portion of the Northeast quarter of the Southeast quarter of Section 21, Township 13 North, Range 7 West, M.D.M., and being a part of that certain tract conveyed by Frank J. Palo, et ux., to Ralph E. Schelby, et ux., by Deed dated June 6, 1957, of record in the office of the County Recorder of said Lake County, in Book 278 of Official Records at page 258, described as follows:

BEGINNING at a 5/8 inch iron rod tagged L.S. 2581 at the Northeast corner of that certain tract conveyed by George Bruley, et ux., to Dolores H. Smyser by Deed dated June 13, 1944, of record in Book 160 of Official Records of Lake County at page 398, and which iron rod is South 01° 52' 55" West (South) 40.00 feet from a point that is North 89° 19' 45" West, (West) 488.05 feet from the East corner of said Section 21, said rod being also on the South line of the County Road from Austin's Beach to Burns Valley and running thence, along the East line of lands so conveyed by Smyser, South 02° 23' 34" West (South 01° 24' West) 357.00 feet; thence South 89° 19' 45" East, 109.38 feet; thence North 01° 42' 52" East, 356.90 feet to a point that is South 89° 19' 45" East of the point of beginning; and thence North 89° 19' 45" West, 105.15 feet to the point of beginning.

Bearing based on California State Coordinate System, Zone 2.
Calls in parentheses (—) are record.

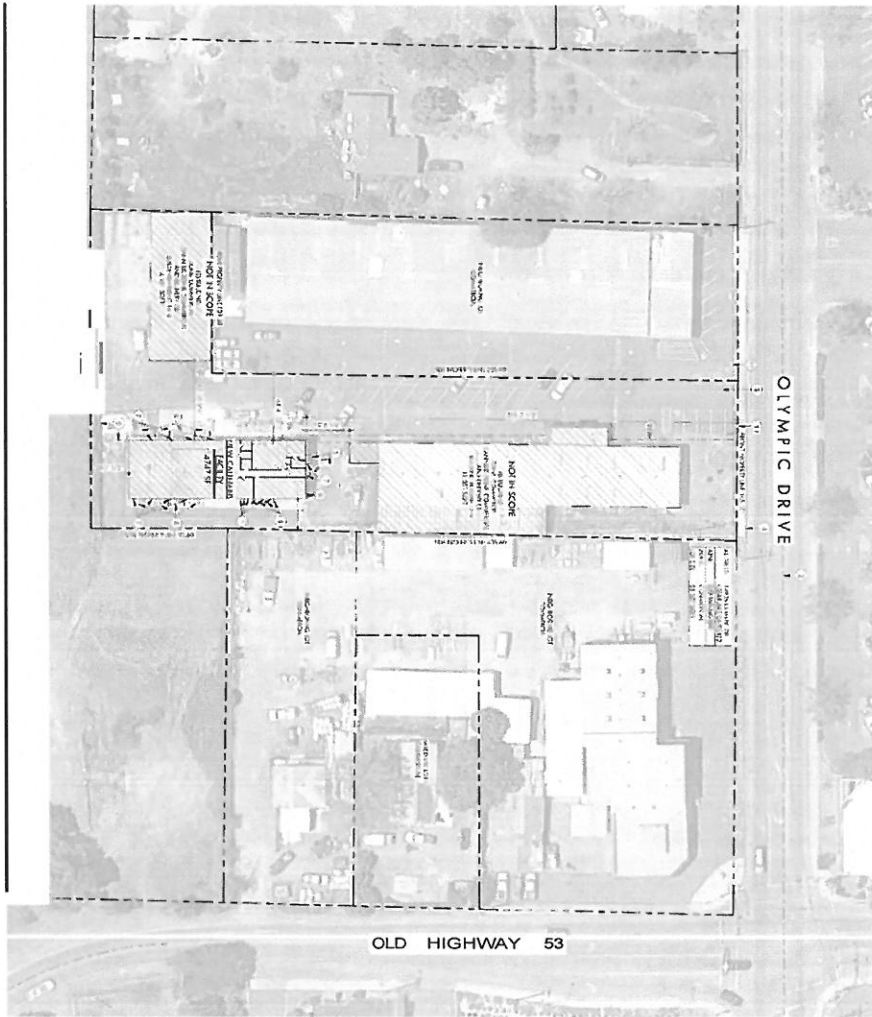
TRACT TWO:

COMMENCING at a point on the West line of the State Highway leading from Lower Lake to Clearlake Oaks, where the same is intersected by the South line of the County Road leading to Austin's, said point being within the Northeast one quarter of the Southeast one quarter of Section 21, Township 13 North, Range 7 West, M.D.M., due West of a point that is 40.00 feet South of the one quarter section corner on the East line of said Section 21, and running thence West, along the South line of said road, 488.05 feet to the true point of beginning of the herein described parcel and the Northeast of that certain tract as conveyed by George Bruley, et ux., to Dolores M. Smyser, by Deed dated June 13, 1944 of record in Book 160 of Official Records of Lake County at page 398; thence from said point of beginning along the East line of said lands so conveyed by Smyser, South 2° 23' 34" West (recorded South 01° 24' West), 432.81 feet (recorded as 435.06 feet) to a 5/8 inch iron rod being on the North line of that tract as conveyed by George Bruley, et ux., to M.L. Page, et ux., by Deed dated October 23, 1944, of record in Book 161 of Official Records of Lake County at page 27; thence East, along the North line of said lands so conveyed to Page, 220.40 feet (recorded 234.05 feet) to a point that is due South of the Southwest corner of that certain tract conveyed by George Bruley, et ux., to M.L. Page by Deed dated August 5, 1944, of record in Book 156 of Official Records of Lake County at page 449; thence North 93.47 feet (recorded 93.60 feet) to the Southwest corner of said tract so conveyed to Page on August 5, 1944; thence continuing North 342.00 feet more or less to a 5/8 inch iron rod on the South line of the County Road; thence North 89° 19' 45" West and along the South line of said County Road, 210.30 feet (recorded 234.05 feet) to the point of beginning.

EXCEPTING THEREFROM all that portion thereof more particularly described as follows:

BEGINNING at a 5/8 inch iron rod tagged L.S. 2581 at the Northeast corner of that certain Tract conveyed by George Bruley, et ux., to Dolores M. Smyser by Deed dated June 13, 1944, of record in said Recorder's Office in Book 160 of Official Records at page 398, and which iron rod is South 01° 52' 55" West (South) 40.00 feet from a point that is North 89° 19' 45" West, (West) 488.05 feet from the East corner of said Section 21, said rod being also on the South line of the County Road from Austin's Beach to Burns Valley and running thence along the East line of lands so conveyed to Smyser South 02° 23' 34" West (South 01° 24' West) 357.00 feet; thence South 89° 19' 45" East, 109.38 feet; thence North 01° 42' 52" East, 356.90 feet to a point that is South 89° 19' 45" East of the point of beginning; thence North 89° 19' 45" West, 105.15 feet to the point of beginning.

EXHIBIT B – SITE PLAN AND INTERNAL LAYOUT



NO PROPOSED CHANGES TO BUILDING FOOTPRINT

GREYSCALE HOMES

1415 CHRYSLER DR
CLEARLAKE, CA 95422
TEL: (916) 333-5845
EMAIL: info@greyscalehomes.com

LEGENDS: SITE PLAN

REVISIONS:

DATE: 08/11/2011

BY: [Signature]

FOR: [Signature]

PROJECT: 1415 CHRYSLER DR, CLEARLAKE, CA 95422

APN: 039-550-460-000

OWNER: GREYSCALE HOMES

DESIGNER: [Signature]

DATE: 08/11/2011

SCALE: 1" = 100'

PROJECT NO.: 1415 CHRYSLER DR, CLEARLAKE, CA 95422

DATE: 08/11/2011

BY: [Signature]

FOR: [Signature]

PROJECT: 1415 CHRYSLER DR, CLEARLAKE, CA 95422

APN: 039-550-460-000

OWNER: GREYSCALE HOMES

DESIGNER: [Signature]

DATE: 08/11/2011

SCALE: 1" = 100'

PROJECT NO.: 1415 CHRYSLER DR, CLEARLAKE, CA 95422

DATE: 08/11/2011

BY: [Signature]

FOR: [Signature]

PROJECT: 1415 CHRYSLER DR, CLEARLAKE, CA 95422

APN: 039-550-460-000

OWNER: GREYSCALE HOMES

DESIGNER: [Signature]

DATE: 08/11/2011

SCALE: 1" = 100'

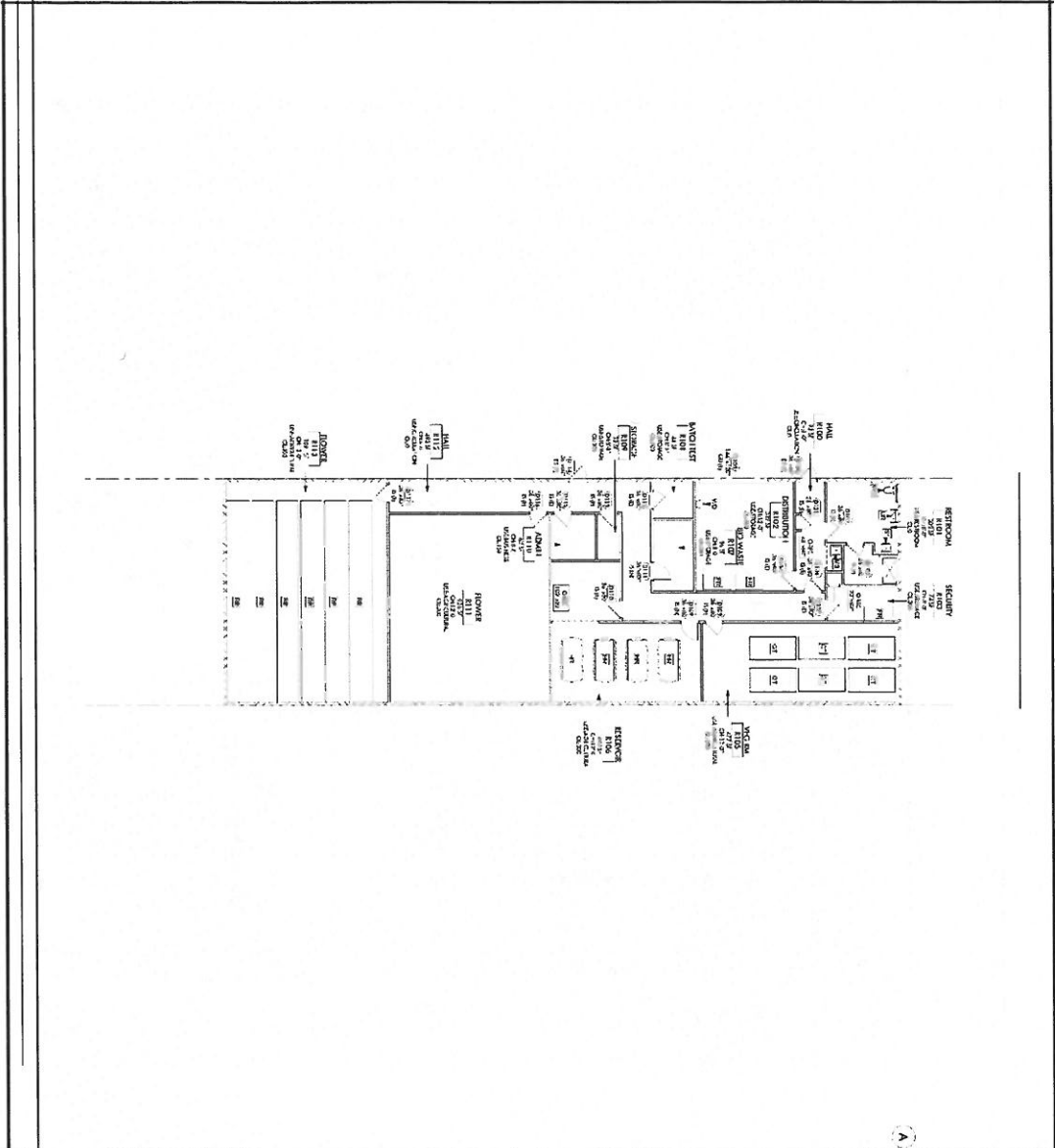
PROJECT NO.: 1415 CHRYSLER DR, CLEARLAKE, CA 95422

A
11



REMODEL FOR: **CLEARLAKE ELECTRONICS SUPPLY**
 14935 OLYMPIC DR,
 CLEARLAKE, CA 95422

APN: 039-550-460-000



<p>LEGEND - FLOOR PLAN</p> <p>1. WALLS: 1/2" THICK CONCRETE BLOCK OR 4" THICK CMU. 2. PARTITION WALLS: 5/8" GYP BOARD ON 2x4 STUDS. 3. CEILING: 5/8" GYP BOARD. 4. FLOOR: 1/2" GYP BOARD ON 2x8 JOISTS. 5. ROOF: 2" POLYSTYRENE INSULATION ON 2x12 RAFTERS. 6. EXTERIOR WALLS: 8" CMU OR CONCRETE BLOCK. 7. EXTERIOR ROOF: 2" POLYSTYRENE INSULATION ON 2x12 RAFTERS. 8. EXTERIOR FLOORING: 1/2" GYP BOARD ON 2x8 JOISTS. 9. EXTERIOR FINISHES: STUCCO OR SIMILAR FINISH.</p>	
<p>ADDITIONAL FLOOR PLAN NOTES:</p> <p>1. ALL DIMENSIONS ARE IN FEET AND INCHES. 2. ALL WALLS ARE TO BE FINISHED WITH 5/8" GYP BOARD. 3. ALL FLOORS ARE TO BE FINISHED WITH 1/2" GYP BOARD. 4. ALL ROOFS ARE TO BE FINISHED WITH 2" POLYSTYRENE INSULATION ON 2x12 RAFTERS. 5. ALL EXTERIOR WALLS ARE TO BE FINISHED WITH 8" CMU OR CONCRETE BLOCK. 6. ALL EXTERIOR ROOFS ARE TO BE FINISHED WITH 2" POLYSTYRENE INSULATION ON 2x12 RAFTERS. 7. ALL EXTERIOR FLOORING IS TO BE FINISHED WITH 1/2" GYP BOARD ON 2x8 JOISTS. 8. ALL EXTERIOR FINISHES ARE TO BE STUCCO OR SIMILAR FINISH.</p>	
<p>REMODEL FOR: APN:039-550-460-000</p> <p>CLEARLAKE ELECTRONICS SUPPLY</p> <p>14935 OLYMPIC DR, CLEARLAKE, CA 95422</p>	
<p>GREYSCALE HOMES</p> <p>14935 OLYMPIC DR CLEARLAKE, CA 95422 TEL: (916) 833-5815 WWW.GREYSCALEHOMES.COM</p>	
<p>SALE</p> <p>TABO</p> <p>ADDRESS: 14935 OLYMPIC DR CLEARLAKE, CA 95422 TEL: (916) 833-5815 SALE: See the Vendor's List</p>	

EXHIBIT C – LEASE AGREEMENT

EXHIBIT D – OWNER/OPERATOR LETTER



1001 G St. ST 208
Sacramento, CA 95814
916-572-6445

January 13, 2023

Transmitted Via Email
mroberts@clearlake.ca.us
rrj@jones-mayer.com

Re: - *Cannabis Cultivation Use*
Permit UP 13-18


- *Cannabis Distribution Use*
Permit UP 14-18

To Whom May It Concern:

I represent Elite CA Enterprises LLC ("Elite"), a California limited liability company comprised of Paraz Saeed, Jesse Arora, and Qassam Tariq. As evidenced by their signature(s) on page 2, Elite hereby agrees to the existing terms and conditions of approval of Cannabis Cultivation Use Permit UP 13-18 and Distribution Use Permit UP 14-18 found in Attachment A.

My understanding is that the next step is the creation and execution of a new development agreement with the City of Clearlake. Please contact me directly at RyanKocotLaw@gmail.com or 916-572-6445 to facilitate this.

Thank you.

 Ryan T. Kocot, Esq.

Ryan T. Kocot, Esq.

RESOLUTION NO. PC 2018-20

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE APPROVING
CANNABIS BUSINESS USE PERMIT UP 13-18 AND
COMMERCIAL CANNABIS REGULATORY PERMIT CBRP 07 FOR
CANNABIS CULTIVATION AT 14915 OLYMPIC DRIVE, UNITS C/D AND E/F
CLEARLAKE CA,
IN THE C-4 HEAVY SERVICE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT
AP#39-550-45**

WHEREAS, Justin Jones, Developer/Operator, applied for approval of Cannabis Business Use Permit UP 13-18 and Commercial Cannabis Regulatory Permit CBRP 07 for a cannabis cultivator at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, AP# 39-550-45; and

WHEREAS, Cannabis Business Use Permit Application UP 13-18 has been made in accordance with Section 18-12.20 of the Municipal Code, Zoning Regulations, which refers to cultivation activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis is a use subject to a conditional use permit; and

WHEREAS, Commercial Cannabis Regulatory Permit Application CBRP 07 has been made in accordance with Section 5-24.04. (h) of the Municipal Code, Police Regulations, which requires that a regulatory permit for commercial cannabis be granted by the Planning Commission; and

WHEREAS, a companion application (UP 14-18) has been filed for commercial cannabis operations by Justin Jones at the same location at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45 as follows:

- Distribution License, in accordance with Section 18-12.090 of the Municipal Code
- Development Agreement DA 2018-05 for a Development Agreement for commercial cannabis operations in accordance with Section 5-030 (b) of the Municipal Code; and

WHEREAS, the General Plan designates the project site as commercial. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, the project is found to comply with the Zoning Code as conditioned by this use permit; and

WHEREAS, In accordance with Section 18.14.445 (b) of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.

and;

WHEREAS, the project is exempt from environmental review in accordance with Section 153012 of the State CEQA Guidelines under "Existing Facilities"; and

WHEREAS, adequate public noticing was made for the project in accordance with the Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to the following conditions being satisfied:

Conditions of Approval:

1. This application for Commercial Cannabis Use Permit UP 13-18 was submitted, in accordance with Section 18-12.20 of the Municipal Code and for Cannabis Regulatory Permit Application CBRP 07 in accordance with Section 5-24.04. (h) of the Municipal Code, by Justin Jones, Developer/Operator, for cannabis cultivation at 14915 Olympic Drive, Units C/D and E/F, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45.
2. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation

to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

3. This Use Permit UP 13-18 may be transferred to new owners after the applicant has fully established complete operations of the use subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.

4. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the Development Agreement for the project.

5. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and this Use Permit and related Development Agreement, including but not limited to a verification of the amount of taxes required to be paid during any period.

6. This Cannabis Business Use Permit UP 13-18 or Commercial Cannabis Regulatory Permit CBRP 07 shall not be operational unless or until a Development Agreement is fully executed by the City and the Development Agreement remains valid.

7. Use Permit UP 13-18 shall expire and be of no further force and effect if the developer/operator does not obtain a valid cannabis business regulatory permit for this location within 12 months from issuance of this use.

8. Secure any required permits and or clearances from the City Building Department, Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department, Lake County Special Districts, Lake County Fire Protection District and/or Lake County Air Quality Management District (as applicable) prior to building occupancy or operation including any required approvals under Condition No. 9 of Use Permit UP 13-18.

9. In accordance with Section 18-12.060 and/or other sections of the Municipal Code and in accordance with requirements made by Lake County Water Resources Department, Lake County Air Quality Management District, Lake County Health Department, Lake County Special Districts, Lake County Fire Protection District and C & S Waste Solutions, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:

- a. Odor Control Plan
- b. Security Plan
- c. Exterior Lighting Plan
- d. Waste/Recycling and Enclosure Plan
- e. Fencing Plan for security of all cannabis businesses in the business center.

- f. Hazardous Materials Mitigation Plan
- g. Air Quality Management and Odor Control Plan
- h. Liquid Waste Management Plan (including pre-treatment of discharge and system maintenance program)
- i. Property frontage improvements, including new commercial driveway and sidewalk along Olympic Drive.
- j. Landscape and Irrigation for open area in front of Olympic Plaza fronting Olympic Drive.
- k. Parking area restriping plan in compliance with the City's Off-Street Parking Regulations.

These plans shall be implemented in accordance with the approved plans prior to building occupancy or operation. All on-going operation plans shall be maintained in accordance with the approved plans for the life of the operation.

10. Use Permit UP 13-18 shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.

11. All conditions of Use Permit UP 13-18 are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, then the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

PASSED AND ADOPTED on this 20th day of November, 2018 by the following vote:

AYES: Chairman Richard Bean, Vice Chair Kathy Fitts, Commissioner Nathalie Antus, Commissioner Dirk Slooten, Commissioner Robert Coker

NOES: None

ABSTAIN: None

ABSENT: None



Chairman, Planning Commission

ATTEST: 

Deputy City Clerk, Planning Commission

RESOLUTION PC 2018-21

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CLEARLAKE APPROVING
CANNABIS BUSINESS USE PERMIT UP 14-18 AND
COMMERCIAL CANNABIS REGULATORY PERMIT CBRP 08 FOR
CANNABIS DISTRIBUTOR AT 14915 OLYMPIC DRIVE, UNITS C/D AND E/F
CLEARLAKE CA,
IN THE C-4 HEAVY SERVICE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT
AP#39-550-45**

WHEREAS, Justin Jones, Developer/Operator, applied for approval of Cannabis Business Use Permit UP14-18 and Commercial Cannabis Regulatory Permit CBRP 08 for a cannabis distributor at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, AP# 39-550-45; and

WHEREAS, Cannabis Business Use Permit Application UP 14-18 has been made in accordance with Section 18-12.20 of the Municipal Code, Zoning Regulations, which refers to distribution involving purchasing cannabis from a cultivator, or manufacturer, for sale to dispensaries is a use subject to a conditional use permit; and

WHEREAS, Commercial Cannabis Regulatory Permit Application CBRP 08 has been made in accordance with Section 5-24.04. (h) of the Municipal Code, Police Regulations, which requires that a regulatory permit for commercial cannabis be granted by the Planning Commission; and

WHEREAS, a companion application has been filed for commercial cannabis operation by Justin Jones at the same location at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45 as follows:

- Cultivation License, in accordance with Section 18-12.090 of the Municipal Code
- Development Agreement DA 2018-05 for a Development Agreement for commercial cannabis operations in accordance with Section 5-030 (b) of the Municipal Code; and

WHEREAS, the General Plan designates the project site as commercial. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, the project is found to comply with the Zoning Code as conditioned by this use permit; and

WHEREAS, In accordance with Section 18.14.445 (b) of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,
- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.

and;

WHEREAS, the project is exempt from environmental review in accordance with Section 153012 of the State CEQA Guidelines under "Existing Facilities"; and

WHEREAS, adequate public noticing was made for the project in accordance with the Municipal Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to the following conditions being satisfied:

Conditions of Approval:

1. This application for Commercial Cannabis Use Permit UP14-18 was submitted, in accordance with Section 18-12.20 of the Municipal Code and for Cannabis Regulatory Permit Application CBRP 08 in accordance with Section 5-24.04. (h) of the Municipal Code, by Justin Jones, Developer/Operator, for a cannabis distributor at 14915 Olympic Drive, Units C/D and E/F, in the C-4, Heavy Commercial/Light Industrial District, APN# 39-550-45.

2. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation

to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

3. This Use Permit UP 14-18 may be transferred to new owners, after the applicant has fully established complete operations of the use subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.

4. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the Development Agreement for the project.

5. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and this Use Permit and related Development Agreement, including but not limited to a verification of the amount of taxes required to be paid during any period.

6. This Cannabis Business Use Permit UP 14-18 or Commercial Cannabis Regulatory Permit CBRP 08 shall not be operational unless or until a Development Agreement is fully executed by the City and the Development Agreement remains valid.

7. Use Permit UP 14-18 shall expire and be of no further force and effect if the developer/operator does not obtain a valid cannabis business regulatory permit for this location within 12 months from issuance of this use.

8. Secure any required permits from the City Building Department, Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or Lake County Air Quality Management District (as applicable) prior to building occupancy or operation including any required approvals under Condition No. 9 of Use Permit UP 14-18.

9. In accordance with Section 18-12.060 and/or other sections of the Municipal Code and in accordance with requirements made by Lake County Water Resources Department, Lake County Air Quality Management District, Lake County Health Department, Lake County Special Districts, Lake County Fire Protection District and C & S Waste Solutions, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:

- a. Odor Control Plan
- b. Security Plan
- c. Exterior Lighting Plan
- d. Waste/Recycling and Enclosure Plan
- e. Fencing Plan for security of all cannabis businesses in the business center.

- f. Hazardous Materials Mitigation Plan
- g. Air Quality Management and Odor Control Plan
- h. Liquid Waste Management Plan (including pre-treatment of discharge and system maintenance program)
- i. Property frontage improvements, including new commercial driveway and sidewalk along Olympic Drive
- j. Landscape and Irrigation for open area in front of Olympic Plaza fronting Olympic Drive
- k. Parking area restriping plan in compliance with the City's Off-Street Parking Regulations.

These plans shall be implemented in accordance with the approved plans prior to building occupancy or operation. All on-going operation plans shall be maintained in accordance with the approved plans for the life of the operation.

10. Use Permit UP 14-18 shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.

11. All conditions of Use Permit UP 14-18 are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, then the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

PASSED AND ADOPTED on this 20th day of November, 2018 by the following vote:

AYES: Chairman Richard Bean, Vice Chair Kathy Fitts, Commissioner Nathalie Antus, Commissioner Dirk Slooten, Commissioner Robert Coker

NOES: None

ABSTAIN: None

ABSENT: None



 Chairman, Planning Commission

ATTEST: 

 Deputy City Clerk, Planning Commission

RESOLUTION NO. P.C. 2018-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT DA 2018-05 FOR THE PROPERTY LOCATED AT 14915 OLYMPIC DRIVE, UNITS C/D AND E/F, CLEARLAKE, CA, IN THE C-4, HEAVY SERVICE COMMERCIAL/LIGHT INDUSTRIAL DISTRICT; APN: 39-550-45.

WHEREAS, DEVELOPER Justin Jones., developer/operator, who intends to operate a commercial cannabis businesses at subject property, specifically Units C/D and E/F, and who has a lease agreement with Howard Levin who owns the subject real property located at 14915 Olympic Drive also identified as Assessor's Parcel Number 39-550-45 ("Property") that is the subject of this agreement; and

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, *et seq.* of the Government Code; and

WHEREAS, the Property is located within the City's C-4, Heavy Service Commercial/Light Industrial zoning district and subject to the land use controls identified and reference in, *inter alia*, the pertinent sections of the City's Municipal Code; and

WHEREAS, DEVELOPER intends to operate commercial cannabis operations on the Property including Cultivation and Distribution, and has received approval of related cannabis business use permit and commercial cannabis regulatory permit from the Planning Commission for these operations; for occupancy of two units on the site, being Units C/D and E/F, which contain 4,000 square feet and 4,800 square feet of the existing 40,130 square foot buildings and surrounding grounds for cannabis cultivation and distribution for this ("Potential Activity"); and

WHEREAS a development agreement for the commercial cannabis operations is required pursuant to Section 5-030 (b) of the Municipal Code ; and

WHEREAS, DEVELOPER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Section 5-030 (b) of the Municipal Code and Section 68564, *et seq.* of the Government Code and the rules and regulations of CITY; and

WHEREAS, the Planning Commission has considered this Development Agreement (DA 2018-05) at a duly noticed public hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ("PLANNING COMMISSION") HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The property located at 14915 Olympic Drive, Units C/D and E/F, Clearlake, CA legally described by Assessor's Parcel Number 39-550-45 ("Project Site" and/or "Property").

SECTION 2. Justin Jones, intends operating a commercial cannabis business being Cultivation and Distribution at 14915 Olympic Drive also identified as Assessor's Parcel Number 39-550-45.

SECTION 3. On or about November 20, 2018 the Planning Commission of the City of Clearlake held a duly noticed public hearing at which interested persons had the opportunity to testify and at which the Planning Commission considered the Development Agreement.

SECTION 4. The development agreement proposed herein is consistent with the General Plan of the City of Clearlake in that the Potential Activity consists of commercial cannabis which is authorized in the zone subject to obtaining conditional use permits from the Planning Commission.

SECTION 5. Cannabis Business Use Permits, associated Regulatory Permits, and any Local License are not operational until Development Agreement 2018-05 has been approved City Council and executed by the City and the Developer.

SECTION 6. The Planning Commission therefore recommends to the City Council to adopt Development Agreement DA 2018-05 attached hereto as Exhibit 1.

SECTION 7. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

The Secretary shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

PASSED AND ADOPTED on this 20th day of November, 2018 by the following vote:

AYES: Chairman Richard Bean, Vice Chair Kathy Fitts, Commissioner Nathalie Antus, Commissioner Dirk Slooten, Commissioner Robert Coker

NOES: None


ABSENT: None

ABSTAIN: None

RE Bean

Chairperson, Planning Commission

ATTEST:



Deputy City Clerk, Planning Commission

Exhibits: Development Agreement DA 2018-05



STAFF REPORT	
SUBJECT: June Bugzzz Development Agreement, DA 2024-02 for an approved Commercial Cannabis Operation	MEETING DATE: 12/05/2024
SUBMITTED BY: Mark Roberts – Senior Planner	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

Consideration of Development Agreement, DA 2024-02 for an existing approved Commercial Cannabis Operation at 14915 & 14935 Olympic Drive, Units A and B2.

BACKGROUND/DISCUSSION:

In 2018, the Planning Commission approved Use Permits, UP 16-18 and UP 17-18 and in 2021 Use Permits, UP 06-20, 07-20, 08-20, 09-20 & 10-20 to allow commercial cannabis cultivation (*planting, growing, harvesting, drying, curing, grading, or trimming of cannabis*), Manufacturing, Nursery and Distribution/Retail Delivery in units A, B2, O, G, H, I, K, M & N at the addresses referenced above.

In 2024, the approved operation was purchased/leased by Markeis Reed of June Bugzzz. Since purchasing the operation, the applicant has been coordinating with the City to formally transfer the approved operation into their name, including agreeing to the approved terms and conditions of approval. At this time, the applicant will only be performing cannabis cultivation in Units A and B2 (*planting, growing, harvesting, drying, curing, grading, or trimming of cannabis*) and if they wish to expand their operation with the additional approved uses referenced above, the applicant will modify the DA Agreement as necessary.

In accordance with Section 5-25.030 of the City of Clearlake Municipal Code, a Development Agreement for the commercial cannabis operations is required. The use permits have been conditioned not to be effective until the Development Agreement has been adopted by the City Council. The applicant concurs with all provisions of the Development Agreement. This agenda item is focused on the approval of a Development Agreement regarding the subject business and does not venture into potential changes to existing City regulations or ordinances related to allowable cannabis operations. The approval of the proposed Development Agreement should be considered based on existing cannabis related regulations and approved use permits.

FINANCIAL AND/OR POLICY IMPLICATIONS:

The Development Agreement will create a positive revenue source for the City based on the fee structure set forth in the terms of the agreement. There will be a semi-annual production fee paid, as well as an annual facility fee. The actual revenue cannot be estimated at this time since it will be dependent upon the success of the business

OPTIONS:

Hold First Reading of Ordinance No. 274-2024, Read by Title Only, Waive Further Reading, and Set Second Reading and Adoption at the next City Council Meeting

- Attachments:**
 - 1) Development Agreement Ordinance 274-2024
 - 2) Development Agreement (DA 2024-02)
 - 3) Approved Use Permits Staff Report Packet

**CITY OF CLEARLAKE
ORDINANCE NO. 274-2024
AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE
APPROVING A DEVELOPMENT AGREEMENT (DA 2024-02) WITH
JUNE BUGZZZ FOR PROPERTY LOCATED AT 14915 AND 14935 OLYMPIC DRIVE, UNITS A
AND B2, CLEARLAKE, CA, FURTHER DESCRIBED AS ASSESSOR'S PARCEL NUMBER
039-550-45 AND 039-550-46.**

WHEREAS, the State of California enacted California Government Code Sections 65864, etc. to authorize municipalities to enter into Development Agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction; and

WHEREAS, June Bugzzz., (APPLICANT) who intends to operate and assume control of an approved commercial cannabis cultivation (*planting, growing, harvesting, drying, curing, grading, or trimming of cannabis*) at subject property, located at 14915 and 14935 Olympic Drive, Units A & B2 further described as Assessor Parcel Number 039-550-45 and 039-550-46.; City of Clearlake, County of Lake, State of California ("Site") that is the subject of this agreement; and

WHEREAS, the APPLICANT presently intends to develop and continue an approved Commercial Cannabis Operation *as described above* on the site consistent with the California Cannabis Laws, the City's Municipal Code, and Project Approvals (known as the "Project"); and

WHEREAS, the Planning Commission of the City of Clearlake approved the Use Permits, UP 16-18 (Cultivation) to allow a Commercial Cannabis Operation on November 18th, 2018 and March 9th, 2021;

WHEREAS, the APPLICANT has coordinated with staff and has reviewed the approved project (Use Permit, UP 13-18 and has agreed to adhere to the approved Terms and Conditions as indicated in a letter dated October 16th, 2024 and;

NOW THEREFORE, the City Council of the City of Clearlake does hereby ordain as follows:

SECTION 1. After conducting duly noticed hearings before the City Council on December 5th, 2024, and after independent review and consideration, the City Council approves the execution of the Development Agreement, hereby adopted as Exhibit A to this Ordinance.

SECTION 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. Execution. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this **5th day of December 2024.**

AYES:
NOES:
ABSENT OR NOT VOTING:

City of Clearlake - Mayor

Attest:

City Clerk/Deputy Clerk

RECORDING REQUESTED

BY AND WHEN RECORDED MAIL TO:

City of Clearlake
14050 Olympic Dr.
Attn: City Clerk
Clearlake, CA 95422

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recording Fee Exempt per Government Code §27383

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into **this** day of , **2024** (the "Execution Date"), by and between the **CITY OF CLEARLAKE, a California Municipal Corporation** ("City") and **June Bugzzz** ("Owner"). City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement.

RECITALS

- A. The State of California enacted California Government Code Sections 65864 *et seq.* ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction.
- B. The purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the developer, and to meet certain public purposes of the local government.
- C. Owner currently holds a lease located at 14915 and 14935 Olympic Drive, Units A and B2 City of Clearlake, County of Lake, State of California (the "Site").
- D. Owner intends to operate a cannabis cultivation operation within Unit A & B2 (4,500 Square Fee) commercial facility. All such cannabis facilities shall operate in accordance with the California State Compassionate Use Act (Health & Safety Code § 11362.5) ("CUA"), the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7 *et seq.*) ("MMPA"), and the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General (the "AG Guidelines"), and Senate Bill 94, the Medicinal and Adult Use of Cannabis Regulation and Safety Act ("MAUCRSA"), creating a

unified regulatory structure for adult use and medical cannabis, and all regulations promulgated by the responsible state agencies to implement MAUCRSA (collectively the “California Cannabis Laws”). Prior to operating a cannabis facility, Owner shall be required to obtain use and cannabis business regulatory permits from the City for the cultivation and distribution facility and operations.

- E. Owner intends to obtain a state licenses issued pursuant to MAUCRSA to operate cannabis cultivation and distribution facilities at the Site, once such licenses are issued.
- F. Owners presently intend to develop and open a cannabis cultivation and distribution operation on the Site consistent with the California Cannabis Laws and Project Approvals. (known as the “Project”).
- G. Owner is the transferee of certain discretionary and regulatory permits previously issued by the City in connection with the approved use of the Site for cannabis cultivation and distribution operations ("Transferred Permits"). The transfer of the Transferred Permits to Owner is subject to the terms and conditions set forth therein and does not involve any expansion or modification of the approved use contained in said permits. Owner has reviewed and hereby accepts all conditions and requirements of the Transferred Permits, as evidenced by Owner's execution of the Acceptance of Permit Conditions Letter,
- H. The Project will maintain inventory of cannabis and cannabis products under the California Cannabis Laws.
- I. The City adopted Ordinance No’s. 200-2017 and 201-2017 permitting Cannabis Delivery Only Dispensaries and Cannabis Businesses (as those terms are defined in the applicable city ordinances) in strict compliance with the applicable California Cannabis Laws regulating delivery only dispensaries and cannabis cultivation, manufacturing, processing, and distribution under certain conditions and provisions.
- J. City and Owner have agreed that, as a condition of allowing the Project, as defined herein, and due to the unique circumstances of the proposed Project, Owner shall pay to the City a semi-annual production fee based on the Gross Receipts of its Project operations pursuant to the terms of Section 4.3 of this Agreement (the “Production Fee”), and an annual Facility Fee, as hereinafter defined, which fees shall abate if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.
- K. All procedures of the California Environmental Quality Act (“CEQA”), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied as the project is categorically exempt under CEQA guidelines sec.15301, for modification of existing facilities.
- L. City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in City’s General Plan, zoning code and municipal ordinances.

- M. City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner has represented to City that it would not consider or engage in the Project absent City approving this Agreement; *i.e.*, assuring Owner that it will enjoy the development rights. Furthermore, the City agrees to provide reasonable assistance (*i.e.*, verifying information to the State) to the Owner in obtaining necessary permits and approvals required for the Project from other governmental agencies. However, the principle responsibility for obtaining the necessary permits rests with the Owner.
- N. The City agrees that Owner’s land use entitlements for the Project shall vest for the term of this Agreement as described below.
- O. After conducting a duly noticed hearing on November 20th, 2018 and on March 9th, 2021, in conjunction with certain amendments and additions to the City’s Municipal Code, the Planning Commission of the City reviewed, considered and approved the Project and recommended approval of the execution of this Agreement to the City Council. The Planning Commission found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized zoning code; is in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City.
- P. After conducting a duly noticed hearing **December 5th, 2024** in conjunction with amendments and additions to the City’s Municipal Code creating an allowable use, appropriate zoning, and comprehensive regulations for the proposed use, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the zoning code; is in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Clearlake and its residents.
- Q. The applicants have reviewed the approved Use Permits and signed a letter with the City dated January 13th, 2024 agreeing to adhere to the Terms and Conditions of Approval of said Use Permits, a copy of which is attached hereto as Exhibit D (the “Owner Letter”).

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

AGREEMENT

1. Binding Effect of Agreement. The Parties agree that the Recitals above are true and correct and intend to be bound by same; the Parties further agree to the incorporation by reference herein of said Recitals, together with all definitions provided and exhibits referenced therein. This Agreement pertains to the Site as described in **Exhibit A (Legal Description)** and shown in **Exhibit B (Site Map)** and incorporates by reference all Development Approvals approved by the City for the Site. The burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide continued notice thereof, the Parties will record this Agreement with the Lake County Recorder. The word “Owner” as previously defined and used herein shall include successor owners, apart from government or quasi-public agencies, of any portion of the Site. Should the size or orientation of any Site component specified above be changed in minor respects, *e.g.*, changed by a lot line adjustment, this Agreement shall not thereby be deemed to have been affected or invalidated, but the rights and obligations of the Parties and their successors shall remain as provided herein.

2. Relationship of the Parties. It is hereby specifically understood and acknowledged that the Project is a private project and that neither City nor Owners will be deemed to be the agent of the other for any purpose whatsoever. City and Owners hereby renounce the existence of any form of joint venture or partnership between or among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owners joint ventures or partners.

3. Term. Except as otherwise specified herein, the term of this Agreement (the “Term”) is three years from the date the Owner begins commercial operation at the Project Site (“Operation Date”). The Operation Date shall be no later than 12 months following the Execution Date, however the agreement may be extended an additional 6 months with the administrative approval of the City. The Term shall generally be subject to earlier termination or extension as hereinafter provided.

3.1 Term Extension – Third Party Issues. Notwithstanding the Parties’ expectation that there will be no limit or moratorium upon the Project’s development or the issuance of building or other development related permits (a “Development Limitation”) during the Term, the Parties understand and agree that various third parties may take action causing a *de facto* Development Limitation. Consequently, the Term shall be extended for any delay arising from or related to any of the potential Development Limitations that follow in the subsections below for a time equal to the duration of that delay occurring during the Term. No Development Limitation may arise or result from an action or omission by Owner.

3.1.1 Litigation. Any third party-initiated litigation that arises from or is related to any City action or omission with respect to this Agreement or any subsequent City approval required in connection with the Project’s development, or third party-initiated litigation having

the actual effect of delaying the Project’s development. This extension period related hereto shall include any time during which appeals may be filed or are pending.

3.1.2 Government Agencies. Any delay arising from or related to the act(s) or omission(s) any third party governmental agency, quasi-public entity or public utility, and beyond the reasonable control of Owner.

3.1.3 Force Majeure. Any delay resulting from pandemics, epidemics, public health emergencies, quarantines, or government-mandated closures or restrictions on operations, including, without limitation, those related to COVID-19 or similar public health crises, riot, war, acts of terrorism, an event during the Term creating radioactive or toxic/hazardous contamination, a catastrophic earthquake, flood, fire or other physical natural disaster, excluding weather conditions regardless of severity, strikes or industrial disputes at national level effecting development involved personnel not employed by Owner, their subcontractors or suppliers and effecting an essential portion of the Project’s development, excluding any industrial dispute that is specific to development taking place as a part of the Project.

3.2 Term Extensions. The Term of this Agreement will be extended for seven additional years upon a determination of the City Council, by way of resolution of the City Council acted on at a regularly scheduled meeting, that both of the conditions listed in subparts 3.2.1 and 3.2.2 below have been fully satisfied are the Owner is in full compliance.

3.2.1. No Default by Owner. Owner shall not be in default with respect to any provision of this Agreement or any subsequent agreement or understanding between the Parties arising from or related to this Agreement, having received notice from City of said default per this Agreement, or if Owner did in fact default as to this Agreement, upon notice from City, that Owner did cure said default during the period to cure provided herein to City’s satisfaction.

3.2.2 Finding of Community Compatibility. The City Council shall review the operations of Owner prior to granting an extension of the term of this Agreement and make a finding that the Project, notwithstanding that the Project activities may not be in precise technical compliance with the issued regulatory permit and special use permit, continue to be compatible with surrounding land uses and are not detrimental to the public health, safety and general welfare.

3.2.3. Mutual Agreement of Parties. In addition to the process listed above in Section 3 and Section 3.2 of this Agreement, this Agreement’s Term may be extended by mutual agreement of the Parties and formal amendment of this Agreement.

3.3 Termination of Agreement. Upon the termination of this Agreement, either by expiration or otherwise, Owner shall have no right to continue with the Project activities at the Project Site, to the extent permitted by City ordinance, law, or any separate agreement made between the Parties, except as may otherwise be allowed by City ordinance, law or separate development agreement.

4. Defined Terms. As used in this Agreement, the following terms shall have the meanings hereinafter set forth:

4.1. Certified Report. “Certified Report” shall mean a detailed document prepared by Owner on a form acceptable to the City’s Director of Finance to report to the City the gross receipts of the Project’s operations and sales, as defined herein, in the Project during each semi-annual period starting January 1 and July 1 of each calendar year. Each Certified Report shall be certified as true and correct by a duly-authorized officer of Owner.

4.2. Development Approvals. “Development Approvals” means the land use entitlements approved by the City for the development of site improvements and buildings on the Site which define the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

4.3. Production Fee. “Production Fee” shall mean a semi-annual fee remitted to the City by Owner based on the Gross Receipts of its Project operations, as defined below, Owner shall pay a Production Fee in the amount of 3% of gross sales from operations. The Production Fee will be temporarily reduced to 1% first year for the first three years after the Operation Date. After three years, the gross sales percentage will be re-evaluated. With mutual agreement of the parties, the Production Fee structure may be amended within the Term of the agreement. The Production Fee will be reduced by the equivalent tax amount if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.

4.3.1. The Production Fee will be due no later than July 30th for the preceding period of January 1st through June 30th and no later than January 31st for the preceding period of July 1st through December 31st. A late fee of 5% of the amount due shall be added to any payment 30 days past due.

4.4. Certification of Non-Income Tax Exemption. Owner certifies that Owner is not income tax exempt under State or Federal Law and that Owner will not file for such an exemption from the Internal Revenue Service or the Franchise Tax Board.

4.5. Facility Fee. The Facility Fee shall mean an annual fee remitted to the City by Owner in the amount of \$2 per gross square foot of the entire Project facility. The Facility Fee shall be paid annually, starting July 1st of each year. A late fee of 5% of the amount due shall be added to any payment 5 days past due. Fees later than 30 days past due will constitute a breach subject to Section 20 of this agreement.

4.6. “Land Use Regulations” shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land, including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Project. “Land Use Regulations” do not include any City ordinance, resolution, code, rule, regulation or official policy governing:

4.6.1. The conduct or taxation of businesses, professions, and occupations applicable to all businesses, professions, and occupations in the City;

4.6.2. Other than as provided in this Agreement, taxes and assessments of general application upon all residents of the City, provided that the taxes and assessments are not imposed for the purpose of taxing the right, power or privilege of developing or improving land (e.g., excise tax) or to directly finance the acquisition or dedication of open space or any other public improvement in respect of which the Developer is paying any fee or providing any improvement pursuant to this Agreement;

4.6.3. The control and abatement of nuisances;

4.6.4. The granting of encroachment permits and the conveyance of rights and interests which provides for the use of, access to or the entry upon public property, as may be approved by mutual agreement between Developer and City; and

4.6.5. The exercise of the power of eminent domain.

4.7. “Existing Land Use Regulations” means all Land Use Regulations in effect as of the approval date of this Agreement, including the Project Approvals.

4.8. “Gross Receipts” means wholesale or retail sales of cannabis products by Owner to third parties.

5. Fee Payments by Owner. In consideration of City’s entering into this Agreement and authorizing the development and operation of the Project, the requirements for City services created by the Project, the City insuring Owner’s compliance with this Agreement, California Cannabis Laws and the City’s municipal ordinances, throughout the Term of this Agreement, Owner shall make the following payments to City:

5.1. Production Fee Payments by Owner. Semi-annual payments of the Production Fee by Owner to the City as specified in Section 7 herein. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement, but the Production Fee under this Agreement shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.2. Facility Fee Payments by Owner. Annual payments of the Facility Fee by Owner to the City. The obligations of Owner under this Section shall survive the expiration or any earlier termination of this Agreement, but the Facility Fee shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.3. Sales Tax Point of Sale. Owner agrees that Clearlake will be designated as the point of sale for all operations, as allowed by law.

6. Community Participation. Owner agrees to participate in the community as a good corporate citizen, and to the extent feasible, sponsor events and organizations that improve the community.

6.1. Clearlake Chamber of Commerce. Owner agrees to immediately apply for membership in the Clear Lake Chamber of Commerce and, if accepted, maintain an annual membership in good standing.

7. Payment Procedures. The following payment procedures shall apply during the operation of the Project:

7.1. Remittance of Production Fee/Certified Reports. Within thirty (30) calendar days following the end of each semi-annual period during the Term of this Agreement, Owner shall submit the Certified Report to the City's Finance Director and a payment for the Production Fee for that Operational Period as identified in the Certified Report. Owner shall pay Production Fees to the City on a semi-annual basis without exception. Any material misstatement or misrepresentation in the Certified Report and any failure to pay Production Fees when due shall constitute events of default by Owner subject to the default provisions of this Agreement.

7.2. Maintenance of Records. Owner shall maintain complete records of their operations to substantiate and document the content of each Certified Report. Such records shall include, without limitation, invoices and payments taken by Owner. Owner shall maintain such records in a form and location reasonably accessible to the City, following reasonable notice to Owner and/or any operator, for a period of at least five (5) calendar years following Owner's submission of the Certified Report to which the records apply.

7.3. Audit. Within ninety (90) calendar days following the end of each semi-annual payment term, the City may conduct an audit or arrange for a third-party independent audit, at the City's expense, unless the audit reveals that the Owner has underpaid the Production Fee, of Owner records regarding Certified Reports and the Production Fees. The City's Finance Director shall provide at least fourteen (14) business days written notice of the commencement of such audit to Owner, and shall reasonably attempt to schedule the audit so as to reduce the impact on Tenants' operations as much as is feasible. Owner shall cooperate with the City in completing the audit. If the audit reveals that Owner has underpaid the Production Fee, Owner shall pay such underpaid amounts to the City within thirty (30) calendar days of receipt of written notice from the City's Director of Finance. In case of an underpayment, the Owner may be liable for costs of the audit, including city staff time and outside consultants, but such costs shall not exceed 10% of the underpaid amount. If the audit reveals that the Owner has overpaid any amount of the Production Fee, City shall provide written notification to Owner and shall credit such amount against Owner's subsequent semi-annual payment of Production Fees.

8. Covenants of Owner. During the Term of this Agreement, Owner hereby covenants and agrees with the City as follows:

8.1. Implementation. Owner shall use commercial reasonable efforts to pursue the implementation of the Project as expeditiously as feasible, in the form approved by the City, subject to all applicable laws, this Agreement, the Project Approvals and the Municipal Code.

8.2. Enhanced Design Requirement. Owner shall submit a design plan for the building and site, for review and approval by the Planning Director, which shall incorporate at a minimum fencing and landscaping improvements that meet or exceed the standards set forth in applicable City ordinances and the Community Character and Design Policies in the City's General Plan.

8.3. Maintain & Operate Project. Owner shall maintain and operate the Project

on the Site throughout the Term of this Agreement, in accordance with the Project Approvals and all City, and State laws.

8.4. Hold Harmless. Owner shall defend (with counsel reasonably acceptable to City), indemnify and hold City and its councilpersons, officers, attorneys, agents, contractors, and employees (collectively, the "Indemnified Parties") harmless from and against all losses, costs and expenses (including, without limitation, reasonable attorneys' fees and costs), damages, claims and liabilities arising out of or in connection with the negligence or willful misconduct of the Owner, their members, officers, employees, agents, contractors, invitees and any third parties on the Site, from and against any challenges to the validity of this Agreement or other Project Approvals. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement.

9. Covenants of City. During the Term of this Agreement, City hereby covenants and agrees with Owner as follows:

9.1. Expeditious Services. City shall process applications and address questions and concerns raised by Owner representatives at the "counter" at City Hall as expeditiously as reasonably possible. Upon Owner's request, or if, in an exercise of City's own discretion, City staff determines that it cannot comply with this section, City shall expeditiously engage the services of private contract planners, plan checkers or inspectors ("Private Contractors") to perform such services as may be necessary to assist in processing the project plans as described herein. Compensation of such Private Contractors shall be at Owner's sole cost and expense, inclusive of any administrative cost to City of integrating services by Private Contractors into the project's development processing. Owner shall pay such costs and expenses of Private Contractors via reimbursement to City, per City's applicable policies and procedures. City shall have absolute discretion in the selection of such Private Contractors.

9.2. Vested Rights. During the Term of this Agreement, Owner shall have the vested right and entitlement to develop and operate the Project in accordance with the Existing Land Use Ordinances, in addition to any Cannabis Cultivation and/or Distribution Operating Standards adopted by the City Council, which may be amended at the City's discretion. Parties acknowledge that neither the City nor the Owner can at this time predict when or the rate at which or the order in which parts of the Project will be developed. Owner shall have the vested right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the exercise of its business judgment, provided that Owner is in compliance with the Project Approvals.

9.3. Building Permits and Other Approvals and Permits. Subject to (a) Owner's compliance with this Agreement, the Project Approvals the Existing Land Use Ordinances, the Building Ordinances, and Operating Standards; and (b)

payment of the usual and customary fees and charges of general application charged for the processing of such applications, permits and certificates and for any utility connection, or similar fees and charges of general application, the City shall process and issue to Owner promptly upon application therefore all necessary use permits, building permits, occupancy certificates, regulatory permits, licenses and other required permits for the construction, use and occupancy of the Project, or any portion thereof, as applied for, including connection to all utility systems under the City's jurisdiction and control (to the extent that such connections are physically feasible and that such utility systems are capable of adequately servicing the Project).

9.4 Procedures and Standards. The standards for granting or withholding permits or approvals required hereunder in connection with the development of the Project shall be governed as provided herein by the standards, terms and conditions of this Agreement and the Project Approvals, and to the extent not inconsistent therewith, the Existing Land Use Ordinances, but the procedures for processing applications for such permits or approvals (including the usual and customary fees of general application charged for such processing) shall be governed by such ordinances and regulations as may then be applicable.

10. Effect of Agreement.

10.1 Grant of Right. This Agreement shall constitute a part of the Enacting Ordinance, as if incorporated by reference therein in full. The Parties acknowledge that this Agreement grants to Owner the right and entitlement to develop the Project and use the land pursuant to specified and known criteria and rules as set forth in the Project Approvals and Existing Land Use Ordinances, and to grant the City and the residents of the City certain benefits which they otherwise would not receive.

10.2 Binding on City/Vested Right of Owner. This Agreement shall be binding upon the City and its successors in accordance with and subject to its terms and conditions notwithstanding any subsequent action of the City, whether taken by ordinance or resolution of the City Council, by referendum, initiative, or otherwise. The Parties acknowledge and agree that by entering into this Agreement and relying thereupon, the Owner has obtained, subject to the terms and conditions of this Agreement, a vested right to proceed with its development of the Project as set forth in the Project Approvals and the Existing Land Use Ordinances, and the timing provisions of Section 3, and the City has entered into this in order to secure the public benefits conferred upon it hereunder which are essential to alleviate current and potential problems in the City and to protect the public health, safety and welfare of the City and its residents, and this Agreement is an essential element in the achievement of those goals.

10.3 Future Conflicting Local Laws. If any City law, including ordinances, resolutions, rules, regulations, standards, policies, conditions and specifications (collectively "City Laws") are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any proposed initiative or referendum, which City Law would conflict with this Agreement, such City Law shall not apply to the Project Site or Project, unless Elite CA Enterprises chooses to opt-in to the application of such law. The Parties, however, acknowledge that the City's approval of this Agreement and the City Approvals are legislative actions subject to referendum.

10.3.1 Without limiting the generality of the foregoing, no moratorium or other limitation whether relating to the rate, timing, phasing or sequencing of development affecting subdivision maps, building permits, or other Subsequent Approvals shall apply to the Project. Owner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or to impose any other limitation that may affect the Project. In the event of such actions by another public agency, the City agrees to assist the Owner in liaising with the relevant agency to resolve the issue.

11. Specific Criteria Applicable to Development of the Project.

11.1 Applicable Ordinances. Except as set forth in the Project Approvals and subject to the provisions of Section 10.2 below, the Existing Land Use Ordinances shall govern the development of the Site hereunder and the granting or withholding of all permits or approvals required to develop the Site; provided, however, that (a) Owner shall be subject to all changes in processing, inspection and plan-check fees and charges imposed by City in connection with the processing of applications for development and construction upon the Site, provided that such fees and charges are not increased by more than a reasonable percentage annually and are not imposed solely with respect to the Project Site, (b) Owner shall abide by the Building Ordinances in effect at the time of such applications, (c) Development Impact Fees to be paid by Owner shall be those in effect at the time permits are issued subject to those fees, and (d) development shall be consistent with current Operating Standards.

11.2 Amendment to Applicable Ordinances. Any change to the Existing Land Use Ordinances that conflicts with the Project Approvals shall nonetheless apply to the Project, if, and only if (i) it is consented to in writing by Owner in Owner's sole and absolute discretion; (ii) it is determined by City and evidenced through findings adopted by the City Council that the change or provision is urgently required in order to prevent a condition dangerous to the public health or safety, and such determination has been communicated to the Owner in writing; (iii) it is required by changes in State or Federal law; (iv) it consists of changes in, or new fees permitted by, Section 4.1; or (v) it is otherwise expressly permitted by this Agreement.

The Parties anticipate that the City shall subsequently adopt Operating Standards that govern this type of use, which Regulations, and any amendments thereto, shall apply to the Project.

11.3 Applicability of Zoning Amendments. In the event that the City zoning ordinance is amended by the City in a manner which provides more favorable site development standards for the Project Site or any part thereof than those in effect as of the Effective Date, Owner shall have the right to notify the City in writing of its desire to be subject to all or any such new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council, such new standards shall become applicable to the Project. Should City thereafter amend such new standards, upon the effective date of such amendment, the original new standards shall continue to apply to the Project as provided above, but Owner may notify City in writing of its desire to be subject to all or any such amended new standards and City shall agree in the manner above provided to apply such amended new standards to the Project.

12. Permitted Delays; Supersedure by Subsequent Laws.

12.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Owner and City shall be excused from performance of their obligations hereunder during any period of delay caused by pandemics, epidemics, public health emergencies, quarantines, or government-mandated closures or restrictions on operations, including, without limitation, those related to COVID-19 or similar public health crises, acts of mother nature, civil commotion, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, any referendum elections held on the Enacting Ordinance, or the Land Use Ordinances, or any other ordinance effecting the Project or the approvals, permits or other entitlements related thereto, or restrictions imposed or mandated by governmental or quasi-governmental entities, enactment of conflicting provisions of the Constitution or laws of the United States of America or the State of California or any codes, statutes, regulations or executive mandates promulgated thereunder (collectively, "Laws"), orders of courts of competent jurisdiction, or any other cause similar or dissimilar to the foregoing beyond the reasonable control of City or Owner, as applicable. Each Party shall promptly notify the other Party of any delay hereunder within a period of 14 days after the same has been ascertained. The time of performance of such obligations shall be extended by the period of any delay hereunder.

12.2 Supersedure of Subsequent Laws or Judicial Action.

12.2.1 The provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with any new Law or

decision issued by a court of competent jurisdiction (a "Decision"), enacted or made after the Effective Date which prevents or precludes compliance with one or more provisions of this Agreement. Promptly after enactment of any such new Law, or issuance of such Decision, the Parties shall meet and confer within 30 days in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. In addition, Owner and City shall have the right to challenge the new Law or the Decision preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended, in accordance with Section 2.1 above, for a period of time equal to the length of time the challenge was pursued, to extent such challenge delayed the implementation of the project.

13. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Owner finds it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney and the Owner shall mutually agree, upon consultation, whether a requested clarification may be effectuated pursuant to this Section or whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any operating Memoranda hereunder without further City Council action.

14. CEQA. All procedures of the California Environmental Quality Act ("CEQA"), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied based on the Project being categorically exempt.

15. Building Permits. Nothing set forth herein shall impair and/or interfere with the right of City to require building permits and plans for the construction, additions/alterations, modifications, improvements, demolishing and/or any other improvements as required by law relating to any specific improvements pursuant to the applicable provisions of the City's Municipal Code, inclusive of such the California and International Standards/Codes as have been adopted in accord therewith, that are in effect at the time such permits are applied for; provided, however, no such permit processing shall authorize or permit City to impose any condition on

and/or withhold approval of any proposed improvement the result of which would be inconsistent with this Agreement.

16. Assignment and Transfer of Rights. Except as otherwise provided in this Section, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants that run with the Site. Owner, for itself, its heirs, distributes, executors, administrators, legal representatives, successors and assigns, shall not, at any time during the Term, assign, convey, lease, sell or otherwise transfer all or any portion of its rights under this Agreement (“Assignable Rights”) to a third party, a subordinate entity, or a related entity (make an “Assignment”) without the prior written consent of City in each instance, which consent shall not be unreasonably withheld. Any assignment in violation of this Section will be void. No permitted assignee of this Agreement may further assign this Agreement without City’s prior written consent.

17. Review for Compliance.

17.1 Periodic Review. Pursuant to CGC §65865.1, City shall engage in an annual review this Agreement, on or before the anniversary of the date of execution, in order to ascertain Owner’s good faith compliance with its terms (the “Periodic Review”). In the event City fails to formally conduct such annual review, Owner shall be deemed to be in full compliance with the Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties or in the manner provided in CGC §65865.1 or CGC §65868 and subsection 3.2 above.

18.1 Provide Notice. Provide the other Party with written notice of such State or Federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

18.2 Meet and Confer. Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or suspend this Agreement to comply with such applicable Federal or State law or regulation. If the Parties cannot agree on a manner or method to comply with such Federal or State law or regulation, the Parties may, but shall not be required to, engage in alternative dispute resolution.

19. Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing [such as Federal Express or UPS]), sent by telecopier or facsimile (“Fax”) machine capable of confirming transmission and receipt, or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to City: City of Clearlake
14050 Olympic Drive
Clearlake CA 95422
Attention: City Manager

With copy to: Jones Mayer, City Attorney

6349 Auburn Blvd
Citrus Heights, CA 95621
Attention: Dean Pucci

If to Owner: June Bugzzz
Attn: Markeis Reed
14915 and 14935 Olympic Drive; Units A & B2
Clearlake, CA 95422

Notices sent in accordance with this Section shall be deemed delivered upon the: **(a)** date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); **(b)** date of actual receipt (if personally delivered by other means); **(c)** date of transmission (if sent by email or telecopier, so long as sender receives actual confirmation that the transmission was received); or **(d)** date of delivery as indicated on the return receipt (if sent by certified or registered mail, return receipt requested). Notice of change of address shall be given by written notice in the manner detailed in this Section.

20. Breach and Remedies. Notwithstanding any provision of this Agreement to the contrary, Owner shall not be deemed to be in default under this Agreement with respect to any obligation owed solely to City, and City may not terminate or modify Owner's rights under this Agreement, unless City shall have first delivered a written notice of any alleged default to Owner that specifies the nature of such default. If such default is not cured by Owner within sixty (60) days after receipt of such notice of default, or with respect to defaults that cannot be cured within such period, Owner fails to commence to cure the default within thirty (30) days after receipt of the notice of default, or thereafter fails to diligently pursue the cure of such default, City may terminate Owner's rights under this Agreement, provided that Owner has been given an opportunity to dispute the alleged default. Default by any Assignee or Owner's successor in interest shall affect only that portion of the Site owned by such Assignee or successor, and shall not cancel or diminish in any way Owner's rights with respect to any portion of the Site not owned by such Assignee or successor. In the event that a breach of this Agreement occurs, irreparable harm is likely to occur to the non-breaching Party and damages will be an inadequate remedy. To the extent permitted by law, therefore, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement and not by a claim or action for monetary damages.

21. Entire Agreement. This Agreement and the Exhibits herein contain the entire integrated agreement among the Parties. The Parties intend that this Agreement state their agreement in full to each and every one of its provisions. Any prior agreements, understandings, promises, negotiations or representations respecting the matters dealt with herein or the duties of any Party in relation thereto, not expressly set forth in this Agreement, are agreed by all Parties to be null and void.

22. Severability. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any Party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Attorneys' Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action. Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same instrument.

25. Execution of Agreement. The Parties shall sign this Agreement on or within five (5) business days of approval.

26. Authority to Execute. All persons executing this Agreement on behalf of a party warrant that they have the authority to execute this Agreement on behalf of that party.

27. Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: **(a)** certifying that this Agreement is unmodified and in full force

and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); and **(b)** acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed. Any such statement may be relied upon by any prospective purchaser or encumbrancer of all or any portion of the Site. Upon Owner's written request, City shall issue a certificate of performance evidencing completion of any of Owner's obligation(s) under this Agreement.

28. Encumbrances on Real Property.

28.1 Discretion to Encumber. The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the Site or any portion thereof or any improvements thereon then owned by such person with any mortgage, deed of trust or other security device ("Mortgage") securing financing with respect to the Site or such portion. City acknowledges that the lenders providing such financing may require certain modifications, and City agrees, upon request, from time to time, to meet with Owner and/or representatives of such lenders to negotiate in good faith any such request for modification. City further agrees that it will not unreasonably withhold its consent to any such requested modification. Any mortgagee or trust deed beneficiary of the Site or any portion thereof or any improvements thereon and its successors and assigns ("Mortgagee") shall be entitled to the following rights and privileges.

28.2 Lender Requested Modification/Interpretation. City acknowledges that the lenders providing financing to Owner may request certain interpretations and modifications of this Agreement. City therefore agrees upon request, from time to time, to meet with the Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement, provided, further, that any modifications of this Agreement are subject to the provisions of this Agreement relative to modifications or amendments.

28.3 Mortgage Protection. This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Site or any portion thereof by a Mortgagee (whether pursuant to a Mortgage, foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise) shall be subject to all of the terms and conditions of this Agreement.

28.4 Mortgagee Not Obligated. Notwithstanding the provisions of Section 26.2, no Mortgagee will have any obligation or duty under this Agreement to perform the obligations of Owner or other affirmative covenants of Owner hereunder, or to guarantee such performance, except that to the extent that Mortgagee opts to receive the benefits of the Agreement, including the right to operate, any covenant to be performed by Owner is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder. No Mortgagee will be liable for any monetary defaults arising

prior to its acquisition of title to the Site or any portion thereof. Uncured monetary defaults will give rise to a right for the City to terminate the Agreement and Mortgagee’s right to operate, provided that the City has given written notice to the Mortgagee and the Mortgagee has been given a reasonable opportunity to cure the default.

28.5 Written Notice of Default. Each Mortgagee shall be entitled to receive written notice from City of any default by Owner under this Agreement, if such default is not cured within thirty (30) days, provided such Mortgagee has delivered a written request to City for such notice. Each Mortgagee shall have a further right, but not the obligation, to cure such default for a period of thirty (30) days after receipt of such notice of default. Any non-curable defaults of Owner of any obligation owed solely to City arising prior to Mortgagee’s acquisition of title to the Site or any portion thereof shall be waived; provided, however, the non-payment of money shall not be deemed a non-curable default.

29. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties to this Agreement and, subject to City’s written consent, their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

30. Governing Law and Venue. This Agreement and the legal relations between the Parties shall be governed by and construed in accordance with the laws of the State of California. Furthermore, the Parties agree to venue in the Superior Court of Lake County, California.

31. Mutual Covenants. The covenants contained herein, including those contained in the Recitals herein, are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

32. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement (“Successors”). Furthermore, the rights and remedies, together with the benefits and burdens of this Agreement of each Party to this Agreement shall be coextensive with those of its Successors. All provisions of this Agreement shall be enforceable as equitable servitude's and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Site: (a) is for the benefit of and is a burden upon every portion of the Site; (b) runs with the Site and each portion thereof; and, (c) is binding upon each Party and each Successor during ownership of the Site or any portion thereof. From and after recordation of this Agreement, the Agreement shall impute notice to all persons and entities in accord with the recording laws of this State.

33. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their Successors and Assignees. No other person or entity shall have any right of action based upon any provision of this Agreement.

34. Waiver. Failure by a Party to insist upon the strict performance of any of this Agreement's provisions by the other party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

35. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element, with the understanding that any delays caused by factors beyond the control of the Parties, such as force majeure events, shall not be considered a breach of this Agreement.

36. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Government Code Section 65868.5.

37. Headings. The headings in this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

38. Independent Legal Counsel. Each party acknowledges that it has been represented by independent legal counsel of its own choice throughout all of the negotiations that preceded the execution of this Agreement or has knowingly and voluntarily declined to consult legal counsel, and that each Party has executed this Agreement with the consent and on the advice of such independent legal counsel.

39. Further Cooperation. The parties herein agree to execute any and all agreements, documents or instruments as may be reasonably necessary in order to fully effectuate the agreements and covenants of the Parties contained in this Agreement, or to evidence this Agreement as a matter of public record, if required to fulfill the purposes of this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this Agreement.

40. Enforceability. This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been fully executed by and delivered to all of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Execution Date.

“CITY”

CITY OF CLEARLAKE, CA a California
Municipal Corporation

Date: _____, 2024

By: _____

Mayor

Attest:

By: _____

City Clerk

Approved as to form:

Jones Mayer

By: _____

Dean Pucci

City Attorney

Steven Guy Malone

“OWNER”

By: _____

Date: _____, 2024

Markeis Reed - June Bugzzz

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LAKE

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

EXHIBIT A - LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CLEARLAKE, COUNTY OF LAKE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT ONE:

All that portion of the Northeast quarter of the Southeast quarter of Section 21, Township 13 North, Range 7 West, M.D.M., and being a part of that certain tract conveyed by Frank J. Palo, et ux., to Ralph E. Scheibly, et ux., by Deed dated June 6, 1957, of record in the office of the County Recorder of said Lake County, in Book 278 of Official Records at page 258, described as follows:

BEGINNING at a 5/8 inch iron rod tagged L.S. 2581 at the Northeast corner of that certain tract conveyed by George Bruley, et ux., to Dolores H. Smyser by Deed dated June 13, 1944, of record in Book 160 of Official Records of Lake County at page 398, and which iron rod is South 01° 52' 55" West (South) 40.00 feet from a point that is North 89° 19' 45" West, (West) 488.05 feet from the East corner of said Section 21, said rod being also on the South line of the County Road from Austin's Beach to Burns Valley and running thence, along the East line of lands so conveyed by Smyser, South 02° 23' 34" West (South 01° 24' West) 357.00 feet; thence South 89° 19' 45" East, 109.38 feet; thence North 01° 42' 52" East, 356.90 feet to a point that is South 89° 19' 45" East of the point of beginning; and thence North 89° 19' 45" West, 105.15 feet to the point of beginning.

Bearing based on California State Coordinate System, Zone 2.
Calls in parentheses (—) are record.

TRACT TWO:

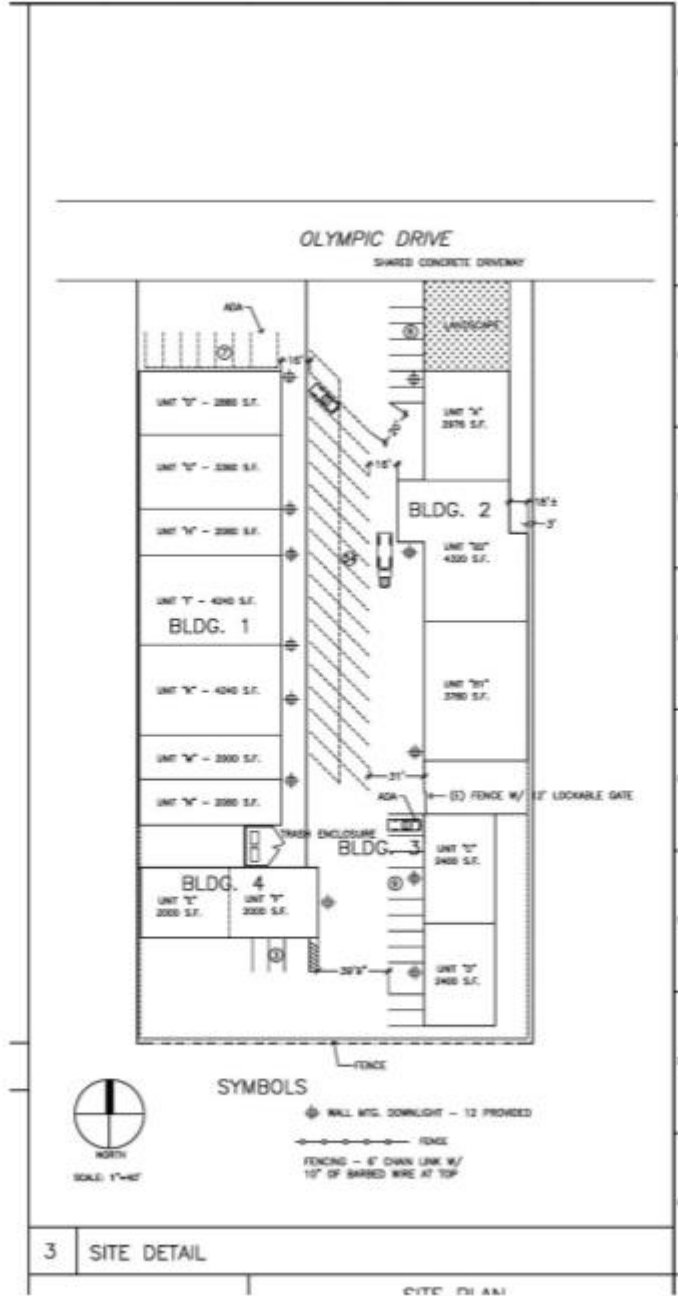
COMMENCING at a point on the West line of the State Highway leading from Lower Lake to Clearlake Oaks, where the same is intersected by the South line of the County Road leading to Austin's, said point being within the Northeast one quarter of the Southeast one quarter of Section 21, Township 13 North, Range 7 West, M.D.M., due West of a point that is 40.00 feet South of the one quarter section corner on the East line of said Section 21, and running thence West, along the South line of said road, 488.05 feet to the true point of beginning of the herein described parcel and the Northeast of that certain tract as conveyed by George Bruley, et ux., to Dolores M. Smyser, by Deed dated June 13, 1944 of record in Book 160 of Official Records of Lake County at page 398; thence from said point of beginning along the East line of said lands so conveyed by Smyser, South 02° 23' 34" West (recorded South 01° 24' West), 432.81 feet (recorded as 435.06 feet) to a 5/8 inch iron rod being on the North line of that tract as conveyed by George Bruley, et ux., to M.L. Page, et ux., by Deed dated October 23, 1944, of record in Book 161 of Official Records of Lake County at page 27; thence East, along the North line of said lands so conveyed to Page, 220.40 feet (recorded 234.05 feet) to a point that is due South of the Southwest corner of that certain tract conveyed by George Bruley, et ux., to M.L. Page by Deed dated August 5, 1944, of record in Book 156 of Official Records of Lake County at page 449; thence North 93.47 feet (recorded 93.60 feet) to the Southwest corner of said tract so conveyed to Page on August 5, 1944; thence continuing North 342.00 feet more or less to a 5/8 inch iron rod on the South line of the County Road; thence North 89° 19' 45" West and along the South line of said County Road, 210.30 feet (recorded 234.05 feet) to the point of beginning.

EXCEPTING THEREFROM all that portion thereof more particularly described as follows:

BEGINNING at a 5/8 inch iron rod tagged L.S. 2581 at the Northeast corner of that certain Tract conveyed by George Bruley, et ux., to Dolores M. Smyser by Deed dated June 13, 1944, of record in said Recorder's Office in Book 160 of Official Records at page 398, and which iron rod is South 01° 52' 55" West (South) 40.00 feet from a point that is North 89° 19' 45" West, (West) 488.05 feet from the East corner of said Section 21, said rod being also on the South line of the County Road from Austin's Beach to Burns Valley and running thence along the East line of lands so conveyed to Smyser South 02° 23' 34" West (South 01° 24' West) 357.00 feet; thence South 89° 19' 45" East, 109.38 feet; thence North 01° 42' 52" East, 356.90 feet to a point that is South 89° 19' 45" East of the point of beginning; thence North 89° 19' 45" West, 105.15 feet to the point of beginning.

EXHIBIT A – SITE PLAN AND INTERNAL LAYOUT

SITE PLAN:



FLOOR PLAN

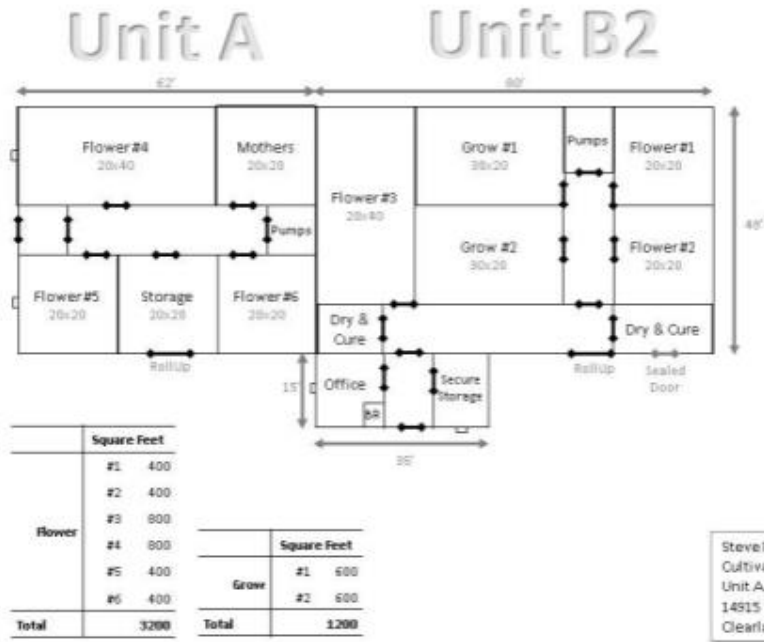


EXHIBIT C – LEASE AGREEMENT

EXHIBIT D – OWNER/OPERATOR LETTER

DocuSign Envelope ID: B1AA97D0-C7BF-4598-8497-391B0F95210D

October 16, 2024

To City of Clearlake,

I have read, understand and agree to the approved terms and conditions of approval for units A and B2 for cannabis cultivation use permit 16-18.

I understand that the next step is to enter and execute a development agreement with the city prior operation, including securing business licenses and state permits.

Thank you,

Markeis Reed

June Bugzzz
14915 Olympic Drive
Unit A & B2
Clearlake, CA 95422

markeisreed@gmail.com
707-287-1207

DocuSigned by
Markeis Reed
931609559E743D

CITY OF CLEARLAKE

www.clearlake.ca.us



AGENDA

REGULAR MEETING OF THE
CLEARLAKE PLANNING COMMISSIONCLEARLAKE CITY HALL COUNCIL CHAMBERS
14050 OLYMPIC DRIVE
CLEARLAKE, CA 95422

TUESDAY	March 9, 2021	6:00 P.M.
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On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Planning Commissioners to attend Planning Commission meetings telephonically. Please be advised that some, or all, of the Clearlake Planning Commissioners may attend this meeting telephonically.

Furthermore, on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which waives the mandate of public, in-person accessibility to public meetings provided there are other means for the public to participate. **Effective immediately** and continuing only during the period in which state or local public health officials have imposed or recommended social distancing measures, the Clearlake Planning Commission meetings will be viewable only via livestreaming.

Balancing the health risks associated with COVID-19, while appreciating the public's right to conduct the people's business in a transparent and open manner, the City wants you to know that you can submit your comments and questions in writing for Planning Commission consideration by sending them to the Assistant Planner at sgutierrez@clearlake.ca.us. To give the Planning Commission adequate time to review, please submit your written comments prior to 6:00 p.m. on Tuesday, March 9th.

This meeting, and any future meetings while under a declared emergency, **will not** be viewable in person. You may view the meeting live on YouTube at the City of Clearlake's YouTube Channel (https://www.youtube.com/channel/UCTyifT_nKS-3woxEu1ilBXA) or **Lake County PEG TV Live Stream** YouTube Channel, and you may participate through Zoom <https://clearlakeca.zoom.us/j/95699275174>

CALL TO ORDER

ROLL CALL

_____ Chair Kathryn Davis
 _____ Vice Chair Robert Coker
 _____ Commissioner Lisa Wilson
 _____ Commissioner Erin McCarrick
 _____ Commissioner Fawn Williams

PLEDGE OF ALLEGIANCE

MEETING PROCEDURES

During the March 9th, 2021 Planning Commission meeting, public comment will be accepted via email. If you would like to comment remotely, please follow the protocols

below:

- Send comments via email to the Assistant Planner at sgutierrez@clearlake.ca.us prior to the commencement of the Planning Commission meeting.
- Identify the subject you wish to comment on in your email’s subject line.
- Each Public Comment emailed to the Assistant Planner will be read aloud by the Chair or a member of staff for up to three minutes or will be displayed on a screen.
- Public Comment emails received after the beginning of the meeting will not be included in the record.
- Any live comments will be accepted throughout the meeting via Zoom. Staff requests that commenters please utilize Zoom’s “hand raise” feature to signify when they would like to speak.

ADOPTION OF THE AGENDA

Notice to the Public

The Planning Commission, when considering the matter scheduled for hearing, will take the following actions:

1. Open the Public Hearing
2. Presentations by Staff
3. Presentation by Applicant or Appellant (if applicable)
4. Accept Public Testimony
5. Applicant or Appellant Rebuttal Period (if applicable)
6. Close the Public Hearing
7. Commissioner Comments and Questions
8. Commissioner Action

Once the hearing is closed, no further public comment will be taken.

If you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you, or someone else, raised orally at the public hearing or in written correspondence received by the city at or before the public hearing.

Public hearings listed for continuance will be continued as noted and posting of this agenda serves as notice of continuance. Any matter not noted for continuance will be posted separately.

PUBLIC HEARING:

1. Conditional Use Permit Applications UP 06-20 Cannabis Cultivation, 07-20 Manufacturing, 08-20 Distribution, 09-20 Nursery, and 10-20 Retail delivery

Recommendation: Adopt PC Resolution 2021-04 approving the above Use Permit Applications, reaccommodating the existing commercial cannabis operation and allowing cultivation, manufacturing, distribution, nursery, and retail delivery to span both parcels of Olympic Plaza, and finding the project exempt from environmental

review (Section 15301. Existing Facilities – Class 1).

2. Development Agreement DA 2021-01 for commercial cannabis within an existing building. Subject use permit is contingent upon City Council approval of the development agreement.

Recommendation: Approve PC Resolution 2021-05 recommending approval of the Development Agreement to the City Council.

CITY MANAGER AND COMMISSIONER REPORTS

FUTURE AGENDA ITEMS

ADJOURNMENT

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, City Clerk, at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext. 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

AGENDA REPORTS

Staff reports for each agenda item are available for review at www.clearlake.ca.us.

Any writings or documents pertaining to an open session item provided to a majority of the Planning Commission less than 72 hours prior to the meeting, shall be made available for public inspection on the City’s website at www.clearlake.ca.us.

POSTED: March 5, 2021



Melissa Swanson, City Clerk



**STAFF REPORT
CLEARLAKE PLANNING COMMISSION
For the Meeting of March 9, 2021**

Agenda Item No. 1

To: City of Clearlake Planning Commission
From: Mark Roberts, Senior Planner & Susanna Gutierrez
Application File: Conditional Use Permit UP 06-20, 07-20, 08-20, 09-20 & 10-20
Development Agreement 2021-01
Subject: 1. Use permit for Commercial Cannabis operation in existing buildings;
cultivation, manufacturing, distribution, nursery, and retail delivery.
2. Development Agreement for commercial cannabis within an existing
building. Subject use permit is contingent upon City Council approval of
the development agreement

Data Summary

Location: 14935 & 14915 Olympic Drive, units A, B-2, O, G, H, I, K, M & N
Assessor’s Parcel: 039-550-450-000; 039-550-460-000
Applicant: Chandra Martinez
Zoning: Designation: GC, General Commercial
General Plan: Commercial

I. Recommendations:

1. Adopt PC Resolution 2021-04* approving the above Use Permit Applications, reaccommodating the existing commercial cannabis operation and allowing cultivation, manufacturing, distribution, nursery, and retail delivery to span both parcels of Olympic Plaza, and finding the project exempt from environmental review (Section 15301 Existing Facilities – Class 1).
2. Approve PC Resolution 2021-05† recommending approval of the Development Agreement DA 2021-01 to the City Council.

* Attachment 5

† Attachment 6

II. Background/Situation:

- The applicant, Chandra Martinez, is looking to expand their current use permit (UP 16-18) at 14935 Olympic Drive (Olympic Plaza) allowing cannabis cultivation in order to modify the existing site plan and to allow manufacturing, distribution, nursery, and retail delivery spanning both parcels (039-550-450-000; 039-550-460-000).
- This site has gone through multiple public hearings for cannabis use permit applications in recent years (Attachment 1 includes an updated overall layout for review). The units involved in this application previously approved for cannabis operations include:
 - Units A and B2
Applicant: Steven Malone
UP 16-18* *Cultivation*
 - Unit K
Applicant: Brian Galperin (Bliss X)
UP 17-18 *Manufacturing*

Other currently active permits in the plaza (not included in this application):

- Unit B1
Applicant: Gold Country Growers (Bob “Roy” Harris)
UP 10-18 *Distribution*
 - Units C/D and E/F
Applicant: Justin Jones
UP 13-18 *Cultivation*; UP 14-18 *Distribution*
- The parcels (039-550-450-000; 039-550-460-000) are mostly flat, long and rectangular extending about 435 feet from Olympic Drive, each with commercial/industrial corridors with a central parking lot to form what is recognized as “Olympic Plaza.” Owned by Howard Levin, it is located approximately 1.42 miles west of Highway 53 appears compatible with the existing commercial/industrial development surrounding the area. Entry is gained by turning south into the shared parking area (recently restriped) from Olympic Drive. The entire complex consists of four (4) buildings - mostly corrugated metal with concrete slabs - and 14 distinct units, totaling 40,130 square feet.
 - Each of the buildings has external access points. The general public will not be allowed onsite or access to any of the facilities (retail being delivery only). The nearest school and park are 1,000-plus feet away from the site.
 - The applicant’s proposal involves nine (9) of the units, totaling 25,966 square feet. Minor interior and exterior modifications to the units are included and will go through standard building permit review process upon Use Permit approval. No new doors or windows will be closed or created, except where required by the City.

* Later transferred to current applicant Martinez

III. Project Description:

- The City recently adopted regulations addressing commercial cannabis that requires conditional use permits for the following activities:
 1. **Use Permit 06-20 Cannabis Cultivation.** Cultivation: the planting, growing, harvesting, drying, or processing of one or more marijuana plants in any location.
 2. **Use Permit UP 07-20 Manufacturing.** Manufacturing involves the production of tinctures, lotions and edible products, either directly or indirectly or by extraction methods, at a fixed location, and that packages or repackages Cannabis or Cannabis Products or labels or relabels its container.
 3. **Use Permit UP 08-20 Distribution.** Distribution includes procuring Cannabis from permitted Cannabis Cultivation Sites or Cannabis Manufacturers for sale to permitted Cannabis Dispensaries, and the inspection, quality assurance, batch testing by a Type 8 licensee, storage, labeling, packaging and other processes prior to transport to permitted Medical Cannabis Dispensaries.
 4. **Use Permit UP 09-20 Nursery.** Nurseries produce only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of medical cannabis.
 5. **Use Permit 10-20 Retail delivery.** The commercial transfer of cannabis or cannabis products from a licensed or permitted dispensary to a customer. “Delivery” also includes the use by a licensed or permitted dispensary of any technology platform owned or accessed via software license that enables the consumer to arrange for or facilitate the commercial transfer of cannabis by a licensed dispensary or retailer of cannabis or cannabis products.

IV. General Plan, Land Use and Zoning Compliance Consideration:

The site is designated for Commercial land uses in the General Plan, which appears to be consistent with the project.

V. Environmental Determination: Upon review, staff determined the project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities – Class 1) as the project will be operating in an existing permitted facility No expansion of the existing facilities will occur at this time.

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes).”

VI. Zoning Code Compliance:

- Ordinance No. 249-2021 recently amended section 18-43.050 (A) of Chapter 18 of the Municipal Code to re-remove the numerical cap on cannabis businesses located within the boundaries of the Commercial Cannabis Combining District Map.

- Use Consistency with the Zoning Code:
 - The project is located in the GC, General Commercial Zoning District and the CB, Commercial Cannabis Combining District. Surrounding uses are mostly comprised of other commercial operations that exist along both sides of Olympic Drive, but does border some residential development located to the south and west of the business complex which may be of some concern. However, the only residential parcel directly neighboring the site is zoned High Density Residential (HDR), whose 191,664 square feet is mostly vacant with the exception of a 2,100 square foot house and 1,200 square foot garage (demolition permit unfinaled but pulled in January of this year).
 - There are no youth facilities, such as schools or parks located nearby. This use permit process provides the Commission the opportunity to consider any comments raised during the public hearing and consider whether or not the proposed cannabis operation is compatible with the neighborhood.

- The applicant’s business plan as submitted and conditions of approval as adopted shall fulfill all operating requirements* as specified in section 18-43 of the Zoning Code.

VII. Other Project Considerations:

- Regulatory Permitting: In accordance with section 5-25.030 (a) of the Municipal Code, (Police Regulations), a regulatory permit be first approved by the Planning Commission and then issued by the City Manager. This use permit constitutes the regulatory permit from the Planning Commission for approval of a cannabis operation.

- Development Agreement: In accordance with Section 5-25.030 (b) of the Municipal Code, a development agreement for the commercial cannabis operations is required. A development agreement has been prepared which requires separate Planning Commission review and recommendation to the City Council and is subject to review and recommendation to the City Council. The use permit has been conditioned to not be effective until or unless the development agreement has been adopted by the City Council. The applicant concurs with all provisions of the development agreement.

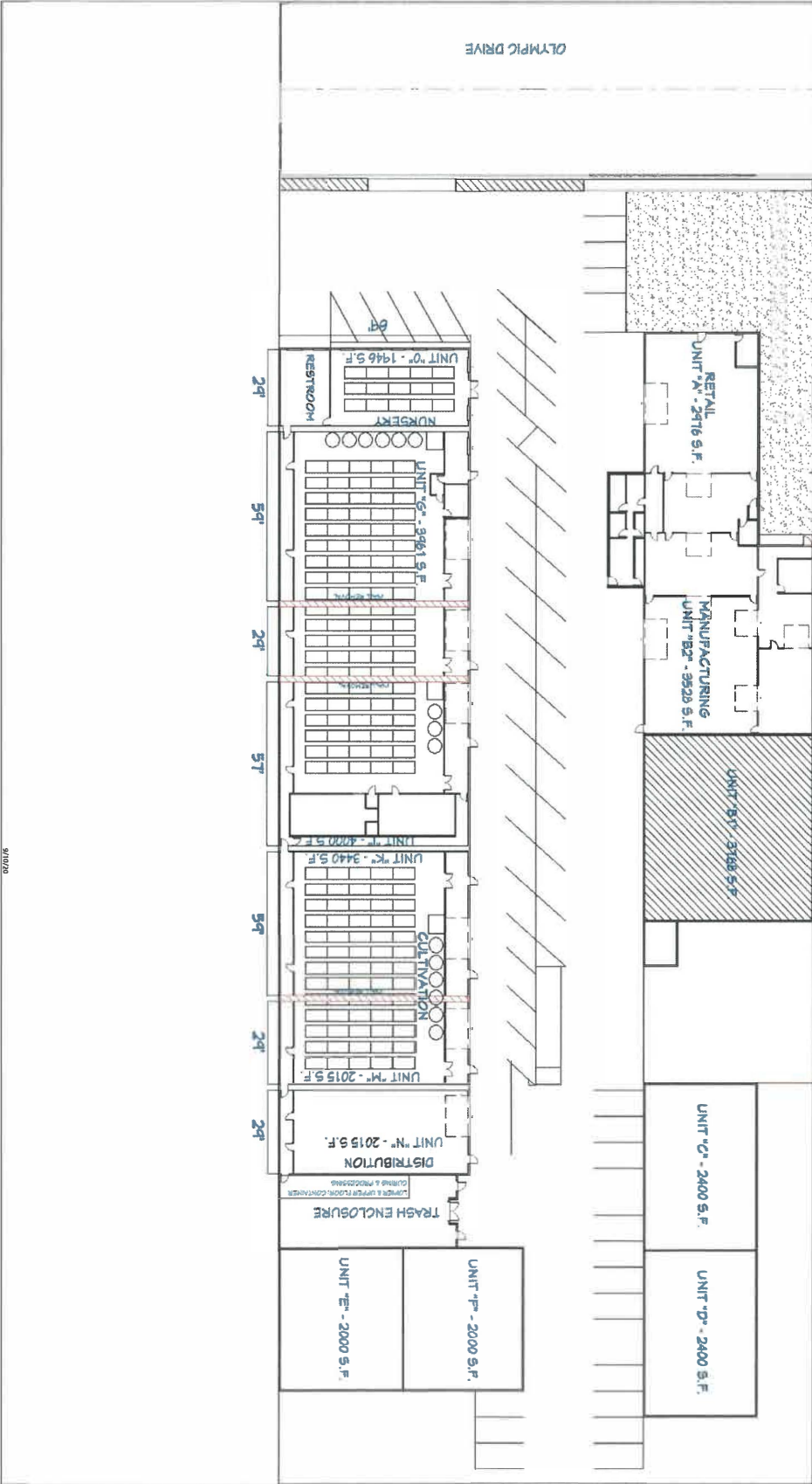
VIII. Alternatives: The Planning Commission should open and close the public hearing, consider the applicant’s, staff’s and public comments and then either approve the project by recommendation/adoption of the attached resolutions or decline and provide alternative direction to staff.

* Attachment 3

Attachments:

- 1. Site Plan
- 2. Operational plan
- 3. Operating Requirements
- 4. Agency Comments
- 5. Resolution No. PC 2021-04
- 6. Resolution No. PC 2021-05

OLYMPIC DRIVE: OVERVIEW



NO.	REVISIONS	DATE	BY
1	ADDED COLORING ZONE EXISTING BLANDS ALLOCATION.		

DRAWN BY: JANKAROBEL
 CHECKED BY: MARTINA
 DATE CREATED: 8/10/20
 DATE ISSUED: 8/10/20
 SCALE: AS SHOWN
 PAGE: 1
 SHEET: 1 OF 1

TENANT IMPROVEMENT FOR:
CMS GROUP, LLC
 14915 OLYMPIC DR,
 CLEARLAKE, CA 95422


 (707) 533-6121 INFO@HTHCONSTRUCTION.COM

COPYRIGHT © 2020
 HTH CONSTRUCTION



Square footage of proposed building: _____

Describe the site plan and floor plan (attach additional page if necessary):

See Attached Plan

Number of Managers/Supervisors: **TBD** Number of employees: **TBD**

Names and addresses of anyone who will act as an owner, manager or supervisor of the facility (attach additional page if necessary):

For right now it is myself _____

Describe proposed business and operations (attach additional page if necessary):

See Attached Plan

Anticipated gross annual revenues:

See Attached Plan

DOCUMENTS TO SUBMIT

Please provide additional information as required in Section 18-12.050, 18-12.060, and Section 5-25 including but not limited to the following:

- { } 1. Two passport quality, current photographs of the applicant.
- { } 2. Copy of birth certificate, passport, or valid California Driver's License (not to include an AB60 federally restricted license).
- { } 3. Sign off by Lake County Fire Protection District permitting the use.
- { } 4. The applicant must complete a criminal history check for the State of California and F.B.I. which is approved by the
Chief of Police or his designee.

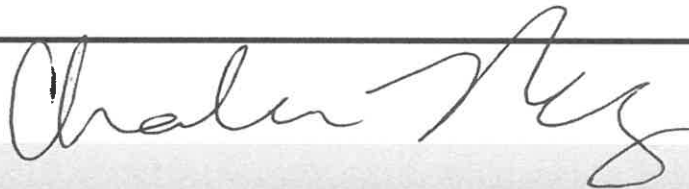
- { } 5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area, drawn to scale.
- { } 6. A site plan drawing depicting the facility and all properties within 600 feet.
- { } 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels.
- { } 8. A detailed security plan.
- { } 9. An odor control plan.
- { } 10. A detailed business plan.
- { } 11. Previous addresses for the past five years.
- { } 12. Property ownership and lease details.

AGREEMENT

APPLICANT'S SIGNATURE (Attach Notarized documents)

I hereby certify that I will abide by the City of Clearlake's Commercial Cannabis Ordinance No. 200-2017 and this agreement and that the information provided in this application is, to my knowledge, true and correct. I hereby authorize City staff, including the police department, authority to conduct a criminal background check pursuant to California Penal Code Section 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the FBI every person listed as an owner manager or supervisor of the marijuana business must submit fingerprints and other information deemed necessary by the City Manager or his designee for a background check by the Clearlake Police Department. I understand that any material misrepresentation may result in either denial or revocation of dispensary permit.

Applicant's Signature:



Date:

FOR OFFICE USE ONLY

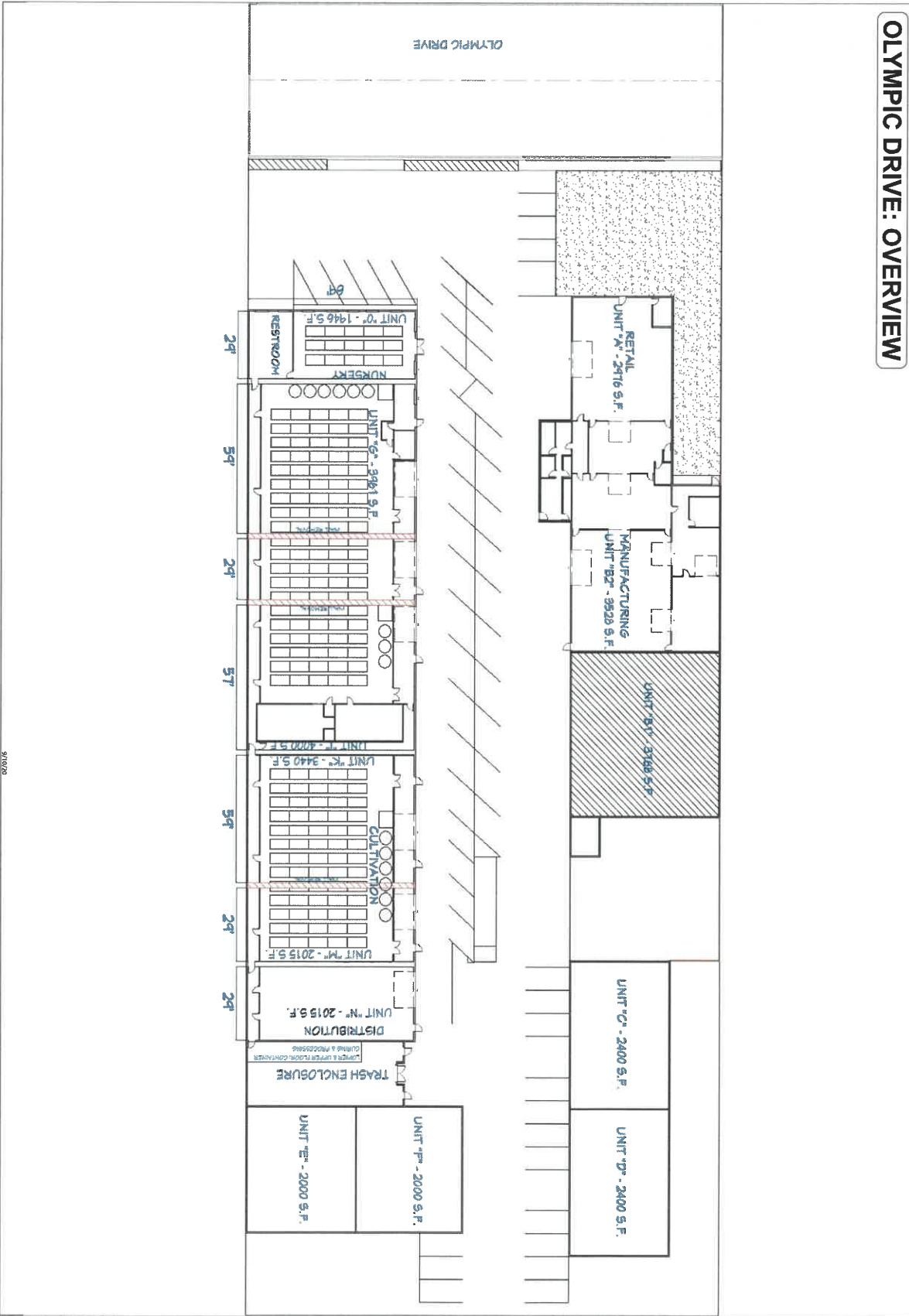
APPROVED BY: _____

DATE: _____

Credit Card Debit Card Money Order Cash Check # _____

5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area, drawn to scale.

Section H, Item 15.



OLYMPIC DRIVE: OVERVIEW

DRAWN BY: JANCORRELL
 CHECKED BY: MARINA
 DATE CREATED: 8/10/20
 DATE ISSUED: 8/10/20
 SCALE: AS SHOWN
 PAGE: 1
 SHEET: 5 OF 5
A0

TENANT IMPROVEMENT FOR:
CMS GROUP, LLC
 14915 OLYMPIC DR,
 CLEARLAKE, CA 95422



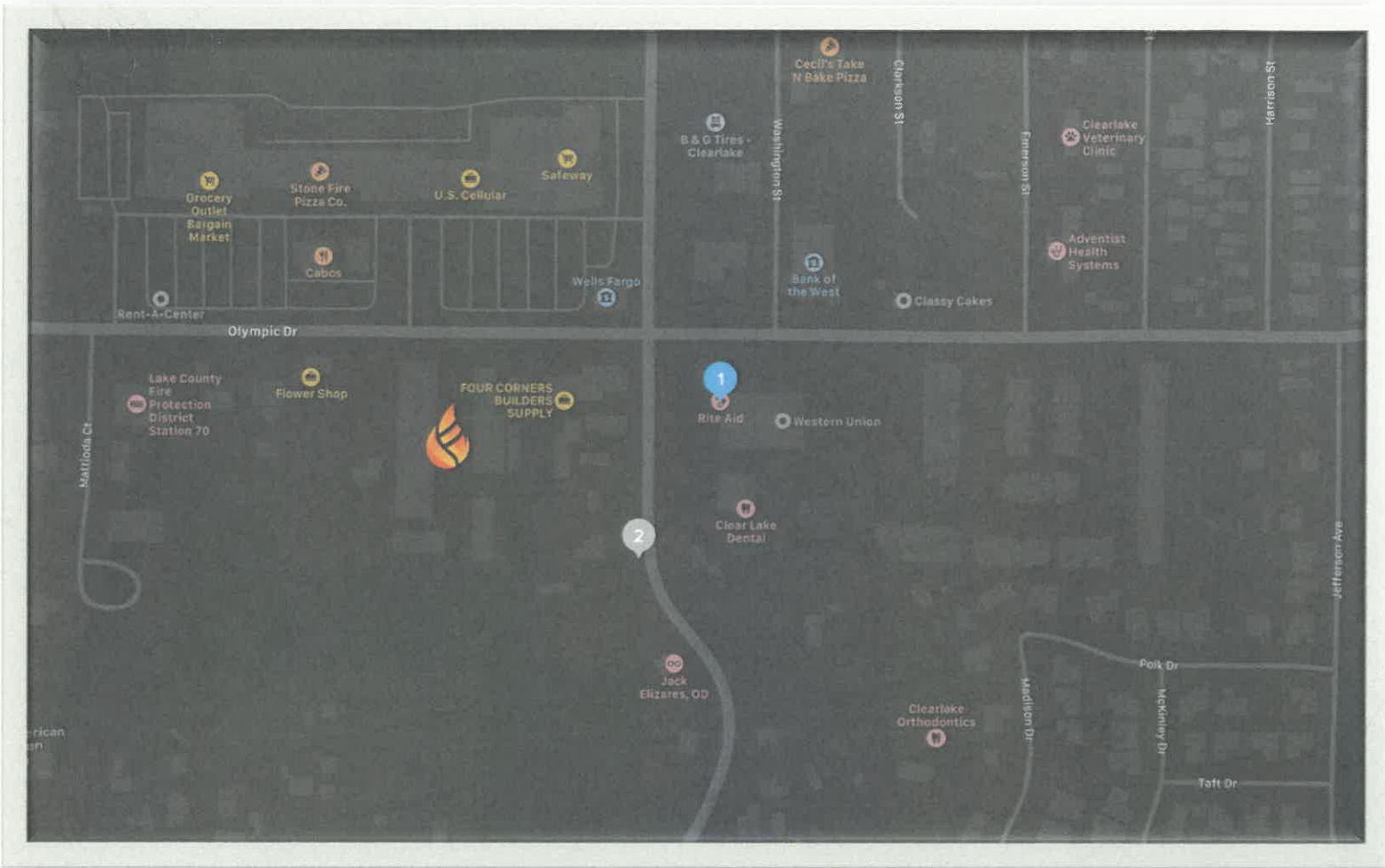
(707) 533-6121 INFO@HTHCONSTRUCTION.COM

#	REVISIONS	DATE	BY
1	ADDED COLORING ZONES, PARKING ISLANDS & LOCATIONS		

COPYRIGHT © 2020
 HTH CONSTRUCTION

{ } 6. A site plan drawing depicting the facility and all properties within

Section H, Item 15.



{ } 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels.

Section H, Item 15.

Please see attached site plans from Ruff and Associates.

8. A detailed security plan.

CANNA SENTRY

CANNA SENTRY provides cannabis related business owners, event promoters, managers and private customers with integrated solutions designed to quickly, efficiently and effectively address any security concerns. The modern world is a frightening place with evolving dangers that pose extremely dangerous security concerns. CANNA SENTRY will address these concerns with customized solutions designed by specialists that represent the best and most up to date talent and technology that can be found in the industry, let alone on the West Coast. CANNA SENTRY provide innovative solutions such as:

- Trained Security – When the cargo or customer needs trained specialists, we're here
- Around the Clock Security – 24/7 security and monitoring
- Commercial & Private Security – Any and all properties of any size
- Event Security – Any size event, from small gatherings to huge, filled arenas.

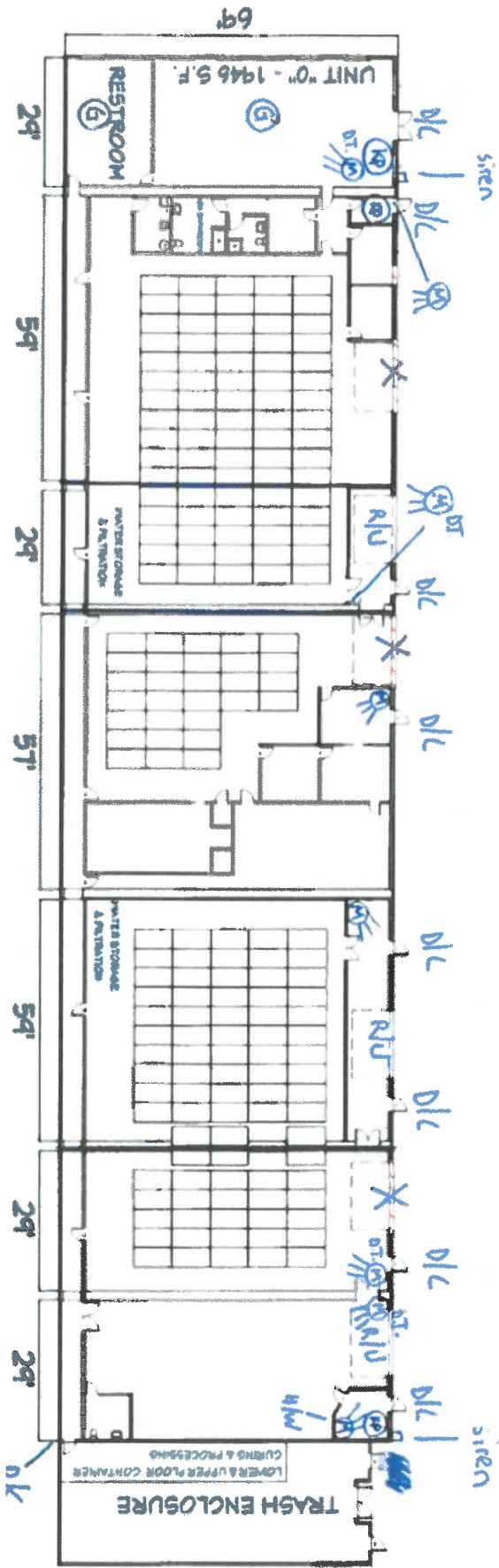
Over twenty plus years of experience providing security guard services in numerous industries have afforded CANNA SENTRY a broad understanding of security that we depend on to develop and refine our internal best practices from lessons learned. We employ that collective knowhow to deliver our clients with security solutions that fit their individual circumstances and needs.

The cannabis industry has its own unique set of challenges that will continue to change over time. We have created The Green Team as a separate division of Security Resources to service this emerging industry.

The Green Team Provides:

- Fully licensed, trained and insured security officers that meets and exceeds all State and Local requirements.
- Weapons training qualification in each of the following areas: weapons and safety, legal limitations of firearm use, marksmanship and range safety and qualifications on the range.
- Customized post orders, policies and procedures.
- On-going training and re-certifications.
- Security officers that are fully trained and qualified on the actual electronic and physical security systems where they are required to work.

While there may be similarities among different security systems, there can be vast differences in how those systems are utilized. Ultimately, their use is governed based upon the unique circumstances in each facility. This is why we require each of our security officers to be trained on the actual equipment that they will use each and every day.



D/LC = door contacts
 R/U = roll-up door contacts
 K/P = keypad
 M = motion sensor
 G = glassbreak detector

**DEEP VALLEY SECURITY**

960 N. State St.
 Ukiah, CA 95482
 Tel: (707)462-5200

Section H, Item 15.

Fax: (707)462-1478

Proposal**Client Information**

FUEGO PREMIUM [BURG]
 14935 OLYMPIC DR STE G-O
 CLEARLAKE CALIFORNIA 95422

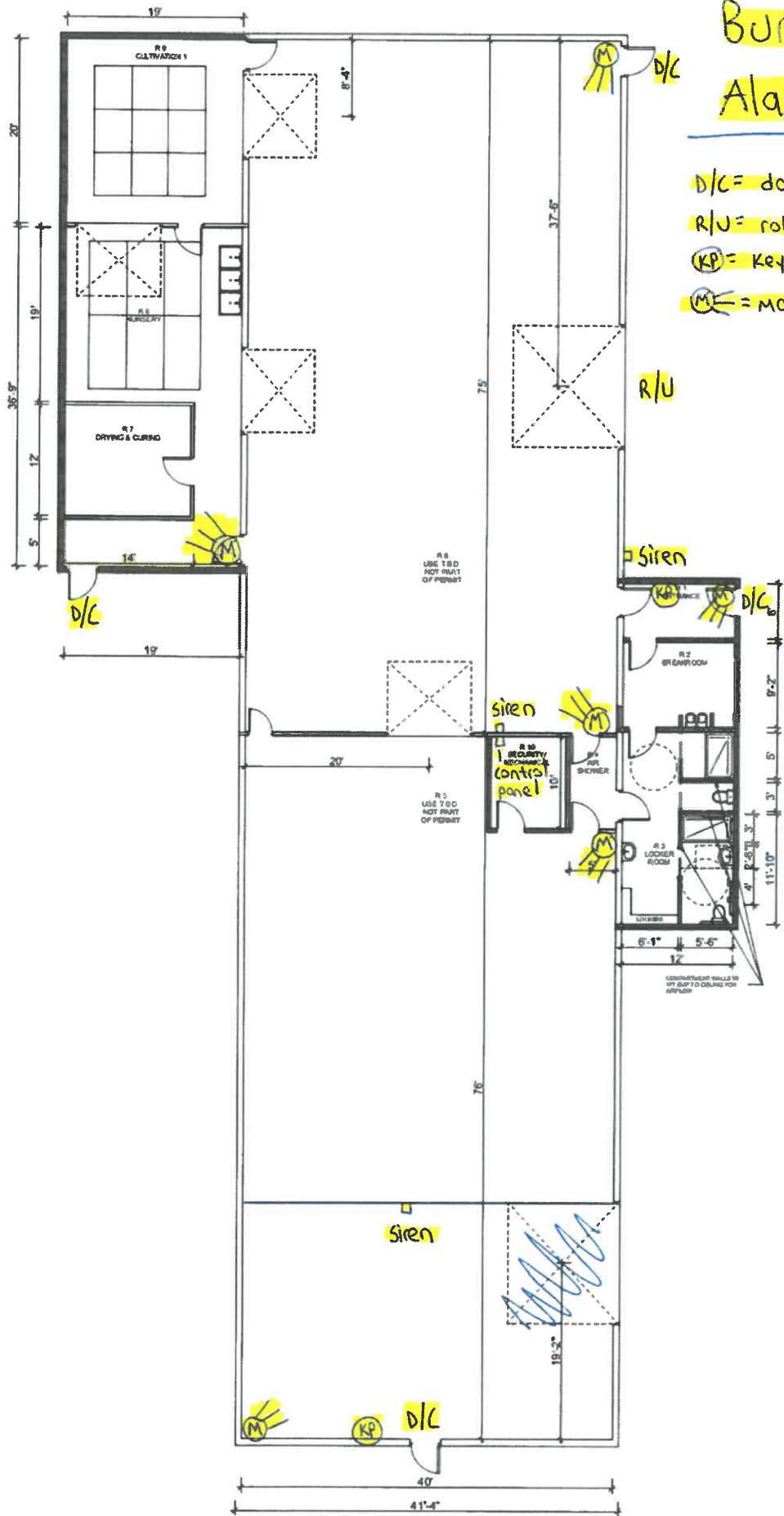
Proposal Number 5665
Date 10/5/2020 **Expires** 11/5/2020
Salesperson JAVIER MORENO

Qty	Description	Unit Price	Labor	Taxes	Total
1	128 ZONE BURG PANEL, KP, H/W MOTION, (3) RECESSED CONTACTS	\$525.00	\$0.00	\$45.94	\$570.94
3	BATTERY-12V, 7AH	\$45.00	\$0.00	\$11.81	\$146.81
7	HONEYWELL H/W RECESSED 3/4" CONTACT WHITE	\$35.00	\$0.00	\$21.44	\$266.44
3	HONEYWELL ROLL UP DOOR CONTACT	\$45.00	\$0.00	\$11.81	\$146.81
12	CONTACT-HONEYWELL WIRELESS DOOR/WINDOW WHITE	\$50.00	\$0.00	\$52.50	\$652.50
2	ALPHA ENGLISH KEYPAD HONEYWELL	\$175.00	\$0.00	\$30.63	\$380.63
1	4G LTE COMMUNICATOR (VERIZON)	\$205.00	\$0.00	\$17.94	\$222.94
3	MOTION-HONEYWELL WIRELESS PASSIVE INFRARED	\$95.00	\$0.00	\$24.94	\$309.94
4	HONEYWELL WIRELESS DUAL-TEC MOTION	\$170.00	\$0.00	\$59.50	\$739.50
2	GLASSBREAK-HONEYWELL WIRELESS	\$105.00	\$0.00	\$18.38	\$228.38
2	OUTDOOR SIREN 120DB W/CLEAR STROBE	\$125.00	\$0.00	\$21.88	\$271.88
1	12/24VDC 4/3AMP POWER SUPPLY	\$225.00	\$0.00	\$19.69	\$244.69
1	ALTRONIX BREAKAWAY RELAY [STOCK]	\$25.00	\$0.00	\$2.19	\$27.19
2	RECEIVER HONEYWELL WIRELESS	\$165.00	\$0.00	\$28.88	\$358.88
2	HONEYWELL 1-BUTTON PANIC	\$65.00	\$0.00	\$11.38	\$141.38
1	MISC LOT OF CONDUIT, BOXES, FITTINGS.	\$275.00	\$0.00	\$24.06	\$299.06
2	18/4 STRANDED WIRE 1000' WHITE	\$265.00	\$0.00	\$46.38	\$576.38
1	LABOR CHARGE	\$2,860.00	\$0.00	\$0.00	\$2,860.00

Sub Total \$7,995.00
Labor \$0.00
Sales Tax \$449.32
Total This Proposal \$8,444.32

Burglary Alarm

- D/C = door contact
- R/U = roll up door contact
- KP = Keypad
- M = Motion sensor



(N) 1st FLOOR PLAN

1/8" =



DEEP VALLEY SECURITY

960 N. State St.

Ukiah, CA 95482

Tel: (707)462-5200

Fax: (707)462-1478

Section H, Item 15.

Proposal

Client Information

FUEGO PREMIUM [BURG]
 14935 OLYMPIC DR STE A-B2
 CLEARLAKE CALIFORNIA 95422

Proposal Number 5572
Date 10/5/2020 Expires 11/5/2020
Salesperson JAVIER MORENO

Qty	Description	Unit Price	Labor	Taxes	Total
1	128 ZONE BURG PANEL, KP, H/W MOTION, (3) RECESSED CONTACTS	\$525.00	\$0.00	\$45.94	\$570.94
3	BATTERY-12V, 7AH	\$45.00	\$0.00	\$11.81	\$146.81
1	ALPHA ENGLISH KEYPAD HONEYWELL	\$175.00	\$0.00	\$15.31	\$190.31
1	4G LTE COMMUNICATOR (VERIZON)	\$205.00	\$0.00	\$17.94	\$222.94
2	HONEYWELL H/W RECESSED 3/4" CONTACT WHITE	\$35.00	\$0.00	\$6.13	\$76.13
1	HONEYWELL ROLL UP DOOR CONTACT	\$45.00	\$0.00	\$3.94	\$48.94
2	MOTION-HONEYWELL WIRELESS PASSIVE INFRARED	\$95.00	\$0.00	\$16.63	\$206.63
4	HONEYWELL WIRELESS DUAL-TEC MOTION	\$170.00	\$0.00	\$59.50	\$739.50
1	12/24VDC 4/3AMP POWER SUPPLY	\$225.00	\$0.00	\$19.69	\$244.69
1	ALTRONIX BREAKAWAY RELAY [STOCK]	\$25.00	\$0.00	\$2.19	\$27.19
1	OUTDOOR SIREN 120DB W/CLEAR STROBE	\$125.00	\$0.00	\$10.94	\$135.94
2	INDOOR DUAL TONE WALL SIREN	\$25.00	\$0.00	\$4.38	\$54.38
2	RECEIVER HONEYWELL WIRELESS	\$165.00	\$0.00	\$28.88	\$358.88
2	HONEYWELL 1-BUTTON PANIC	\$65.00	\$0.00	\$11.38	\$141.38
1	CONDUIT, BOXES, FITTINGS.	\$175.00	\$0.00	\$15.31	\$190.31
1	18/4 STRANDED WIRE 1000' WHITE	\$265.00	\$0.00	\$23.19	\$288.19
8	CONTACT-HONEYWELL WIRELESS DOOR/WINDOW WHITE	\$50.00	\$0.00	\$35.00	\$435.00
1	LABOR CHARGE	\$1,950.00	\$0.00	\$0.00	\$1,950.00

Sub Total \$5,700.00
Labor \$0.00
Sales Tax \$328.13
Total This Proposal \$6,028.13

{ } 9. An odor control plan.

Fuego Premium, LLC

Type 3A Cultivation License

Odor Mitigation Executive Summary

Legal Business Name: Fuego Premium LLC

Application Type: Type 3A Medium Indoor Cultivation License Primary Contact Name: Chandra Martinez
Primary Contact Email: Chandra@fuegothc.com Primary Contact Phone: (707) 533-6121

INTRODUCTION TO FUEGO PREMIUM LLC'S ODOR MITIGATION PLAN

Odor Mitigation Plan Executive Summary

Odor Mitigation

The FUEGO PREMIUM facility will contain a three-phase odor reduction system (beyond Best Practices) to eliminate odor within and around our production facility. Cannabis production is organized into a series of separately sealed zones including but not limited to: vegetative, flowering, trimming, curing, storage, processing, and hallways connecting rooms. Within each zone, a predetermine number of activated carbon filters will circulate and scrub the air at a flow rate calculated to filter all the air in the room every 15 minutes. Each zone will maintain neutral air pressure created by exhausting the air through one point at the same rate fresh air enters the zone. The exhaust from each zone is filtered a second time through an activated carbon filter before entering a sealed ducting system to be transferred to a common air bank. Before exiting the building through a filter system, all exhaust is filtered a third time through a series of activated carbon filtration screens thoroughly reducing odor emission rates. In addition, FUEGO PREMIUM will be adding additional ozonation procedures in the sealed HVAC exhausts to additionally mitigate odor.

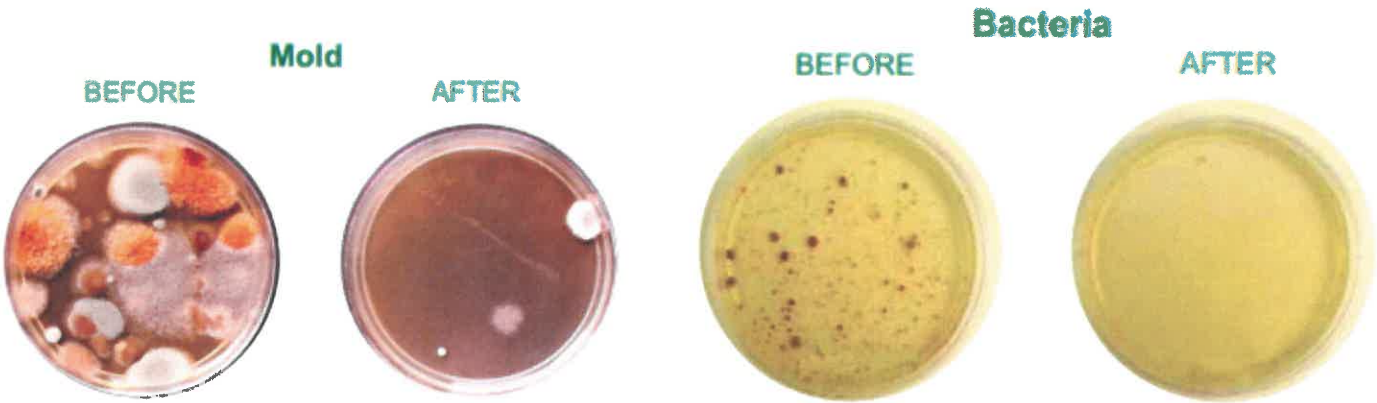
Step 1: Create sealed zones. Step 2: Exhaust system with neutral pressure systems. Step 3: Three phase odor reduction system

1. Air within zone filtered through activated carbon on a constant basis within grow rooms and other areas on a consistent basis to ensure odor control is clean and constantly maintained inside the facility.
2. Air exhausted from rooms filtered through activated carbon, transferred through sealed ducting system.
3. All exhaust is collected in a common air-bank where it is filtered a third time before leaving the building through an engineered filter system

Fuego Premium is committed to cultivating high quality, safe cannabis and has aligned the Company's ODOR MANAGEMENT AND MITIGATION practices to the regulations set forth by the following governing entities and regulatory documents:

- California Bureau of Cannabis Control ("BCC");
- California Business and Professions Code.
- Local municipality requirements for Cannabis Odor Mitigation

Element Air Wall Mount / Dry Trim Air Purification System - 120V Covers Up To 2,500 Cu. Ft.

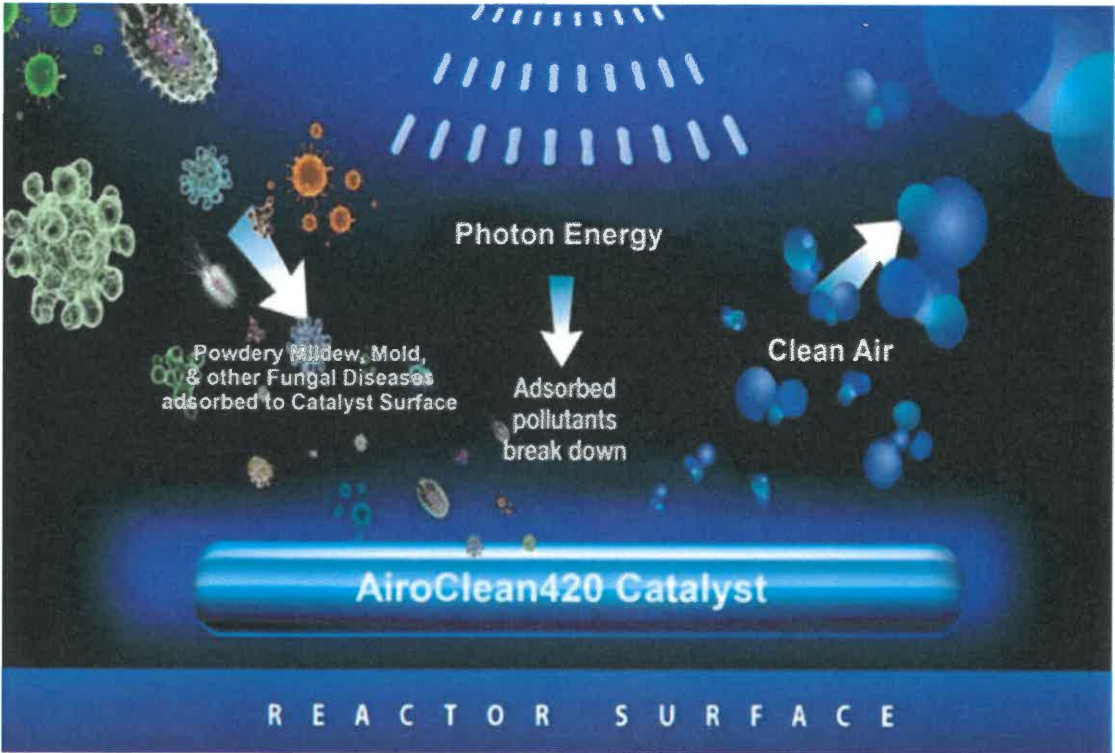


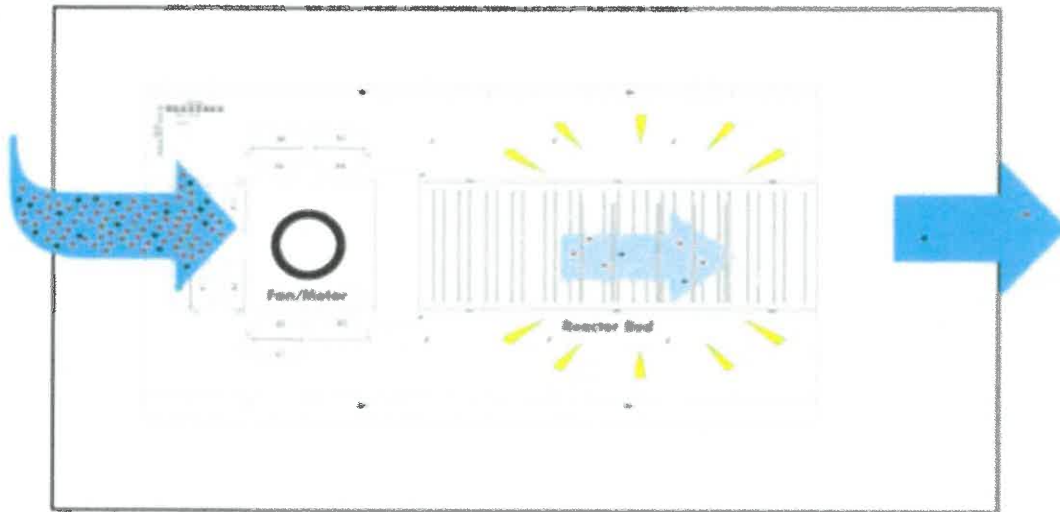
AiroClean420 AIRO-50 - Grow Room Air Sanitation System

A safe alternative for pesticides! The AiroClean 420 processes your contaminated room air and leaves it 99.999987% contaminant free! The AiroClean 420 will effectively eliminate



naturally occurring pest!





Spore and pathogen-filled air enters through the fan and is pushed into the reactor bed. Spores are IMMOBILIZED onto photocatalyst surfaces (and other interior surfaces), are exposed to surface-bound radicals (e.g., hydroxyl radical - OH.) and UVGI.



· Phat Fan - 12 inch 1708 CFM

Section H, Item 15.

12 inch 1708 CFM Inline Fan. Tough, Cool & Efficient. Airtight housing for quiet, high flow mixed flow impeller design, stable mounting bracket, ETL Listed.

The Phat Fan is an inline mixed flow fan capable of medium to high static pressure. This line of fans features aerodynamically optimized airflow, quiet operation, and extremely high efficiency. Airtight housing offers streamlined performance while the sleek design offers quiet operation Mixed flow impeller designed for high-flow operation Extreme motor cooling for improved life performance Super-efficient speed controllable motor to better adapt to individual needs Motor safeguarded with thermal overheat protection Stable mounting bracket offers easy installation High performance operation Energy efficient Thermal overload protection UL recognized components 5-year warranty Voltage 120 Diameter 12in Rated Amperage 4.1 Frequency 60Hz Approx. CFM @ 0.0 SP 1708 Rated Wattage 489 RPM 3374



Can-Lite Carbon Filter 12 inch - 1800 CFM

Section H, Item 15.

Can Lite Carbon Filters use a finer grade carbon so they are lighter and easier to hang from ceilings as part of your ventilation. The Can Lite 12" carbon filter comes with a 12" flange attached to one side of the carbon filter. Use a fan that's approximately 1800 CFM or less with this filter.



ACTIVE CAN-LITE™ FILTER

A better built filter.

10%
More activated carbon per square foot than standard 12" filters.

2"
Thick wall of active carbon provides maximum air flow through standard 12" filters.

51%
Reduced weight allows for easier installation and removal.

2.5"
Standard 12" filter height.

Built-In Flange:
Weight evenly distributed. No top flange.
Convenient 24" installation.
Quick filter change. Standard 12" filter height. No need for special tools or equipment.
Stack to clean up or add ventilation needs.
No need to worry.
Made in the USA with the finest carbon available.

Filter Applications:
- VOC Removal
- Odor Control
- Grease Removal
- Air Purification
- Humidity Control
- Air Drying
- Chemical Removal
- Carbon Adsorption
- Air Filtration
- Air Cleaning

canfilters.com



Uvonair 5000 Plus



{ } 10. A detailed business plan.

Fuego Premium, LLC

Cultivation

Emerald Mountain Factory

Non Volatile Manufacturing

Canna Cudo

Nursery

Emerald Mountain Express

Delivery

Emerald Mountain Supply

Distribution



EXECUTIVE SUMMARY

2 0 2 0

ADVANCED INDOOR CULTIVATION

Transforming single-tiered indoor grows into multi-tier LED vertical farms, with more than doubled production per square foot & reduced land requirements by 50 percent.



cannabis



extracts



merchandise



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MISSION & VALUES

OUR PURPOSE

Our purpose is to restore health to people and the planet through the reconnection of Cannabis & Culinary. We're a purpose-driven company that aims to set the standards of excellence for the caregiver's market initiating a specialization in the production, distribution and sales of cannabis drinks.

Quality is a state of mind at **FUEGO PREMIUM**.

OUR CORE VALUES

These core values are the backbone of our company culture and how we aspire to do business every day – with patients, our supplier partners, our customers, communities and each other.

OUR LEADERSHIP PRINCIPLES

We believe that every team member is a leader who is ultimately responsible for customer happiness. We use our leadership principles every day, whether we're discussing ideas for new projects or deciding on the best approach to solving a problem.

OUR DECLARATION OF INTERDEPENDENCE

We recognize the interdependence among our stakeholders – those who benefit or are impacted by our company. Our success is optimized by a win-win-win-win strategy, and all of our stakeholders benefit simultaneously.

ABOUT FUEGO PREMIUM

FUEGO PREMIUM is a unique shopping & education center that focuses on caregiving, nutritional products & services to treat Physical illness symptoms of greater imbalances that may or may not have physical root causes.

FUEGO PREMIUM focuses on "wholistic" healing that addresses all parts of the individual, not just the physical aspect which is often the most apparent. Holistic healing is not intended to serve as a one-time repair. It is rather an ongoing journey in search of more answers and ultimately it leads to better and healthier life with a constant strive for wholeness.

The focus on quality and customer satisfaction will set new standards and heights of expectations in all aspects of products and services to be provided to its patients and patrons from the shops at FUEGO PREMIUM.





THE CONCEPT

We're on the cusp of a major paradigm shift about how to prevent and treat chronic illness. As holistic-leaning modalities garner respect and reach the masses, medical marijuana gains the same traction as a healing modality.

While the science is advancing along with the ground swell of interest and testimonials from consumers, there remains an educational gap among chronic pain patient practitioners.

Patients statewide are asking questions about the appropriate use of cannabis, yet most health + wellness practitioners are at a loss to provide credible answers.

The search ends! **FUEGO PREMIUM**. provides current, evidence-based cancer co-op cannabis manufacturing services, product services, counselling, spa therapy, education via an engaging series of learning options through its integrated network of shops connected and located within the **FUEGO PREMIUM**.

PHAS E ONE: THE FUEGO PREMIUM BUILDING

FUEGO PREMIUM's team of engineers was assembled to create sustainable growing environments by pairing innovative and energy-efficient design with data driven climate control technologies.

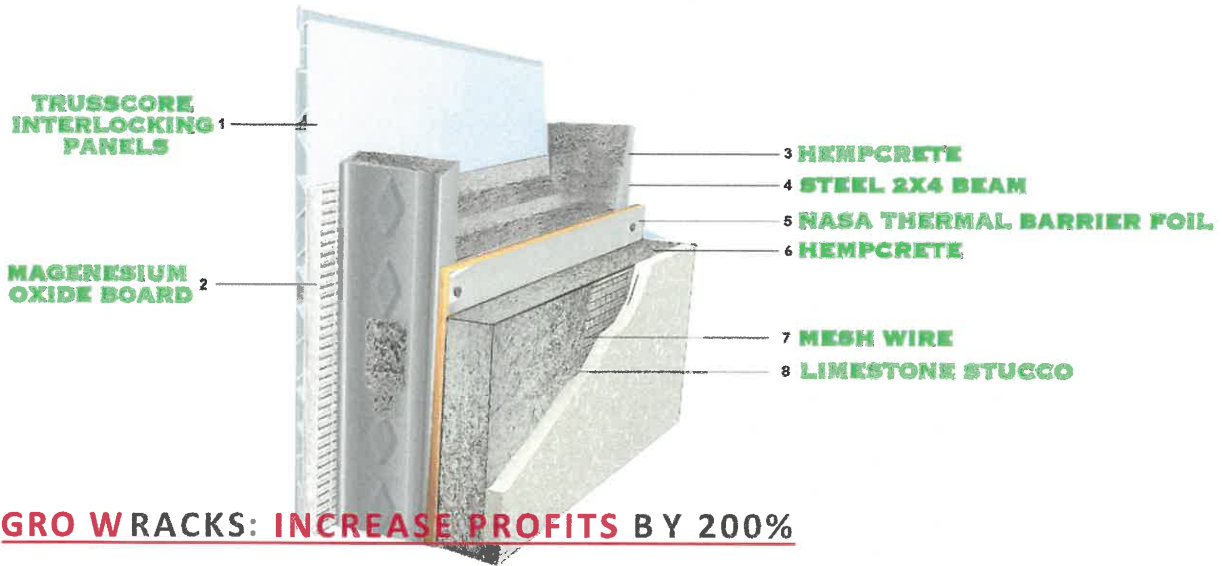
We partner with our technology providers to ensure a flourishing year-round production.

We design our hybrid greenhouses with a more sustainable and greener future in mind. At **FUEGO PREMIUM**, care about our environmental impact and understand that many of our clients do too. That's why our number one priority is creating complete, earth-conscious growing systems that use less energy and even function to create more renewable energy. **FUEGO PREMIUM** team of greenhouse designers and engineers will work to come up with a custom greenhouse solution that has minimal environmental impact without sacrificing yield.

- BUILDING DEMO / BUILDING REMEDIATION
- SECURITY SYSTEMS
- MICROBIAL / FIRE PROOF WALL SYSTEMS
- MODULAR FIRE PROOF WALL SYSTEMS
- GREEN ENERGY BACKUP UPGRADE
- GROW RACK SYSTEMS
- MIXED LIGHTING SYSTEMS
- DYNAGLASS CORRUGATED CEILING & WALL PANELS
- ENERGY SYSTEMS
- GEOTHERMAL AC/HEATING SYSTEMS



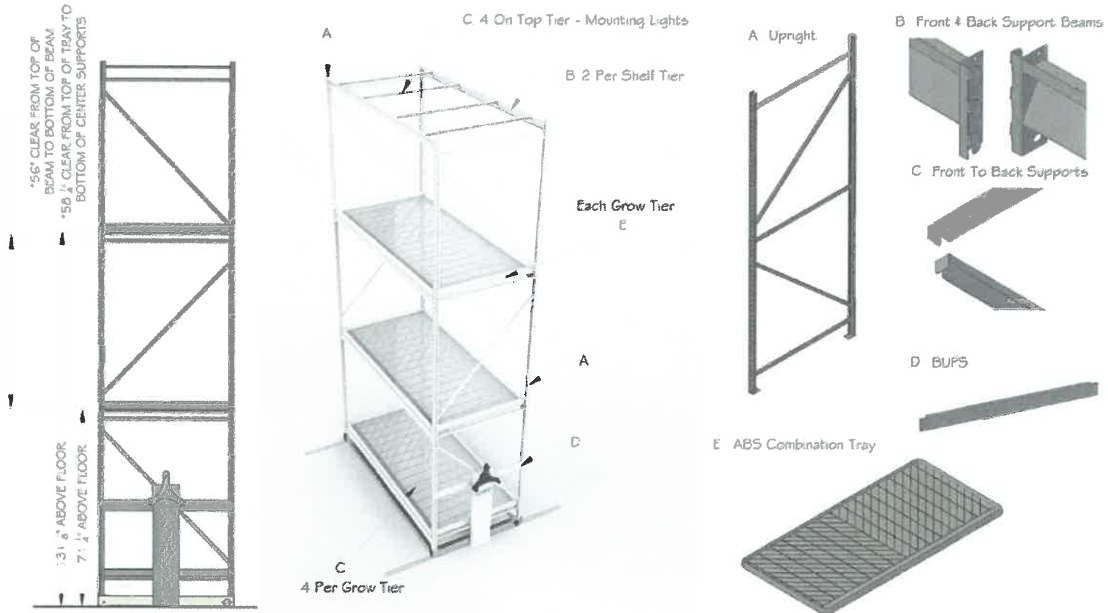
MASTERGRO W WALL: FIREPROOF, MOLDPROOF, BUGPROOF



GRO WRACKS: INCREASE PROFITS BY 200%

Specifications:
 Height: 10'
 Size: 8'x4'
 No. of Grow Levels: 3
 Tray: ABS Combination Tray
 Finish: 420 White with Anti-Fungal and Anti-Microbial Finish

Vertical Grow Rack



THE ABOVE DIMENSIONS AND SPECIFICATIONS AND IDEAS, DESIGN AND ARRANGEMENTS REPRESENTED THEREIN ARE AND SHALL REMAIN THE PROPERTY OF PIPP MOBILE STORAGE SYSTEMS, AND NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN THE CONNECTION WITH ANY WORK OR PROJECT OTHER THAN THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED AND DEVELOPED WITHOUT THE WRITTEN CONSENT OF PIPP MOBILE STORAGE SYSTEMS. VISUAL CONTACT WITH THESE DRAWINGS OR SPECIFICATIONS SHALL CONSTITUTE CONCLUSIVE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. NOTE: THIS DRAWING IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. IF USED FOR CONSTRUCTION, THE CLIENT AND CONTRACTOR ASSUMES ALL RESPONSIBILITY FOR FEDERAL, STATE AND LOCAL CODE COMPLIANCE. ALL DIMENSIONS, PLANS, SPECIFICATIONS ETC. ARE PROVIDED TO OUR CLIENTS BASED UPON INFORMATION PROVIDED BY THE CLIENT AND DRAWN IN ACCORDANCE WITH REQUIREMENTS PROVIDED BY CLIENT. NONE OF THE EMPLOYEES OF PIPP MOBILE ARE REGISTERED ARCHITECTS, ENGINEERS OR LAND SURVEYORS. ALL DIMENSIONS AND SPECIFICATIONS SHOULD BE VERIFIED BY CLIENT AND/OR CONTRACTOR BEFORE ACTUAL CONSTRUCTION BEGINS. IF DIMENSIONS AND SPECIFICATIONS ARE NOT VERIFIED BY CLIENT AND/OR CONTRACTOR FOR CODE COMPLIANCE BEFORE ACTUAL CONSTRUCTION BEGINS, PIPP MOBILE WILL BE HELD HARMLESS. PIPP MOBILE AND ITS AGENTS ASSUME NO LIABILITY FOR FINAL DESIGN, CHANGES AND/OR REVISIONS BASED TO PLANS BY CLIENT AND/OR CONTRACTOR.

ADVANCED LED'S: BY L FLUENCE PART S & PERFORMANCE

ORIGULM® plant grow lighting

3-Channel Spectrum Tuning
Samsung L8351B 660nm
730nm

Integrated Dimming:
85539PCS lights in 2.6KM
to be dimming



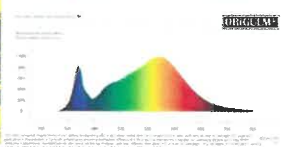
50-277VAC, 3870-4225W input,
48VDC output Safety protection
from water spraying

Simple installation
Each bar applied with a push
lock, for growers' convenience

Spectrum Irradiance Colorimeter

Digital Wi-Fi
Wired Ethernet

3-Channel Spectral Tuning
Integrated Dimming LED System



ORIGULM® plant grow lighting

DIMMING SPECTRAL TUNING



◆ Dimming and Tuning LED system
with 3 channels for any plant type
at any stage of growth, from veg.
to bloom.

By WiFi, PWM, or wired Ethernet



◆ Full spectrum: Samsung 3500K,
4500K + CREE 660nm, 730nm.
240-660W, 48VDC output, 90-480VAC,
1530umol/s, 2.3umol/l

◆ LoRa(Long Range) technology
used for WiFi communication and
computer control to realize to make
control of the lights.

65535ers lights around 2-5KM

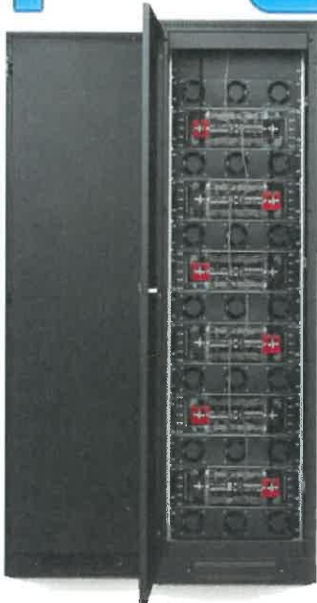


for spec, quotations, samples light,
local sales, warranty, please contact
cabiner@origulm.net

www.origulm.net

ENERGY STORAGE: SUPER CAPACITOR ADVANCEMENTS

ADVANCED OFFGRID POWER 1.2 MEGA WATTS

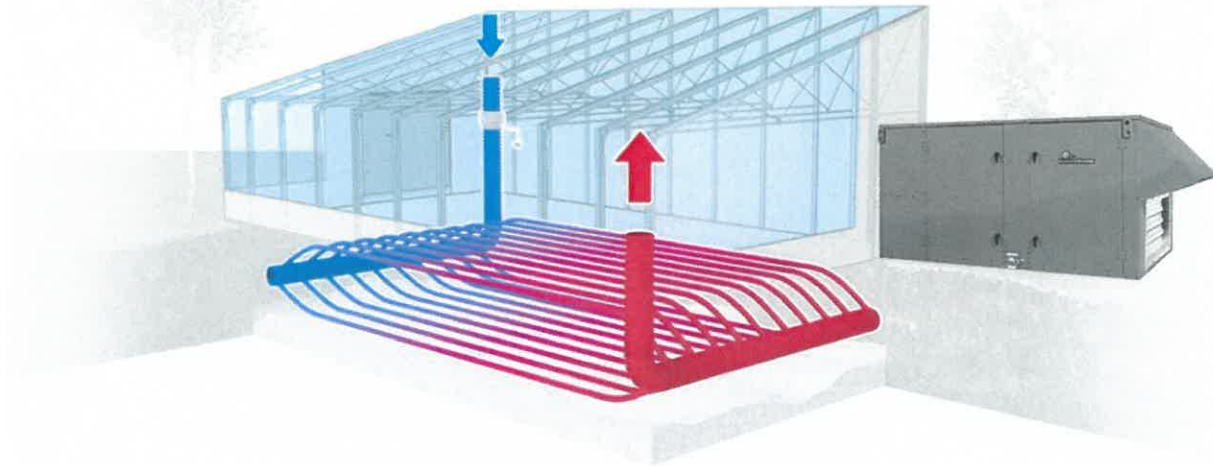


EXAMPLES OF SHELGINO SETUPS				
Max power**	1500 kW	7200 kW	10800 kW	5200 kW
Max current*	3000 A	2900 A	1500 A	1600 A
Nominal power**	380 kW	225 kW	150 kW	75 kW
Nominal current**	1250 A	750 A	500 A	250 A
Nominal voltage	672 V	672 V	672 V	672 V
Efficiency at Max power	74.8 %	81.7 %	88.8 %	92.4 %
Efficiency at nominal power	91.7 %	95.9 %	97.8 %	98.8 %
Modules in series	6	6	6	6
Modules in total	6	6	6	6
Cable in series	216	216	216	216
Cable in total	1296	1296	1296	1296

*Max power and max current are short period peak power and peak current **Nominal power and current are the rated values for the switchgear used in the system

GEOHERMA LAC/ HEATING: GREEN ENVIORNMENTALS

GEOHERMAL AC/HEATING



GEOHERMA LAC/ HEATING: GREEN ENVIORNMENTALS



PHASE TWO: ROBOTIC ENVIRONMENTALS

The best kind of climate change: controlled

Atom Controllers provides powerful automation systems for indoor and greenhouse environments.

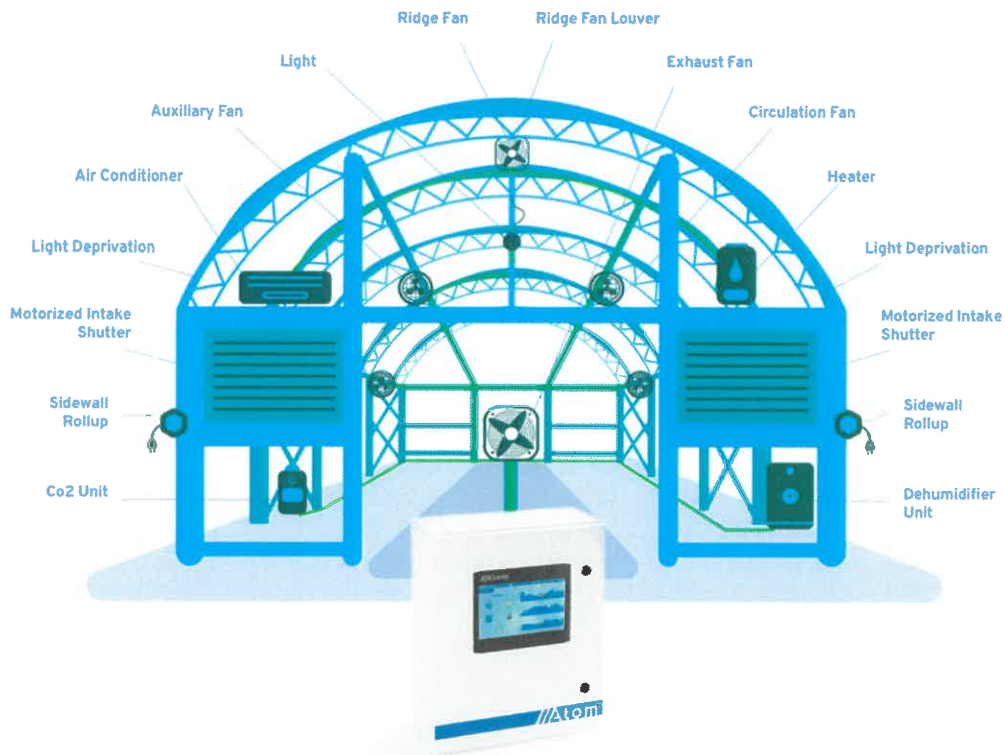
From single-zone greenhouses to multi-site agriculture operations, Atom enables the modern farm to consolidate dozens of analog systems, collect real-time data, and ensure healthy crops, all for less energy.

Solutions for any grow scenario

Whether building new or retrofitting a current facility, Atom Controllers has you covered. The Atom Integrated in-line power unit is a turn-key contact panel control system for new builds, while the Atom Universal can sit on top of an existing system, giving you full control over any environment.

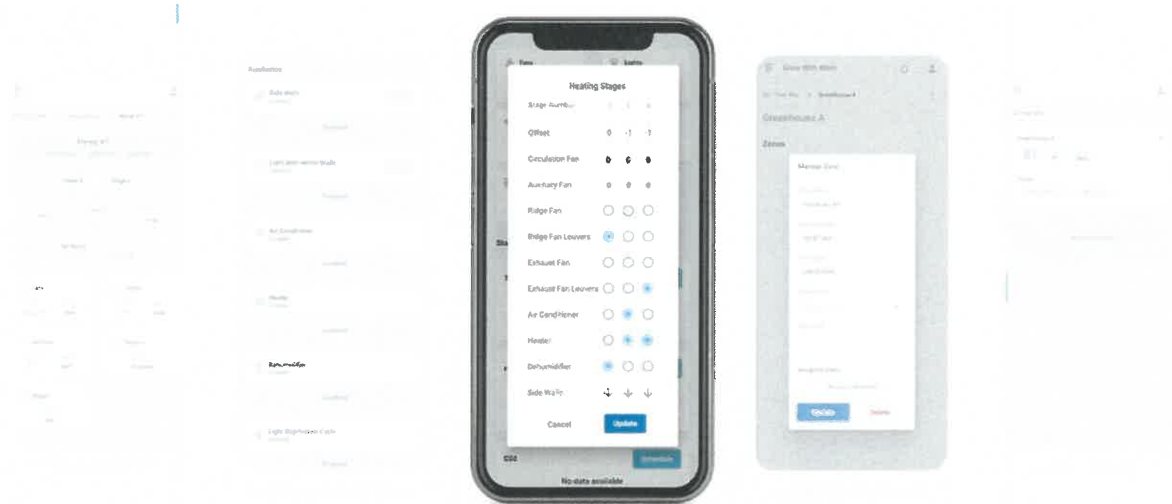
IOT AUTOMATION ROBOTICS

Know what happens between the grid and the greenhouse. Reduce your highest costs of ownership.



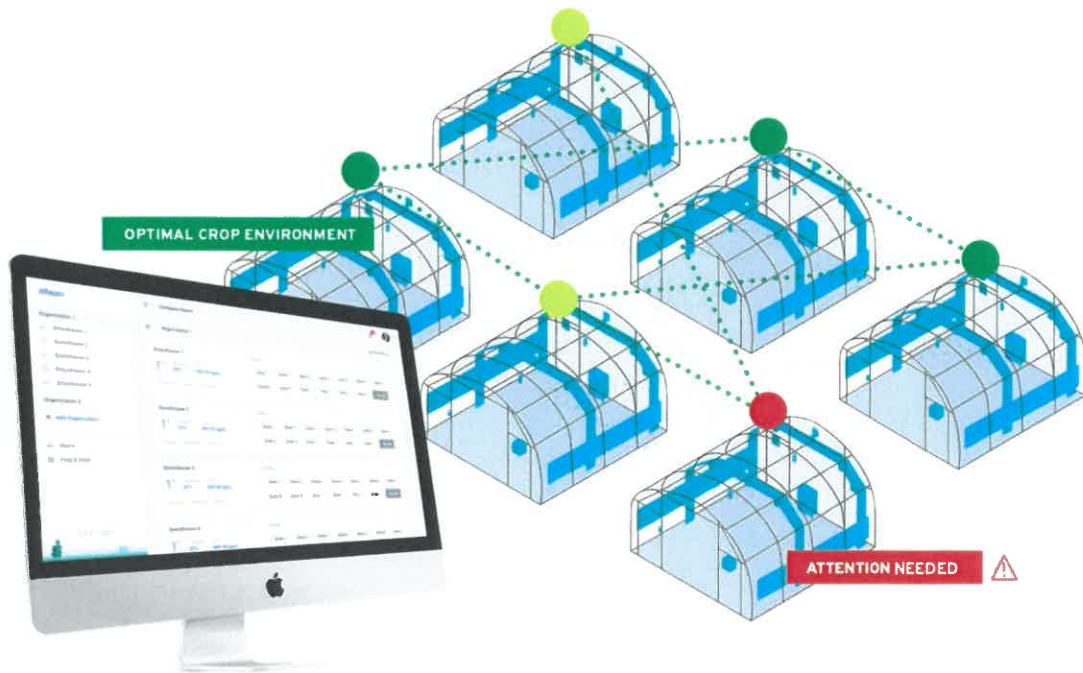
GROW ON- THE- GO: HYBRID CLOUD WEB SERVICES

Set stages, make changes, and pull reports at any time, from anywhere. Never feel out of the loop on your greenhouse again.



EASILY MONITOR: ANYWHERE, ANYTIME, ANYWAY

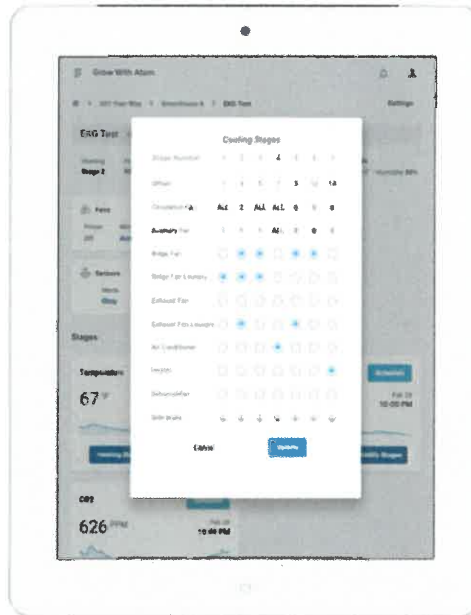
Understand your entire operation from a simple overview. Zone by zone, crop by crop, everything you need.





AUTOMATE CLIMATE RECIPES

Be in control of every aspect of your grow. Grow your crops, your way.



AUTOMATE LIGHTING RECIPES

Specify by Strain lighting treatments to enhance flavors, The levels, yields and more.

ORIGULM®
plant grow lighting



A COMPREHENSIVE APPROACH

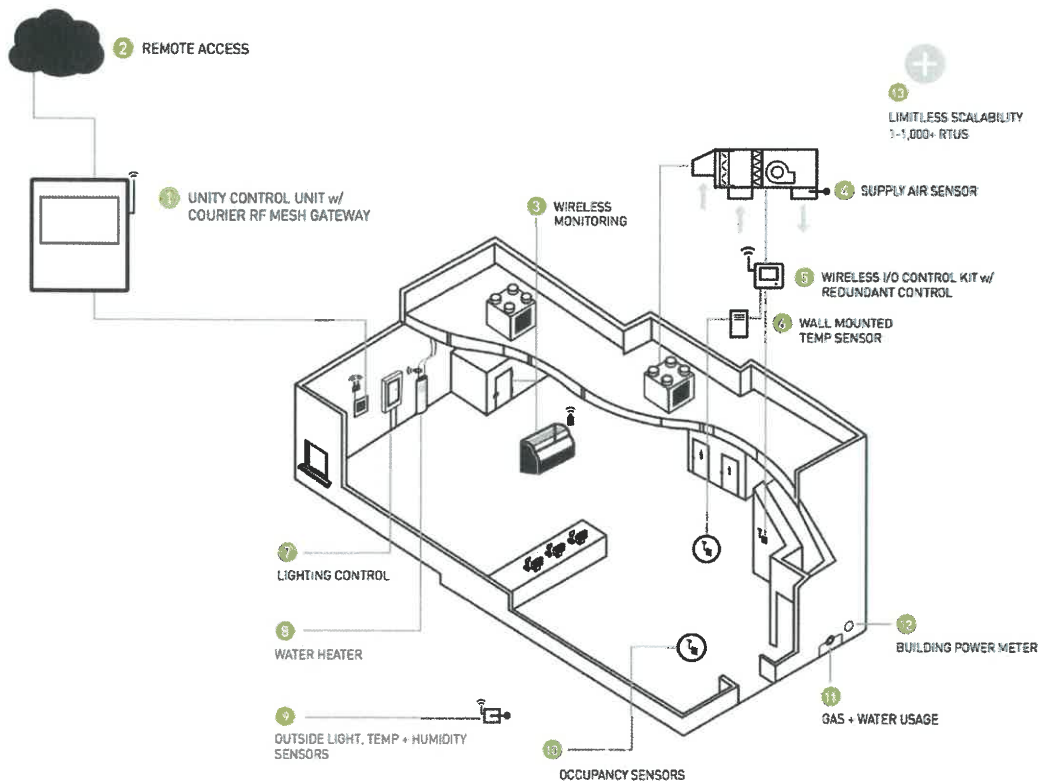
Unity is more than a set of solutions. Unity is a process that provides the path forward to meeting your energy savings goals. We work with manufactures, incentive providers and lenders to make it happen.

IT STARTS WITH MEASURING & MONITORING

How do you know what to replace and what to defer? We use data to provide the information you need to make smart decisions. We don't sell you a solution. We show you the math. We provide you with the ROI, payback and financing options that make your decisions easy.

SERVICE OFFERINGS

- In-depth Building Analysis
- UNITY controls Sales & Installation
- Certified Test & Balance
- Incentive Procurement
- Variable Speed Fan Installation
- Lighting Upgrades & Retrofits
- Customized Integration
- Cloud Based Asset Management





TAKE CONTROL
IT'S NEVER BEEN EASIER TO MANAGE YOUR BUILDING

Introducing UNITY™, a complete building efficiency solution in one package. HVAC, Lighting, Refrigeration, Air Balance and more UNITY™ does it all.



REMOTE ACCESS
ADJUST, ANALYZE AND TUNE FROM ANYWHERE.

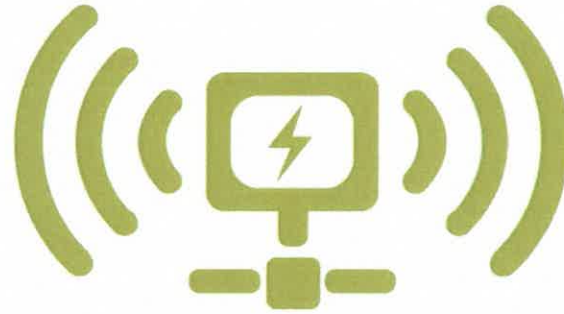
UNITY's Cloud Control provides complete access to your facility via our integrated web dashboard.





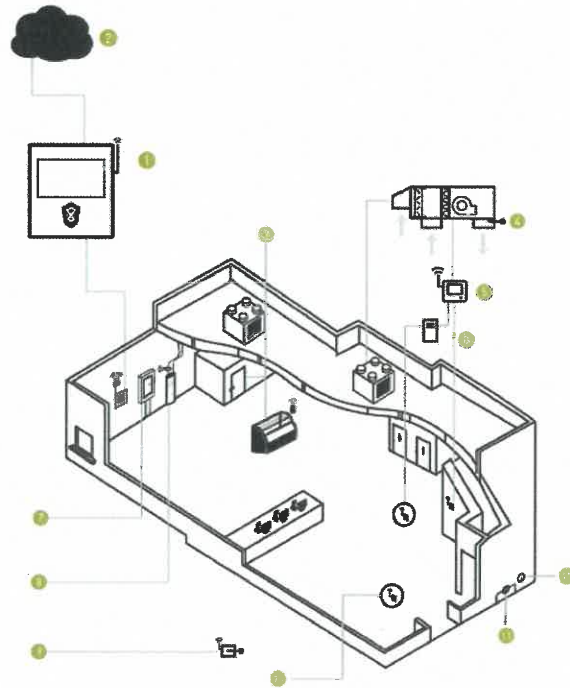
WIRELESS MESH
REDUCED INSTALL COSTS AND EASY SET UP

UNITY's patented wireless mesh architecture is the smoothest, fastest most cost effective solution available.



5K - 150K SQ FT
IDEAL FOR SMALL TO MID SIZE COMMERCIAL

UNITY's flexible wireless architecture allows for simplified and cost effective installations in new construction or retrofit projects.

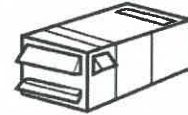


COMPLETE BUILDING AUTOMATION



CLOUD CONTROL

Our remote access dashboard provides complete control of your facility at anytime from anywhere



HI-EFFICIENT HVAC

Hi-Efficiency HVAC control system monitors the unique performance capabilities maximizes performance based on real-time conditions.



LIGHTING

Available Lighting packages centralize control and offer multiple automation options for all your lighting needs



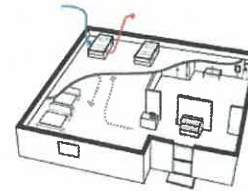
REFRIGERATION

Our refrigeration monitoring package with text & email alarms alert you when temperature



KW MANAGEMENT

The kW management package allows you to see real-time energy usage data and easily manage set backs.



AIR BALANCE

The Economizer & building air-balance package maintains optimal air-pressure in your building greatly reducing heating & cooling waste. drifts and doors are left open.

AUTONOMOUS AGRICULTURE SOLUTIONS

The Future of Farming. Technological innovation in agriculture is rapidly evolving, allowing for farms to move closer to population centers. We can customize solutions for your rooftops, empty lots, or any space you want to transform into a growing facility. Urban farming can increase economic opportunity for both communities and individual businesses, as well as help build stronger social networks and provide economic and health-related growth.

THE FUTURE IN FARMING IS ROBOTICS & WE ARE INTEGRATING & SHAPING ITS FUTURE

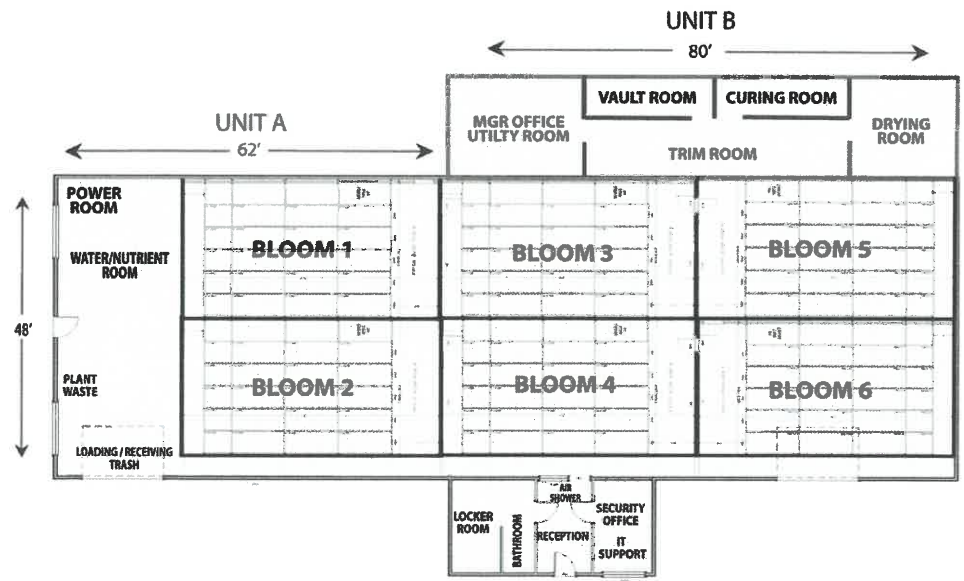
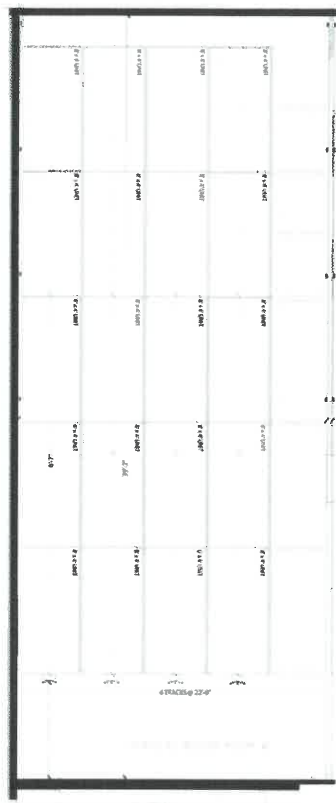
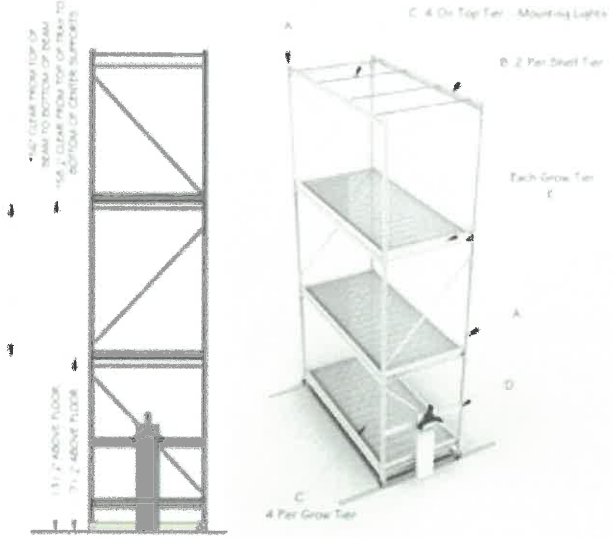


INNER CITY CULTIVATION HYBRID BLOOM ROOM

BLOOM ROOM

Specifications:
Height: 12'
Size: 8'x4'
No. of Grow Levels: 3
Tray: ABS Compostion Tray
Finish: K20 White with Anti-Fungal and Anti-Microbial Finish

Vertical Grow Rack





CULTIVATION ACCOUNTING

BLOOM ROOM SPECS

24	- ROWS BLOOM 1
5	- RACKS PER ROW
120	- RACKS BLOOM 1
5	- 8'X4' TRAYS PER LEVEL
2	- LEVELS PER RACK
240	- TRAYS BLOOM 1
4	- LIGHTS PER RACK
480	- LIGHTS BLOOM 1
24	- PLANTS PER TRAY
5,760	- PLANTS BLOOM 1

ESTIMATED REVENUE

ESTIMATED* 1.5 LBS	PER LIGHT
720 LBS ESTIMATED YIELD	PER ROOM HARVEST
\$2,000 PER LB x 720 LBS	\$1,400,000.00 PER HARVEST 1
HARVEST PER MONTH*	\$1,400,000.00 A MONTH
ESTIMATED* \$16,800,000.00	PER YEAR REVENUE





SALES GOALS

A complete set of financial s is found in this Business Plan, but key metrics include:

	2021	2022	2023
Projected Units produced per Year	8,640	17,080	26,020
Delivery Service Members	100	1000	5000

FINANCIAL OVERVIEW

A complete set of financial s is found in this Business Plan, but key metrics include:

	2021	2022	2023
FUEGO PREMIUM Locations	1	2	3
Lake County Location Vert Rack Revenue	\$16,800,000.00	\$33,600,000.00	\$50,400,000.00
Distribution Revenue	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00
Delivery Services Revenue	\$750,000.00	\$1,500,000.00	\$2,500,000.00
Total Revenues (\$)	\$22,550,000.00	\$45,100,000.00	\$72,900,000.00
Expenses (\$)	\$2,353,800.00	\$6,793,058.00	\$12,339,000.00
Operating profit/loss (\$)	\$20,196,200.00	\$38,306,942.00	\$60,561,000.00



MANAGEMENT TEAM

Our management team combines the experiences of executives and an advisory board with extensive backgrounds in managing and developing successful businesses within the cultivation and caregiving industries. FUEGO PREMIUM currently has four executives and is in the process of identifying and hiring additional support staff, which will be involved in business development, technical implementation and administration.

Upon obtaining its first round of financing, FUEGO PREMIUM will hire a full-time staff to fully implement the business as outlined in this plan. The Company's executive staff and operations will be in Clearlake, California.

Management, Board of Directors, Advisory Board, and Other Partners For further information please contact:

Chandra



NON-VOLATILE CANNABIS MANUFACTURING
CLEARLAKE, CALIFORNIA

ABOUT EMERALD MOUNTAIN FACTORY

EMERALD MOUNTAIN FACTORY is a unique organic cannabis-infused culinary extraction & Non-Volatile manufacturing center that focuses on farm to market solutions, nutritional products & services to treat Physical illness symptoms of greater imbalances that may or may not have physical root causes. Medicinal & Recreational products are capable to be custom tailored for personal and catering events.

EMERALD MOUNTAIN FACTORY is set to define the culinary infusion of CBD & THC gourmet edibles, cooking sauces, salad dressings, toppings, with endless by products.

We will lead in the organic gourmet culinary infusion revolution with water soluble full spectrum THC & CBD recipes that are focused for the betterment of health in harmony with nature and our bodies.

THE CONCEPT

EMERALD MOUNTAIN FACTORY provides current, evidence-based Bio-Mineral Therapy solutions which are developed as natural vegetation cell food products. A living substance which nourishes the body and detoxifies at the cellular level infused with THC & CBD dosage levels for both patient & recreational consumers.

From cannabis manufacturing (Farms), product processing, extractions, culinary infusions, state distribution, green delivery services, spa therapy, education via our Farmers Market with an engaging series of learning options through its integrated network of shops connected and inter operating with the **EMERALD MOUNTAIN FACTORY**.

The fusion with culinary products, services, organic farmers & ranchers to join in the provision of high-quality organic vegetables, fruits, nuts, meats & dairy that are infused with cannabinoids through either CBD, THC or the combination of both.

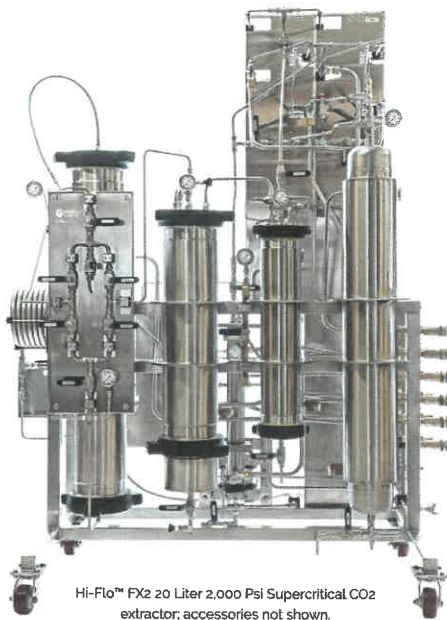
Our goal is to make **EMERALD MOUNTAIN FACTORY** the beacon of where to go for every person's everyday needs with cannabis infused Bio-Mineral Therapies through our various natural vegetation cell food products.

The foundation and principles of **EMERALD MOUNTAIN FACTORY** are to provide the highest levels of customer service through our extensively educated representatives at each **EMERALD MOUNTAIN FACTORY SHOP**.

Our Extraction & manufacturing area will include:

- **Non-Volatile C02 Extraction**
- **Concentrate Processing** (Rosin, Shatter, Caviar, etc.)
- **Pre-Rolls Processing**
- **Water Soluable Processing**
- **Culinary Infusion**
- **Drink Manufacturing**
- **Topical Manufacturing**
- **Extraction processing lab**
- **DEA certified storage rooms**

EQUIPMENT



Extraction & Manufacturing Technologies HI-FLO™ FX2 HIGH PERFORMANCE SERIES SUPERCRITICAL CO2 EXTRACTION

The Hi-Flo™ FX2 High Performance Series is our lineup of commercial supercritical extractors capable of processing as much as 107 lbs. biomass daily. With Psi up to 5,000, this series offers best-in-class performance for efficient extraction 24 hours a day, 7 days a week. Our systems comply with US pharmaceutical and nutraceutical requirements. Each is built in accordance with Good Manufacturing Practice (GMP).

The Hi-Flo™ FX2 High Performance Series supports temperature ranges of minus 60 ° C to 60 ° C. Yields are 12 to 25%, depending on material and extraction parameters. Collection cup design keeps oil cool to preserve integrity. Which Psi is right for you? 2,000 Psi is fine for many botanical and whole plant extractions. Higher Psi like 5,000 gives operators greater tunability and faster run

times.

FEATURES & BENEFITS The Hi-Flo™ FX2 High Performance Series has the same reputation for reliability, ease of use, and low-cost maintenance as our Hi-Flo Professional Series. The High Performance Series comes in single 20 Liter and 2 x 20 Liter models. Advanced automation capabilities are available.

With over 20 years of botanical and whole plant extraction expertise, you get fast run times and high yields. Each Eden Labs extractor comes with proven standard operating practices for efficient use and specific products, as well as a three-year warranty.

NON-STOP RELIABILITY

- Engineered for round-the-clock use
- High quality, durable materials such as 316 stainless steel
- Electric pump for quiet, dependable operations
- Temperature and pressure settings from single console panel
- Fast terpene capture with advanced oil integrity cup design
- Rapid change-over for maximum extraction times
- Closed-loop design with up to 95% CO2 recapture rate
- No internal moving parts so fewer points of failure
- Easy step-by-step protocol for upkeep

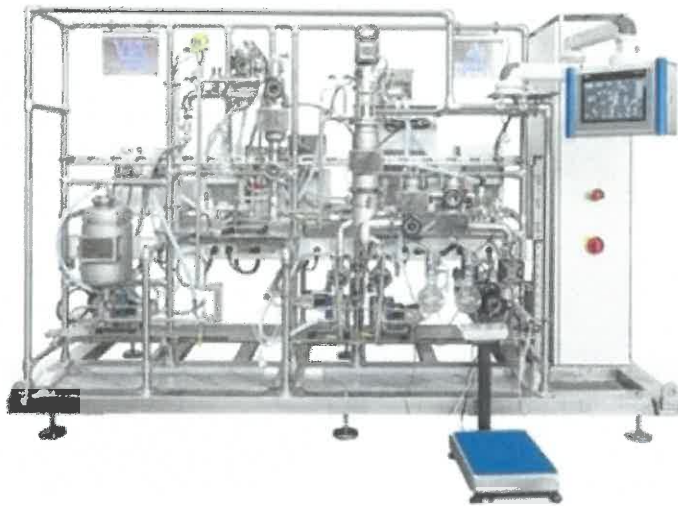
EQUIPMENT COSTS: \$500,000.00
EQUIPMENT MAINTENANCE: \$45,000.00 /yr

DISTILLATION

VKL 70-5 — SHORT PATH DISTILLATION A TURNKEY SOLUTION

Root Sciences specializes in commercial-scale short path distillation equipment for the cannabis

industry. Our system can refine cannabis and hemp concentrates into a golden clear distillate that can be infused into a variety of edible products or fine oils to be used in vape cartridges and tinctures.



VK 100-10

In our cannabis distillation process we take advantage of the melting points of cannabinoids. By using molecular separation, we can separate the THC from the terpenes, lipids, impurities and solvents, leaving you with an odorless and clear golden distillate. The main advantages to using distillate is that it is safer to smoke, has a much higher potency than extracts or flower and activates immediately after use.

VK 100-10 Stepping up into serious distillation needs, the VK 100-10 can process 2,041 kg per shift and yields 25

to 30 litres. This machine is best suited for processors who need large production. The VK 100 is a bit larger than its smaller counterparts.

Be sure to note the space requirement and differing electrical supply that this machine requires when planning a distillation space.

ADVANTAGES TO USING OUR SYSTEM:

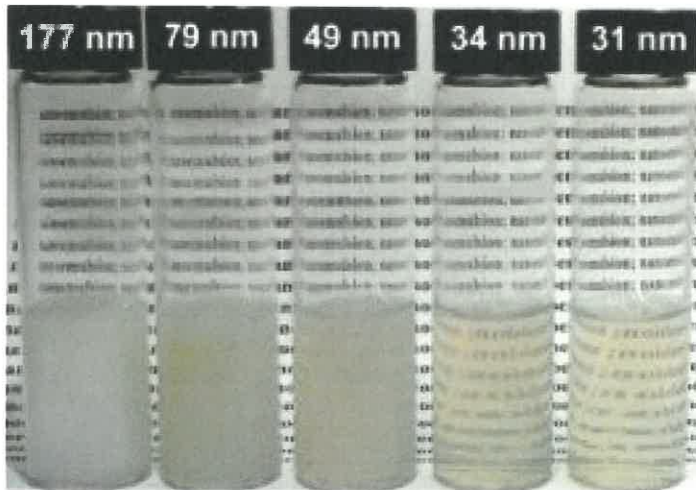
- Continuous feed so you don't have to break vacuum
- Short residence time
- High evaporation rates
- Low processing temperatures
- Compact design
- Cannabinoid separation
- Automated controls
- Fully Jacketed for precise temperature controls
- Included with the VKL 70-5 is the feeding system, short path evaporator with internal condenser, cold trap, discharge systems for distillate and residue, heating and vacuum system

WATER SOLUABLE MANUFACTURING

You do not have to be a scientist to make high-quality water-soluble CBD and THC! Industrial Sonomechanics' customers no longer need to develop their own formulations and production protocols for cannabis extract nanoemulsions. We are pleased to announce the launch of a new product: all-in-one NanoStabilizer™. This convenient product can tremendously simplify the ultrasonic production of high-quality, translucent nanoemulsions of bio-active ingredients such as cannabis extracts. This product is designed to work in conjunction with our laboratory, bench and industrial ultrasonic processors, and comes with detailed, easy-to-follow instructions.

What is NanoStabilizer™?

The new NanoStabilizer™ product is a proprietary blend of food-grade (GRAS) carrier oils, emulsifiers, and preservatives, all derived from natural sources. It contains the entire formulation necessary for producing translucent nanoemulsions of a variety of hydrophobic biologically active ingredients, including cannabis extracts (oils, distillates and isolates), pharmaceuticals and oil-soluble vitamins.



NanoStabilizer™ has practically no taste of its own and yields highly translucent and fully water-compatible nanoemulsions with droplet sizes of about 20 nanometers, ensuring a high bioavailability, accelerated onset of action, and permanent product stability. Loaded with up to 50 mg/ml of cannabinoids and/or other active ingredients, these nanoemulsions can be easily sterilized by filtration and infused into a variety of water-based products without changing their appearance. Finished products made by our customers include CBD and THC-infused beverages (water, tea, coffee, beer, juice, etc.), creams, oral

and nasal sprays, tinctures, tablets, powders, edibles, and many more.

Benefits

- Quickly and easily manufacture water-compatible translucent nanoemulsions loaded with up to 50 mg/ml of cannabinoids and/or other actives.
- Enhance the bioavailability and accelerate the onset of action.
- Ensure precise and reproducible therapeutic dosing.
- Infuse water with a strong medicinal dose while retaining optical clarity.
- Achieve droplet sizes of about 20 - 40 nanometers, ensuring translucency and permanent stability.
- Easily sterile-filter to remove any microbial contamination.

How it works

Translucent nanoemulsions are hard to design – they require optimized carrier oil and surfactant formulations and well-adjusted ultrasonic exposure parameters (amplitude, temperature, exposure time, etc.). With our NanoStabilizer™, ultrasonic equipment, and easy-to-follow processing instructions, these R&D efforts are unnecessary.

What you need to do:

- Follow the provided step-by-step instructions to produce the nanoemulsion.
- Dose the nanoemulsion into your finished product (e.g., beverage, cream, edible).

What you need to have:



- Your active ingredient (e.g., cannabis oil, distillate or isolate)
- Distilled water
- ISM ultrasonic processor
- NanoStabilizer™ (stabilizer package)
- Basic lab equipment (beakers, magnetic stir plate, digital balance)

Industrial-Scale Processor

The ISP-3000 ultrasonic liquid processor is designed for industrial-scale production. It is suitable for working with liquid volumes above 1 L, with no upper limit.

The ISP-3000 ultrasonic liquid processor is most commonly supplied with a 3000 W ultrasonic generator, water-cooled transducer, half-wave booster half-wave Barbell Horn™ (HBHB), and flow-through reactor chamber (flow cell). Optional items include a half-wave Barbell Horn™ (HBH) and support stand.

- The ISP-3000 processor can be used in batch and flow-through configurations (see schematics on the left). Details are available under the SPECIFICATIONS tab.

The ISP-3000 processor utilizes patented Barbell Horn™ Ultrasonic Technology (BHUT), which makes it possible to generate extremely high ultrasonic amplitudes at any scale of operation. With the ISP-3000, any process optimized with our smaller units, the LSP-500 or BSP-1200, can

PRODUCT LINES

<p>1. EMERALD MOUNTAIN MINTZ 2. TERPZ GUSHER GUMZ 3. TERPZ POPZ 4. CANNABIS CANDIDED BACON 5. EMERALD HONEY 6. TEA H.C.</p> <p>7. EMERALD MOUNTAIN DRYHOUSE - THSEA - www.thsea.com - Candied Salmon - Candied Trout</p> <p>8. EMERALD MOUNTAIN CHOCOLATIER - Truffles - Emerald Nutz</p> <p>9. 707 ELECTRIC DREAMZ - Purple Punch - Lime Pop - Tangerine Dream - Limoncello - Blueberry Slushy - Fizzy Peach</p>	<p>10. ALTUM - Canna Cream - Canna Soap - Canna Balm - Canna Ointments - Cooking Cooking Oilz - Olive (infused*) - Coconut - Grape Seed - Peanut - Sesame - Canola (Vegetable) - Butterz</p> <p>- Salad Dressing - Mendo Ranch - Strawberry Diesel Vinaigrette</p> <p>11. HALF BAKED 2GO - Cookie Dough - Gourmet Biscotti - Cinnamon Rolls - Croissant - Donuts - Cheesecake</p>
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THE COMMUNITY NEED

At **EMERALD MOUNTAIN FACTORY**, regardless of economic status we will support the inclusion of every epileptic, cancer & chronic pain patient who requests assistance with treatment for their chronic debilitating health issues treated with medical cannabis.

At **EMERALD MOUNTAIN FACTORY**, we are looking to establish contributions to the city Clearlake and its surrounding residents by providing on the job training and work closely with the city to find our more immediate needs that are brought to our attention.

MILESTONES

- ESTABLISHED A COMMERCIAL LEASE / PURCHASE AT CLEARLAKE
- SECURED PERMISSION FROM PROPERTY OWNER
- DESIGNED CAD LAYOUT OF THE CURRENT BUILDING
- DESIGNED OPTIMAL GMP CERTIFIED PRODUCTION FACILITIES
- DESIGNED MARKET PLACE INTER-RELATED BUSINESSES
- SECURED LEGAL COUNSEL FOR CANNABIS LICENSING
- SUBMISSION FOR LOCAL NON-VOLATILE MANUFACTURING LICENSE
- SUBMISSION FOR STATE NON-VOLATILE MANUFACTURING LICENSE

STRATEGIC ADVANTAGES

• **Brand Identity** – The custom branded **EMERALD MOUNTAIN FACTORY**, Unique natural environmentally responsible and sustainable green logo, with elegant natural décor at all delivery locations, wellness centers and social media marketing campaigns will create a strong brand Identity.

• **First Mover Advantage** – As a first mover in the cannabis holistic organic grocery food market chain will help us gain the advantage by being the first to market. Being first typically enables a company to establish strong brand recognition and customer loyalty before competitors enter the arena. Other advantages include additional time to perfect its product or service and setting the market price for the new item.

“And it seems Mackey may even be open to a variety of products. When asked whether we would ever see cannabis edibles in a Whole Foods outlet, Mackey said, “Let’s see what happens with the market and the government regulations over time.”

<https://moneymorning.com/2019/03/14/heres-the-thing-about-buying-weed-from-the-grocery-store/>

• **Service marks and Domain Names** – **EMERALD MOUNTAIN FACTORY** has acquired the domain name CannaMarketSquare.com, Foreign Entity Registration in California. Trademarks are published and in the process of being submitted and processed.

• **State Distribution** – **EMERALD MOUNTAIN FACTORY** is geared to acquire a State Distribution license through our Clearlake C4 District, Heavy Commercial, Light Industrial zoned facility for the State of California.

COMPETITION

In general there are no viable competitors in the Market at this time, WHOLE FOODS touched on this subject as is documented in the following article:

“After all, if cannabis were available in major grocery stores, the potential profits for any party involved would be incredible; it would certainly be a turning point in cannabis’ lucrative journey into the American mainstream.”

Source: <https://moneymorning.com/2019/03/14/heres-the-thing-about-buying-weed-from-the-grocery-store/>

With this said, it is a key market indicator of the potential and with First Mover momentum and the proper corporate infrastructure would be poised to lead the market and industry for the world.

SOURCES OF REVENUE

1. CANNABIS LICENSING ASSISTANCE PROGRAM
2. MARKETING & BRANDING SERVICES
3. CANNABIS / CBD FLOWER DISTRIBUTION
4. CANNABIS / CBD FLOWER PACKAGING
5. CANNABIS / CBD DRYING & CURING
6. EDIBLE DISTRIBUTION
7. EDIBLE PACKAGING & LABELING
8. PRODUCT BOXING
9. ISOLATE DISTRIBUTION
10. ISOLATE PACKAGING & LABELING
11. DRINK DISTRIBUTION
12. DRINK PACKAGING & LABELING

MARKETING & STRATEGIC ALLIANCES

Marketing will consist of targeted growers, Farms, Chefs and inventors with proven track records. An extensive screening and acceptance process will take place with only the best of the best taken as clients. Multi-channel social media campaigns along with word of mouth with a clear foundation of a clean, sustainable marketplace that will consolidate the best of premium cannabis, edibles, drinks that will fan the flames of the Cannabis Culinary Revolution.

SALES GOALS

A complete set of financials is found in this Business Plan, but key metrics include:

	2020	2021	2022
Cannabis Flower Distribution	\$2,000,000.00	\$4,000,000.00	\$8,000,000.00
Edible Distribution	\$ 1,000,000.00	\$2,000,000.00	\$4,000,000.00
Drink Distribution	\$1,200,000.00	\$2,400,000.00	\$4,800,000.00
Packaging & Labeling	\$500,000.00	\$1,000,000.00	\$2,000,000.00
Boxing Services	\$100,000.00	\$200,000.00	\$400,000.00
Marketing Services	\$150,000.00	\$300,000.00	\$600,000.00
Multimedia / Branding Services	\$50,000.00	\$100,000.00	\$200,000.00
	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00

FINANCIAL OVERVIEW

A complete set of financials is found in this Business Plan, but key metrics include:

	2019	2020	2021
EMERALD MOUNTAIN FACTORY	1	6	12
Locations			
Total Revenues (\$)	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00
Expenses (\$)	\$1,500,000.00	\$3,000,000.00	\$6,000,000.00
Operating profit/loss (\$)	\$3,500,000.0	\$7,000,000.00	\$14,000,000.00

MANAGEMENT TEAM

Our management team combines the experiences of executives and an advisory board with extensive backgrounds in managing and developing successful businesses within the cultivation, culinary, engineering & construction and software engineering industries.

EMERALD MOUNTAIN FACTORY currently has four executives and is in the process of identifying and hiring additional support staff, which will be involved in business development, technical implementations and administration.

Upon obtaining the first round of funding, **EMERALD MOUNTAIN FACTORY** will hire a full-time staff to fully implement the business as outlined in this plan. The Company's executive staff and operations will be in Clearlake, California.

Management, Board of Directors, Advisory Board, and Other Partners **For further information please contact:**

Chandra Martinez
 Founder / General Manager
 eMail: chandra@CannaMarketSquare.com
 Mobile: (707) 533-6121



EXECUTIVE SUMMARY
CLEARLAKE, CALIFORNIA 2019

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APPLICATION

PHASE ONE: CUPS active and awaiting construction buildout & final inspections to finalize full activation.

MISSION & VALUES

OUR PURPOSE

Our purpose is to restore health to people and the planet through the reconnection of Cannabis & Culinary. We're a purpose-driven company that aims to set the standards of excellence for the caregiver's market initiating a specialization in the production, distribution and sales of cannabis drinks.

Quality is a state of mind at **CANNACUDO**.

OUR CORE VALUES

These core values are the backbone of our company culture and how we aspire to do business every day — with patients, our supplier partners, our customers, communities and each other.

OUR LEADERSHIP PRINCIPLES

We believe that every team member is a leader who is ultimately responsible for customer happiness. We use our leadership principles every day, whether we're discussing ideas for new projects or deciding on the best approach to solving a problem.

OUR DECLARATION OF INTERDEPENDENCE

We recognize the interdependence among our stakeholders — those who benefit or are impacted by our company. Our success is optimized by a win-win-win-win strategy, and all of our stakeholders benefit simultaneously.

ABOUT CANNACUDO

CANNACUDO will be located in Clearlake, California, and we have been able to lease a facility for 5 years with the option of acquiring the property once the property is put up for sale. The facility is well positioned and it matches the ideal picture of a community delivery and nursery business. We are not going to spend much to face lift the facility. Before taking over the facility, it was used as a delivery shop and remains in good condition.

The business will be launching with just one outlet in Clearlake, but we have plans to open other outlets in key locations around California. CANNACUDO will be involved in the delivery of plants including seedlings, clones, teens & mother plants for the medical & recreational cultivation of marijuana and in future develop an onsite training & certification center for the cultivation of cannabis with certified master growers.

We are in the recreational and medical marijuana nursery business to delivery as permitted by the law in California to our customers at the best genetics and quality plants with lowest prices they can get anywhere in the United States of America. Our employees are well trained and qualified to handle the wide range of customers that we are positioned to serve. We will engage in the sale of both at the counter and online orders. CANNACUDO plans to operate a 24 hours 7 days a week nursery.

We are in business to service both customers and mail order customers and shipping provisions have been finalized through delivery. Our work force is going to be well trained to operate within the framework of our company's corporate culture and also to meet the needs of all our customers. CANNACUDO will ensure that all

our customers are given first class treatment whenever they visit our store.

We have an ERP framework with CRM software that will enable us to manage one on one relationships with our customers no matter how large the number of our customer base grows. In regards to conniseur growers and large cultivation operations, we will ensure that we get our customers involved in the selection of the best strains and genetics that will be on our rack.

THE CONCEPT

PHASE ONE: ADVANCED CORE INFRASTRUCTURE

CANNACUDO 's team of engineers was assembled to create sustainable growing environments by pairing innovative and energy-efficient design with data driven climate control technologies.

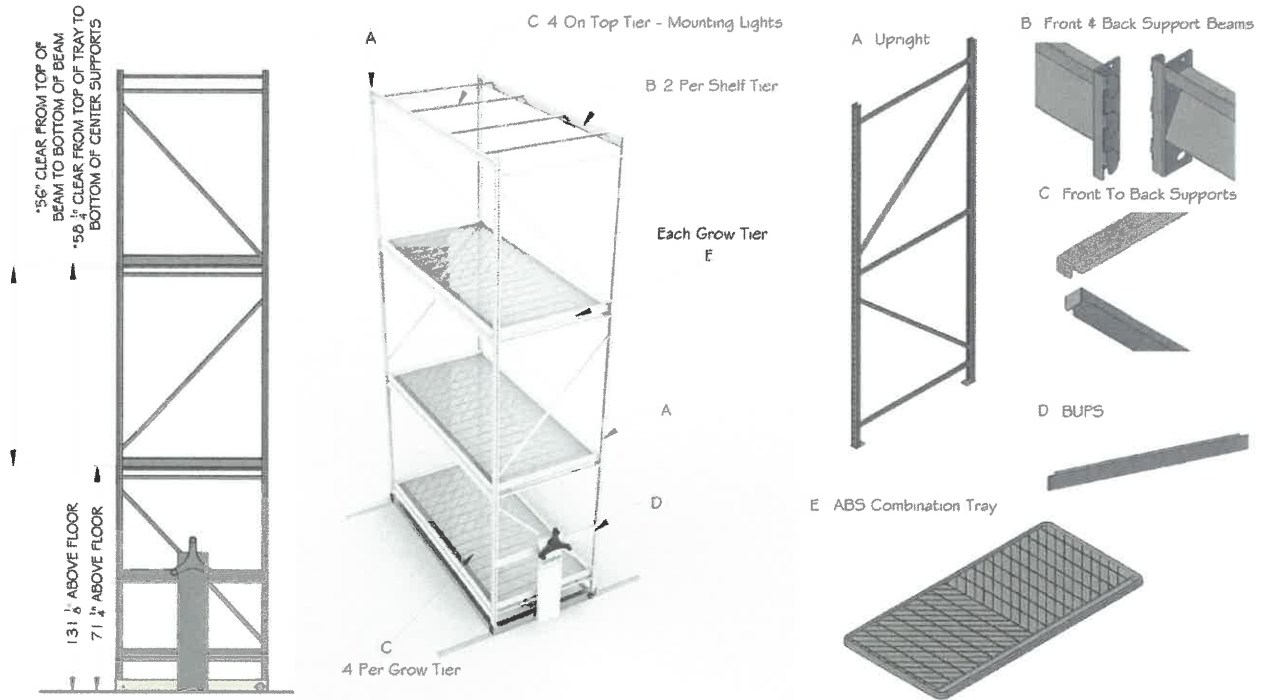
We partner with our technology providers to ensure a flourishing year-round production.

We design our hybrid greenhouses with a more sustainable and greener future in mind. At CANNACUDO , care about our environmental impact and understand that many of our clients do too. That’s why our number one priority is creating complete, earth-conscious growing systems that use less energy and even function to create more renewable energy. CANNACUDO team of greenhouse designers and engineers will work to come up with a custom greenhouse solution that has minimal environmental impact without sacrificing yield.

GROW RACK SYSTEMS

Specifications:
 Height: 10'
 Size: 8x4'
 No. of Grow Levels: 3
 Tray: ABS Combination Tray
 Finish: 420 White with Anti-Fungal and Anti-Microbial Finish

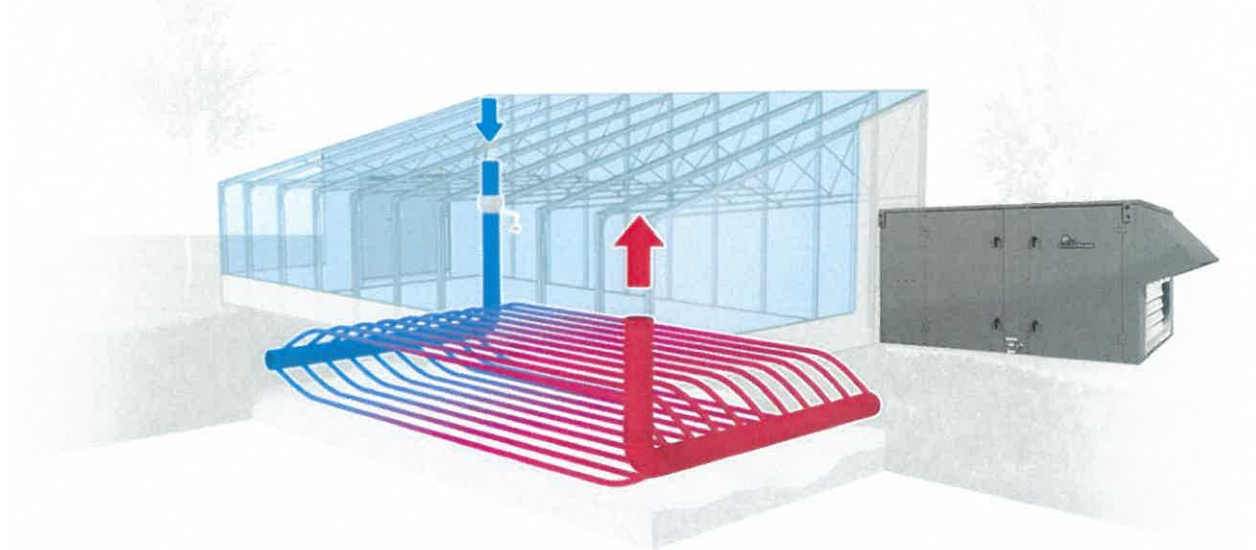
Vertical Grow Rack



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MIXED LIGHTING SYSTEMS

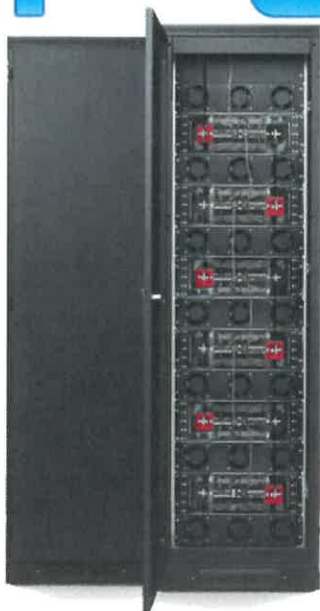
GEO THERMAL AC/HEATING



ENERGY SYSTEMS

ADVANCED OFFGRID POWER

1.2 MEGA WATTS



EXAMPLES OF SHARED SETUPS				
Max power**	1315 kW	725 kW	1050 kW	570 kW
Max current**	5000 A	2800 A	1700 A	1000 A
Nominal power**	88 kW	220 kW	150 kW	70 kW
Nominal current**	220 A	750 A	500 A	250 A
Nominal voltage	612 V	612 V	612 V	612 V
Efficiency at max power	74.3 %	81.3 %	80.6 %	82.6 %
Efficiency at nominal power	93.1 %	95.9 %	97.2 %	98.6 %
Modules in series	5	5	5	5
Modules in total	4	4	4	4
Cable in total	216	216	216	216
Capacitors	16.8 F	16.8 F	16.8 F	16.8 F

**Max power and max current are short period peak power and peak current. **Nominal power and current are the rated values for the switchgear used in the system

GEO THERMAL AC/HEATING SYSTEMS

SECURITY SYSTEMS



PHASE TWO: WHAT IF YOUR BUILDING COULD THINK FOR ITSELF WHILE LETTING YOU KNOW WHATS GOING ON?

The best kind of climate change: controlled

Atom Controllers provides powerful automation systems for indoor and greenhouse environments.

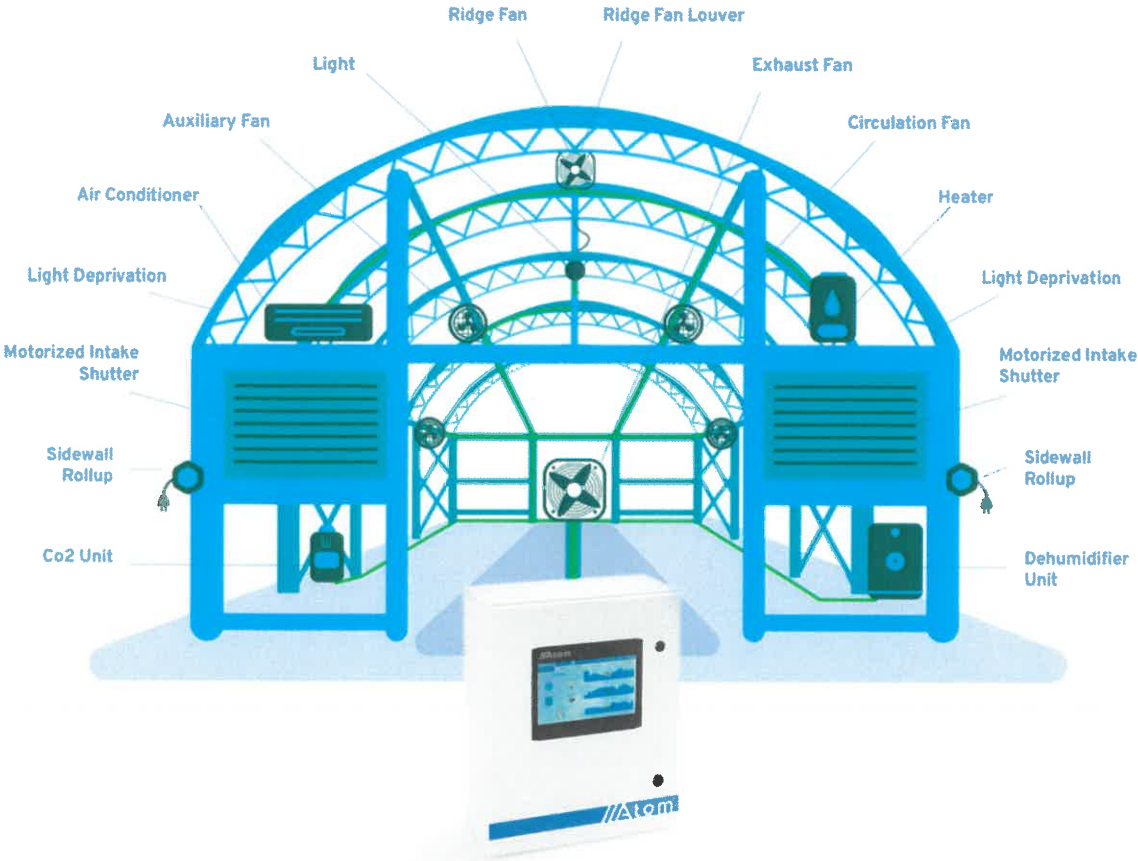
From single-zone greenhouses to multi-site agriculture operations, Atom enables the modern farm to consolidate dozens of analog systems, collect real-time data, and ensure healthy crops, all for less energy.

Solutions for any grow scenario

Whether building new or retrofitting a current facility, Atom Controllers has you covered. The Atom Integrated in-line power unit is a turn-key contact panel control system for new builds, while the Atom Universal can sit on top of an existing system, giving you full control over any environment.

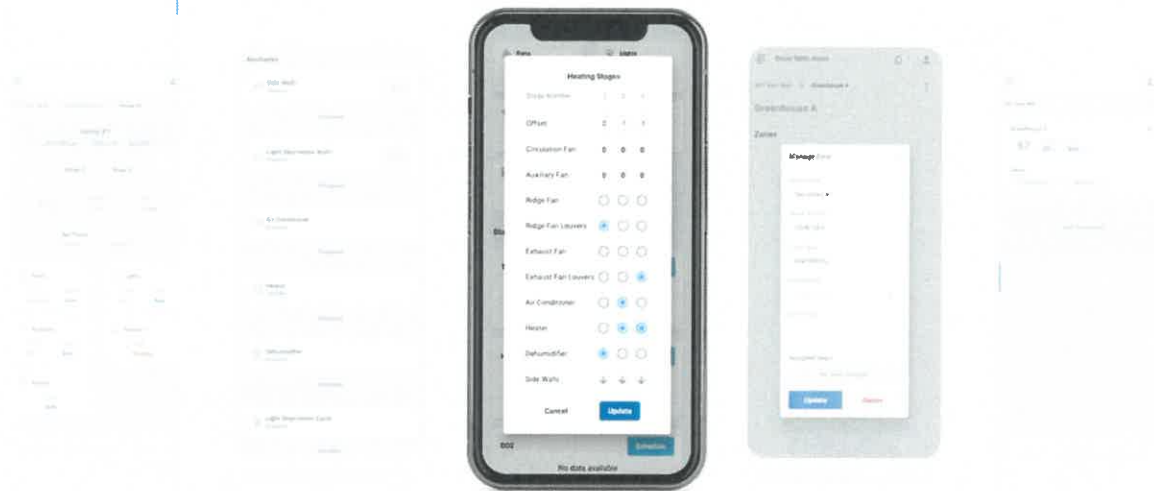
Monitor Energy Use

Know what happens between the grid and the greenhouse. Reduce your highest costs of ownership.



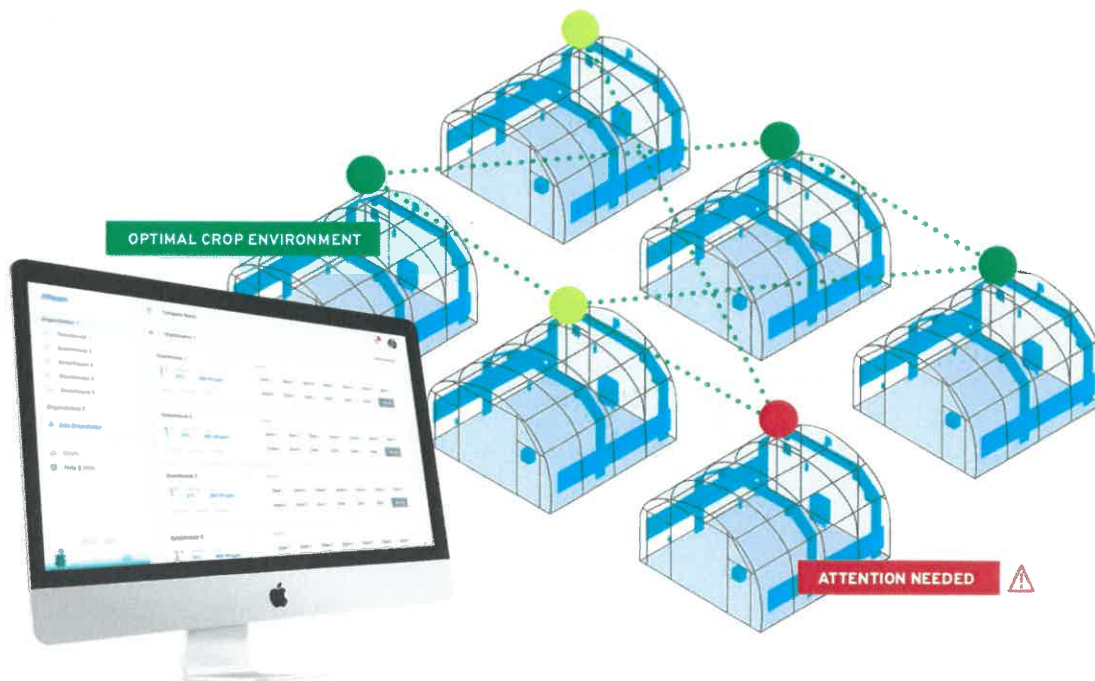
Grow On-the-Go with Atom Cloud

Set stages, make changes, and pull reports at any time, from anywhere. Never feel out of the loop on your greenhouse again.



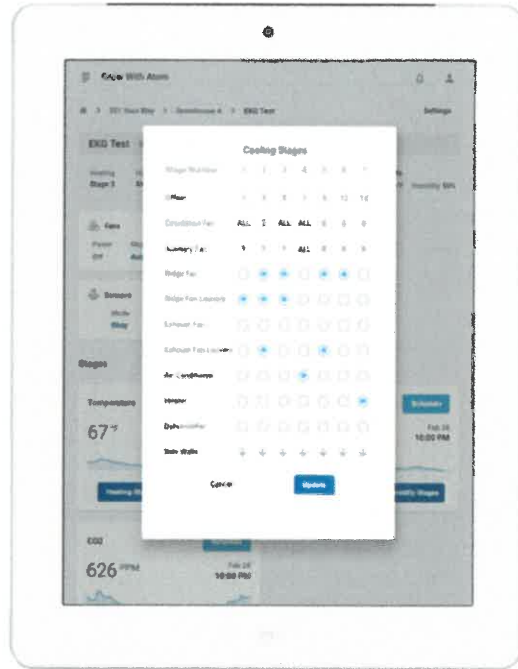
Easily Monitor Operations

Understand your entire operation from a simple overview. Zone by zone, crop by crop, everything you need.



Automate Climate Recipes

Be in control of every aspect of your grow. Grow your crops, your way.



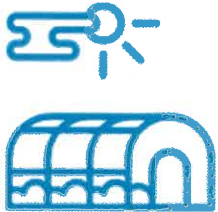
Automate Lighting Recipes

Be in control of every aspect of your grow. Grow your crops, your way.



LIGHT DEP AUTOMATION: Spend time growing, not cranking.

Finally, easily automate your sidewall and light-dep sequences. Let your team get back to the plants



Sidewall Controls



Light-Dep Controls



Temperature Settings



20-Amp DC Output



Multi-day Set Points



Wifi Enabled*

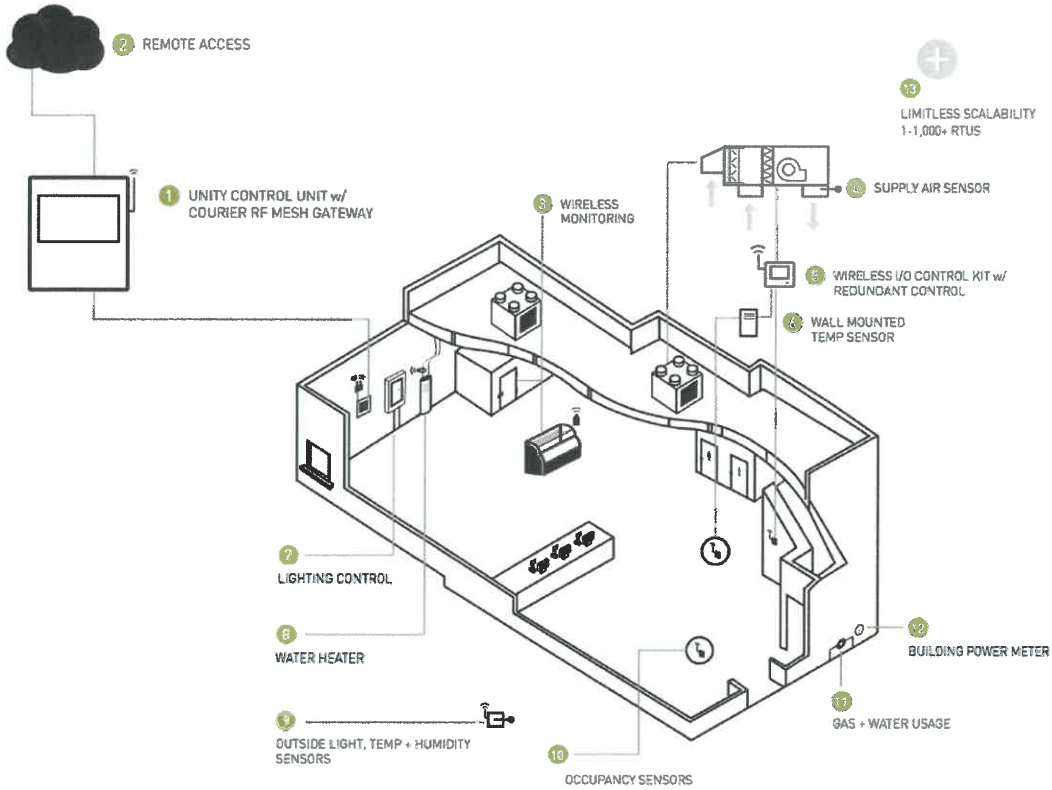


2yr. Battery Backup



75ft Cord

A



COMPREHENSIVE APPROACH

Unity is more than a set of solutions. Unity is a process that provides the path forward to meeting your energy savings goals. We work with manufactures, incentive providers and lenders to make it happen.

IT STARTS WITH MEASURING & MONITORING

How do you know what to replace and what to defer? We use data to provide the information you need to make smart decisions. We don't sell you a solution. We show you the math. We provide you with the ROI, payback and financing options that make your decisions easy.

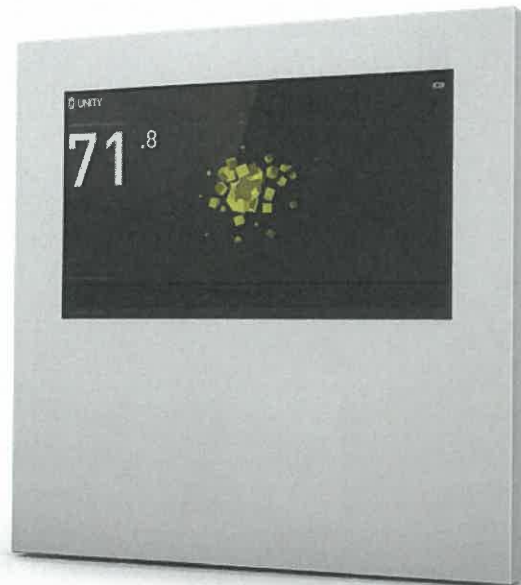
SERVICE OFFERINGS

- In-depth Building Analysis
- UNITY controls Sales & Installation
- Certified Test & Balance
- Incentive Procurement
- Variable Speed Fan Installation
- Lighting Upgrades & Retrofits
- Customized Integration
- Cloud Based Asset Management



TAKE CONTROL IT'S NEVER BEEN EASIER TO MANAGE YOUR BUILDING

Introducing UNITY™, a complete building efficiency solution in one package. HVAC, Lighting, Refrigeration, Air Balance and more UNITY™ does it all.



REMOTE ACCESS ADJUST, ANALYZE AND TUNE FROM ANYWHERE.

UNITY's Cloud Control provides complete access to your facility via our integrated web dashboard.



TAKE CONTROL: IT'S NEVER BEEN EASIER TO MANAGE YOUR



WIRELESS MESH

REDUCED INSTALL COSTS AND EASY SET UP

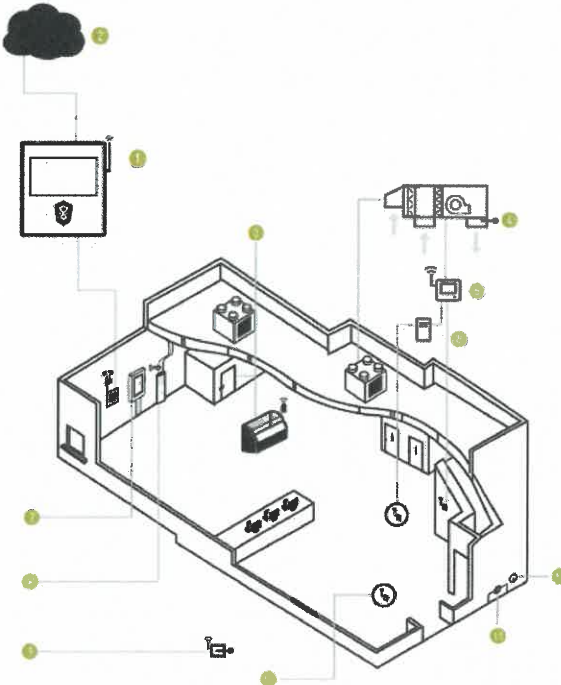
UNITY's patented wireless mesh architecture is the smoothest, fastest most cost effective solution available.



5K - 150K SQ FT

IDEAL FOR SMALL TO MID SIZE COMMERCIAL

UNITY's flexible wireless architecture allows for simplified and cost effective installations in new construction or retrofit projects.

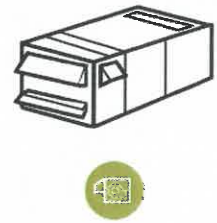


BUILDING



CLOUD CONTROL

Our remote access dashboard provides complete control of your facility at anytime from anywhere.



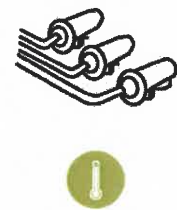
HI-FEC HVAC

Our Hi-Efficiency HVAC control system monitors the unique performance capabilities of each rooftop unit and maximizes performance based on real-time conditions.



LIGHTING

Available Lighting packages centralize control and offer multiple automation options for all your lighting needs.



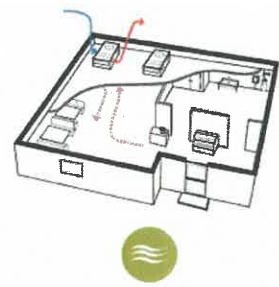
REFRIGERATION

Our refrigeration monitoring package with text & email alarms alert you when temperature drifts and doors are left open.



KW MANAGEMENT

The kW management package allows you to see real-time energy usage data and easily manage set backs.



AIR BALANCE

The Economizer & building air-balance package maintains optimal air-pressure in your building greatly reducing heating & cooling waste.

OTHER FEATURES & BENEFITS

**MONITORING &
ALARMS**

UNITY provides continuous insight and visibility into equipment and environmental conditions. Robust data tracking, alerts and detailed reporting features allow you to understand individual unit performance and diagnose issues before they cause costly problems.

**AUTOMATED
INTELLIGENT
CONTROL**

UNITY generates immediate savings by running equipment efficiently, leveraging free cooling, managing air balance and systematically reacting to high demand periods.

**EVALUATE ENERGY
USE**

Validate energy conservation initiatives and uncover additional savings opportunities.

**EFFICIENCY &
PRODUCTIVITY**

Total seamless control and remote access to all your temperature and lighting adjustments, schedules, equipment performance and reporting across multiple sites all from one integrated web dashboard.



PHASE THREE: AUTONOMOUS ROBOTIC ASSISTANTS

Canna Sentry has created a comprehensive technology platform to help farmers transition into the digital age with ease. The days of overly complex, and expensive, farm automation systems are giving way to decentralized computing and wireless networks enabled by advancements in Internet-of-Things technology. Canna Sentry exists to help famers leverage this technology to improve operations and reduce complexity. The Canna Sentry team wants farmers to be able to spend more time on what is most important. We developed our platform with over 20 years of combined team experience managing farming operations, with important features we know growers need.

Our system is designed for any controlled growing environment including greenhouses, hoop houses, indoor farms, grow rooms, prop houses, and commercial vertical farms. Enterprise farm solutions are often too costly for small to mid-size growers, and Canna Sentry can deliver a more affordable solution with similar robust commercial farming functionality. Our wireless, internet-enabled solution is not only easier to install and maintain than other wired solutions, but is also flexible enough to move from one location to another when needed.

The system is flexible enough that you can pick and choose what elements of the Canna Sentry solution meet your needs or even pop open the hood and integrate your custom software and hardware solutions to create the ultimate Master Grow Control system.

In reality, autonomy has many different levels. In designing robotic systems, it's important to determine the level of

autonomy required for each task and ensure that considerations such as cyber security and classification have been fully thought through.

CANNA SENTRY has been at the forefront of establishing frameworks to help us think about appropriate levels of autonomy when applied to different tasks or systems for several years.

Today, smart robots are useful not just for carrying out tasks, but also for building up a digital representation of their environment as they work.

Survey teams at CANNA SENTRY's office in California, USA, proposes to use drones to inspect high voltage transmission facilities for damage during wind events for PG&E. As they go about the task, the drones also map the physical structure using light sensors to create a point cloud. For other facilities, "high density scanning" is used which can create a highly accurate digital model of most structures.

These advanced inspection market systems are what CANNA SENTRY's vision of agricultural monitoring and crop inspections with the following functions in performance:

- LEAF INSPECTIONS
- PEST MANAGEMENT
- NUTRIENT DOSSAGING MANAGEMENT
- CANOPY MEASURING
- CUTTING / CLONING
- PLANT THERAPY MANAGEMENT
- EQUIPMENT INSPECTIONS
- AUGMENTED REALITY REMOTE CONTROL MANAGEMENT
- TESTING & TISSUE CULTURE COLLECTION MANAGEMENT
- SECURITY & PATROL MANAGEMENT

PROFITABLE AUTONOMOUS AGRICULTURE SOLUTIONS

The Future of Farming. Technological innovation in agriculture is rapidly evolving, allowing for farms to move closer to population centers. We can customize solutions for your rooftops, empty lots, or any space you want to transform into a growing facility. Urban farming can increase economic opportunity for both communities and individual businesses, as well as help build stronger social networks and provide economic and health-related growth.

PROJECTED MARKET REVENUE POTENTIAL

FREMONT, California, May 7, 2019 /PRNewswire/ -- According to a new market intelligence report by BIS Research, titled 'Global Agriculture Drones and Robots Market - Analysis and Forecast, 2018-2028', the global

market for agriculture drones and robots is projected to grow from \$2.53 billion in 2018 to \$23.06 billion by 2028. The market is expected to witness a CAGR of 24.76% from 2018 to 2028. The high growth in the market is expected to be driven by the need to apply site-specific farming, variable rate application of raw materials and resources as per requirement and decline in agricultural labor across the world.

MILESTONES:

PHASE ONE: ADVANCED CORE INFRASTRUCTURE

- ESTABLISHED A LEASE AT CLEARLAKE LOCATION
- SECURED PERMISSION FROM PROPERTY OWNER
- DESIGNED CAD LAYOUT OF CURRENT BUILDINGS
- DESIGNED OPTIMAL INDOOR GROW SYSTEM CAPACITY
- DESIGNED MARKET PLACE INTER-RELATED BUSINESSES
- SECURED LEGAL COUNSEL FOR LICENSING EXPEDITION
- FORMED LLC IN NEVADA AND REGISTERED IN CALIFORNIA
- SUBMISSION FOR LOCAL OPERATING LICENSE
- SUBMISSION FOR LOCAL CULTIVATOR LICENSE
- SUBMISSION FOR CAREGIVER LICENSE
- SUBMISSION FOR EXTRACTION PROCESSING?
- SUBMISSION FOR DELIVERY SERVICE
- SUBMISSION FOR DISPENSARY STORE FRONT
- SUBMISSION FOR APPROVAL TO LOCAL CITY COUNCIL

STRATEGIC ADVANTAGES

Brand Identity – The custom branded **CANNACUDO** , Unique natural environmentally responsible and sustainable green logo, with elegant natural décor at all delivery locations, wellness centers and social media marketing campaigns will create a strong brand Identity.

Proprietary Technology – The Automated Intelligence Grow Engine for **CANNACUDO** and its correlated market place businesses is complete solution from the ground up from **CANNACUDO** team servicing the first location at Clearlake, California.

Service marks and Domain Names – **CANNACUDO** has acquired the domain name CannaCudo.com to represent the specified services provided to patients and customers within Clearlake, California. Trademarks are submitted and being processed.

Strategic Partnerships – **CANNACUDO** is geared to the expansion of services through the usage and promotions by our strategic partners whom adopt the **CANNACUDO** in locations targeted throughout the state of California.

COMPETITION

Because of prevailing law in California there are presently 15 facilities and 70 or more in the pipe-line.

Should all additional compassion center licenses be granted, they could pose competition.

Indirectly, the Centers faces competition from illegal sales of cannabis, although this is very difficult to quantify because it is a prohibited activity.

SOURCES OF REVENUE

- 1. CLONES
- 2. TEENS
- 3. MOTHERS
- 4. CUSTOM GENETICS
- 5. GENETIC PURIFICATION/ENHANCEMENT
- 6. ORGANIC FARM SUPPORT/PARTNERS

MARKETING & STRATEGIC ALLIANCES

Marketing will consist of word of mouth with a clear foundation of a clean, sustainable market place that will consolidate the best genetics for clones, teens, mothers and vertical nursery services identified.

With that will make strategic partnerships, alliances with key providers of resources that will be needed in order to properly provide clean cost effective operations and growth infrastructures.

SALES GOALS

A complete set of financial s is found in this Business Plan, but key metrics include:

	2020	2021	2022
Clone Sales	139	2000	5000
Hydroponics Grow Store Sales	<u>\$2,000,000.00</u>	<u>\$12,000,000.00</u>	<u>\$24,000,000.00</u>

FINANCIAL OVERVIEW:

A complete set of financials is found in this Business Plan, but key metrics include:

	2020	2021	2022
Hydroponics Grow Store Sales	\$250,000.00	\$1,500,000.00	\$3,000,000.00
CANNACUDO Locations	1	6	12
Clone Sales Revenue	\$158,676.80	\$952,060.80	\$1,904,121.60
Teen Sales Revenue	\$150,859.04	\$905,154.24	\$1,810,308.48
Mother Sales Revenue	\$52,000.00	\$312,000.00	\$624,000.00
Custom Genetic Sales Revenue	\$100,000.00	\$600,000.00	\$1,200,000.00
Bulk Commercial Revenue	\$600,000.00	\$3,600,000.00	\$7,200,000.00
Total Revenues (\$)	\$1,061,535.84	\$6,369,215.04	\$12,738,430.08
Expenses (\$)	\$415,000.00	\$2,490,000.00	\$4,980,000.00
Operating profit/loss (\$)	\$646,535.84	\$3,879,215.04	\$7,758,430.08



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MISSION& VALUES

OUR PURPOSE

Our purpose is to restore health to people and the planet through the reconnection of Cannabis & Culinary delivery services right to your home. We're a purpose-driven company that aims to set the standards of excellence for the caregiver's market initiating a specialization in the delivery service to home for cannabis and cannabis infused culinary.

OUR CORE VALUES

These core values are the backbone of our company culture and how we aspire to do business every day — with patients, our supplier partners, our customers, communities and each other.

OUR LEADERSHIP PRINCIPLES

We believe that every team member is a leader who is ultimately responsible for customer happiness. We use our leadership principles every day, whether we're discussing ideas for new projects or deciding on the best approach to solving a problem.

OUR DECLARATION OF INTERDEPENDENCE

We recognize the interdependence among our stakeholders — those who benefit or are impacted by our company. Our success is optimized by a win-win-win-win strategy, and all of our stakeholders benefit simultaneously.

ABOUT EMERALD MOUNTAIN EXPRESS

EMERALD MOUNTAIN EXPRESS was formed with a singular vision in mind where there was a cannabis delivery service that could safely and environmentally consciously provide cannabis and cannabis infused culinary delivered to safe and convenient space of your choice.

We will provide services to the lake county area.

SOURCES OF REVENUE

- 7. ONLINE ORDERING & DELIVERY
- 8. CALL IN ORDERING & DELIVERY
- 9. MOBILE APP ORDERING & DELIVERY

THE CONCEPT

As a target there are many patients and customers whom don't have the transportation means or physical capability due to medical conditions. Our goal is to act as the conduit for connecting the products and medicinal services with culinary to be safely and conveniently delivered to a customers' home or safe place.

THE CANNA SENTRY BUILDING



EME's team of engineers was assembled to create sustainable cannabis distribution environments by pairing IOT driven highly secured innovative and energy-efficient building designs with data driven climate control & Enterprise Resource Planning technologies. Self-monitoring & regulating drying & curing automation with live personnel 24/7/365 provides up to the minute support.

We partner with our technology providers to ensure a flourishing year-round production facility & services pipeline.

We design our facilities with a more sustainable and greener future in mind. At EME, we care about our environmental impact and understand that many of our clients do too. That's why our number one priority is creating complete, earth-conscious drying, curing, packaging, storing systems that use less energy and even function to create more renewable energy. EME team of greenhouse designers and engineers will work to come up with a custom cannabis farms all in one solution that has minimal environmental impact without sacrificing quality.

- **24/7/365 AI CAMERAS AND ONSITE ARMED SECURITY**
- **PERSONAL ACCESS CONTROLLED UNITS**
- **CANNABIS HUMIDOR CLIMATE CONTROLLED ENVIRONMENT & ALERT SYSTEM**
- **GREEN ENERGY POWERED SYSTEMS**
- **24/7/365 ONSITE DRYING & CURING STAFF**
- **METRC COMPLIANT TRACKING SOFTWARE INTEGRATION**
- **ERP INTEGRATION / COMPLETE BUSINESS AUTOMATION**

With this said, it is a key market indicator of the potential and with First Mover momentum and the proper corporate infrastructure would be poised to lead the market and industry for the world.

MARKETING & STRATEGIC ALLIANCES

Marketing will consist of targeted growers, Farms, Chefs and inventors with proven track records. An extensive screening and acceptance process will take place with only the best of the best taken as clients. Multi-channel social media campaigns along with word of mouth with a clear foundation of a clean, sustainable marketplace that will consolidate the best of premium cannabis, edibles, drinks that will fan the flames of the Cannabis Culinary Revolution.

SALES GOALS

A complete set of financials is found in this Business Plan, but key metrics include:

	2021	2022	2023
Online Orders	\$2,000,000.00	\$4,000,000.00	\$8,000,000.00
Mobile App Delivery	\$ 1,000,000.00	\$2,000,000.00	\$4,000,000.00
Phone In Delivery	\$1,200,000.00	\$2,400,000.00	\$4,800,000.00
Marketing Services	\$150,000.00	\$300,000.00	\$600,000.00
Multimedia / Branding Services	\$50,000.00	\$100,000.00	\$200,000.00
	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00

FINANCIAL OVERVIEW

A complete set of financials is found in this Business Plan, but key metrics include:

	2021	2022	2023
EMERALD MOUNTAIN EXPRESS Locations	1	6	12
Total Revenues (\$)	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00
Expenses (\$)	\$1,500,000.00	\$3,000,000.00	\$6,000,000.00
Operating profit/loss (\$)	\$3,500,000.00	\$7,000,000.00	\$14,000,000.00

MANAGEMENT TEAM

Our management team combines the experiences of executives and an advisory board with extensive backgrounds in managing and developing successful businesses within the cultivation, culinary, engineering & construction and software engineering industries.

EMERALD MOUNTAIN EXPRESS currently has four executives and is in the process of identifying and hiring additional support staff, which will be involved in business development, technical implementations and administration.

Upon obtaining the first round of funding, **EMERALD MOUNTAIN EXPRESS** will hire a full-time staff to fully implement the business as outlined in this plan. The Company's executive staff and operations will be in Clearlake, California.

Management, Board of Directors, Advisory Board, and Other Partners For further information please contact:

Chandra Martinez
Founder / General Manager
eMail: chandra@CannaMarketSquare.com
Mobile: (707) 533-6121



Executive Summary

2 0 2 0

MISSION& VALUES

OUR PURPOSE

Our purpose is to restore health to people and the planet through the reconnection of Cannabis & Culinary. We're a purpose-driven company that aims to set the standards of excellence for the caregiver's market initiating a specialization in the production, distribution and sales of cannabis drinks.

Quality is a state of mind at **EMERALD MOUNTAIN SUPPLY, CO.**

OUR CORE VALUES

These core values are the backbone of our company culture and how we aspire to do business every day – with patients, our supplier partners, our customers, communities and each other.

OUR LEADERSHIP PRINCIPLES

We believe that every team member is a leader who is ultimately responsible for customer happiness. We use our leadership principles every day, whether we're discussing ideas for new projects or deciding on the best approach to solving a problem.

OUR DECLARATION OF INTERDEPENDENCE

We recognize the interdependence among our stakeholders – those who benefit or are impacted by our company. Our success is optimized by a win-win-win-win strategy, and all of our stakeholders benefit simultaneously.

ABOUT EMERALD MOUNTAIN SUPPLY, CO.

EMERALD MOUNTAIN SUPPLY, CO. was formed with a singular vision in mind where there was a cannabis distribution talent agency one stop shop that catered to the specific needs of the grower, extractor and producer of cannabis & CBD infused products. A Cannabis Talent Agency like no other before, one with processing power from steps A through Z that reaches from the tips of Northern California to the Shores of Long Beach.

Introducing the **CURE STATIONS CANNABIS CULTIVATION PARK** processing facilities. From Licensing Assistance to Distribution & Sales, **EMERALD MOUNTAIN SUPPLY, CO.** is dedicated to providing every aspect of the transaction for those who want to focus on what they do best, Grow and Process Cannabis premium flower & infused products. Here is a list of services to be provided by **EMERALD MOUNTAIN SUPPLY, CO.**

SOURCES OF REVENUE

- 1. CANNABIS LICENSING ASSISTANCE PROGRAM
- 2. MARKETING & BRANDING SERVICES
- 3. CANNABIS / CBD FLOWER DISTRIBUTION
- 4. CANNABIS / CBD FLOWER PACKAGING
- 5. CANNABIS / CBD DRYING & CURING
- 6. EDIBLE DISTRIBUTION
- 7. EDIBLE PACKAGING & LABELING
- 8. PRODUCT BOXING

- 9. ISOLATE DISTRIBUTION
- 10. ISOLATE PACKAGING & LABELING
- 11. DRINK DISTRIBUTION
- 12. DRINK PACKAGING & LABELING

THE CONCEPT

The gap in the market for a centralized location of Distribution & Sales services which can eliminate the objections in participating in the legally licensed cannabis market when assuring a seasoned and experienced cannabis & hemp grower/processor that all they will have to do is what they do best, grow or process, we got the rest.

EMERALD MOUNTAIN SUPPLY, CO. provides a hands-on, human approach that meets the needs that farmers and manufacturers are not comfortable engaging with every step of the way for all their cannabis Licensing, Branding, Marketing, sales, security, drying, curing, packaging, boxing,



distribution management, reporting , reputation management and general guidance in market related subjects. Our main credo for all of our clients and shareholders alike is simply that, "We live to serve & protect."

CannaBit

U.S. CANNABIS CULTIVATION IN CALIFORNIA
2019 SUPPLY AND DEMAND

FOR MORE INSIGHTS
LIKE THIS, VISIT:
NEWFRONTIERDATA.COM

DESPITE INCREMENTAL LEGAL MARKET GAINS, CALIFORNIA'S ILLICIT CANNABIS STILL DOMINATES IN-STATE & NATIONAL SUPPLY.





THE CANNA SENTRY BUILDING

EMSC's team of engineers was assembled to create sustainable cannabis distribution environments by pairing IOT driven highly secured innovative and energy-efficient building designs with data driven climate control & Enterprise Resource Planning technologies. Self-monitoring & regulating drying & curing automation with live personnel 24/7/365 provides up to the minute support.

We partner with our technology providers to ensure a flourishing year-round production facility & services pipeline.

We design our facilities with a more sustainable and greener future in mind. At EMSC, we care about our environmental impact and understand that many of our clients do too. That's why our number one priority is creating complete, earth-conscious drying, curing, packaging, storing systems that use less energy and even function to create more renewable energy. EMSC team of greenhouse designers and engineers will work to come up with a custom cannabis farms all in one solution that has minimal environmental impact without sacrificing quality.

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SALES GOALS

A complete set of financials is found in this Business Plan, but key metrics include:

	2021	2022	2023
Cannabis Flower Distribution	\$2,000,000.00	\$4,000,000.00	\$8,000,000.00
Edible Distribution	\$1,000,000.00	\$2,000,000.00	\$4,000,000.00
Drink Distribution	\$1,200,000.00	\$2,400,000.00	\$4,800,000.00
Packaging & Labeling	\$500,000.00	\$1,000,000.00	\$2,000,000.00
Boxing Services	\$100,000.00	\$200,000.00	\$400,000.00
Marketing Services	\$150,000.00	\$300,000.00	\$600,000.00
Multimedia / Branding Services	\$50,000.00	\$100,000.00	\$200,000.00
	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00

FINANCIAL OVERVIEW

A complete set of financials is found in this Business Plan, but key metrics include:

	2021	2022	2023
EMERALD MOUNTAIN SUPPLY, CO.			
Locations	1	6	12
Total Revenues (\$)	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00
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Management, Board of Directors, Advisory Board, and Other Partners

For further information please contact:

Chandra Martinez
Founder / General Manager
eMail: chandra@CannaMarketSquare.com
Mobile: (707) 533-6121

{ } 11. Previous addresses for the past five years.

**40603 Adante St - 2 years
Fremont, Ca**

**10849 North Slope Dr. 1.5 years
Kelseyville, Ca**

**7381 Gross Road
Kelseyville, Ca 1.5 years**

{ } 12. Property ownership and lease details.

Howard Levin 707-494-8498

Howard Levin
3611 Williams Rd
Santa Rosa, Calif

November 1, 2020

To: The City of Clearlake

Re: Authorization & Acknowledgement

14915 Olympic Drive, Clearlake, Ca. 95422

Please be advised that I own the warehouses at
14915 Olympic Drive, Clearlake, Ca.

This letter serves as acknowledgement that Chandra
Martinez, Fuego Premium, LLC, may use the
following properties pursuant to state law:

Unit O for a marijuana nursery

Units G, H, I, K, and M for marijuana indoor
cultivation.

Unit N for marijuana distribution

Sincerely,

Howard Levin

11/10/20

See Notary
Attachment

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Sonoma)

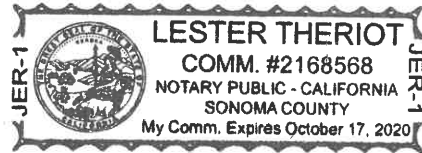
On November 10, 2020 before me, Lester Theriot Notary Public
(insert name and title of the officer)

personally appeared Howard Levin,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

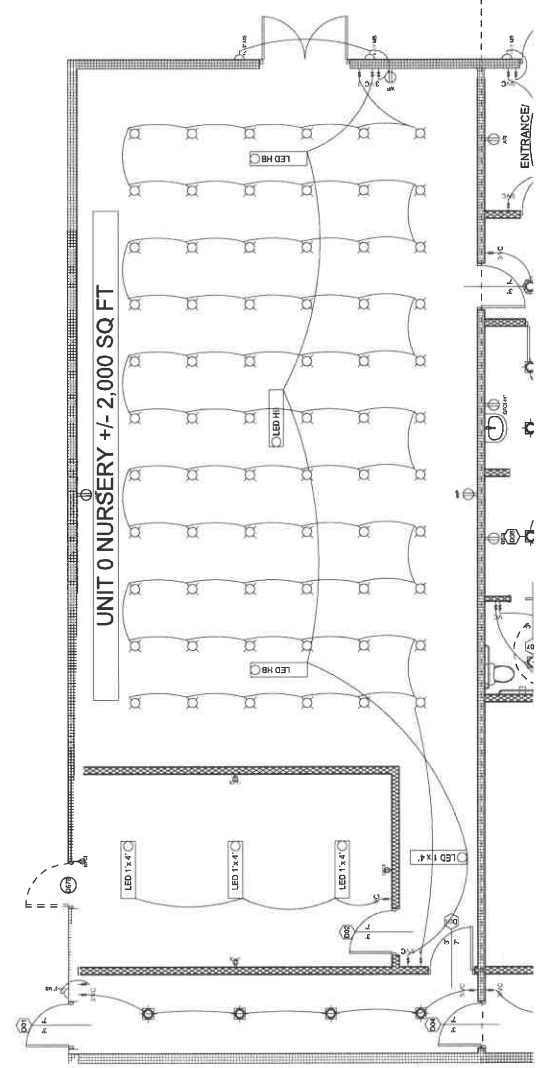
WITNESS my hand and official seal.

Signature Lester Theriot (Seal)



COORDINATION ONLY
NOT FOR CONSTRUCTION

ELECTRICAL SYMBOLS	
	GROUND FAULT INTERRUPT DOUBLE RECEPTACLE MOUNT @ 14" TEMPER-RESISTANT
	GROUND FAULT INTERRUPT DOUBLE RECEPTACLE MOUNT @ 44" TEMPER-RESISTANT
	ARCH FAULT INTERRUPT TEMPER-RESISTANT
	DOUBLE RECEPTACLE MOUNT @ 14" WATERPROOF
	DOUBLE RECEPTACLE MOUNT @ 14" TEMPER-RESISTANT
	EXHAUST FAN DUCTED TO OUTSIDE BROAN NEO 1485 680
	LIGHT SWITCH/ROCKER
	3 POLE LIGHT SWITCH/ROCKER
	LIGHT SWITCH/ROCKER W/ VACANCY SENSOR
	RECESSED LIGHT, 4" LED FIXED, LC-DL-Cantless-20W-40K
	LED TROFFER LIGHT 1'x4' BTWN FLOOR JOISTS
	HIGH BAY LC-LHB-233W-50K
	WALL MOUNT FLOOD LC-SB-3042-320W-50K
	SMALL WALL PACK LC-WP-25W-50K
	ELECTRIC VEHICAL CHARGER "TURBODOCK"
	SUB PANEL
	GROW LIGHT 660 WATT



1st FLOOR ELECTRICAL

1/4" = 1'-0"

RUFF + ASSOCIATES
 Architecture Planning Development
 100 West Standby Street, Suite CA 95442
 Phone: 707-472-0255 Fax: 707-472-0227
 Email: info@ruffassociates.com
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FUGO PREMIUM LLC
 TENANT IMPROVEMENT
 UNIT G
 14915 OLYMPIC DRIVE CLEAR
 LAKE CA 95422

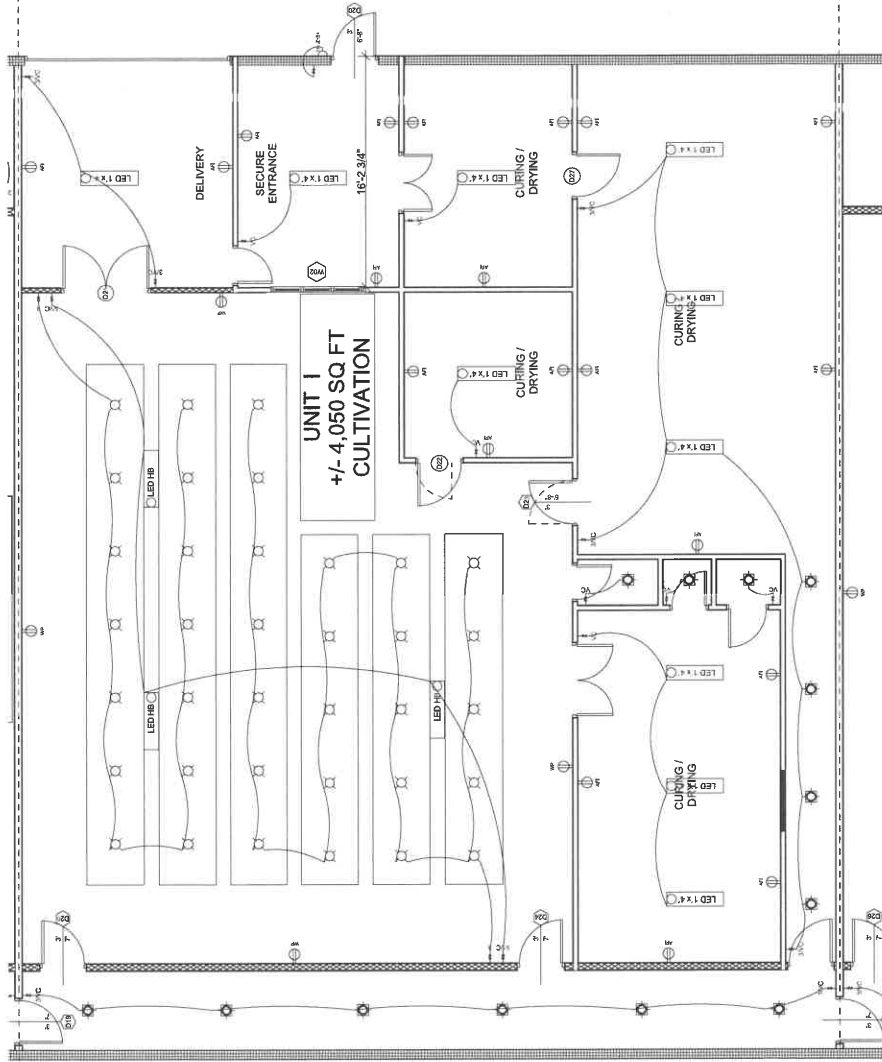
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 SHEET 17

Section H, Item 15.

COORDINATION ONLY
NOT FOR CONSTRUCTION

ELECTRICAL SYMBOLS	
	RECESSED LIGHT, 4" LED FIXED, LC-DL-Cantless-20W-40K
	LED TRIGGER LIGHT 1'x4' LC-PL-LCT-1M BTWN FLOOR JOISTS
	HIGH BAY LC-LHB-223W-50K
	WALL MOUNT FLOOD LC-SR-3042-320W-50K
	SMALL WALL PACK LC-WP-25W-50K
	ELECTRIC VERTICAL CHARGER "TURBODOCK"
	SUB PANEL
	GLOW LIGHT 660 WATT
	GROUND FAULT INTERRUPT DOUBLE RECEPTACLE MOUNT @ 14" TEMPER-RESISTANT
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	3 POLE LIGHT SWITCH/ROCKER
	LIGHT SWITCH/ROCKER W/ VACANCY SENSOR



1st FLOOR ELECTRICAL

1/4" = 1'-0"

RUFF + ASSOCIATES
Architecture Planning Development
107 West Standby Street, Upland, CA 91782
Phone: 767-422-0225 Fax: 767-422-0227
ruff@ruffassociates.com

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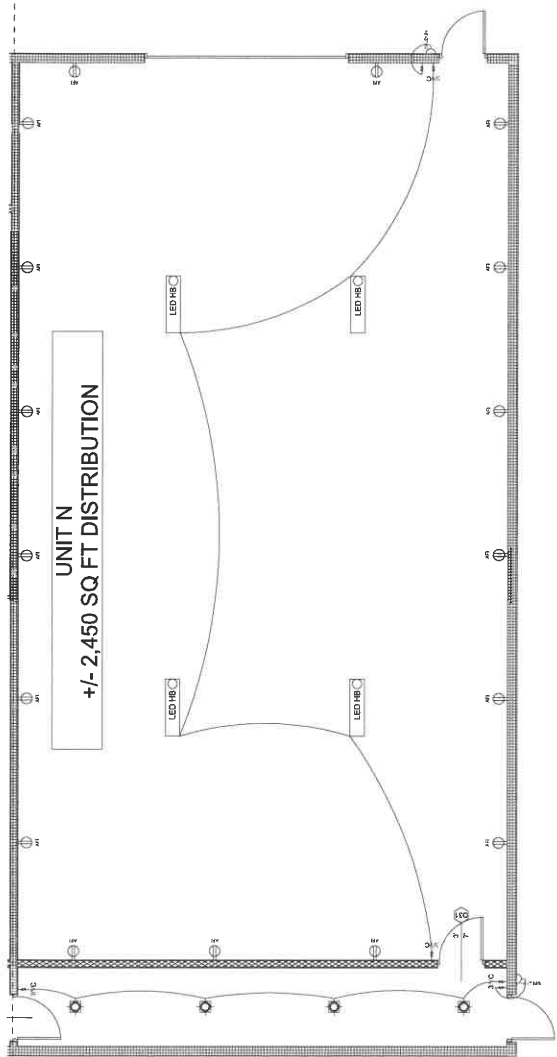
FUEGO PREMIUM LLC
TENANT IMPROVEMENT
UNIT G
14915 OLYMPIC DRIVE CLEAR
LAKE CA 95422

DESIGNED BY	DATE
CHECKED BY	10-27-2020
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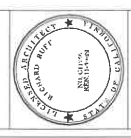
ELECTRICAL SYMBOLS	
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	LED TROFFER LIGHT 1'x4' BTWN FLOOR JOISTS
	HIGH BAY LC-LB-223W-50K
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	LIGHT SWITCH/ROCKER
	3 POLE LIGHT SWITCH/ROCKER
	LIGHT SWITCH/ROCKER W/ VACANCY SENSOR



1/4" = 1'-0"
1st FLOOR ELECTRICAL

DATE	REVISIONS

RUFF + ASSOCIATES
 Architecture Planning Development
 100 West Broadway Street, Suite 400, San Francisco, CA 94111
 Phone: 415-774-2225 Fax: 415-774-2227
 e-mail: ruff@ruffassociates.com
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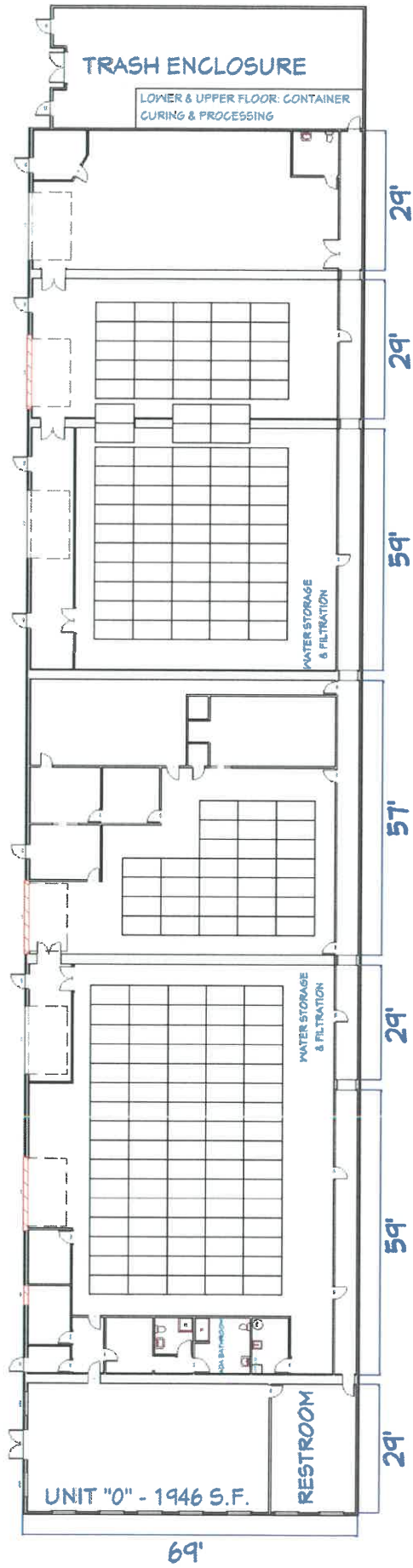


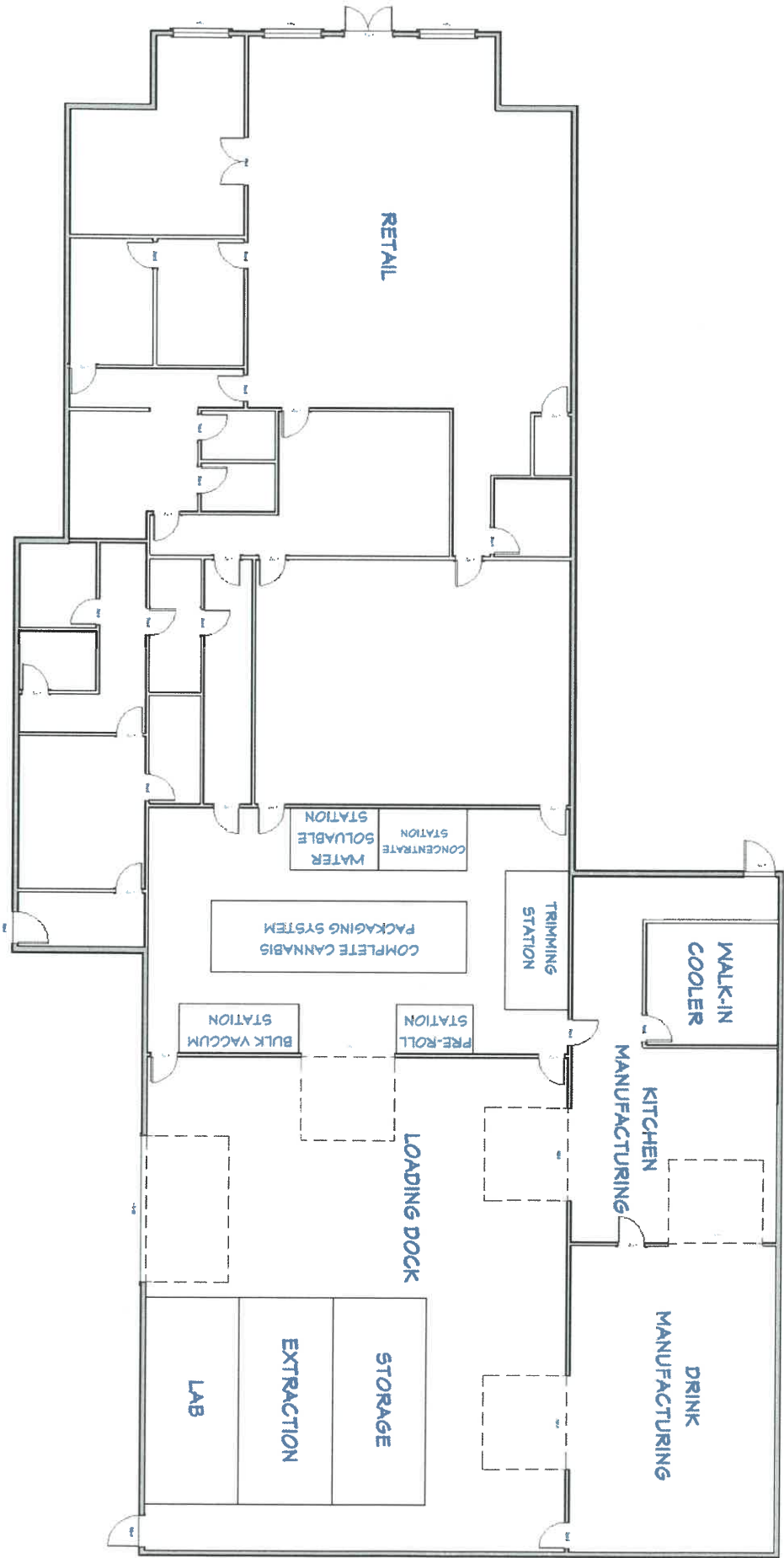
FUEGO PREMIUM LLC
 TENANT IMPROVEMENT
 UNIT G
 14915 OLYMPIC DRIVE CLEAR
 LAKE CA 95422

SHEET TITLE	NO	DATE
ELECTRICAL		

DRAWN BY	NO	DATE
CHECKED BY		
DATE		
SCALE		
DISTRICT		
PROJECT		

Section H, Item 15.





include the name and address of the owner and lessor of the prospective cannabis business premises and a copy of the lease or other such proof of the legal right to occupy and use the premises and a statement from the owner or agent of the owner of the real property where the facility will be located demonstrating the landowner has acknowledged and consented to permit the cannabis business to operate on the property, and all other information required by the Community Development Department use permit application checklist.

- B. Cannabis Business Regulatory Permit.** No person or entity shall operate a cannabis business facility within the City of Clearlake without first obtaining a cannabis business regulatory permit from the City. The regulatory permit shall be site specific and shall specifically identify the cannabis business activities that will be allowed at that site. No cannabis business activities will be allowed unless specifically identified in the regulatory permit. In addition, all persons or entities who undertake any subcomponent of a cannabis business performed by a subcontractor or tenant of the holder of a cannabis business use permit within the cannabis business permitted premises shall first obtain a cannabis business regulatory permit from the City. (Ord. #229-2019, § 4 (Ex. A))

18-43.060 General Operating Requirements.

The following general operating requirements are applicable to all applications for commercial cannabis business use permits subject to the additional requirements set forth in subsections 18-43.070 (Cultivation Operating Requirements), 18-43.080 (Manufacturing Operating Requirements), 18-43.090 (Distribution Operating Requirements), and 18-43.100 (Testing Laboratory Operating Requirements), respectively.

A. Compliance with State and Local Law.

1. **State Licensing.** All cannabis operators shall be required to obtain a State cannabis license at such time as the State begins issuing such licenses pursuant to MAUCRSA, and shall comply at all times with any applicable State licensing requirements, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria. Failure to apply for, receive, maintain, and operate in full compliance with a State cannabis license, when available, shall be grounds for revocation of City approval of commercial cannabis permits as set forth in this chapter.
2. **State Law and Agency Compliance.** Compliance with the provisions of the MAUCRSA, as may be amended, as well as any and all rules and regulations for commercial cannabis as may now be adopted or hereafter promulgated by any of the State agencies and departments with oversight of cannabis activity and licensing including, but not limited to, the Bureau

of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, the State Water Resources Control Board, and the Department of Tax and Fee Administration shall be considered conditions of zoning clearance or permit approval for any commercial cannabis use in the City.

3. Inventory and Tracking. Cannabis operators shall comply with any track and trace program established by the State agencies and shall operate in a manner to prevent diversion of cannabis.
- B. Building and Fire Permits.** All applicants must illustrate that their facilities are compliant with all applicable local building and fire codes.
- C. Management and on-Site Community Relations Contacts.** Each applicant for a commercial cannabis business shall provide the Community Development Department, Fire Department, and Police Department with full contact information for the person or persons having management and/or supervision of the cannabis business as well as an on-site community relations contact. Subsequently cannabis operators shall provide prompt written notice to the Planning Department, Fire Department, and Police Department of any changes to such contact information.
- D. Transfer of Ownership or Control.** A permittee shall not transfer ownership or control of a cannabis business or transfer a use permit or zoning clearance for a cannabis business to another person unless and until the transferee obtains an amendment to the permit or zoning clearance from the Community Development Director stating that the transferee is now the permittee. Such an amendment is obtained through the issuance of a zoning clearance that documents the transfer and commits the transferee to compliance with each of the conditions of the original use permit or zoning clearance.
- E. Security Plan.** Every cannabis business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. As part of an application for a cannabis use, each applicant shall prepare and submit a security plan, which plans shall remain updated and secured on file in the protective custody of the Building Department. The information provided for purposes of this section shall be maintained by the Building Department as confidential information, and shall not be disclosed as public records unless pursuant to subpoena issued by a court of competent jurisdiction. Minimum security plan requirements include the following:
1. Security Cameras. Security surveillance cameras shall be installed to provide coverage on a twenty-four (24) hour basis of all areas where cannabis is cultivated, weighed, manufactured, packaged, stored and dispensed in a manner that provides clear and certain identification of individuals. Cameras shall remain in active, operable condition and capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for ninety (90) days.

2. **Alarm System.** A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The alarm system shall be installed in accordance with Section 5-13 of the City of Clearlake Municipal Code and shall include sensors to detect entry and exit from all secure areas and windows. Cannabis operators shall keep the name and contact information of the alarm system installation company as part of the business's on-site books and records.
 3. **Limited Access Areas.** A cannabis business shall establish limited access areas accessible only to authorized personnel and enforcement.
 4. **Storage.** All cannabis on the permitted premises shall be stored and secured in a store room, safe, or vault in a manner that prevents diversion, theft, and loss.
 5. **Transportation.** Each cannabis business shall provide as a part of its security plan a description of its procedures for transportation delivery, and safely and securely transporting cannabis products and currency in accordance with State law.
 6. **Locks.** All points of ingress and egress to a cannabis business shall ensure the use of commercial-grade, nonresidential door locks and window locks.
 7. **Emergency Access.** Security measures shall be designed to ensure emergency access in compliance with fire safety standards.
- F. Odor Control.** All cannabis businesses in the City shall be required to incorporate and maintain adequate odor control measures such that the odors of cannabis cannot be readily detected from outside of the structure in which the permitted premises is located. The cannabis operator shall be solely responsible for taking any and all appropriate measures to meet this standard and to install, operate and maintain appropriate odor mitigation measures consistent with the manufacturer's specifications and requirements.
- G. Lighting.** Exterior lighting shall be provided for security purposes in a manner that shall be sufficient to provide illumination and clear visibility to all outdoor areas, including all points of ingress and egress, with minimal spillover on adjacent properties. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood, and in compliance with all illumination standards adopted by the City on a City-wide basis.
- H. Inspections.** The cannabis business shall be open for inspection by any City law enforcement officer or City Code Enforcement Officer at any time the cannabis business is operating, at any other time upon responding to a call for service related to the property where the cannabis business is occurring, or otherwise upon reasonable notice. Recordings made by security cameras at any cannabis business shall be made immediately available to the Police Chief upon verbal request. No search warrant or subpoena shall be needed to view the recorded materials.

- I. **Modifications to Premises.** A permittee shall not make physical change, alteration, or modification of the permitted premises that materially or substantially alters the permitted premises from the plans approved by the review authority without the prior written approval of the review authority. Material changes include, but are not limited to: an increase or decrease in the total square footage of the permitted premises, or modifications made for the purpose of increasing power usage, or the addition, sealing off, or relocation of a wall, common entryway, doorway, or other means of public ingress and/or egress.
- J. **Display of Permit.** Every commercial cannabis facility shall display at all times during business hours the use permit or zoning clearance issued pursuant to the provisions of this article for such dispensary in a conspicuous place so that the same may be readily seen by all persons entering the facility.
- K. **Hours of Operation.** Cannabis businesses shall be allowed to operate per the requirements of the underlying zone district or the use permit, whichever is the more restrictive, and subject to the City's noise and nuisance ordinances.
- L. **Permit Requirements for a Cannabis Microbusiness.** A cannabis microbusiness shall be subject to approval of a use permit by the Planning Commission.
- M. Cannabis processing operations that are an ancillary and integral part of the operations of a cannabis manufacturer or cannabis cultivator are not required to have an additional cannabis processing permit.

18-43.070 Cultivation Operating Requirements.

- A. **Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis cultivation in the City.
- B. **Permit Requirements.** In the CB combining district, all cannabis cultivation businesses shall be subject to approval of a use permit by the Planning Commission.
- C. All cultivation facilities must be secured from public access with metal security fencing and drive and pedestrian gates with electronic key code or similar access controls approved by the Chief of Police, as set forth in subsection 18-03.300.

18-43.080 Manufacturing Operating Requirements.

- A. **Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis manufacturers in the City.
- B. **Permit Requirements.** In the CB combining district, all cannabis manufacturing businesses shall be subject to approval of a use permit by the Planning

Commission.

C. Operating Requirements.

1. All cannabis manufacturers shall utilize only extraction processes that are approved by the Lake County Fire Protection District Chief or designee and are generally recognized as safe pursuant to the Federal Food, Drug, and Cosmetic Act and/or use solvents exclusively within a closed loop system that meets the requirements under the Federal Food, Drug, and Cosmetic Act including use of specified solvents, prevention of off-gassing, and certification by a licensed engineer.
2. All cannabis manufacturers shall receive and maintain approval from the Fire Department for the closed-loop system, other equipment, the extraction operation and the facility.
3. All cannabis manufacturers shall meet required fire, safety, and building code requirements in one (1) or more of the California Fire Code, National Fire Protection Association standards, the International Building Code and the International Fire Code. Cannabis manufacturer facilities, all operations conducted therein, and all equipment used must be in compliance with all applicable State and local laws, including all building, electrical, and fire codes. Cannabis manufacturers shall prepare hazardous materials handling and safety plans as required by State law and departmental guidelines for review and approval by the Fire Chief of the Lake County Fire Protection District or his or her designee, or if the proposed location is under the jurisdiction of CalFire, review and approval by the appropriate CalFire official in coordination with the Fire Chief of the Lake County Fire Protection District.
4. All cannabis manufacturers shall possess a valid seller's permit issued by the Department of Tax and Fee Administration.
5. A hazardous materials disclosure/inventory statement shall be provided and kept current with the Fire Department. The cannabis manufacturer shall further provide the Fire Department with a lock box for keys to gates and doors.
6. All processing and analytical testing devices used by the cannabis manufacturer must be UL listed, or otherwise approved for the intended use by the City's Building Official or the Fire Department. Any processing devices using only non-pressurized water are exempt from such approval.
7. A cannabis manufacturer that produces edible cannabis products must comply with the provisions of all relevant State and local laws regarding the preparation, distribution, and sale of food.

18-43.090 Distribution Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis distributors in the City.
- B. Permit Requirement.** A use permit issued by the Planning Commission shall be required to operate a cannabis distribution facility, and may only be issued for cannabis distribution uses located in the CB combining zone districts.
- C. Manifests.** Cannabis distributors shall maintain records of transactions and shipping manifests at its distribution or transportation site and shall operate in full compliance with State law.

18-43.100 Testing Laboratory Operating Requirements.

- A. Applicability.** In addition to the general operating requirements set forth in subsection 18-43.060, this section provides specific requirements for all cannabis testing laboratories in the City.
- B. Permit Requirements.** A use permit issued by the Planning Commission shall be required to operate a cannabis testing laboratory and may only be issued for a cannabis testing laboratory located in the CB combining zone districts.

18-43.110 Violations; Enforcement.

- A.** Any person that violates any provision of this article shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.
- B.** Any use or condition caused or permitted to exist in violation of any of the provisions of this article shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Clearlake Municipal Code. Such abatement shall not include the eradication of marijuana plants without first obtaining an abatement warrant.
- C.** The violation of any provision of this article shall be, and is hereby declared to be, contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

18-43.120 Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this article or of the regulatory permit issued to implement this article, or the application thereof to any person, establishment, or



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

RE Section H, Item 15.

DEC 09 2020
Lake County
Environmental Health

DEVELOPMENT COORDINATION REVIEW

CITY DEPARTMENTS

- Building Inspection
- Code Enforcement
- Fire (Lake County Fire District)
- Police
- Public Works/Engineering

STATE AGENCIES

- CalTrans
- Fish and Game
- Sonoma State University
- State Clearing House
- Water Resources

COUNTY AGENCIES

- Air Quality Management
- Environmental Health
- Flood Control
- Lake County Water Resources
- Planning
- Public Works
- Special Districts (sewers)
- Lake County Transit

FEDERAL AGENCIES

- Fish and Wildlife
- U.S. Department of Agriculture
- OTHER
- Elem Indian Colony
- Middletown Rancheria
- Koi Nation of Northern California
- Water District (Highlands Water Company)
- PG & E
- Cannabis Agencies
 - Bureau of Cannabis Control
 - CalCannabis
 - CA Dept. of Public Health

REQUEST: Please review the enclosed Development Plan(s) and return comments by 12/28/20

Application: UP 06-20 Cannabis Cultivation, 07-20 Manufacturing, 08-20 Distribution, 09-20 Nursery, and 10-20 Retail delivery

DESCRIPTION OF PROJECT: Chandra Martinez, representative of Fuego Tribe, is looking to expand their current use permit (UP 16-18) at 14935 Olympic Drive (Olympic Plaza) allowing cannabis cultivation in order to modify the existing site plan and include manufacturing, distribution, nursery, and retail delivery spanning both parcels. The City recently removed the limit on the amount of cultivation, manufacturing, distribution, testing laboratory, nursery, processing, and delivery-only dispensary permits within the existing commercial cannabis combining district, for which both properties are zoned. No new structures have been proposed and the remodel of the existing structures has been included for review. The City ordinance requires a development agreement and use permit approval, aside from other standard business license/seller's permit requirements. **For additional information please see the attached application packet or contact the planning department.**

LOCATION: 14935 & 14915 Olympic Drive, Clearlake, CA 95422
ASSESSOR'S #: 039-550-450-000 & 039-550-460-000

APPLICANT: Chandra Martinez
ADDRESS: PO Box 4643, Clearlake, CA 95422
PHONE: 707-533-6121
Date Distributed: 12/8/2020

Staff : Mark Roberts & Susanna Gutierrez, Planning Dept.

RETURN DATE REQUESTED: December 28, 2020

Comments and/or conditions recommended if project approved for development: (add additional pages if necessary)

See attached memorandum

Date: 12/9/20 By: Tina Rubin

(For City of Clearlake use only)
Response Received:



COUNTY OF LAKE
Health Services Department
Environmental Health Division
922 Bevins Court
Lakeport, California 95453-9739
Telephone 707/263-1164
FAX 707/263-1681

Denise Pomeroy
Health Services Director

Gary Pace, MD, MPH
Public Health Officer

Craig Wetherbee
Environmental Health Director

Promoting an Optimal State of Wellness in Lake County

Memorandum

DATE: December 9, 2020
TO: Susanna Amaro-Gutierrez – Assistant Planner,
City of Clearlake
FROM: Tina Dawn-Rubin, Environmental Health Aide
RE: UP 06-20 Commercial Cannabis Cultivation; UP 07-20
Manufacturing; UP 08-20 Distribution; UP 09-20
Nursery; UP 10-20 Retail
APN: 039-550-45 & 46 14915 & 14935 Olympic Drive,
Clearlake

Environmental Health Division does not have any concerns on the wastewater treatment system since property is connected to a public sewer system.

Lake County Environmental Health requires all applicants to provide a written declaration of the chemical names and quantities of any Hazardous Material to be used on site. As a general rule, if a material has a Safety Data Sheet, that material may be considered as part of the facilities Hazardous Material Declaration.



COUNTY OF LAKE
HEALTH SERVICES
prevent.promote.protect.

MARIJUANA EDIBLES:

Cannabis Edibles:

- A product intended for consumption that has cannabis in it would be considered an “edible” pursuant BPC section 26001(t), and not a food, thus it would have to be manufactured under a Manufacturer Cannabis Safety Bureau (MCSB) license and in accordance with the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) and the regulations.
- Under the California Business and Professions Code (BPC) 26130(d), if the product is not manufactured in accordance with MAUCRSA and the regulations, the cannabis in the product would be considered an adulterant.
- Pursuant to the regulations, 17 CCR section 40175, food products and edible products cannot be manufactured at the same premises.
- Pursuant to BPC 26053, any entity engaged in the commercial manufacture, possession or sale of any product containing cannabis would require a license issued under MAUCRSA.

As for the retail sale of products containing cannabis, that would require a license from the Bureau of Cannabis Control.

- Under the Controlled Substances Act, Health and Safety Code (HSC) section 11362.3, it is illegal for cannabis products to be ingested in a public place unless it is in accordance with BPC section 26200.
- BPC Section 26200(g) requires that the local jurisdiction specifically allow for such consumption and that the consumption occur on the premises of a retailer or microbusiness that is licensed under MAUCRSA.
- The retailer or microbusiness would need to be licensed by the Manufacturer Cannabis Safety Bureau and comply with all the requirements established by the Bureau.



Tina Rubin

From: Susanna Amaro-Gutierrez <sgutierrez@clearlake.ca.us>
Sent: Tuesday, December 8, 2020 6:48 PM
To: Andrew White; swartz@cecusa.net; Dave Deakins; Lee Lambert; swartz@cecusa.net; Fahmy Attar; Doug Gearhart; Tina Rubin; Kelli Hanlon; Lori Baca; a.tyler@elemindiancolony.org; a.garcia@elemindiancolony.org; speterson@middletownrancheria.com; mshaver@middletownrancheria.com; Cory Smith; Dino Beltran; kn2@koination.com; Doug Gearhart; Jackman, Rex A@DOT; Jackman, Rex A@DOT; james.shupe@dot.ca.gov; kyle.stoner@wildlife.ca.gov; jeff@highlandswater.com; rick@highlandswater.com; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov; MCLS.LocalRelations@cdph.ca.gov; kevin.ponce@cdfa.ca.gov; BCCLocalGov@dca.ca.gov
Cc: Mark Roberts; Alan Flora
Subject: [EXTERNAL] DCR UP Fuego Tribe Commercial Cannabis UP 06-20, 07-20, 08-20, 09-20, 10-20
Attachments: RFR Packet Fuego Tribe.pdf

Good Evening,

The City of Clearlake would like to request your review of use permit applications UP 06-20, 07-20, 08-20, 09-20 and 10-20 for a cannabis operation located at 14935 & 14915 Olympic Drive in the C4 Heavy Service Commercial - Light Industrial zone and Commercial Cannabis overlay district. Please refer to the attachment for further information in addition to the summary below:

Chandra Martinez, representative of Fuego Tribe, is looking to expand their current use permit (UP 16-18) at 14935 Olympic Drive (Olympic Plaza) allowing cannabis cultivation in order to modify the existing site plan and include manufacturing, distribution, nursery, and retail delivery spanning both parcels. The City recently removed the limit on the amount of cultivation, manufacturing, distribution, testing laboratory, nursery, processing, and delivery-only dispensary permits within the existing commercial cannabis combining district, for which both properties are zoned. No new structures have been proposed and the remodel of the existing structures has been included for review. The City ordinance requires a development agreement and use permit approval, aside from other standard business license/seller’s permit requirements. For additional information please see the attached application packet or contact the planning department.

If you have any questions feel free to reach out to me; please submit your comments no later than December 22.

Best,



Susanna Amaro-Gutierrez
Assistant Planner
City of Clearlake

Lori Baca <Lori.Baca@lakecountyca.gov>

Fri 12/18/2020 11:25 AM

To: Susanna Amaro-Gutierrez <sgutierrez@clearlake.ca.us>

1 attachments (18 KB)

Types of Wastes Prohibited.docx;

Susanna,

Both parcels, 039-550-450 and 039-550-460, located at 14935 and 14915 Olympic Drive in Clearlake, are within LACOSAN 1-2 service area and have multiple actively billed sewer accounts.

A Waste Management Plan (both solid and liquid) is required and I do not see anything addressing waste removal in the packet. This information is needed to determine if a Special Agreement would be required. I have attached our Sewer Use Ordinance which covers prohibited types of wastes in our sewer system. The full Sewer Use Ordinance can be found at the link below:

https://library.municode.com/ca/lake_county/codes/code_of_ordinances?nodeId=COOR_APXASEUSORLACOSADI

I will also need more information in order to determine the additional sewer capacity and also if additional Capacity Fees will be warranted. I would like to know the staffing levels and hours of operation, what facilities are existing and what facilities are being added (i.e. restrooms, kitchen/breakroom).

If you have any questions or need additional information please do not hesitate to contact me!

Have a great day!

Lori A. Baca

Customer Service Coordinator

Lori.Baca@lakecountyca.gov

Office Number (707) 263-0119

Fax (707) 263-3836



From: Susanna Amaro-Gutierrez [mailto:sgutierrez@clearlake.ca.us]

Sent: Tuesday, December 8, 2020 6:48 PM

To: Andrew White <awhite@clearlakepd.org>; swartz@cecusa.net; Dave Deakins <ddeakins@clearlake.ca.us>; Lee Lambert <llambert@clearlakepd.org>; swartz@cecusa.net; Fahmy Attar <FahmyA@lcaqmd.net>; Doug Gearhart <doug@lcaqmd.net>; Tina Rubin <Tina.Rubin@lakecountyca.gov>; Kelli Hanlon <Kelli.Hanlon@lakecountyca.gov>; Lori Baca <Lori.Baca@lakecountyca.gov>; a.tyler@elemindiancolony.org; a.garcia@elemindiancolony.org; speterson@middletownrancheria.com; mshaver@middletownrancheria.com; Cory Smith <CSmith@lakecountyfire.com>; Dino Beltran <dbeltran@koination.com>; kn2@koination.com; Doug Gearhart <doug@lcaqmd.net>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; james.shupe@dot.ca.gov; kyle.stoner@wildlife.ca.gov; jeff@highlandswater.com; rick@highlandswater.com; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov; MCLS.LocalRelations@cdph.ca.gov; kevin.ponce@cdfa.ca.gov; BCCLocalGov@dca.ca.gov

Cc: Mark Roberts <mroberts@clearlake.ca.us>; Alan Flora <aflora@clearlake.ca.us>

Subject: [EXTERNAL] DCR UP Fuego Tribe Commercial Cannabis UP 06-20, 07-20, 08-20, 09-20, 10-20

Section H, Item 15.

Good Evening,

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Best,



Susanna Amaro-Gutierrez

Assistant Planner

City of Clearlake

14050 Olympic Drive

Clearlake, CA 95422

(707) [994-8201](tel:994-8201) ext: 103



City of Clearlake

14050 Olympic Drive, Clearlake, California 95422
(707) 994-8201 Fax (707) 995-2653

Section H, Item 15.

DEVELOPMENT COORDINATION REVIEW

CITY DEPARTMENTS

- Building Inspection
- Code Enforcement
- Fire (Lake County Fire District)
- Police
- Public Works/Engineering

COUNTY AGENCIES

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- Environmental Health
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- CalTrans
- Fish and Game
- Sonoma State University
- State Clearing House
- Water Resources

FEDERAL AGENCIES

- Fish and Wildlife
- U.S. Department of Agriculture

OTHER

- Elem Indian Colony
- Middletown Rancheria
- Koi Nation of Northern California
- Water District (Highlands Water Company)
- PG & E
- Cannabis Agencies
 - Bureau of Cannabis Control
 - CalCannabis
 - CA Dept. of Public Health

REQUEST: Please review the enclosed Development Plan(s) and return comments by **12/28/20**

Application: UP 06-20 Cannabis Cultivation, 07-20 Manufacturing, 08-20 Distribution, 09-20 Nursery, and 10-20 Retail delivery

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LOCATION: 14935 & 14915 Olympic Drive, Clearlake, CA 95422
ASSESSOR'S #: 039-550-450-000 & 039-550-460-000

APPLICANT: Chandra Martinez
ADDRESS: PO Box 4643, Clearlake, CA 95422
PHONE: 707-533-6121
Date Distributed: 12/8/2020

Staff : Mark Roberts & Susanna Gutierrez, Planning Dept.

RETURN DATE REQUESTED: **December 28, 2020**

Comments and/or conditions recommended if project approved for development: (add additional pages if necessary)
Ownership: is Howard Levine, not Fuego Tribe. Whats the setback in commerical district, as the western PL is very close to existing bldg. Is there going to be new striping, paving? Show PLs on site plan. Complete TI cost estimate for calc of building permit fees. May require building code upgrades on items like electrical etc. Does this increase traffic at this location. Consider location of garbage.

Date: 1/2/21 By: David Swartz, City Engineer

(For City of Clearlake use only)

Response Received:

BCCLocalGov@DCA <BCCLocalGov@dca.ca.gov>

Mon 12/21/2020 4:12 PM

To: Susanna Amaro-Gutierrez <sgutierrez@clearlake.ca.us>; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov <cdfa.CalCannabis_Local_Verification@cdfa.ca.gov>; MCLS.LocalRelations@cdph.ca.gov <MCLS.LocalRelations@cdph.ca.gov>; Ponce, Kevin@CDFA <Kevin.Ponce@cdfa.ca.gov>

📎 1 attachments (7 MB)
RFR Packet Fuego Tribe.pdf;

Good afternoon,

The Bureau of Cannabis Control (BCC) cannot prequalify applications for commercial cannabis activity. When an application is received it will be reviewed against regulations. You can find regulatory information regarding state licensure for commercial cannabis activities regulated by the BCC on our website [here](#). If you have specific questions about State license requirements or the State licensing process please let me know.

Thank you,



Janet Zimmer
Local Liaison/Equity Manager
(916) 465-9057
www.bcc.ca.gov
<https://cannabis.ca.gov>



From: Susanna Amaro-Gutierrez <sgutierrez@clearlake.ca.us>

Sent: Tuesday, December 8, 2020 6:48 PM

To: Andrew White <awhite@clearlakepd.org>; swartz@cecusa.net; Dave Deakins <ddeakins@clearlake.ca.us>; Lee Lambert <llambert@clearlakepd.org>; swartz@cecusa.net; Fahmy Attar <FahmyA@lcaqmd.net>; doug.gearhart@lakecountyca.gov; Tina Rubin <Tina.Rubin@lakecountyca.gov>; kelli.hanlon@lakecountyca.gov; Lori Baca <Lori.Baca@lakecountyca.gov>; a.tyler@elemindiancolony.org; a.garcia@elemindiancolony.org; speterson@middletownrancheria.com; mshaver@middletownrancheria.com; Cory Smith <CSmith@lakecountyfire.com>; Dino Beltran <dbeltran@koination.com>; kn2@koination.com; doug.gearhart@lakecountyca.gov; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Shupe, James D@DOT <james.shupe@dot.ca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; jeff@highlandswater.com; rick@highlandswater.com; cdfa.CalCannabis_Local_Verification@cdfa.ca.gov; MCLS.LocalRelations@cdph.ca.gov; Ponce, Kevin@CDFA <Kevin.Ponce@cdfa.ca.gov>; BCCLocalGov@DCA <BCCLocalGov@dca.ca.gov>

Cc: Mark Roberts <mroberts@clearlake.ca.us>; Alan Flora <aflora@clearlake.ca.us>

Subject: DCR UP Fuego Tribe Commercial Cannabis UP 06-20, 07-20, 08-20, 09-20, 10-20

[EXTERNAL]: sgutierrez@clearlake.ca.us

CAUTION: THIS EMAIL ORIGINATED OUTSIDE THE DEPARTMENT OF CONSUMER AFFAIRS!

DO NOT: click links or open attachments unless you know the content is safe.

NEVER: provide credentials on websites via a clicked link in an Email.

Good Evening,

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Industrial zone and Commercial Cannabis overlay district. Please refer to the attachment for further information in addition to the summary below:

Section H, Item 15.

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If you have any questions feel free to reach out to me; please submit your comments no later than December 22.

Best,



Susanna Amaro-Gutierrez

Assistant Planner

City of Clearlake

14050 Olympic Drive

Clearlake, CA 95422

(707) [994-8201](tel:994-8201) ext: 103

RE: DCR UP Fuego Tribe Commercial Cannabis UP 06-20, 07-20, 08-20, 09-20, 10-20

Section H, Item 15.

CDFA CalCannabis Local Verification@CDFA <cdfa.CalCannabis_Local_Verification@cdfa.ca.gov>

Wed 12/9/2020 10:19 AM

To: Susanna Amaro-Gutierrez <sgutierrez@clearlake.ca.us>

Hello Susanna,

Thank you for reaching out to CalCannabis.

I'm not sure this is meant for the CalCannabis, Local Verification unit for a response, but more so for our science staff to review.

I see you have included one of the CalCannabis science supervisors, Kevin Ponce.

I would recommend, also including the CalCannabis Science email box for any future requests so the email can be addressed by the appropriate science staff. Here is the CalCannabis Science email: cdfa.CalCannabis_Scientists@cdfa.ca.gov.

Sincerely,



AIMEE PASCHANE
Local Verification Unit



CalCannabis Cultivation Licensing Division
cdfa.CalCannabis_Local_Verification@cdfa.ca.gov
(916) 263-0801 | (833) CAL-GROW
cannabis.cdfa.ca.gov



From: Susanna Amaro-Gutierrez <sgutierrez@clearlake.ca.us>

Sent: Tuesday, December 8, 2020 6:48 PM

To: Andrew White <awhite@clearlakepd.org>; swartz@cecusa.net; Dave Deakins <ddeakins@clearlake.ca.us>; Lee Lambert <llambert@clearlakepd.org>; swartz@cecusa.net; Fahmy Attar <FahmyA@lcaqmd.net>; doug.gearhart@lakecountyca.gov; Tina Rubin <Tina.Rubin@lakecountyca.gov>; kelli.hanlon@lakecountyca.gov; Lori Baca <Lori.Baca@lakecountyca.gov>; a.tyler@elemindiancolony.org; a.garcia@elemindiancolony.org; speterson@middletownrancheria.com; mshaver@middletownrancheria.com; Cory Smith <CSmith@lakecountyfire.com>; Dino Beltran <dbeltran@koination.com>; kn2@koination.com; doug.gearhart@lakecountyca.gov; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Jackman, Rex A@DOT <rex.jackman@dot.ca.gov>; Shupe, James D@DOT <james.shupe@dot.ca.gov>; Stoner, Kyle@Wildlife <Kyle.Stoner@wildlife.ca.gov>; jeff@highlandswater.com; rick@highlandswater.com; CDFA CalCannabis Local Verification@CDFA <cdfa.CalCannabis_Local_Verification@cdfa.ca.gov>; MCLS.LocalRelations@cdph.ca.gov; Ponce, Kevin@CDFA <Kevin.Ponce@cdfa.ca.gov>; BCCLocalGov@DCA <BCCLocalGov@dca.ca.gov>

Cc: Mark Roberts <mroberts@clearlake.ca.us>; Alan Flora <aflora@clearlake.ca.us>

Subject: DCR UP Fuego Tribe Commercial Cannabis UP 06-20, 07-20, 08-20, 09-20, 10-20

CAUTION: [External Email] - This email originated from outside of our CDFA organization. Do not click links or open attachments unless you recognize the sender and know the content is expected and is safe.

Good Evening,

The City of Clearlake would like to request your review of use permit applications UP 06-20, 07-20, 08-20, 09-20 and 10-20 for a cannabis operation located at 14935 & 14915 Olympic Drive in the C4 Heavy Service Commercial Industrial zone and Commercial Cannabis overlay district. Please refer to the attachment for further information in addition to the summary below:

Section H, Item 15.

Chandra Martinez, representative of Fuego Tribe, is looking to expand their current use permit (UP 16-18) at 14935 Olympic Drive (Olympic Plaza) allowing cannabis cultivation in order to modify the existing site plan and include manufacturing, distribution, nursery, and retail delivery spanning both parcels. The City recently removed the limit on the amount of cultivation, manufacturing, distribution, testing laboratory, nursery, processing, and delivery-only dispensary permits within the existing commercial cannabis combining district, for which both properties are zoned. No new structures have been proposed and the remodel of the existing structures has been included for review. The City ordinance requires a development agreement and use permit approval, aside from other standard business license/seller's permit requirements. For additional information please see the attached application packet or contact the planning department.

If you have any questions feel free to reach out to me; please submit your comments no later than December 22.

Best,



Susanna Amaro-Gutierrez

Assistant Planner

City of Clearlake

14050 Olympic Drive

Clearlake, CA 95422

(707) 994-8201 ext: 103

RESOLUTION NO. PC 2021-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE, CALIFORNIA RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT DA 2021-01 FOR CHANDRA MARTINEZ FOR THE PROPERTY LOCATED AT 14935 & 14915 OLYMPIC DRIVE, CLEARLAKE, CALIFORNIA, APNS: 039-550-450-000; 039-550-460-000

WHEREAS, DEVELOPER owns the real property located at 14935 & 14915 Olympic Drive, identified as Assessor’s Parcel Number 039-550-450-000; 039-550-460-000 (“Property”) that is the subject of this agreement; and

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, *et seq.* of the Government Code; and

WHEREAS, the Property is located within the City’s GC General Commercial Zoning District and subject to the land use controls identified and reference in, *inter alia*, the pertinent sections of the City’s Municipal Code; and

WHEREAS, DEVELOPER intends to operate a cannabis business on the Property including Cultivation, Manufacturing, Nursery, Retail Delivery, and Distribution and has received approval of related activities.

WHEREAS pursuant to 5-25.030 of the Municipal Code, a development agreement for the commercial cannabis business is required by the Municipal Code; and

WHEREAS, DEVELOPER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with 5-25.030 of the Municipal Code and Section 68564, *et seq.* of the Government Code and the rules and regulations of CITY; and

WHEREAS, the Planning Commission has considered this Development Agreement (DA 2021-01 at a duly noticed public hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ("PLANNING COMMISSION") HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The property located at 14915 and 14935 Olympic Drive, Clearlake, CA legally described by Assessor's Parcel Number 039-550-450-000 and 039-550-460-000 ("Project Site" and/or "Property").

SECTION 2. The applicant has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Section 68564, *et seq.* of the Government Code and the rules and regulations of CITY.

SECTION 3. On or about March 9th, 2021 the Planning Commission of the City of Clearlake held a duly noticed public hearing at which interested persons had the opportunity to testify and at which the Planning Commission considered the Development Agreement.

SECTION 4. The development agreement proposed herein is consistent with the General Plan of the City of Clearlake in that the Potential Activity consist of a cannabis micro business which is authorized in the zone subject to obtaining conditional use permits from the Planning Commission.

SECTION 5. Conditional Use Permits (UP 06-20, 07-20, 08-20, 09-20 & 10-20) approved by the Planning Commission in compliance with the Municipal Code on March 9, 2021 for a cannabis business permit is not operational until Development Agreement 2021-01 has been approved City Council and executed by the City and the Developer.

SECTION 6. The Planning Commission therefore recommends to the City Council to adopt Development Agreement DA 2021-01 attached hereto as Exhibit 1.

SECTION 7. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

The Secretary shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

PASSED AND ADOPTED on this of 9th day of March, 2021 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Chairperson, Planning Commission

ATTEST:

City Clerk, Planning Commission

Exhibits: 1- Development Agreement DA 2021-01

RESOLUTION NO. PC 2021-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE CONCURRING WITH ISSUING AN EXEMPTION UNDER CEQA SECTION 15301 (CLASS 1 – EXISTING FACILITIES) AND APPROVING USE PERMITS UP 06-20, 07-20, 08-20, 09-20 & 10-20 AND COMMERCIAL CANNABIS REGULATORY PERMIT CBRP 01-2021 FOR COMMERCIAL CANNABIS CULTIVATION, MANUFACTURING, DISTRIBUTION, NURSERY, AND RETAIL DELIVERY FOR THE PROPERTY LOCATED AT 14935 & 14915 OLYMPIC DRIVE, UNITS A, B-2, O, G, H, I, K, M & N, CLEARLAKE, CALIFORNIA, APNS: 039-550-450-000 AND 039-550-460-000

WHEREAS, Chandra Martinez applied for approval of Cannabis Business Use Permits 06-20, 07-20, 08-20, 09-20 & 10-20 for cultivation, manufacturing, distribution, nursery, and retail delivery at 14915 and 14935 Olympic Drive, Clearlake, CA, in the GC General Commercial Zoning District, APN#s 039-550-450-000 AND 039-550-460-000; and

WHEREAS, Cannabis Business Use Permit Application UP 06-20, 07-20, 08-20, 09-20 & 10-20 has been made in accordance with Section 18-43 of the Municipal Code, Zoning Regulations, which refers to Commercial Cannabis Uses.

WHEREAS, Commercial Cannabis Regulatory Permit Application CBRP 01-2020 has been made in accordance with Section 5-25.030 (a) of the Municipal Code, Police Regulations, which requires that a regulatory permit for commercial cannabis be granted by the Planning Commission; and

WHEREAS, a companion application has been filed for commercial cannabis operations by Chandra Martinez at the same location at 14915 and 14935 Olympic Drive, Clearlake, CA, in the GC General Commercial Zone, APNs 039-550-450-000 and 039-550-460-000 as follows:

- Development Agreement DA 2021-01 for a Development Agreement for commercial cannabis operations in accordance with Section 5-25.030 (a) of the Municipal Code; and

WHEREAS, the General Plan designates the project site as commercial. As conditioned, the proposed use would be consistent with the General Plan; and

WHEREAS, the project is found to comply with the Zoning Code as conditioned by this use permit; and

WHEREAS, In accordance with Section 18-28.040 of the Zoning Code the use as proposed will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to the property, improvements or potential development in the vicinity with respect to aspects including, but not limited to, the following:

- (a) The nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures,
- (b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic and the adequacy of proposed off-street parking and loading,

- (c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor,
- (d) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking areas, loading areas, service areas, lighting, and signs.

and;

WHEREAS, the project is exempt from environmental review in accordance with Section 153012 of the State CEQA Guidelines under “Existing Facilities”; and

WHEREAS, the Planning Commission has considered this project on this date at a duly noticed public hearing, the staff report, public testimony, and found that the project is compatible with the surrounding area, it will not be detrimental to adjacent property owners or the public at large, and approval is in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Clearlake that the project is hereby approved, subject to the following conditions being satisfied:

Conditions of Approval:

1. The use permit approval shall not become effective, operative, vested or final until a Notice of Categorical Exemption has been filed with the State Clearing House and the Lake County Clerk’s Office.
2. Construction activities shall be conducted with adequate dust suppression methods, including watering during grading and construction activities to limit the generation of dust or other methods of approval by the Lake County Air Quality Management District.
3. The permit holder shall operate in full compliance with fire safety rules and regulations of the Lake County Fire District.
4. The Planning Commission may revoke or modify the permit in the future if the Commission finds that the use to which the permit allows is detrimental to health, safety, comfort, general welfare of the public; constitutes a public nuisance; if the permit was obtained or is being used by fraud; and/or if one or more the conditions upon which a permit was granted are in noncompliance or have been violated. Applicant shall be notified of potential violations of the use permit prior to action taken by the Planning Commission.
5. Cannabis Business Use Permit Application UP Permits 06-20, 07-20, 08-20, 09-20 & 10-20 have been made in accordance with Section 18-43 of the Municipal Code, Zoning Regulations, which refers to the Commercial Cannabis Uses
6. The developer/operator shall agree to indemnify, defend, and hold harmless the City or its agents, officers and employees from and against any and all claims, actions, demands or

proceeding (including damage, attorney fees, and court cost awards) against the City or its agents, officers, or employees to attach, set aside, void, or annul an approval of the City, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the applicable statute of limitations. In providing any defense under this Paragraph, the applicant, business operator, property owner, developer shall use counsel reasonably acceptable to the City. The City shall promptly notify the applicant, business operator, property owner, developer of any claim, action, demands or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer/operator of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer/operator shall not thereafter be responsible to defend, indemnify, or hold the City harmless as to that action. The City may require that the developer/operator to post a bond, in an amount determined to be sufficient, to satisfy the above indemnification and defense obligation. Developer/operator understands and acknowledges that City is under no obligation to defend any claim, action, demand or proceeding challenging the City's actions with respect to the permit or entitlement.

7. The Use Permits UP 06-20, 07-20, 08-20, 09-20 & 10-20 may be transferred to new owner's subject to obtaining a new commercial cannabis regulatory permit, upon the new owner's written agreement to maintain all conditions of approval.

8. The developer/operator shall be responsible to pay all sales, use, business and other applicable taxes, and all license, registration, and other fees and permits required under federal, state and local law and pursuant to the Development Agreement DA 2021-01 for the project.

9. This developer/operator shall cooperate with the City with respect to any reasonable request to audit the business' books and records for the purpose of verifying compliance with the Municipal Code and this Use Permit and related Development Agreement DA 2021-01 including but not limited to a verification of the amount of taxes required to be paid during any period for the project.

10. This Cannabis Business Use Permits UP 06-20, 07-20, 08-20, 09-20 & 10-20 shall not be operational unless or until a Development Agreement is fully executed by the City and the Development Agreement remains valid.

11. Secure any required permits from the City of Clearlake (Building Department, Planning and Public Works), Fire District, Lake County Air Quality Management District, Lake County Water Resources Department, Lake County Environmental Health Department and/or all applicable Federal, State and local agency permits.

13. The applicant shall install a proper ventilation system as approved by the Lake County Air Quality Control Management District, in order to prevent off site odors from impacting neighboring properties.

14. The applicant will only engage in nonvolatile methods of manufacturing as discussed with and approved by the Lake County Fire Protection District.

15. A fire alarm system shall be installed on site. The alarm notification appliances will activate upon sprinkler flow. Three sets of alarm plans will need to be submitted

16. In accordance with Section 18-12.060 and/or other sections of the Municipal Code and in accordance with requirements made by the Lake County Fire Protection District (per Ordinance No. 2018-801) Lake County Water Resources Department, Lake County Air Quality Management District and Lake County Health Department, the following detailed plans shall be submitted for review and approval by the Planning, Building, and/or Police Departments and other related agencies as applicable prior to operation/occupancy:

- a. Odor Control Plan
- b. Security Plan
- c. Exterior Lighting Plan
- d. Waste/Recycling and Enclosure Plan
- e. Fencing Plan for security of all cannabis businesses in the business center.
- f. Hazardous Materials Mitigation Plan
- g. Air Quality Management and Odor Control Plan
- h. Liquid Waste Management Plan
- i. Property frontage improvements, including new commercial driveway and sidewalk along Olympic Drive.
- k. Landscape and Irrigation for open area in front of Olympic Plaza fronting Olympic Drive.
- l. Parking area restriping plan in compliance with the City's Off-Street Parking Regulations.

These plans shall be implemented in accordance with the approved plans prior to building occupancy or operation. All on-going operation plans shall be maintained in accordance with the approved plans for the life of the operation.

17. All Electrical in the City will be brought up to current code.

18. Fire extinguishers shall be provided and placed in locations which have been approved by the Lake County Fire District.

19. All exits shall adhere to the 2019 California Fire Code Chapter 10.

20. An emergency key Knox Box system shall be installed

21. A final fire safety inspection will be required prior to occupancy.

22. A written declaration of the chemical names and quantities of any Hazardous Material to be used on site shall be provided to the Lake County Environmental Health Department.

~~232~~. The owner shall allow a City of Clearlake representative or designee to make inspections as deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein. The day, time and manner of entry onto the property shall be coordinated with the on-site store or property manager, and shall be conducted at a time and in a manner that minimizes interference with business operations.

~~243~~. Use Permits UP 06-20, 07-20, 08-20, 09-20 & 10-20 shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Clearlake Municipal Code.

~~254~~. All conditions of Use Permits UP 06-20, 07-20, 08-20, 09-20 & 10-20 are necessary to protect the general health, safety and welfare of the public. If any condition of this entitlement is held to be invalid by a court, then the whole entitlement shall be invalid. The Planning Commission specifically declares that it would not have approved this entitlement unless all of the conditions herein are held as valid.

PASSED AND ADOPTED on this 9th day of March, 2021 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Chairman, Planning Commission

ATTEST:

City Clerk, Planning Commission

**BY RECORDING REQUESTED
TO: AND WHEN RECORDED MAIL**

City of Clearlake
14050 Olympic Dr.
Clearlake, CA 95422
Attention: City Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Recording Fee Exempt per Government Code §27383

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is made and entered into this _____ day of _____, 2021 (the "Execution Date"), by and between the **CITY OF CLEARLAKE, a California municipal corporation** ("City") and **Chandra Martinez** ("Owner"). City and Owner are sometimes referenced together herein as the "Parties." In instances when a provision hereof applies to each of the Parties individually, either may be referenced as a "Party." The Parties hereby jointly render the following statement as to the background facts and circumstances underlying this Agreement.

RECITALS

- A. The State of California enacted California Government Code Sections 65864 *et seq.* ("Development Agreement Statutes") to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction.

- B. The purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the developer, and to meet certain public purposes of the local government.
- C. Owner currently holds an option to lease an approximately 25,966 S.F. portion of buildings located at 14915 and 14935 Olympic Drive, City of Clearlake, County of Lake, State of California (the "Site").
- D. Owner intends to operate a cannabis facility and operation. All such cannabis facilities shall operate in accordance with the California State Compassionate Use Act (Health & Safety Code § 11362.5) ("CUA"), the Medical Marijuana Program Act (Health & Safety Code §§ 11362.7 et seq.) ("MMPA"), and the 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use issued by the California Attorney General (the "AG Guidelines"), and Senate Bill 94, the Medicinal and Adult Use of Cannabis Regulation and Safety Act ("MAUCRSA"), creating a unified regulatory structure for adult use and medical cannabis, and all regulations promulgated by the responsible state agencies to implement MAUCRSA (collectively the "California Cannabis Laws"). Prior to operating a cannabis facility, Owner shall be required to obtain use and cannabis business regulatory permits from the City for the facility and operations.
- E. Ultimately, Owner intends to obtain state licenses issued pursuant to MAUCRSA to operate cannabis facilities at the Site, once such licenses are being issued.
- F. Owners presently intend to develop and open a cannabis operation on the Site consistent with the California Cannabis Laws and Project Approvals (known as the "Project").
- G. Owner applied to City for a development agreement and will subsequently need to obtain special use permits and regulatory permits for the Project. This Agreement, and the special use and regulatory permits, when and if issued by the City, shall collectively be referred to as "Project Approvals".
- H. The Project will maintain inventory of cannabis and cannabis products under the California Cannabis Laws.
- I. The City adopted Ordinance No's. 200-2017 and 201-2017 permitting Cannabis Delivery Only Dispensaries and Cannabis Businesses (as those terms are defined in the applicable city ordinances) in strict compliance with the applicable California Cannabis Laws regulating delivery only dispensaries and cannabis cultivation, manufacturing, processing, and distribution under certain conditions and provisions.
- J. City and Owner have agreed that, as a condition of allowing the Project, as defined herein, and due to the unique circumstances of the proposed Project, Owner shall pay to the City a semi-annual fee based on the gross revenue of the operations, and an annual Facility Fee, as hereinafter defined, which fees shall abate if and when the City adopts a tax on Cannabis Delivery Only Dispensaries and Cannabis Businesses.

- K. All procedures of the California Environmental Quality Act (“CEQA”), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied as the project is categorically exempt under CEQA guidelines sec. 15301, for modification of existing facilities.
- L. City has given public notice of its intention to adopt this Agreement and has conducted public hearings thereon pursuant to California Government Code §65867. City has found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in City’s General Plan, zoning code and municipal ordinances.
- M. City, in entering into this Agreement, acknowledges that certain City obligations hereby assumed shall survive beyond the terms of the present Council members, that this Agreement will serve to bind City and future Councils to the obligations hereby undertaken, and that this Agreement shall limit the future exercise of certain governmental and proprietary powers of City. By approving this Agreement, the Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than defer its actions to some undetermined future date. The terms and conditions of this Agreement have undergone extensive review by City and the Council and have been found to be fair, just and reasonable. City has concluded that the pursuit of the Project will serve the best interests of its citizens and that the public health, safety and welfare are best served by entering into this obligation. Owner has represented to City that it would not consider or engage in the Project absent City approving this Agreement; *i.e.*, assuring Owner that it will enjoy the development rights.
- N. The City agrees that Owner’s land use entitlements for the Project shall vest for the term of this Agreement as described below.
- O. After conducting a duly noticed hearing on March 9, 2021, in conjunction with certain amendments and additions to the City’s Municipal Code, the Planning Commission of the City reviewed, considered and approved the Project and recommended approval of the execution of this Agreement to the City Council. The Planning Commission found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized zoning code; is in conformity with the public necessity, public convenience, general welfare and good land use practices; will not be detrimental to the health, safety and general welfare of the city; will not adversely affect the orderly development of property or the preservation of property values; and will have a positive fiscal impact on the City.
- P. After conducting a duly noticed hearing on March 9, 2021, in conjunction with amendments and additions to the City’s Municipal Code creating an allowable use, appropriate zoning, and comprehensive regulations for the proposed use, and after independent review and consideration, the City Council approved the execution of this Agreement. The City Council found the Project: consistent with the objectives, policies, general land uses and programs specified in the general plan; compatible with the uses authorized in the zoning code; is in conformity with good land use practices; will not be detrimental to the health, safety and general welfare of the City; and is in the best interest of the City of Clearlake and its residents.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the Parties do hereby agree as follows:

AGREEMENT

1. Binding Effect of Agreement. The Parties agree that the Recitals above are true and correct and intend to be bound by same; the Parties further agree to the incorporation by reference herein of said Recitals, together with all definitions provided and exhibits referenced therein. This Agreement pertains to the Site as described in **Exhibit A (Legal Description)** and shown in **Exhibit B (Site Map)** and incorporates by reference all Development Approvals approved by the City for the Site. Except as otherwise provided in Section 15 of this Agreement, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants which run with the Site. In order to provide continued notice thereof, the Parties will record this Agreement with the Lake County Recorder. The word “Owner” as previously defined and used herein shall include successor owners, apart from government or quasi-public agencies, of any portion of the Site. Should the size or orientation of any Site component specified above be changed in minor respects, *e.g.*, changed by a lot line adjustment, this Agreement shall not thereby be deemed to have been affected or invalidated, but the rights and obligations of the Parties and their successors shall remain as provided herein.

2. Relationship of the Parties. It is hereby specifically understood and acknowledged that the Project is a private project and that neither City nor Owners will be deemed to be the agent of the other for any purpose whatsoever. City and Owners hereby renounce the existence of any form of joint venture or partnership between or among them and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owners joint ventures or partners.

3. Term. Except as otherwise specified herein, the term of this Agreement (the “Term”) is 3 years from the date the Owner begins commercial operation at the Project Site (“Operation Date”). The Operation Date shall be no later than 12 months following the Execution Date. The Term shall generally be subject to earlier termination or extension as hereinafter provided.

3.1 Term Extension – Third Party Issues. Notwithstanding the Parties’ expectation that there will be no limit or moratorium upon the Project’s development or the issuance of building or other development related permits (a “Development Limitation”) during the Term, the Parties understand and agree that various third parties may take action causing a *de facto* Development Limitation. Consequently, the Term shall be extended for any delay arising from or related to any of the potential Development Limitations that follow in the subsections below for a time equal to the duration of that delay occurring during the Term. No Development Limitation may arise or result from an action or omission by Owner.

3.1.1 Litigation. Any third party-initiated litigation that arises from or is related to

any City action or omission with respect to this Agreement or any subsequent City approval required in connection with the Project's development, or third party-initiated litigation having the actual effect of delaying the Project's development. This extension period related hereto shall include any time during which appeals may be filed or are pending.

3.1.2 Government Agencies. Any delay arising from or related to the act(s) or omission(s) any third party governmental agency, quasi-public entity or public utility, and beyond the reasonable control of Owner.

3.1.3 Force Majeure. Any delay resulting from riot, war, acts of terrorism, an event during the Term creating radioactive or toxic/hazardous contamination, a catastrophic earthquake, flood, fire or other physical natural disaster, excluding weather conditions regardless of severity, strikes or industrial disputes at national level effecting development involved personnel not employed by Owner, their subcontractors or suppliers and effecting an essential portion of the Project's development, excluding any industrial dispute that is specific to development taking place as a part of the Project.

3.2 Term Extensions. The Term of this Agreement will be extended for seven additional years upon a determination of the City Council, by way of resolution of the City Council acted on at a regularly scheduled meeting, that both of the conditions listed in subparts 3.2.1 and 3.2.2 below have been fully satisfied are the Owner is in full compliance:

3.2.1. No Default by Owner. Owner shall not be in default with respect to any provision of this Agreement or any subsequent agreement or understanding between the Parties arising from or related to this Agreement, having received notice from City of said default per this Agreement, or if Owner did in fact default as to this Agreement, upon notice from City, that Owner did cure said default during the period to cure provided herein to City's satisfaction.

3.2.2 Finding of Community Compatibility. The City Council shall review the operations of Owner prior to granting an extension of the term of this Agreement and make a finding that the Project, notwithstanding that the Project activities may not be in precise

technical compliance with the issued regulatory permit and special use permit, continue to be compatible with surrounding land uses and are not detrimental to the public health, safety and general welfare.

3.2.3. Mutual Agreement of Parties. In addition to the process listed above for a seven-year term extension, this Agreement’s Term may be extended by mutual agreement of the Parties and formal amendment of this Agreement.

3.3 Termination of Agreement. Upon the termination of this Agreement, either by expiration or otherwise, Owner shall have no right to engage in the Project activities at the Project Site, except as may otherwise be allowed by City ordinance, law or separate development agreement.

4. Defined Terms. As used in this Agreement, the following terms shall have the meanings hereinafter set forth:

4.1. Certified Report. “Certified Report” shall mean a detailed document prepared by Owner on a form acceptable to the City’s Director of Finance to report to the City the gross receipts of the Project’s operations and sales, as defined herein, in the Project during each semi-annual period starting January 1 and July 1 of each calendar year. Each Certified Report shall be certified as true and correct by a duly-authorized officer of Owner.

4.2. Development Approvals. “Development Approvals” means the land use entitlements approved by the City for the development of site improvements and buildings on the Site which define the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.

4.3. Production Fee. “Production Fee” shall mean a semi-annual fee remitted to the City by Owner based on the Gross Receipts of its Project operations, as defined below, in the amount of 5% of gross sales from operations.

4.4. Certification of Non-Income Tax Exemption. Owner certifies that Owner is not income tax exempt under State or Federal Law and that Owner will not file for such an exemption from the Internal Revenue Service or the Franchise Tax Board.

4.5. Facility Fee. Facility Fee shall mean an annual fee remitted to the City by Owner in the amount of \$2 per gross square foot of the entire Project facility. The Facility Fee shall be paid annually, starting July 1st of each year. A late fee of 5% of the amount due shall be added to any payment 5 days past due. Fees later than 30 days past due will constitute a breach subject to Section 20 of this agreement.

4.6. Semi-Annual Production Fee. The semi-annual Production Fee will be due no later than July 30th for the preceding period of January 1st through June 30th and no later than January 31st for the preceding period of July 1st through December 31st. A late fee of 5% of the amount due shall be added to any payment 30 days past due.

4.7. “Land Use Regulations” shall mean all ordinances, resolutions, codes, rules, regulations and official policies of the City governing the development and use of land,

including, without limitation, the permitted use of land, the density or intensity of use, subdivision requirements, timing and phasing of development, the maximum height and size of buildings, the provisions for reservation or dedication of land for public purposes, and the design, improvement and construction and initial occupancy standards and specifications applicable to the Project. "Land Use Regulations" do not include any City ordinance, resolution, code, rule, regulation or official policy governing:

4.7.1. The conduct or taxation of businesses, professions, and occupations applicable to all businesses, professions, and occupations in the City;

4.7.2. Other than as provided in this Agreement, taxes and assessments of general application upon all residents of the City, provided that the taxes and assessments are not imposed for the purpose of taxing the right, power or privilege of developing or improving land (e.g., excise tax) or to directly finance the acquisition or dedication of open space or any other public improvement in respect of which the Developer is paying any fee or providing any improvement pursuant to this Agreement;

4.7.3. The control and abatement of nuisances;

4.7.4. The granting of encroachment permits and the conveyance of rights and interests which provides for the use of, access to or the entry upon public property, as may be approved by mutual agreement between Developer and City; and

4.7.5. The exercise of the power of eminent domain.

4.8. "Existing Land Use Regulations" means all Land Use Regulations in effect as of the approval date of this Agreement, including the Project Approvals.

4.9. "Gross Receipts" means 5% (five percent) for 1) wholesale and retail sales of cannabis products by Owner to third parties.

5. Fee Payments by Owner. In consideration of City's entering into this Agreement and authorizing the development and operation of the Project, the requirements for City services created by the Project, the City insuring Owner's compliance with this Agreement, California Cannabis Laws and the City's municipal ordinances, throughout the Term of this Agreement, Owner shall make the following payments to City:

5.1. Production Fee Payments by Owner. Semi-annual payments of the Production Fee by Owner to the City as specified in Section 7 herein. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement, but the Production Fee under this Agreement shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.2. Facility Fee Payments by Owner. Annual payments of the Facility Fee by Owner to the City. The obligations of Owner under this Section shall survive the expiration or any earlier termination of this Agreement, but the Facility Fee shall cease if any City-wide tax is imposed specifically on Cannabis cultivation.

5.3. Sales Tax Point of Sale. Owner agrees that Clearlake will be designated as

the point of sale for all operations, as allowed by law.

6. Community Participation. Owner agrees to participate in the community as a good corporate citizen and sponsor events and organizations that improve the community.

6.1. Clearlake Chamber of Commerce. Owner agrees to immediately apply for membership in the Clear Lake Chamber of Commerce and, if accepted, maintain an annual membership in good standing.

7. Payment Procedures. The following payment procedures shall apply during the operation of the Project:

7.1. Remittance of Production Fee/Certified Reports. Within thirty (30) calendar days following the end of each semi-annual period during the Term of this Agreement, Owner shall submit the Certified Report to the City’s Finance Director and a payment for the Production Fee for that Operational Period as identified in the Certified Report. Owner shall pay Production Fees to the City on a semi-annual basis without exception. Any material misstatement or misrepresentation in the Certified Report and any failure to pay Production Fees when due shall constitute events of default by Owner subject to the default provisions of this Agreement.

7.2. Maintenance of Records. Owner shall maintain complete records of their operations to substantiate and document the content of each Certified Report. Such records shall include, without limitation, invoices and payments taken by Tenants and/or any operator of the facility. Owner shall maintain such records in a form and location reasonably accessible to the City, following reasonable notice to Owner and/or any operator, for a period of at least five (5) calendar years following Owner’s submission of the Certified Report to which the records apply.

7.3. Audit. Within ninety (90) calendar days following the end of each semi-annual payment term, the City may conduct an audit or arrange for a third-party independent audit, at Owner’ expense, of Owner records regarding Certified Reports and the Production Fees. The City’s Finance Director shall provide at least seven (7) business days written notice of the commencement of such audit to Owner, and shall reasonably attempt to schedule the audit so as to reduce the impact on Tenants’ operations as much as is feasible. Owner shall cooperate with the City in completing the audit. If the audit reveals that Owner has underpaid the Production Fee, Owner shall pay such underpaid amounts to the City within thirty (30) calendar days of receipt of written notice from the City’s Director of Finance in addition to all costs of the audit, including city staff time and outside consultants. If the audit reveals that the Owner has overpaid any amount of the Production Fee, City shall provide written notification to Owner and shall credit such amount against Owner’s subsequent semi-annual payment of Production Fees.

8. Covenants of Owner. During the Term of this Agreement, Owner hereby covenants and agrees with the City as follows:

8.1. Implementation. Owner shall use commercial reasonable efforts to pursue the implementation of the Project as expeditiously as feasible, in the form approved by the City, subject to all applicable laws, this Agreement, the Project Approvals and the Municipal Code.

8.2. Enhanced Design Requirement. Owner shall submit a design plan for the

building and site, for review and approval by the Planning Director, which shall incorporate at a minimum upgraded fencing and landscaping improvements consistent with the Community Character and Design Policies in the City's General Plan.

8.3. Maintain & Operate Project. Owner shall maintain and operate the Project on the Site throughout the Term of this Agreement, in accordance with the Project Approvals and all City, and State laws.

8.4. Hold Harmless. Owner shall defend (with counsel reasonably acceptable to City), indemnify and hold City and its councilpersons, officers, attorneys, agents, contractors, and employees (collectively, the "Indemnified Parties") harmless from and against all losses, costs and expenses (including, without limitation, reasonable attorneys' fees and costs), damages (including, without limitation, consequential damages), claims and liabilities arising from the Project, this Agreement, the approval of the Project, and the activities of Owner, their members, officers, employees, agents, contractors, invitees and any third parties on the Site, from and against any challenges to the validity of this Agreement or other Project Approvals. The obligations of Owner under this Section shall survive the expiration or any earlier termination, as applicable, of this Agreement.

9. Covenants of City. During the Term of this Agreement, City hereby covenants and agrees with Owner as follows:

9.1. Expeditious Services. City shall process applications and address questions and concerns raised by Owner representatives at the "counter" at City Hall as expeditiously as reasonably possible. Upon Owner's request, or if, in an exercise of City's own discretion, City staff determines that it cannot comply with this section, City shall expeditiously engage the services of private contract planners, plan checkers or inspectors ("Private Contractors") to perform such services as may be necessary to assist in processing the project plans as described herein. Compensation of such Private Contractors shall be at Owner's sole cost and expense, inclusive of any administrative cost to City of integrating services by Private Contractors into the project's development processing. Owner shall pay such costs and expenses of Private Contractors via reimbursement to City, per City's applicable policies and procedures. City shall have absolute discretion in the selection of such Private Contractors.

9.2 Vested Rights. During the Term of this Agreement, Owner shall have the vested right and entitlement to develop and operate the Project in accordance with the Existing Land Use Ordinances, in addition to any Cannabis Cultivation Operating Standards adopted by the City Council, which may be amended at the City's discretion. Parties acknowledge that neither the City nor the Owner can at this time predict when or the rate at which or the order in which parts of the Project will be developed. Owner shall have the vested right to develop the Project in such order and at such rate and at such times as Owner deems appropriate in the exercise of its business judgment, provided that Owner is in compliance with the Project Approvals.

9.3 Building Permits and Other Approvals and Permits. Subject to (a) Owner's compliance with this Agreement, the Project Approvals the Existing Land Use Ordinances, the Building Ordinances, and Operating Standards; and (b) payment of the usual and customary fees and charges of general application charged for the processing of such

applications, permits and certificates and for any utility connection, or similar fees and charges of general application, the City shall process and issue to Owner promptly upon application therefore all necessary use permits, building permits, occupancy certificates, regulatory permits, licenses and other required permits for the construction, use and occupancy of the Project, or any portion thereof, as applied for, including connection to all utility systems under the City's jurisdiction and control (to the extent that such connections are physically feasible and that such utility systems are capable of adequately servicing the Project).

9.4 Procedures and Standards. The standards for granting or withholding permits or approvals required hereunder in connection with the development of the Project shall be governed as provided herein by the standards, terms and conditions of this Agreement and the Project Approvals, and to the extent not inconsistent therewith, the Existing Land Use Ordinances, but the procedures for processing applications for such permits or approvals (including the usual and customary fees of general application charged for such processing) shall be governed by such ordinances and regulations as may then be applicable.

10. Effect of Agreement.

10.1 Grant of Right. This Agreement shall constitute a part of the Enacting Ordinance, as if incorporated by reference therein in full. The Parties acknowledge that this Agreement grants to Owner the right and entitlement to develop the Project and use the land pursuant to specified and known criteria and rules as set forth in the Project Approvals and Existing Land Use Ordinances, and to grant the City and the residents of the City certain benefits which they otherwise would not receive.

10.2 Binding on City/Vested Right of Owner. This Agreement shall be binding upon the City and its successors in accordance with and subject to its terms and conditions notwithstanding any subsequent action of the City, whether taken by ordinance or resolution of the City Council, by referendum, initiative, or otherwise. The Parties acknowledge and agree that by entering into this Agreement and relying thereupon, the Owner has obtained, subject to the terms and conditions of this Agreement, a vested right to proceed with its development of the Project as set forth in the Project Approvals and the Existing Land Use Ordinances, and the timing provisions of Section 3, and the City has entered into this in order to secure the public benefits conferred upon it hereunder which are essential to alleviate current and potential problems in the City and to protect the public health, safety and welfare of the City and its residents, and this Agreement is an essential element in the achievement of those goals.

10.3 Future Conflicting Local Laws. If any City law, including ordinances, resolutions, rules, regulations, standards, policies, conditions and specifications (collectively "City Laws") are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any proposed initiative or referendum, which City Law would conflict with this Agreement, such City Law shall not apply to the Project Site or Project. The Parties, however, acknowledge that the City's approval of this Agreement and the City Approvals are legislative actions subject to referendum.

10.3.1 Without limiting the generality of the foregoing, no moratorium or other limitation whether relating to the rate, timing, phasing or sequencing of development affecting subdivision maps, building permits, or other Subsequent Approvals shall apply to the Project. Owner agrees and understands that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or to impose any other limitation that may affect the Project.

11. Specific Criteria Applicable to Development of the Project.

11.1 Applicable Ordinances. Except as set forth in the Project Approvals and subject to the provisions of Section 10.2 below, the Existing Land Use Ordinances shall govern the development of the Site hereunder and the granting or withholding of all permits or approvals required to develop the Site; provided, however, that (a) Owner shall be subject to all changes in processing, inspection and plan-check fees and charges imposed by City in connection with the processing of applications for development and construction upon the Site so long as such fees and charges are of general application and are not imposed solely with respect to the Project Site, (b) Owner shall abide by the Building Ordinances in effect at the time of such applications, (c) Development Impact Fees to be paid by Owner shall be those in effect at the time permits are issued subject to those fees, and (d) development shall be consistent with current Operating Standards.

11.2 Amendment to Applicable Ordinances. Any change to the Existing Land Use Ordinances that conflicts with the Project Approvals shall nonetheless apply to the Project if, and only if (i) it is consented to in writing by Owner in Owner's sole and absolute discretion; (ii) it is determined by City and evidenced through findings adopted by the City Council that the change or provision is reasonably required in order to prevent a condition dangerous to the public health or safety; (iii) it is required by changes in State or Federal law; (iv) it consists of changes in, or new fees permitted by, Section 4.1; or (v) it is otherwise expressly permitted by this Agreement. The Parties anticipate that the City shall subsequently adopt Operating Standards that govern this type of use, which Regulations, and any amendments thereto, shall apply to the Project.

11.3 Applicability of Zoning Amendments. In the event that the City zoning ordinance is amended by the City in a manner which provides more favorable site development standards for the Project Site or any part thereof than those in effect as of the Effective Date, Owner shall have the right to notify the City in writing of its desire to be subject to all or any such new standards for the remaining term of this Agreement. If City agrees, by resolution of the City Council, such new standards shall become applicable to the Project. Should City thereafter amend such new standards, upon the effective date of such amendment, the original new standards shall continue to apply to the Project as provided above, but Owner may notify City in writing of its desire to be subject to all or any such amended new standards and City shall agree in the manner above provided to apply such amended new standards to the Project.

12. Permitted Delays; Supersedure by Subsequent Laws.

12.1 Permitted Delays. In addition to any other provisions of this Agreement with respect to delay, Owner and City shall be excused from performance of their obligations hereunder during any period of delay caused by acts of mother nature, civil commotion, riots, strikes, picketing, or other labor disputes, shortage of materials or supplies, or damage to or prevention of work in process by reason of fire, floods, earthquake, or other casualties, litigation, acts or neglect of the other party, any referendum elections held on the Enacting Ordinance, or the Land Use Ordinances, or any other ordinance effecting the Project or the approvals, permits or other entitlements related thereto, or restrictions imposed or mandated by governmental or quasi-governmental entities, enactment of conflicting provisions of the Constitution or laws of the United States of America or the State of California or any codes, statutes, regulations or executive mandates promulgated thereunder (collectively, "Laws"), orders of courts of competent jurisdiction, or any other cause similar or dissimilar to the foregoing beyond the reasonable control of City or Owner, as applicable. Each Party shall promptly notify the other Party of any delay hereunder as soon as possible after the same has been ascertained. The time of performance of such obligations shall be extended by the period of any delay hereunder.

12.2 Supersedure of Subsequent Laws or Judicial Action.

12.2.1 The provisions of this Agreement shall, to the extent feasible, be modified or suspended as may be necessary to comply with any new Law or decision issued by a court of competent jurisdiction (a "Decision"), enacted or made after the Effective Date which prevents or precludes compliance with one or more provisions of this Agreement. Promptly after enactment of any such new Law, or issuance of such Decision, the Parties shall meet and confer in good faith to determine the feasibility of any such modification or suspension based on the effect such modification or suspension would have on the purposes and intent of this Agreement. In addition, Owner and City shall have the right to challenge the new Law or the Decision preventing compliance with the terms of this Agreement. In the event that such challenge is successful, this Agreement shall remain unmodified and in full force and effect, except that the Term shall be extended, in accordance with Section 2.1 above, for a period of time equal to the length of time the challenge was pursued, to extent such challenge delayed the implementation of the project.

13. Operating Memoranda. The provisions of this Agreement require a close degree of cooperation between the City and the Owner. It is anticipated due to the term of this Agreement that refinements to the approvals may be appropriate with respect to the details of performance of the City and the Owner. To the extent allowable by law, the Owner shall retain a certain degree of flexibility as provided herein with respect to all matters, items and provisions covered in general under this Agreement. When and if the Owner finds it necessary or appropriate to make changes, adjustments or clarifications, the Parties shall enter into memoranda ("Operating Memoranda") approved by the Parties in writing, which reference this Section of the Agreement. Operating Memoranda are not intended to constitute an amendment to this Agreement but mere ministerial clarifications; therefore, public notices and hearings shall not be required. The City Attorney shall be authorized upon consultation with the Owner, to determine whether a requested clarification may be effectuated pursuant to this Section or

whether the requested clarification is of such character to constitute an amendment to the Agreement which requires compliance with the provisions of this Agreement pertaining to amendments. The authority to enter into such Operating Memoranda is hereby delegated to the City Manager, and the City Manager is hereby authorized to execute any operating Memoranda hereunder without further City Council action.

14. CEQA. All procedures of the California Environmental Quality Act (“CEQA”), California Public Resources Code §21000 *et seq.*, and the CEQA guidelines, Title 14 of the California Code of Regulations, chapter 3, §15000 *et seq.* have been satisfied based on the Project being categorically exempt.

15. Building Permits. Nothing set forth herein shall impair or interfere with the right of City to require the processing of building permits as required by law relating to any specific improvements proposed for the Project pursuant to the applicable provisions of the City’s municipal code, inclusive of such California and International Codes as have been adopted in accord therewith, that are in effect at the time such permits are applied for; provided, however, no such permit processing shall authorize or permit City to impose any condition on and/or withhold approval of any proposed improvement the result of which would be inconsistent with this Agreement.

16. Assignment and Transfer of Rights. Except as otherwise provided in this Section, the burdens of this Agreement are binding upon, and the benefits of this Agreement inure to, all successors-in-interest of the Parties and constitute covenants that run with the Site. Owner, for itself, its heirs, distributes, executors, administrators, legal representatives, successors and assigns, shall not, at any time during the Term, assign, convey, lease, sell or otherwise transfer all or any portion of its rights under this Agreement (“Assignable Rights”) to a third party, a subordinate entity, or a related entity (make an “Assignment”) without the prior written consent of City in each instance, which consent may be withheld in City’s sole discretion. Any assignment in violation of this Section will be void. No permitted assignee of this Agreement may further assign this Agreement without City’s prior written consent.

17. Review for Compliance.

17.1 Periodic Review. Pursuant to CGC §65865.1, City shall engage in an annual review this Agreement, on or before the anniversary of the date of execution, in order to ascertain Owner’s good faith compliance with its terms (the “Periodic Review”). In the event City fails to formally conduct such annual review, Owner shall be deemed to be in full compliance with the Agreement.

18. Amendment or Cancellation. This Agreement may be amended or canceled in whole or in part only by mutual consent of the Parties or in the manner provided in CGC §65865.1 or CGC §65868 and subsection 3.2 above.

18.1 Provide Notice. Provide the other Party with written notice of such State or Federal law or regulation, a copy of such law or regulation and a statement identifying how such law regulation conflicts with the provisions of this Agreement.

18.2 Meet and Confer. Upon notice by one Party to another as to preemption or frustration of this Agreement by law or regulation, the Parties shall promptly meet and confer in good faith and make a reasonable attempt to modify or suspend this Agreement to comply with such applicable Federal or State law or regulation. If the Parties cannot agree on a manner or method to comply with such Federal or State law or regulation, the Parties may, but shall not be required to, engage in alternative dispute resolution.

19. Notices. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing [such as Federal Express or UPS]), sent by telecopier or facsimile (“Fax”) machine capable of confirming transmission and receipt, or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

If to City: City of Clearlake
14050 Olympic Drive
Clearlake CA 95422
Attention: City Manager

With copy to: Jones & Mayer, City Attorney

8150 Sierra College Blvd., Suite 190
Roseville California 95661
Attention: Ryan R. Jones, Esq.

If to Owner: Chandra Martinez
Po Box 4643
Clearlake, CA 95422

Notices sent in accordance with this Section shall be deemed delivered upon the: **(a)** date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); **(b)** date of actual receipt (if personally delivered by other means); **(c)** date of transmission (if sent by email or telecopier, so long as sender receives actual confirmation that the transmission was received); or **(d)** date of delivery as indicated on the return receipt (if sent

by certified or registered mail, return receipt requested). Notice of change of address shall be given by written notice in the manner detailed in this Section.

20. Breach and Remedies. Notwithstanding any provision of this Agreement to the contrary, Owner shall not be deemed to be in default under this Agreement with respect to any obligation owed solely to City, and City may not terminate or modify Owner's rights under this Agreement, unless City shall have first delivered a written notice of any alleged default to Owner that specifies the nature of such default. If such default is not cured by Owner within sixty (60) days after receipt of such notice of default, or with respect to defaults that cannot be cured within such period, Owner fails to commence to cure the default within thirty (30) days after receipt of the notice of default, or thereafter fails to diligently pursue the cure of such default, City may terminate Owner's rights under this Agreement. Default by any Assignee or Owner's successor in interest shall affect only that portion of the Site owned by such Assignee or successor, and shall not cancel or diminish in any way Owner's rights with respect to any portion of the Site not owned by such Assignee or successor. In the event that a breach of this Agreement occurs, irreparable harm is likely to occur to the non-breaching Party and damages will be an inadequate remedy. To the extent permitted by law, therefore, it is expressly recognized that injunctive relief and specific enforcement of this Agreement are proper and desirable remedies, and it is agreed that any claim by Owner against City for an alleged breach of this Agreement shall be remedied by injunctive relief or an appropriate action for specific enforcement of this Agreement and not by a claim or action for monetary damages.

21. Entire Agreement. This Agreement and the Exhibits herein contain the entire integrated agreement among the Parties. The Parties intend that this Agreement state their agreement in full to each and every one of its provisions. Any prior agreements, understandings, promises, negotiations or representations respecting the matters dealt with herein or the duties of any Party in relation thereto, not expressly set forth in this Agreement, are agreed by all Parties to be null and void.

22. Severability. If any term, provision, condition, or covenant of this Agreement, or the application thereof to any Party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

23. Attorneys' Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or

if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action. Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

24. Counterparts. This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same instrument.

25. Execution of Agreement. The Parties shall sign this Agreement on or within five (5) business days of approval.

26. Authority to Execute. All persons executing this Agreement on behalf of a party warrant that they have the authority to execute this Agreement on behalf of that party.

27. Estoppel Certificate. City shall, at any time and from time to time within ten (10) days after receipt of written notice from Owner so requesting, execute, acknowledge and deliver to Owner a statement in writing: **(a)** certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect); and **(b)** acknowledging that there are no uncured defaults on the part of Owner hereunder or specifying such defaults if any are claimed. Any such statement may be relied upon by any prospective purchaser or encumbrancer of all or any portion of the Site. Upon Owner's written request, City shall issue a certificate of performance evidencing completion of any of Owner's obligation(s) under this Agreement.

28. Encumbrances on Real Property.

28.1 Discretion to Encumber. The Parties hereto agree that this Agreement shall not prevent or limit Owner, in any manner, at Owner's sole discretion, from encumbering the Site or any portion thereof or any improvements thereon then owned by such person with any mortgage, deed of trust or other security device ("Mortgage") securing financing with respect to the Site or such portion. City acknowledges that the lenders providing such financing may require certain modifications, and City agrees, upon request, from time to time, to meet with Owner and/or representatives of such lenders to negotiate in good faith any such request for modification. City further agrees that it will not unreasonably withhold its consent to any such requested modification. Any mortgagee or trust deed beneficiary of the Site or any portion thereof or any improvements thereon and its successors and assigns ("Mortgagee") shall be entitled to the following rights and privileges.

28.2 Lender Requested Modification/Interpretation. City acknowledges that the lenders providing financing to Owner may request certain interpretations and modifications of this Agreement. City therefore agrees upon request, from time to time, to meet with the Owner and representatives of such lenders to negotiate in good faith any such request for interpretation or modification. The City will not unreasonably withhold its consent to any such requested interpretation or modification provided such interpretation or modification is consistent with the intent and purposes of this Agreement, provided, further, that any modifications of this Agreement are subject to the provisions of this Agreement relative to modifications or amendments.

28.3 Mortgage Protection. This Agreement shall be superior and senior to the lien of any Mortgage. Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, and any acquisition or acceptance of title or any right or interest in or with respect to the Site or any portion thereof by a Mortgagee (whether pursuant to a Mortgage, foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise) shall be subject to all of the terms and conditions of this Agreement.

28.4 Mortgagee Not Obligated. Notwithstanding the provisions of Section 26.2, no Mortgagee will have any obligation or duty under this Agreement to perform the obligations of Owner or other affirmative covenants of Owner hereunder, or to guarantee such performance, except that to the extent that Mortgagee opts to receive the benefits of the Agreement, including the right to operate, any covenant to be performed by Owner is a condition to the performance of a covenant by City, the performance thereof shall continue to be a condition precedent to City's performance hereunder. No Mortgagee will be liable for any monetary defaults arising prior to its acquisition of title to the Site or any portion thereof. Uncured monetary defaults will terminate the Agreement and Mortgagee's right to operate.

28.5 Written Notice of Default. Each Mortgagee shall be entitled to receive written notice from City of any default by Owner under this Agreement, if such default is not

cured within thirty (30) days, provided such Mortgagee has delivered a written request to City for such notice. Each Mortgagee shall have a further right, but not the obligation, to cure such default for a period of thirty (30) days after receipt of such notice of default. Any non-curable defaults of Owner of any obligation owed solely to City arising prior to Mortgagee's acquisition of title to the Site or any portion thereof shall be waived; provided, however, the non-payment of money shall not be deemed a non-curable default.

29. Binding Effect. This Agreement shall be binding on and inure to the benefit of the Parties to this Agreement and, subject to City's written consent, their heirs, personal representatives, successors, and assigns, except as otherwise provided in this Agreement.

30. Governing Law and Venue. This Agreement and the legal relations between the Parties shall be governed by and construed in accordance with the laws of the State of California. Furthermore, the Parties agree to venue in the Superior Court of Lake County, California.

31. Mutual Covenants. The covenants contained herein, including those contained in the Recitals herein, are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the party benefited thereby of the covenants to be performed hereunder by such benefited party.

32. Successors in Interest. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the Parties to this Agreement ("Successors"). Furthermore, the rights and remedies, together with the benefits and burdens of this Agreement of each Party to this Agreement shall be coextensive with those of its Successors. All provisions of this Agreement shall be enforceable as equitable servitude's and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the Site: (a) is for the benefit of and is a burden upon every portion of the Site; (b) runs with the Site and each portion thereof; and, (c) is binding upon each Party and each Successor during ownership of the Site or any portion thereof. From and after recordation of this Agreement, the Agreement shall impute notice to all persons and entities in accord with the recording laws of this State.

33. No Third Party Beneficiaries. This Agreement is made and entered into for the sole protection and benefit of the Parties and their Successors and Assignees. No other person or entity shall have any right of action based upon any provision of this Agreement.

34. Waiver. Failure by a Party to insist upon the strict performance of any of this

Agreement's provisions by the other party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

35. Time of Essence. Time is of the essence in the performance of the provisions of this Agreement as to which time is an element.

36. Recordation of Agreement. This Agreement and any amendment or cancellation thereof shall be recorded with the County Recorder by the City Clerk within the period required by Government Code Section 65868.5.

37. Headings. The headings in this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

38. Jointly Drafted. It is agreed among the parties that this Agreement was jointly negotiated and jointly drafted by the Parties and their respective counsel, and that it shall not be interpreted or construed in favor of or against any party solely on the ground that it drafted the Agreement. It is also agreed and represented by all Parties that said Parties were of equal or relatively equal bargaining power and that in no way whatsoever shall this Agreement be deemed to be a contract of adhesion, or unreasonable or unconscionable.

39. Independent Legal Counsel. Each party acknowledges that it has been represented by independent legal counsel of its own choice throughout all of the negotiations that preceded the execution of this Agreement or has knowingly and voluntarily declined to consult legal counsel, and that each Party has executed this Agreement with the consent and on the advice of such independent legal counsel.

40. Further Cooperation. The parties herein agree to execute any and all agreements, documents or instruments as may be reasonably necessary in order to fully effectuate the agreements and covenants of the Parties contained in this Agreement, or to evidence this Agreement as a matter of public record, if required to fulfill the purposes of this Agreement. The Parties further agree to mutually cooperate with one another in carrying out the purposes of this

Agreement.

41. Enforceability. This Agreement shall not become binding and shall have no force and effect whatsoever until such time as it has been fully executed by and delivered to all of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the Execution Date.

"CITY"

CITY OF CLEARLAKE, CA a California
Municipal Corporation

Date: _____, 2021

By: _____

Mayor

Attest:

By: _____

City Clerk

Approved as to form:

Jones & Mayer

By: _____

Ryan R. Jones, Esq.

City Attorney

“OWNER”

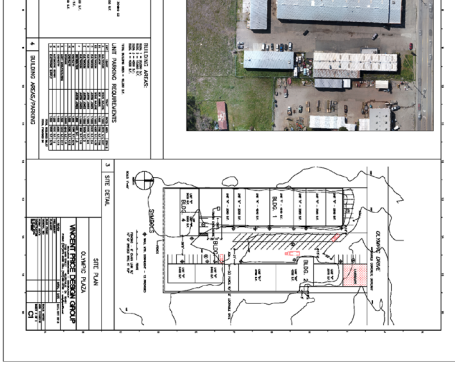
Chandra Martinez

By: _____

Date: _____, 2021

Chandra Martinez

EXHIBIT A
LEGAL DESCRIPTION
To be inserted later



Section H, Item 15.

EXHIBIT C
SITE LEASE

To be inserted later

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA }

COUNTY OF _____ }

On _____ before me,

(insert name and title of the officer)

personally _____ appeared
_____ , who proved to me on the
basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the
within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed
the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Discussion and Consideration of Resolution 2024-56, Approving a Memorandum of Understanding Between the County of Lake, City of Lakeport, and City of Clearlake Authorizing the Formation of the Lake County Regional Housing Trust Fund.	MEETING DATE: Dec. 5, 2024
SUBMITTED BY: Alan D. Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

City Council will consider approving an MOU with the County and Lakeport establishing a county wide Regional Housing Trust Fund.

BACKGROUND/ DISCUSSION:

Developing additional quality housing in the City, and all of California is a priority. While the City has had marked success over the past several years in this area, more work remains. One possible tool the City could consider is the establishment of a regional housing trust fund, in coordination with the City of Lakeport and County of Lake. On November 7th the Council received a presentation from Lisa Judd, Deputy County Administrative Officer for Housing about the program and directed staff to bring back the MOU for approval.

OPTIONS:

1. Adopt Resolution.
2. Direction to Staff.

FISCAL IMPACT:

None \$10,000/yr Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other: Fund 243 Housing Funds and/or PLHA funds (Permanent Local Housing Allocation)

Comments:

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

Attachments:

- 1. Resolution 2024-55**
- 2. Draft MOU**

Resolution No. 2024-56

RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY OF LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND (LCRHTF)

WHEREAS, the County of Lake, City of Clearlake, and City of Lakeport desire to coordinate response to housing needs, including pursuit of grant funding opportunities, utilizing a regionalized approach by forming the Lake County Regional Housing Trust Fund (“LCRHTF”); and

WHEREAS, the attached Memorandum of Understanding (MOU) between the jurisdictions shall serve as a legally binding Agreement for this purpose; and

WHEREAS, the County of Lake, pursuant to Section 9. County of Lake Transient Occupancy Tax [TOT] Usage & Expenditure Policies and Procedures, agrees to contribute the greater of either \$100,000 or one percentage point of the nine percent (approx. 11% of the TOT collected) TOT tax rate collected, annually. The City of Clearlake agrees to contribute no less than \$10,000 annually and the City of Lakeport agrees to contribute no less than \$5,000 annually. Contributions will be made by each part within 60 days of execution of the herein referenced MOU, and on an annual basis (within the ensuing 12 months) thereafter; and

WHEREAS, The LCRHTF is established by the following funds:

County of Lake, ARPA Funds:	\$1,000,000.00
County of Lake, General Funds:	\$1,000,000.00
County of Lake, PLHA Grant Funds:	\$847,981.00 (<i>pending HCD approval</i>)
County of Lake, TOT Funds	\$100,000.00 or 1% of TOT (<i>whichever is greater</i>)
Clearlake:	\$10,000.00
Lakeport:	\$5,000.00

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Clearlake, the Memorandum of Understanding by and between the County of Lake, City of Clearlake, and City of Lakeport pertaining to funds allocated by each jurisdiction in support of the Lake County Regional Housing Trust Fund is hereby Adopted, and the Mayor is authorized to sign the Memorandum of Understanding on behalf of the City of Clearlake.

BE IT FURTHER RESOLVED that the City Council of the City of Clearlake of California, hereby authorizes establishment of a Regional Housing Trust Fund, which shall be referred to as the Lake County Regional Housing Trust Fund (LCRHTF), to be administered in accordance with this resolution and the MOU as attached or subsequently amended.

PASSED AND ADOPTED this 5th of December, 2024, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

City Clerk

David Claffey, Mayor

APPROVED AS TO FORM:

Dean J. Pucci, City Attorney

A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND (LCRHTF)

THIS MEMORANDUM OF UNDERSTANDING, hereinafter referred to as "MOU", is made and entered into this ___th day of December, 2024 (the "Effective Date") by and between Lake County hereinafter referred to as "County", City of Clearlake, hereinafter referred to as "Clearlake and the City of Lakeport, hereinafter referred to as "Lakeport," collectively, the "Parties."

RECITALS

WHEREAS, The County of Lake, Clearlake and Lakeport are legally recognized municipalities within the County of Lake, California; and

Now, therefore, it is mutually understood and agreed to between the Parties as follows:

I. PURPOSE

This MOU delineates the understandings of the County, Clearlake, and Lakeport regarding establishment of the Lake County Regional Housing Trust Fund (LCRHTF).

II. TERMS AND DEFINITIONS

Throughout this MOU, all words used in this Agreement have the same meaning as defined in the Administrative Guidelines.

III. TERM

The term of this MOU shall commence as of the Effective Date stated above, and shall continue for five (5) years, unless this MOU is terminated sooner according to the Termination clause herein, or the term is extended by mutual agreement of the Parties.

IV. UNDERSTANDINGS OF THE PARTIES

A. The County shall undertake the following:

1. Identify, in coordination with the Parties, the steps necessary to create the Lake County Regional Housing Trust Fund (LCRHTF).
2. Ensure compliance with all County regulations, public meeting requirements, and any processes related to the planning and delivery of funds to a proposed funding project.
3. Work with the parties to provide all the information and documentation required for the completion of any identified funding applications.
4. Designate a representative(s) to participate in LCRHTF Board of Trustees meetings for the purpose of considering LCRHTF funding allocation decisions and voting to represent the County as part of the LCRHTF, Board of Trustees. (*See Administrative Guidelines*)
5. Adopt Resolutions necessary to fulfill applicable funding requirements including, but not limited to: provisions for the expansion of affordable housing in Lake County.

**A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY
LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING
FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND
(LCRHTF)**

6. Work with the Parties to establish LCRHTF funding priorities in coordination with delegating jurisdictions. *(See Administrative Guidelines)*
7. In coordination with the Parties, ensure compliance with all threshold requirements under grant guidelines, and all other requirements specified in other potential funding sources including maintaining a Regional Housing Trust Fund.

B. Clearlake shall undertake the following:

1. Work cooperatively with the County of Lake to establish the Lake County Regional Housing Trust Fund and related activities.
2. Work with the parties to provide all information and documentation required for completion of any identified funding applications.
3. Ensure compliance with all City regulations, public meeting requirements, and any processes related to the planning and delivery of funds to a proposed funding project.
4. Designate a representative(s) to participate in LCRHTF, Board of Trustees meetings for the purpose of considering LCRHTF funding allocation decisions and voting to represent Clearlake as part of the LCRHTF, Board of Trustees. *(See Administrative Guidelines)*
5. Adopt Resolutions necessary to fulfill applicable funding requirements including, but not limited to: provisions for the expanding of affordable housing in Lake County.
6. Work with the Parties to establish LCRHTF funding priorities in coordination with delegating jurisdictions. *(See Administrative Guidelines)*
7. Work with the parties to provide all information and documentation required for to ensure compliance with all threshold requirements under grant guidelines, and all other requirements specified in other potential funding sources including maintaining a Regional Housing Trust Fund.

C. Lakeport shall undertake the following:

1. Work cooperatively with the County of Lake to establish the Lake County Regional Housing Trust Fund and related activities.
2. Work with the parties to provide all information and documentation required for completion of any identified funding applications.
3. Ensure compliance with all City regulations, public meeting requirements, and any processes related to the planning and delivery of funds to a proposed funding project.

A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND (LCRHTF)

- 4. Designate a representative(s) to participate in LCRHTF, Board of Trustees meetings for the purpose of considering LCRHTF funding allocation decisions and voting to represent Lakeport as part of the LCRHTF, Board of Trustees. *(See Administrative Guidelines)*
- 5. Adopt Resolutions necessary to fulfill applicable funding requirements including, but not limited to: provisions for the expanding of affordable housing in Lake County.
- 6. Work with the Parties to establish LCRHTF funding priorities in coordination with delegating jurisdictions. *(See Administrative Guidelines)*
- 7. Work with the parties to provide all information and documentation required for to ensure compliance with all threshold requirements under grant guidelines, and all other requirements specified in other potential funding sources including maintaining a Regional Housing Trust Fund.

D. Collectively, the Parties Agree:

- 1. Formation of Lake County Regional Housing Trust Fund Administrative Board. The Lake County Regional Housing Trust Fund will have an Administrative Board that is responsible for adopting and amending the Administrative Guidelines.

The composition of this Administrative Board will be as follows:

- County of Lake - County Administrative Officer or designee
- County of Lake - Director of Community Development or designee
- City of Lakeport - City Manager or designee
- City of Clearlake - City Manager or designee

- 2. Not less than quarterly, the Lake County Regional Housing Trust Fund Administrative Board will meet to identify new potential funding sources, review the current funding allocations, review Activities accomplished under this MOU, evaluate the efficacy of this MOU, assess the quality of the working relationship between County, Clearlake and Lakeport as pertains to the Lake County Regional Housing Trust Fund (LCRHTF) and its activities, determine the status of work products, and assess future Activities for potential LCRHTF funding by the partnership or assignment of funds from the Lake County Regional Housing Trust Fund.

- 3. Meet in good faith to promptly address any disputes arising under this MOU.

E. Funding

The County, Clearlake and Lakeport shall work cooperatively to identify and seek sufficient future funding, including additional state or federal grants, foundation/philanthropy grants and/or other funding sources, to promote the sustainability of the Lake County Regional Housing Trust Fund and housing project goals.

A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND (LCRHTF)

F. Alterations of Terms

No alteration or variation of the understandings of this MOU shall be valid unless made in writing and signed by all three parties.

G. Termination

- 1. Any party may terminate their participation in this MOU for any reason, or without cause, by giving 60 days' written notice to the other two entities, which shall be served in conformity with the notice provisions contained in this MOU.
- 2. Upon termination, the party terminating their participation shall gain control of their remaining funding allocation proportional to contributions and matching funds. Any grant or otherwise restricted funds shall be used in a manner consistent with all applicable laws and other governing documents.

H. Notices

Any notice required or permitted to be given under this MOU shall be in writing and shall be served by registered mail or personal service upon the other party.

I. Amendments

Any material changes to any of the clauses above must be mutually agreed upon by all three entities and shall only become effective when in writing and fully executed by duly authorized officials of the Parties hereto.

J. Parties as Independent

In agreeing to the obligations and understandings set forth herein, each Party acknowledges that it shall act in an independent capacity, and not as the employees, agents, or officials of the other. Each Party agrees that neither its agents nor employees have any rights, entitlement or claim against the other for any type of employment benefits or workers' compensation. Each Party shall hold the other harmless and indemnify against any such claim by its agents or employees.

K. Indemnification

Nothing herein shall be construed as a limitation of any entities liability, and all parties shall indemnify, defend, and hold harmless the County of Lake, its officers, officials, employees, agents and volunteers from any and all liabilities, claims, demands, damages, losses and expenses (including, without limitation, defense costs and attorney fees) which result from the negligent act, willful misconduct, or error or omission of any entity, except such loss or damage which was caused by the sole negligence or willful misconduct of the County, its employees, agents or volunteers.

A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND (LCRHTF)

Nothing herein shall be construed as a limitation of County's liability, and County shall indemnify, defend, and hold harmless Clearlake and Lakeport from any and all liabilities, claims, demands, damages, losses and expenses (including, without limitation, defense costs and attorney fees) which result from the negligent act, willful misconduct, or error or omission of County, its employees, agents or volunteers, except such loss or damage which was caused by the sole negligence or willful misconduct of either Clearlake or Lakeport, its employees, agents or volunteers.

L. Insurance

It is agreed that the Parties to this MOU shall maintain at all times during the term of this MOU insurance coverage in the amounts of not less than One Million Dollars (\$1,000,000) to cover all of its operations. Specifically, but not limited to, not less than One Million Dollars (\$1,000,000) general liability, One Million Dollars (\$1,000,000) automobile liability, One Million Dollars (\$1,000,000) workers' compensation, and One Million Dollars (\$1,000,000) professional liability (E&O)

COUNTY OF LAKE

Chair, Board of Supervisors

Date executed

ATTEST: SUSAN PARKER
Clerk to the Board of Supervisors

APPROVED AS TO FORM:
LLOYD GUINTIVANO
County Counsel

By: _____

CITY OF CLEARLAKE

Mayor, City of Clearlake

Date executed

A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COUNTY LAKE, CITY OF LAKEPORT, AND CITY OF CLEARLAKE AUTHORIZING FORMATION OF THE LAKE COUNTY REGIONAL HOUSING TRUST FUND (LCRHTF)

ATTEST: City Clerk

APPROVED AS TO FORM:

Dean Pucci

City of Clearlake, Attorney

By: _____

CITY OF LAKEPORT

Mayor, City of Lakeport

Date executed

ATTEST: City Clerk

APPROVED AS TO FORM:

DAVID RUDERMAN

City of Lakeport, Attorney

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Award of contract for Abandoned Vehicle Abatement Program towing, storing, dismantling and disposal services.	MEETING DATE: Dec. 5, 2024
SUBMITTED BY: Lee Lambert, Code Enforcement Supervisor	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the City Manager to execute a contract with the winning bidder for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

BACKGROUND/DISCUSSION:

The purpose of this hearing is to authorize the City Manager to execute a contract with the winning bidder for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

The City had a contract with All In One Towing for vehicle tows under the Abandoned Vehicle Abatement Program. That contract expired on November 3, 2024.

The City has advertised for bids for towing, storing, dismantling and disposal services solely related to the Abandoned Vehicle Abatement Program. On December 4, 2024 the city opened the bids, at which time staff determined the bid winner.

OPTIONS:

- 1. Move to authorize the City Manager to execute a contract with the winning bidder for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

FISCAL IMPACT:

None FY Amount Budgeted by City Council Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: Funding will be allocated yearly, from the general fund into the Code Enforcement Abandoned Vehicle Abatement Program account.

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City

- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to Authorize the City Manager to execute a contract with the winning bidder for the towing, storing, dismantling and disposal of abandoned and / or inoperative vehicles and within the parameters of the Abandoned Vehicle Abatement Program.

Attachments:

CITY OF CLEARLAKE

Successor Agency



STAFF REPORT	
SUBJECT: Discussion and Consideration of Resolution SA-2024-03 Recommending the Lake County Redevelopment Agency Oversight Board Amend the Loan Terms for Olympic Village Apartments	MEETING DATE: Dec. 5, 2024
SUBMITTED BY: Alan Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The Board of Directors of the Successor Agency to the Clearlake Redevelopment Agency is being asked to amend loan terms for Olympic Village.

BACKGROUND/ DISCUSSION:

In 2009 the Clearlake Redevelopment Agency provided a loan for the development of Olympic Village, a 54-unit affordable housing project in the City. The loan included \$700,000 in principal with a 5% interest rate with the total amount due in 2064 (55 year term). The current owner, April Housing, has marketed the property and has an interested buyer. Unfortunately, the remaining debt exceeds the appraised value and the proposed sales price. The owner initially asked the City/Successor Agency to consider forgiving the debt. However, direction from the State Controller’s Office is that principal amounts are not forgivable, only interest.

The owner has structured the sale of the property in a way that will work if the interest is forgiven on the debt and the principal is still owed. When the loan becomes due, the proceeds will be distributed to all taxing agencies, including the City.

Upon approval of the attached resolution the Oversight Board will make a final determination on the amendment.

OPTIONS:

1. Adopt Resolution.
2. Provide Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Attachments:

1. Resolution SA-2024-03

RESOLUTION NO. SA- 2024-03

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE CITY OF CLEARLAKE REDEVELOPMENT AGENCY APPROVING AN AMENDMENT TO THE AGENCY LOAN WITH APRIL HOUSING FOR OLYMPIC VILLAGE APARTMENTS TO ELIMINATE ACCRUED INTEREST AND RECOMMENDING THE LAKE COUNTY REDEVELOPMENT AGENCY OVERSIGHT BOARD APPROVE THE AGREEMENT

WHEREAS, on January 12, 2012, the Clearlake City Council adopted Resolution No. 2012-02 electing to become the Successor Agency to the Clearlake Redevelopment Agency (“Successor Agency”) pursuant to AB 1X 26 (The Redevelopment Agency Dissolution Act), and pursuant to Health and Safety Code section 34173(g), the Successor Agency is now a separate legal entity from the City; and

WHEREAS, In 2009 the Clearlake Redevelopment Agency provided a \$700,000 loan for the development of Olympic Village, a 54-unit affordable housing project in Clearlake. The project has a 55 year affordability covenant, accruing 5% interest, with payment due in full on June 30, 2064.

WHEREAS, the current value of the property is exceeded by the debt and some restructuring is needed.

WHEREAS, The obligations of the former redevelopment agency must be enforced by the Lake County Redevelopment Agency Oversight Board, and advice of the State Controller’s Office is that existing principal on loan obligations cannot be waived.

WHEREAS, the owner has requested the terms of the loan be amended to include waiving the accrued interest payment and leaving the principal intact for the loan term.

WHEREAS, The amends to the loan term reflects the highest likelihood of ensuring the sustainability of the 54 affordable units of housing and further is in the vital and best interests of the Successor Agency and the health, safety and welfare of the Successor Agency’s residents, and in accord with the public purposes and provisions of applicable state and local laws.

NOW, THEREFORE, BE IT RESOLVED by the Clearlake Successor Agency to the Clearlake Redevelopment Agency, as follows:

1. The Successor Agency hereby approves amending to the loan agreement to forgive accrued interest.
2. The Successor Agency recommends that the Lake County Redevelopment Agency Oversight Board approve the agreement.
3. The Successor Agency directs the Executive Director/City Manager of the Successor Agency to execute any documents necessary to amend the loan terms if also approved by the Oversight Board.

ADOPTED THIS 5th day of December, 2024 by the Successor Agency by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

Chair of Successor Agency

ATTEST:

Melissa Swanson
City Clerk/Clerk of the Successor Agency

CITY OF CLEARLAKE

City Council



STAFF REPORT

SUBJECT: Discussion and Consideration of Resolution 2024-55 Approving the Appraisal, Fixing the Amount of Just Compensation and Authorizing Offer to Owner of a Portion of 12105 San Joaquin Ext., Clearlake for Right of Way

MEETING DATE: Dec. 5, 2024

SUBMITTED BY: Alan Flora, City Manager

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is being asked authorize the purchase of right of way.

BACKGROUND/ DISCUSSION:

In February of 2024 a winter storm brought significant rainfall to the area and created a landslide near San Joaquin Extension. The City declared a state of emergency due to the potential for damage to public and private property as a result of the landslide. The City received authorization to expend funds for an emergency repair through CalTrans, and initiated work. While the City’s obligation was to repair damage in the public right of way we were able to adjust the project to cover damaged portions of two private properties and receive 100% reimbursement. The City hired an engineering firm that designed the emergency repair and in order to maintain stability of the roadway and surrounding area, the project design encroached on two neighboring properties requiring property acquisition. A total of 2,694.79 sq. ft from 12115 San Joaquin Ext. and 789.29 sq. ft from 12105 San Joaquin Ext. is required to be acquired. After receiving authorization to access the private property the work was initiated and completed at a final cost of approximately \$2 million.

The City has had to fund the entire project and now is proceeding with reimbursement. CalTrans requires the areas of private property that were improved to be dedicated as public right of way. The City received appraisals for the property and is in escrow with one of the property owners (12115 San Joaquin). The portion of property located at 12105 San Joaquin Ext., has been sent the appraisal and purchase agreement but is unresponsive.

The next step is to have the Council formally approve the appraisal, determine the amount of just compensation and authorize the offer.

OPTIONS:

- 1. Adopt Resolution.
- 2. Provide Direction to Staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Attachments:

1. Resolution 2024-55
2. Appraisal of 12105 San Joaquin Ext.

RESOLUTION NO. 2024-59

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CLEARLAKE
APPROVING THE APPRAISAL,
FIXING THE AMOUNT OF JUST COMPENSATION
AND AUTHORIZING OFFER TO OWNER
(Andrew and Bailey Hulett; a portion of
12105 San Joaquin Ave., Clearlake, CA)

The City Council of the City of Clearlake does resolve as follows:

Section 1. The City of Clearlake desires to acquire by eminent domain a portion of the real property located in the City of Clearlake, County of Lake, commonly known as 12105 San Joaquin Ave., Clearlake, CA, Assessor’s Parcel Number, APN 037-171-10 (the “Subject Property”) for the City of Clearlake.

Section 2. The City authorized an appraisal to be made of the Subject Property by Licensed Appraiser Scott Hermanson. Scott Hermanson has prepared an appraisal report dated August 9, 2024, and it has been received and reviewed by the City Council.

Section 3. Sections 7267.1 and 7267.2 of the Government Code provide that prior to initiation of negotiations and adoption of a Resolution of Necessity, the City Council shall make and approve an appraisal of the real property to be acquired, shall establish an amount which it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established.

Section 4. The City Council of the City of Clearlake resolves:

- a. The appraisal of the Subject Property made by Scott Hermanson dated August 9, 2024 is hereby approved.
- b. Nine Hundred Ninety and 00/100 Dollars (\$990.00) is established as the amount which the City Council believes to be just compensation for the acquisition of the Subject Property.

Section 5. The City Manager for the City of Clearlake or his designee is hereby authorized and directed to initiate negotiations and to make an offer to the owner or owners of record of the Subject Property to acquire the Subject Property for Nine Hundred Ninety and 00/100 Dollars (\$990.00).

PASSED AND ADOPTED this ____ of December 5, 2024, by the following roll call vote:

AYES:
NOES:

ABSENT:
ABSTAINED:

ATTEST:

City Clerk

David Claffey, Mayor

APPROVED AS TO FORM:

Dean J. Pucci, City Attorney



CITY OF CLEARLAKE

City Council

STAFF REPORT	
SUBJECT: Consideration of Introduction and First Reading of Ordinance No. 278-2024 Adjustment to Councilmember Compensation	MEETING DATE: December 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to hold the first reading of Ordinance No. 278-2024, read it by title only, waive further reading and set second reading and adoption for the next regular Council meeting.

BACKGROUND/DISCUSSION:

Mayor Claffey has proposed an ordinance to increase the compensation of City Council members. This report provides the legal framework and current status of Council compensation.

Current Compensation and Legal Authority:

- **Current Salary:** Clearlake City Council members currently receive \$500 per month, as established by Municipal Code section 2-1.2 and last amended in 2020 (Ordinance No. 245-2020).
- **State Law:** Government Code section 36516 allows cities to set Council member salaries.
 - Clearlake may set monthly salaries up to \$1,050 per month. This is because cities with populations under 35,000 (like Clearlake) automatically can set salaries up to \$950 per month. Additionally, such amount may be increased by up to 5% per year since the last salary adjustment. Because four calendar years have elapsed since the salaries were last adjusted in 2020, an additional increase of 20% of the existing salary is allowed. Because 20% of \$500 is \$100, this accounts for the extra \$100 above \$950.
 - Benefits (retirement, health insurance, etc.) are not included in the salary calculation.

Effective Date:

- The municipal code would be changed upon the effective date of the ordinance. However, Government Code section 36516.5 establishes that salary changes may take effect only when at least one member of the Council commences a new term. Because this ordinance would be adopted at the earliest in January 2025, and the new council will be in place, the salary changes could not go into effect until after one person on the new five-person city council commences a new term or at the next general election.

FISCAL IMPACT:

None Yes Budgeted Item? Yes No Budget Adjustment Needed? Yes
 No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

Attachments: 1) Ordinance No. 278-2024

ORDINANCE NO. 278-2024

AN ORDINANCE AMENDING MUNICIPAL CODE SECTION 2-1.2 TO INCREASE THE COMPENSATION OF CITY COUNCIL MEMBERS EFFECTIVE JANUARY 2027

WHEREAS, effective January 1, 2024, Senate Bill 329 was adopted to "reset" city council salaries to reflect the important work done by city council members, to take into account the impacts of inflation and economic realities on those who serve as city council members, and to encourage more persons to consider service as council members by making the compensation more reflective of the time and work being performed; and

WHEREAS, Clearlake Municipal Code section 2-1.2 currently establishes the salary for City Council members at five hundred dollars (\$500) per month. The salary for City Council members was last amended in 2020 (Ord. No. 245-2020); and

WHEREAS, Government Code Section 36516 authorizes Clearlake to set salaries at as much as one thousand fifty dollars (\$1,050) per month; and

WHEREAS, pursuant to Government Code section 36516.5, salary increases set forth herein may take effect only when at least one member of the Council commences a new term;

WHEREAS, this ordinance was introduced at the regular meeting of December 5, 2024.

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

Section 1. Municipal Code. Ordinance No. 2-1.2 is hereby amended to read as follows:

Each member of the City Council shall receive a salary of one thousand fifty dollars (\$1,050) per month.

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance will become effective on the 31st day after this ordinance is adopted.

Section 4. Date of Salary Change. Councilmembers may receive the increased payments authorized by this ordinance on the first date authorized by applicable law.

PASSED, APPROVED AND ADOPTED this ___th day of _____, 2025 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor

ATTEST:

Melissa Swanson, City Clerk

I, Melissa Swanson, City Clerk of Clearlake, do hereby certify that the foregoing ordinance was introduced and adopted at a meeting thereof on the ___th day of _____, 2025.

Melissa Swanson, City Clerk

CITY OF CLEARLAKE

City Council



STAFF REPORT	
SUBJECT: Consideration of Acceptance of the November 2024 Election Results; Resolution No. 2024-57	MEETING DATE: December 5, 2024
SUBMITTED BY: Melissa Swanson, Administrative Services Director/City Clerk	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to adopt Resolution No. 2024-57 declaring the results of the November 5th, 2024 General Municipal Election and authorize the City Clerk to administer the Oath of Office to the elected Council Members.

BACKGROUND/DISCUSSION:

The City of Clearlake’s 2024 General Municipal Election for three City Council seats was held on November 5th. The City consolidated the election with the County and authorized the Registrar of Voters to administer the election and conduct the official canvass. The final official canvass was released on Wednesday, December 4, 2024.

City of Clearlake Member, City Council											
Cumulative Totals	Registration	Ballots Cast	Turnout (%)	BRETT D. FREEMAN	TARA DOWNEY	JESSICA HOOTEN	JAMES RIVERA	RUSSELL PERDOCK	DAVID CLAFFEY	JOYCE OVERTON	MARY WILSON
				Precinct							
128 CL Dam	44	27	61.4	5	11	4	10	8	10	6	10
141 CL Old Hwy/CL Village	1,111	654	58.9	166	181	190	170	100	159	148	222
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	206	260	315	235	230	291	287	317
213 CL AustinPk/CL Olympic	1,002	694	69.3	174	225	224	183	118	168	133	222
215 CL Hillcrest/CL Lakeshore	834	479	57.4	129	171	135	132	67	118	87	152
217 CL Davis	870	489	56.2	112	152	141	120	79	109	119	148
218 CL Molesworth/CL Pierce	1,568	885	56.4	223	262	247	226	140	215	202	289
Vote by Mail Totals	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
Election Day Voting Totals	7,178	833	11.6	189	221	283	180	137	122	139	196
Grand Totals	7,178	4,273	59.5	1,015	1,262	1,256	1,076	742	1,070	982	1,360

OPTIONS:

- 1. Move to adopt Resolution No. 2024-57
- 2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments:

STRATEGIC PLAN IMPACT:

- Goal #1: Make Clearlake a Visibly Cleaner City
- Goal #2: Make Clearlake a Statistically Safer City
- Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- Goal #4: Improve the Image of Clearlake
- Goal #5: Ensure Fiscal Sustainability of City
- Goal #6: Update Policies and Procedures to Current Government Standards
- Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Move to adopt Resolution No. 2024-57 and authorize the City Clerk to administer the Oath of Office to the newly elected Council Members.

- Attachments:** 1) Resolution No. 2024-57
- 2) Final Cumulative Results of the November 5, 2024 General Election

RESOLUTION NO. 2024-57

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE RECITING THE FACTS OF THE
GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 5, 2024, DECLARING THE RESULTS
AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

WHEREAS, the General Municipal Election was held and conducted in the City of Clearlake, California, on Tuesday, November 5, 2024 as required by law; and

WHEREAS, the Notice of Election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and votes were cast, received, and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the County Registrar of Voters canvassed the returns of the elections and has certified the results to this City Council, the results are received, attached hereto as Exhibit "A" and made a part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the names of persons voted for at the election for the Members of the City Council for a full term of four years are as follows: David Claffey, Tara Downey, Brett D. Freeman, Jessica Hooten, Joyce Overton, Russell Perdock, James Rivera, and Mary Wilson.

BE IT FURTHER RESOLVED AND ORDERED that the City Council of the City of Clearlake does declare and determine that: Tara Downey was elected as a Member of the City Council for a full term of four years, Jessica Hooten was elected as a Member of the City Council for a full term of four years, and that Mary Wilson was elected as a Member of the City Council for a full term of four years.

BE IT FURTHER RESOLVED AND ORDERED that the City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) the whole number of votes cast in the City; (2) the names of the person voted for; (3) for what office each person was voted for; (4) the number of votes given at each precinct for each person; and (5) the total number of votes given to each person.

BE IT FURTHER RESOLVED AND ORDERED that the Registrar of Voters has immediately made available and the City Clerk shall immediately deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED on December 5 2024 by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

Mayor, City of Clearlake

ATTEST:

City Clerk, City of Clearlake

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

Run Time 11:17 AM

11/5/2024

Run Date 12/03/2024

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President and Vice President - Vote for One Party

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
ROBERT F. KENNEDY JR. NICOLE SHANAHAN		386	1.66%	55	1.56%	441	1.65%
CHASE OLIVER MIKE TER MAAT		86	0.37%	12	0.34%	98	0.37%
JILL STEIN RUDOLPH WARE		157	0.68%	20	0.57%	177	0.66%
DONALD J. TRUMP JD VANCE		10,983	47.29%	2,178	61.60%	13,161	49.18%
CLAUDIA DE LA CRUZ KARINA GARCIA		79	0.34%	9	0.25%	88	0.33%
KAMALA D. HARRIS TIM WALZ		11,532	49.65%	1,262	35.69%	12,794	47.81%
PETER SONSKI (W)		2	0.01%	0	0.00%	2	0.01%
Cast Votes:		23,225	100.00%	3,536	100.00%	26,761	100.00%
Undervotes:		190		26		216	
Overvotes:		14		1		15	
Unqualified write-ins:		121		14		135	

United States Senator Full Term - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
ADAM B. SCHIFF		11,557	50.58%	1,240	37.05%	12,797	48.85%
STEVE GARVEY		11,294	49.42%	2,107	62.95%	13,401	51.15%
Cast Votes:		22,851	100.00%	3,347	100.00%	26,198	100.00%
Undervotes:		695		228		923	
Overvotes:		4		2		6	
Unqualified write-ins:		0		0		0	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

Run Time 11:17 AM

11/5/2024

Run Date 12/03/2024

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United States Senator Partial/Unexpired Term - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
ADAM B. SCHIFF		11,299	50.32%	1,208	37.10%	12,507	48.64%
STEVE GARVEY		11,157	49.68%	2,048	62.90%	13,205	51.36%
Cast Votes:		22,456	100.00%	3,256	100.00%	25,712	100.00%
Undervotes:		1,089		321		1,410	
Overvotes:		5		0		5	
Unqualified write-ins:		0		0		0	

United States Representative 4th District - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
JOHN MUNN		10,362	45.26%	1,937	57.39%	12,299	46.82%
MIKE THOMPSON		12,532	54.74%	1,438	42.61%	13,970	53.18%
Cast Votes:		22,894	100.00%	3,375	100.00%	26,269	100.00%
Undervotes:		654		201		855	
Overvotes:		2		1		3	
Unqualified write-ins:		0		0		0	

Member of the State Assembly 4th District - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
CECILIA M. AGUIAR-CURRY		12,115	53.80%	1,396	42.43%	13,511	52.35%
DARREN T. ELLIS		10,403	46.20%	1,894	57.57%	12,297	47.65%
Cast Votes:		22,518	100.00%	3,290	100.00%	25,808	100.00%
Undervotes:		1,031		287		1,318	
Overvotes:		1		0		1	
Unqualified write-ins:		0		0		0	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Run Time 11:17 AM

11/5/2024

Precincts Reporting

Run Date 12/03/2024

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48 of 48 = 100.00%

Yuba Community College District Governing Board Member Trustee Area 7 - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
25	25	100.00%	12,521	18,164	68.93%

Choice	Party	Vote by Mail		Election Day Voting		Total	
JEFFREY LEE DRYDEN		3,511	41.79%	749	56.49%	4,260	43.80%
DOUGLAS M. HARRIS		4,890	58.21%	577	43.51%	5,467	56.20%
Cast Votes:		8,401	100.00%	1,326	100.00%	9,727	100.00%
Undervotes:		2,253		446		2,699	
Overvotes:		3		0		3	
Unqualified write-ins:		82		10		92	

Kelseyville Unified School District Governing Board Member - Vote for No More than Three

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
10	10	100.00%	5,941	7,927	74.95%

Choice	Party	Vote by Mail		Election Day Voting		Total	
MARY BETH MOSKO		1,419	16.79%	136	15.54%	1,555	16.68%
SABRINA ANDRUS		2,296	27.17%	231	26.40%	2,527	27.10%
GILBERT RANGEL		1,770	20.95%	135	15.43%	1,905	20.43%
MIKE BROWN		2,965	35.09%	373	42.63%	3,338	35.80%
Cast Votes:		8,450	100.00%	875	100.00%	9,325	100.00%
Undervotes:		7,158		1,210		8,368	
Overvotes:		2		0		2	
Unqualified write-ins:		115		9		124	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

FINAL

General Election

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11/5/2024

Run Date 12/03/2024

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Konocti Unified School District Governing Board Member - Vote for No More than Two

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
21	21	100.00%	7,650	11,807	64.79%

Choice	Party	Vote by Mail		Election Day Voting		Total	
JOAN SHELLEY MINGORI		2,443	34.80%	453	39.12%	2,896	35.41%
TINA VIRAMONTES		2,080	29.63%	374	32.30%	2,454	30.00%
ZABDY NERIA		2,498	35.58%	331	28.58%	2,829	34.59%
Cast Votes:		7,021	100.00%	1,158	100.00%	8,179	100.00%
Undervotes:		5,867		1,119		6,986	
Overvotes:		4		0		4	
Unqualified write-ins:		122		5		127	

Lakeport Unified School District Governing Board Member - Vote for No More than Three

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
9	9	100.00%	5,205	6,930	75.11%

Choice	Party	Vote by Mail		Election Day Voting		Total	
CATHERINE "CAT" DUNNE		2,432	33.81%	295	38.82%	2,727	34.29%
SCOTT JOHNSON		1,820	25.30%	182	23.95%	2,002	25.17%
JENNIFER RICHARDSON		1,596	22.19%	142	18.68%	1,738	21.85%
DANIEL BUFFALO		1,345	18.70%	141	18.55%	1,486	18.68%
Cast Votes:		7,193	100.00%	760	100.00%	7,953	100.00%
Undervotes:		6,654		940		7,594	
Overvotes:		0		0		0	
Unqualified write-ins:		61		7		68	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

FINAL

General Election

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Middletown Unified School District Governing Board Member 4-Year Term - Vote for No More than Two

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
6	6	100.00%	4,871	6,357	76.62%

Choice	Party	Vote by Mail		Election Day Voting		Total	
ANNETTE LEE		1,896	38.95%	253	43.70%	2,149	39.45%
FREDERIC LAHEY		1,101	22.62%	112	19.34%	1,213	22.27%
ZOI ANN BRACISCO		1,871	38.43%	214	36.96%	2,085	38.28%
Cast Votes:		4,868	100.00%	579	100.00%	5,447	100.00%
Undervotes:		3,527		688		4,215	
Overvotes:		4		0		4	
Unqualified write-ins:		57		15		72	

Middletown Unified School District Governing Board Member 2-Year Unexpired Term - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
6	6	100.00%	4,871	6,357	76.62%

Choice	Party	Vote by Mail		Election Day Voting		Total	
PATRICIA PACHIE		1,973	55.25%	305	62.12%	2,278	56.08%
NATHAN WILLIS		1,598	44.75%	186	37.88%	1,784	43.92%
Cast Votes:		3,571	100.00%	491	100.00%	4,062	100.00%
Undervotes:		638		147		785	
Overvotes:		6		0		6	
Unqualified write-ins:		15		3		18	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

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11/5/2024

Run Date 12/03/2024

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County Supervisor, District 1 - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
12	12	100.00%	5,892	8,083	72.89%

Choice	Party	Vote by Mail		Election Day Voting		Total	
JOHN H. HESS		2,107	44.21%	185	28.73%	2,292	42.37%
HELEN OWEN		2,659	55.79%	459	71.27%	3,118	57.63%
Cast Votes:		4,766	100.00%	644	100.00%	5,410	100.00%
Undervotes:		344		113		457	
Overvotes:		4		0		4	
Unqualified write-ins:		18		3		21	

City of Clearlake Member, City Council - Vote for No More than Three

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
7	7	100.00%	4,273	7,178	59.53%

Choice	Party	Vote by Mail		Election Day Voting		Total	
BRETT D. FREEMAN		826	11.32%	189	12.88%	1,015	11.58%
TARA DOWNEY		1,041	14.27%	221	15.06%	1,262	14.40%
JESSICA HOOTEN		973	13.34%	283	19.29%	1,256	14.33%
JAMES RIVERA		896	12.28%	180	12.27%	1,076	12.28%
RUSSELL PERDOCK		605	8.29%	137	9.34%	742	8.47%
DAVID CLAFFEY		948	12.99%	122	8.32%	1,070	12.21%
JOYCE OVERTON		843	11.55%	139	9.48%	982	11.21%
MARY WILSON		1,164	15.95%	196	13.36%	1,360	15.52%
Cast Votes:		7,296	100.00%	1,467	100.00%	8,763	100.00%
Undervotes:		2,945		1,006		3,951	
Overvotes:		14		6		20	
Unqualified write-ins:		37		8		45	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

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Run Date 12/03/2024

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City of Lakeport Member, City Council 4-Year Term - Vote for No More than Three

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	2,380	3,123	76.21%

Choice	Party	Vote by Mail		Election Day Voting		Total	
MICHAEL FROIO		706	18.28%	63	17.70%	769	18.23%
KENNETH "KENNY" PARLET II		793	20.53%	103	28.93%	896	21.24%
CHRISTINA PRICE		884	22.88%	60	16.85%	944	22.37%
CARL PORTER		642	16.62%	59	16.57%	701	16.62%
KIM COSTA		774	20.04%	68	19.10%	842	19.96%
ANDRE WILLIAMS (W)		64	1.66%	3	0.84%	67	1.59%
Cast Votes:		3,863	100.00%	356	100.00%	4,219	100.00%
Undervotes:		2,534		339		2,873	
Overvotes:		8		0		8	
Unqualified write-ins:		23		1		24	

City of Lakeport Member, City Council 2-Year Unexpired Term - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	2,380	3,123	76.21%

Choice	Party	Vote by Mail		Election Day Voting		Total	
BRANDON DISNEY		1,636	100.00%	167	100.00%	1,803	100.00%
Cast Votes:		1,636	100.00%	167	100.00%	1,803	100.00%
Undervotes:		473		59		532	
Overvotes:		0		0		0	
Unqualified write-ins:		39		6		45	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

Run Time 11:17 AM

11/5/2024

Run Date 12/03/2024

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Northshore Fire Protection District Director Upper Lake Zone - Vote for One

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
3	3	100.00%	1,153	1,543	74.72%

Choice	Party	Vote by Mail		Election Day Voting		Total	
GARY L. LEWIS		388	48.08%	54	38.30%	442	46.62%
WALT CHRISTENSEN		419	51.92%	87	61.70%	506	53.38%
Cast Votes:		807	100.00%	141	100.00%	948	100.00%
Undervotes:		146		51		197	
Overvotes:		1		0		1	
Unqualified write-ins:		6		1		7	

Proposition 2

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		11,974	53.81%	1,819	56.02%	13,793	54.09%
NO		10,279	46.19%	1,428	43.98%	11,707	45.91%
Cast Votes:		22,253	100.00%	3,247	100.00%	25,500	100.00%
Undervotes:		1,290		328		1,618	
Overvotes:		7		2		9	
Unqualified write-ins:		0		0		0	

Proposition 3

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		12,867	57.86%	1,673	51.48%	14,540	57.04%
NO		9,372	42.14%	1,577	48.52%	10,949	42.96%
Cast Votes:		22,239	100.00%	3,250	100.00%	25,489	100.00%
Undervotes:		1,303		326		1,629	
Overvotes:		8		1		9	
Unqualified write-ins:		0		0		0	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Run Time 11:17 AM

11/5/2024

Precincts Reporting

Run Date 12/03/2024

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48 of 48 = 100.00%

Proposition 4

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		12,439	55.47%	1,935	59.26%	14,374	55.95%
NO		9,985	44.53%	1,330	40.74%	11,315	44.05%
Cast Votes:		22,424	100.00%	3,265	100.00%	25,689	100.00%
Undervotes:		1,125		312		1,437	
Overvotes:		1		0		1	
Unqualified write-ins:		0		0		0	

Proposition 5

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		8,819	39.86%	1,442	44.70%	10,261	40.48%
NO		13,306	60.14%	1,784	55.30%	15,090	59.52%
Cast Votes:		22,125	100.00%	3,226	100.00%	25,351	100.00%
Undervotes:		1,422		351		1,773	
Overvotes:		3		0		3	
Unqualified write-ins:		0		0		0	

Proposition 6

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		8,543	38.90%	1,191	37.61%	9,734	38.74%
NO		13,419	61.10%	1,976	62.39%	15,395	61.26%
Cast Votes:		21,962	100.00%	3,167	100.00%	25,129	100.00%
Undervotes:		1,583		409		1,992	
Overvotes:		5		1		6	
Unqualified write-ins:		0		0		0	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

Run Time 11:17 AM

11/5/2024

Run Date 12/03/2024

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Proposition 32

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		10,070	45.02%	1,602	48.55%	11,672	45.47%
NO		12,300	54.98%	1,698	51.45%	13,998	54.53%
Cast Votes:		22,370	100.00%	3,300	100.00%	25,670	100.00%
Undervotes:		1,177		277		1,454	
Overvotes:		3		0		3	
Unqualified write-ins:		0		0		0	

Proposition 33

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		8,013	36.24%	1,271	38.90%	9,284	36.59%
NO		14,095	63.76%	1,996	61.10%	16,091	63.41%
Cast Votes:		22,108	100.00%	3,267	100.00%	25,375	100.00%
Undervotes:		1,427		309		1,736	
Overvotes:		15		1		16	
Unqualified write-ins:		0		0		0	

Proposition 34

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		10,822	50.47%	1,707	53.83%	12,529	50.90%
NO		10,622	49.53%	1,464	46.17%	12,086	49.10%
Cast Votes:		21,444	100.00%	3,171	100.00%	24,615	100.00%
Undervotes:		2,097		405		2,502	
Overvotes:		9		1		10	
Unqualified write-ins:		0		0		0	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

Run Time 11:17 AM

11/5/2024

Run Date 12/03/2024

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Proposition 35

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		15,825	71.18%	2,191	67.04%	18,016	70.65%
NO		6,407	28.82%	1,077	32.96%	7,484	29.35%
Cast Votes:		22,232	100.00%	3,268	100.00%	25,500	100.00%
Undervotes:		1,315		308		1,623	
Overvotes:		3		1		4	
Unqualified write-ins:		0		0		0	

Proposition 36

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		15,678	70.48%	2,229	68.04%	17,907	70.17%
NO		6,566	29.52%	1,047	31.96%	7,613	29.83%
Cast Votes:		22,244	100.00%	3,276	100.00%	25,520	100.00%
Undervotes:		1,298		300		1,598	
Overvotes:		8		1		9	
Unqualified write-ins:		0		0		0	

Kelseyville Unified School District Measure R

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
10	10	100.00%	5,941	7,927	74.95%

Choice	Party	Vote by Mail		Election Day Voting		Total	
BONDS YES		2,558	51.94%	369	56.86%	2,927	52.51%
BONDS NO		2,367	48.06%	280	43.14%	2,647	47.49%
Cast Votes:		4,925	100.00%	649	100.00%	5,574	100.00%
Undervotes:		315		49		364	
Overvotes:		3		0		3	
Unqualified write-ins:		0		0		0	

Cumulative Results

COUNTY OF LAKE, CALIFORNIA

Section L, Item 24.

FINAL

General Election

27127 of 37929 = 71.52%

Precincts Reporting

48 of 48 = 100.00%

Run Time 11:17 AM

11/5/2024

Run Date 12/03/2024

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Konocti Unified School District Measure S

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
21	21	100.00%	7,650	11,807	64.79%

Choice	Party	Vote by Mail		Election Day Voting		Total	
BONDS YES		3,496	58.66%	695	68.00%	4,191	60.03%
BONDS NO		2,464	41.34%	327	32.00%	2,791	39.97%
Cast Votes:		5,960	100.00%	1,022	100.00%	6,982	100.00%
Undervotes:		546		119		665	
Overvotes:		3		0		3	
Unqualified write-ins:		0		0		0	

County of Lake Advisory Measure U

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
48	48	100.00%	27,127	37,929	71.52%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		6,493	29.37%	981	29.75%	7,474	29.42%
NO		15,618	70.63%	2,316	70.25%	17,934	70.58%
Cast Votes:		22,111	100.00%	3,297	100.00%	25,408	100.00%
Undervotes:		1,433		277		1,710	
Overvotes:		6		3		9	
Unqualified write-ins:		0		0		0	

South Lake County Fire Protection District Measure T

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
10	10	100.00%	5,617	7,335	76.58%

Choice	Party	Vote by Mail		Election Day Voting		Total	
YES		3,277	73.96%	380	67.50%	3,657	73.23%
NO		1,154	26.04%	183	32.50%	1,337	26.77%
Cast Votes:		4,431	100.00%	563	100.00%	4,994	100.00%
Undervotes:		496		127		623	
Overvotes:		0		0		0	
Unqualified write-ins:		0		0		0	

CERTIFICATION OF
~~COUNTY CLERK~~ REGISTRAR OF VOTERS OF THE
RESULTS OF THE CANVASS
OF THE NOVEMBER 5, 2024,
GENERAL ELECTION

STATE OF CALIFORNIA

COUNTY OF LAKE

}
}

SS.

I, Maria Valadez, ~~County Clerk~~ Registrar of Voters of County
of Lake, do hereby certify that, in pursuance of the provisions of Elections Code
section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said
County on November 5, 2024, for measures and contests that were submitted to the vote of the voters,
and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 3rd day of December, 2024, at the
County of Lake



Maria Valadez
~~County Clerk~~ Registrar of Voters
County of Lake
State of California

Canvass Certification of Elections Official
(11/2024)

HELP AMERICA VOTE ACT OF 2002 CERTIFICATION OF ELECTIONS OFFICIAL

STATE OF CALIFORNIA

COUNTY OF LAKE

} ss.

Pursuant to the statewide voter registration list requirements set forth in the Help America Vote Act of 2002 ((HAVA) 52 U.S.C. § 21083),

I, Maria Valadez, ~~County Clerk~~ Registrar of Voters for the County of Lake, State of California, hereby certify that I complied with all provisions of Chapter 2 of Division 7 of Title 2 of the California Code of Regulations for the Federal election held on the 5th day of November 2024, in the County of Lake, State of California and all elections consolidated therewith.

I hereby set my hand and official seal this 3rd day of December, 2024, at the County of Lake



Maria Valadez
~~County Clerk~~ Registrar of Voters
County of Lake
State of California

HAVA Certification of Elections Official
(11/2024)



**COUNTY OF LAKE
Registrar of Voters**

325 N. Forbes St.
Lakeport, CA 95453
Phone (707) 263-2372
Fax (707) 263-2742

MA Section L, Item 24.
Reg

LOURDES PANTALEON
Deputy Registrar of Voters

**CERTIFICATION OF THE RESULTS
OF THE 1% MANUAL TALLY OF
RANDOMLY SELECTED VOTING PRECINCTS FOR THE
NOVEMBER 5, 2024, GENERAL ELECTION**

STATE OF CALIFORNIA)

SS

COUNTY OF LAKE)

I, Maria Valadez, Registrar of Voters, do hereby certify that, in pursuance of the provisions of Division 15, Chapter 4, Article 5 (commencing with Section 15360) of the Elections Code, State of California, I conducted the 1% public manual tally of randomly selected precincts for the November 5, 2024, General Election on Wednesday, November 13, 2024; and the following random voting precincts were selected for the 1% manual tally: 111 (VBM 8000111); 218 (VBM 8000218); 311 (VBM 8000311); 411 (VBM 8000411); and 561 (VBM 8000561). The findings of the Canvassing Board, consisting of four (4) members, found that the HART Verity Voting System tallied the ballots correctly and the Canvassing Board did not find any discrepancies between the machine count and the manual tally.

WITNESS my hand and official seal this 3rd day of December 2024.



(Official Seal)

Maria Valadez

Maria Valadez, Registrar of Voters
County of Lake
State of California

President and Vice President

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	ROBERT F. KENNEDY JR. NICOLE SHANAHAN	CHASE OLIVER MIKE TER MAAT	JILL STEIN RUDOLPH WARE	DONALD J. TRUMP JD VANCE	CLAUDIA DE LA CRUZ KARINA GARCIA	KAMALA D. HARRIS TIM WALZ
111 Middletown/Central Park	1,169	916	78.4	16	2	6	484	5	391
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	18	9	5	629	4	652
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	18	10	7	852	6	739
121 Spruce Grove	243	178	73.3	4	0	3	98	1	69
122 Jerusalem	28	17	60.7	0	0	1	6	0	10
123 Coyote Valley	170	116	68.2	4	1	2	73	0	33
126 Twin Lakes/Lower Lake	1,159	848	73.2	17	2	3	479	1	339
128 CL Dam	44	27	61.4	1	0	2	11	0	12
130 Perini Hill	18	15	83.3	0	0	0	10	0	5
131 Bell Park	140	85	60.7	2	2	0	54	1	26
132 Morgan Valley	40	33	82.5	0	0	0	14	0	18
141 CL Old Hwy/CL Village	1,111	654	58.9	18	3	9	315	1	301
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	15	5	7	469	4	534
213 CL AustinPk/CL Olympic	1,002	694	69.3	24	1	4	342	2	317
215 CL Hillcrest/CL Lakeshore	834	479	57.4	8	2	6	228	4	224
217 CL Davis	870	489	56.2	5	2	6	242	9	216
218 CL Molesworth/CL Pierce	1,568	885	56.4	15	3	4	391	0	460
222 Bally Peak	15	12	80.0	0	0	0	11	0	1
311 Upper Lake/Bachelor	1,602	1,148	71.7	17	1	6	654	6	448
341 Nice/Nice Harbor	1,390	971	69.9	17	0	9	451	5	476
343 Forty Springs	19	13	68.4	0	0	0	7	0	5
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	20	2	8	551	5	569
354 Glenhaven	164	104	63.4	2	2	0	31	1	67
361 Gravelly	58	49	84.5	2	1	0	26	0	17
371 Bartlett	4	4	100.0	0	0	0	2	0	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	23	2	12	779	3	718
390 Lakeshore Park	184	127	69.0	4	0	2	62	0	53
391 Sulphur Park	177	120	67.8	4	0	1	54	0	59
392 Bald Mtn	16	6	37.5	0	0	0	5	0	1
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	17	3	9	540	4	559
413 LP Government	729	564	77.4	12	3	1	243	5	294
414 LP Fairgrounds	943	667	70.7	7	2	4	298	1	343
421 Cow Mtn/Scotts Valley	936	763	81.5	8	3	3	410	0	328
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	21	5	8	709	7	691
441 Big Valley	389	283	72.8	3	2	3	166	0	108
442 Lands End/Adobe	944	658	69.7	8	4	5	357	3	275
452 Lakeside Park	95	79	83.2	4	0	0	37	1	34
455 Soda Bay	259	173	66.8	2	0	1	71	1	97
461 Donovan Valley	69	54	78.3	2	0	0	23	0	25
471 Highland Spgs	32	23	71.9	0	0	0	8	0	15
511 Gaddy	96	61	63.5	3	0	0	34	0	24
519 Heights/Little borax	1,162	954	82.1	16	8	5	375	2	528
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	27	5	12	853	1	807
530 Wheeler Pt/Hawaina	907	731	80.6	12	1	1	338	1	369
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	20	5	2	586	3	592
551 Thurston Lake	119	97	81.5	2	1	0	36	0	57
561 Llom/Hobergs Mtn	1,074	829	77.2	8	5	17	363	0	423
571 Glenbrook/WPines	1,118	883	79.0	15	1	3	384	1	463
Vote by Mail Totals	37,929	23,550	62.1	386	86	157	10,983	79	11,532
Election Day Voting Totals	37,929	3,577	9.4	55	12	20	2,178	9	1,262
Grand Totals	37,929	27,127	71.5	441	98	177	13,161	88	12,794

President and Vice President

Vote by Mail Totals

District	Registration	Ballots Cast	Turnout (%)	ROBERT F. KENNEDY JR. NICOLE SHANAHAN	CHASE OLIVER MIKE TER MAAT	JILL STEIN RUDOLPH WARE	DONALD J. TRUMP JD VANCE	CLAUDIA DE LA CRUZ KARINA GARCIA	KAMALA D. HARRIS TIM WALZ
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	386	86	157	10,983	79	11,532
4th Congressional District	37,929	23,550	62.1	386	86	157	10,983	79	11,532
2nd Senatorial District	37,929	23,550	62.1	386	86	157	10,983	79	11,532
4th Assembly District	37,929	23,550	62.1	386	86	157	10,983	79	11,532
State Board of Equalization Dist 2	37,929	23,550	62.1	386	86	157	10,983	79	11,532
1st Supervisorial District	8,083	5,132	63.5	90	23	37	2,547	18	2,338
2nd Supervisorial District	6,038	2,901	48.0	52	11	22	1,257	18	1,505
3rd Supervisorial District	7,416	4,557	61.4	81	7	33	2,200	16	2,159
4th Supervisorial District	7,812	5,229	66.9	77	20	29	2,458	20	2,553
5th Supervisorial District	8,580	5,731	66.8	86	25	36	2,521	7	2,977
City of Clearlake	7,178	3,440	47.9	71	13	32	1,489	19	1,775
City of Lakeport	3,123	2,148	68.8	33	8	13	935	8	1,118
Unincorporated Area	27,628	17,962	65.0	282	65	112	8,559	52	8,639
Vote by Mail Totals	37,929	23,550	62.1	386	86	157	10,983	79	11,532

President and Vice President

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	ROBERT F. KENNEDY JR. NICOLE SHANAHAN	CHASE OLIVER MIKE TER MAAT	JILL STEIN RUDOLPH WARE	DONALD J. TRUMP JD VANCE	CLAUDIA DE LA CRUZ KARINA GARCIA	KAMALA D. HARRIS TIM WALZ
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	55	12	20	2178	9	1262
4th Congressional District	37,929	3,577	9.4	55	12	20	2178	9	1262
2nd Senatorial District	37,929	3,577	9.4	55	12	20	2178	9	1262
4th Assembly District	37,929	3,577	9.4	55	12	20	2178	9	1262
State Board of Equalization Dist 2	37,929	3,577	9.4	55	12	20	2178	9	1262
1st Supervisorial District	8,083	760	9.4	8	6	1	478	1	257
2nd Supervisorial District	6,038	703	11.6	15	2	5	426	1	247
3rd Supervisorial District	7,416	707	9.5	8	1	5	422	4	256
4th Supervisorial District	7,812	641	8.2	7	2	5	404	2	216
5th Supervisorial District	8,580	766	8.9	17	1	4	448	1	286
City of Clearlake	7,178	833	11.6	15	3	6	509	1	289
City of Lakeport	3,123	232	7.4	3	0	1	146	2	78
Unincorporated Area	27,628	2,512	9.1	37	9	13	1523	6	895
Election Day Voting Totals	37,929	3,577	9.4	55	12	20	2,178	9	1,262

President and Vice President

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	ROBERT F. KENNEDY JR. NICOLE SHANAHAN	CHASE OLIVER MIKE TER MAAT	JILL STEIN RUDOLPH WARE	DONALD J. TRUMP JD VANCE	CLAUDIA DE LA CRUZ KARINA GARCIA	KAMALA D. HARRIS TIM WALZ
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	441	98	177	13161	88	12794
4th Congressional District	37,929	27,127	71.5	441	98	177	13161	88	12794
2nd Senatorial District	37,929	27,127	71.5	441	98	177	13161	88	12794
4th Assembly District	37,929	27,127	71.5	441	98	177	13161	88	12794
State Board of Equalization Dist 2	37,929	27,127	71.5	441	98	177	13161	88	12794
1st Supervisorial District	8,083	5,892	72.9	98	29	38	3025	19	2595
2nd Supervisorial District	6,038	3,604	59.7	67	13	27	1683	19	1752
3rd Supervisorial District	7,416	5,264	71.0	89	8	38	2622	20	2415
4th Supervisorial District	7,812	5,870	75.1	84	22	34	2862	22	2769
5th Supervisorial District	8,580	6,497	75.7	103	26	40	2969	8	3263
City of Clearlake	7,178	4,273	59.5	86	16	38	1998	20	2064
City of Lakeport	3,123	2,380	76.2	36	8	14	1081	10	1196
Unincorporated Area	27,628	20,474	74.1	319	74	125	10082	58	9534
Vote by Mail Totals	37,929	23,550	62.1	386	86	157	10,983	79	11,532
Election Day Voting Totals	37,929	3,577	9.4	55	12	20	2,178	9	1,262
Grand Totals	37,929	27,127	71.5	441	98	177	13,161	88	12,794

United States Senator Full Term

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
111 Middletown/Central Park	1,169	916	78.4	397	489
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	650	634
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	740	845
121 Spruce Grove	243	178	73.3	73	104
122 Jerusalem	28	17	60.7	10	7
123 Coyote Valley	170	116	68.2	33	81
126 Twin Lakes/Lower Lake	1,159	848	73.2	337	480
128 CL Dam	44	27	61.4	13	11
130 Perini Hill	18	15	83.3	5	10
131 Bell Park	140	85	60.7	27	53
132 Morgan Valley	40	33	82.5	18	14
141 CL Old Hwy/CL Village	1,111	654	58.9	303	325
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	545	455
213 CL AustinPk/CL Olympic	1,002	694	69.3	327	338
215 CL Hillcrest/CL Lakeshore	834	479	57.4	230	224
217 CL Davis	870	489	56.2	214	256
218 CL Molesworth/CL Pierce	1,568	885	56.4	452	401
222 Bally Peak	15	12	80.0	1	11
311 Upper Lake/Bachelor	1,602	1,148	71.7	460	654
341 Nice/Nice Harbor	1,390	971	69.9	478	464
343 Forty Springs	19	13	68.4	4	8
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	582	558
354 Glenhaven	164	104	63.4	65	36
361 Gravelly	58	49	84.5	16	30
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	716	788
390 Lakeshore Park	184	127	69.0	57	63
391 Sulphur Park	177	120	67.8	59	57
392 Bald Mtn	16	6	37.5	2	3
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	550	562
413 LP Government	729	564	77.4	291	248
414 LP Fairgrounds	943	667	70.7	344	295
421 Cow Mtn/Scotts Valley	936	763	81.5	298	427
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	715	701
441 Big Valley	389	283	72.8	98	173
442 Lands End/Adobe	944	658	69.7	278	365
452 Lakeside Park	95	79	83.2	36	40
455 Soda Bay	259	173	66.8	96	69
461 Donovan Valley	69	54	78.3	24	30
471 Highland Spgs	32	23	71.9	14	8
511 Gaddy	96	61	63.5	25	35
519 Heights/Little borax	1,162	954	82.1	519	406
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	779	886
530 Wheeler Pt/Hawaina	907	731	80.6	378	337
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	576	615
551 Thurston Lake	119	97	81.5	56	39
561 Llom/Hobergs Mtn	1,074	829	77.2	436	377
571 Glenbrook/WPines	1,118	883	79.0	468	387
Vote by Mail Totals	37,929	23,550	62.1	11,557	11,294
Election Day Voting Totals	37,929	3,577	9.4	1,240	2,107
Grand Totals	37,929	27,127	71.5	12,797	13,401

United States Senator Full Term

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	11,557	11,294
4th Congressional District	37,929	23,550	62.1	11,557	11,294
2nd Senatorial District	37,929	23,550	62.1	11,557	11,294
4th Assembly District	37,929	23,550	62.1	11,557	11,294
State Board of Equalization Dist 2	37,929	23,550	62.1	11,557	11,294
1st Supervisorial District	8,083	5,132	63.5	2,374	2,598
2nd Supervisorial District	6,038	2,901	48.0	1,518	1,281
3rd Supervisorial District	7,416	4,557	61.4	2,176	2,252
4th Supervisorial District	7,812	5,229	66.9	2,525	2,531
5th Supervisorial District	8,580	5,731	66.8	2,964	2,632
City of Clearlake	7,178	3,440	47.9	1,796	1,529
City of Lakeport	3,123	2,148	68.8	1,108	961
Unincorporated Area	27,628	17,962	65.0	8,653	8,804
Vote by Mail Totals	37,929	23,550	62.1	11,557	11,294

United States Senator Full Term

Election Day Voting Totals

District	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1240	2107
4th Congressional District	37,929	3,577	9.4	1240	2107
2nd Senatorial District	37,929	3,577	9.4	1240	2107
4th Assembly District	37,929	3,577	9.4	1240	2107
State Board of Equalization Dist 2	37,929	3,577	9.4	1240	2107
1st Supervisorial District	8,083	760	9.4	232	455
2nd Supervisorial District	6,038	703	11.6	251	404
3rd Supervisorial District	7,416	707	9.5	265	411
4th Supervisorial District	7,812	641	8.2	219	387
5th Supervisorial District	8,580	766	8.9	273	450
City of Clearlake	7,178	833	11.6	288	481
City of Lakeport	3,123	232	7.4	77	144
Unincorporated Area	27,628	2,512	9.1	875	1482
Election Day Voting Totals	37,929	3,577	9.4	1,240	2,107

United States Senator Full Term

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	12797	13401
4th Congressional District	37,929	27,127	71.5	12797	13401
2nd Senatorial District	37,929	27,127	71.5	12797	13401
4th Assembly District	37,929	27,127	71.5	12797	13401
State Board of Equalization Dist 2	37,929	27,127	71.5	12797	13401
1st Supervisorial District	8,083	5,892	72.9	2606	3053
2nd Supervisorial District	6,038	3,604	59.7	1769	1685
3rd Supervisorial District	7,416	5,264	71.0	2441	2663
4th Supervisorial District	7,812	5,870	75.1	2744	2918
5th Supervisorial District	8,580	6,497	75.7	3237	3082
City of Clearlake	7,178	4,273	59.5	2084	2010
City of Lakeport	3,123	2,380	76.2	1185	1105
Unincorporated Area	27,628	20,474	74.1	9528	10286
Vote by Mail Totals	37,929	23,550	62.1	11,557	11,294
Election Day Voting Totals	37,929	3,577	9.4	1,240	2,107
Grand Totals	37,929	27,127	71.5	12,797	13,401

United States Senator Partial/Unexpired Term

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
111 Middletown/Central Park	1,169	916	78.4	380	493
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	644	619
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	712	845
121 Spruce Grove	243	178	73.3	71	106
122 Jerusalem	28	17	60.7	10	7
123 Coyote Valley	170	116	68.2	30	83
126 Twin Lakes/Lower Lake	1,159	848	73.2	329	470
128 CL Dam	44	27	61.4	12	12
130 Perini Hill	18	15	83.3	5	10
131 Bell Park	140	85	60.7	27	51
132 Morgan Valley	40	33	82.5	20	12
141 CL Old Hwy/CL Village	1,111	654	58.9	306	311
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	526	451
213 CL AustinPk/CL Olympic	1,002	694	69.3	320	326
215 CL Hillcrest/CL Lakeshore	834	479	57.4	218	224
217 CL Davis	870	489	56.2	212	250
218 CL Molesworth/CL Pierce	1,568	885	56.4	444	381
222 Bally Peak	15	12	80.0	2	10
311 Upper Lake/Bachelor	1,602	1,148	71.7	449	641
341 Nice/Nice Harbor	1,390	971	69.9	468	457
343 Forty Springs	19	13	68.4	4	8
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	561	554
354 Glenhaven	164	104	63.4	62	36
361 Gravelly	58	49	84.5	16	30
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	697	785
390 Lakeshore Park	184	127	69.0	57	63
391 Sulphur Park	177	120	67.8	58	57
392 Bald Mtn	16	6	37.5	2	3
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	549	550
413 LP Government	729	564	77.4	280	246
414 LP Fairgrounds	943	667	70.7	330	292
421 Cow Mtn/Scotts Valley	936	763	81.5	298	420
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	692	692
441 Big Valley	389	283	72.8	94	171
442 Lands End/Adobe	944	658	69.7	271	368
452 Lakeside Park	95	79	83.2	38	37
455 Soda Bay	259	173	66.8	93	69
461 Donovan Valley	69	54	78.3	24	28
471 Highland Spgs	32	23	71.9	13	9
511 Gaddy	96	61	63.5	24	35
519 Heights/Little borax	1,162	954	82.1	507	397
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	774	863
530 Wheeler Pt/Hawaina	907	731	80.6	369	341
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	565	603
551 Thurston Lake	119	97	81.5	57	37
561 Llom/Hobergs Mtn	1,074	829	77.2	427	372
571 Glenbrook/WPines	1,118	883	79.0	458	378
Vote by Mail Totals	37,929	23,550	62.1	11,299	11,157
Election Day Voting Totals	37,929	3,577	9.4	1,208	2,048
Grand Totals	37,929	27,127	71.5	12,507	13,205

United States Senator Partial/Unexpired Term

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	11,299	11,157
4th Congressional District	37,929	23,550	62.1	11,299	11,157
2nd Senatorial District	37,929	23,550	62.1	11,299	11,157
4th Assembly District	37,929	23,550	62.1	11,299	11,157
State Board of Equalization Dist 2	37,929	23,550	62.1	11,299	11,157
1st Supervisorial District	8,083	5,132	63.5	2,316	2,580
2nd Supervisorial District	6,038	2,901	48.0	1,474	1,255
3rd Supervisorial District	7,416	4,557	61.4	2,118	2,241
4th Supervisorial District	7,812	5,229	66.9	2,475	2,496
5th Supervisorial District	8,580	5,731	66.8	2,916	2,585
City of Clearlake	7,178	3,440	47.9	1,752	1,496
City of Lakeport	3,123	2,148	68.8	1,087	948
Unincorporated Area	27,628	17,962	65.0	8,460	8,713
Vote by Mail Totals	37,929	23,550	62.1	11,299	11,157

United States Senator Partial/Unexpired Term

Election Day Voting Totals

District	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1208	2048
4th Congressional District	37,929	3,577	9.4	1208	2048
2nd Senatorial District	37,929	3,577	9.4	1208	2048
4th Assembly District	37,929	3,577	9.4	1208	2048
State Board of Equalization Dist 2	37,929	3,577	9.4	1208	2048
1st Supervisorial District	8,083	760	9.4	230	439
2nd Supervisorial District	6,038	703	11.6	248	387
3rd Supervisorial District	7,416	707	9.5	258	395
4th Supervisorial District	7,812	641	8.2	207	386
5th Supervisorial District	8,580	766	8.9	265	441
City of Clearlake	7,178	833	11.6	286	459
City of Lakeport	3,123	232	7.4	72	140
Unincorporated Area	27,628	2,512	9.1	850	1449
Election Day Voting Totals	37,929	3,577	9.4	1,208	2,048

United States Senator Partial/Unexpired Term

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	ADAM B. SCHIFF	STEVE GARVEY
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	12507	13205
4th Congressional District	37,929	27,127	71.5	12507	13205
2nd Senatorial District	37,929	27,127	71.5	12507	13205
4th Assembly District	37,929	27,127	71.5	12507	13205
State Board of Equalization Dist 2	37,929	27,127	71.5	12507	13205
1st Supervisorial District	8,083	5,892	72.9	2546	3019
2nd Supervisorial District	6,038	3,604	59.7	1722	1642
3rd Supervisorial District	7,416	5,264	71.0	2376	2636
4th Supervisorial District	7,812	5,870	75.1	2682	2882
5th Supervisorial District	8,580	6,497	75.7	3181	3026
City of Clearlake	7,178	4,273	59.5	2038	1955
City of Lakeport	3,123	2,380	76.2	1159	1088
Unincorporated Area	27,628	20,474	74.1	9310	10162
Vote by Mail Totals	37,929	23,550	62.1	11,299	11,157
Election Day Voting Totals	37,929	3,577	9.4	1,208	2,048
Grand Totals	37,929	27,127	71.5	12,507	13,205

United States Representative 4th District

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	JOHN MUNN	MIKE THOMPSON
111 Middletown/Central Park	1,169	916	78.4	450	442
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	559	728
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	811	784
121 Spruce Grove	243	178	73.3	95	79
122 Jerusalem	28	17	60.7	6	11
123 Coyote Valley	170	116	68.2	76	39
126 Twin Lakes/Lower Lake	1,159	848	73.2	442	375
128 CL Dam	44	27	61.4	11	16
130 Perini Hill	18	15	83.3	8	7
131 Bell Park	140	85	60.7	46	36
132 Morgan Valley	40	33	82.5	13	20
141 CL Old Hwy/CL Village	1,111	654	58.9	296	334
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	427	582
213 CL AustinPk/CL Olympic	1,002	694	69.3	303	368
215 CL Hillcrest/CL Lakeshore	834	479	57.4	212	243
217 CL Davis	870	489	56.2	219	243
218 CL Molesworth/CL Pierce	1,568	885	56.4	354	495
222 Bally Peak	15	12	80.0	11	1
311 Upper Lake/Bachelor	1,602	1,148	71.7	613	500
341 Nice/Nice Harbor	1,390	971	69.9	437	503
343 Forty Springs	19	13	68.4	7	5
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	538	594
354 Glenhaven	164	104	63.4	34	67
361 Gravelly	58	49	84.5	25	21
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	734	770
390 Lakeshore Park	184	127	69.0	59	63
391 Sulphur Park	177	120	67.8	55	62
392 Bald Mtn	16	6	37.5	2	3
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	506	608
413 LP Government	729	564	77.4	225	320
414 LP Fairgrounds	943	667	70.7	277	363
421 Cow Mtn/Scotts Valley	936	763	81.5	395	352
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	642	780
441 Big Valley	389	283	72.8	161	109
442 Lands End/Adobe	944	658	69.7	327	317
452 Lakeside Park	95	79	83.2	37	38
455 Soda Bay	259	173	66.8	62	103
461 Donovan Valley	69	54	78.3	27	27
471 Highland Spgs	32	23	71.9	8	15
511 Gaddy	96	61	63.5	32	28
519 Heights/Little borax	1,162	954	82.1	353	582
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	784	887
530 Wheeler Pt/Hawaina	907	731	80.6	324	391
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	552	632
551 Thurston Lake	119	97	81.5	35	62
561 Llom/Hobergs Mtn	1,074	829	77.2	351	461
571 Glenbrook/WPines	1,118	883	79.0	356	502
Vote by Mail Totals	37,929	23,550	62.1	10,362	12,532
Election Day Voting Totals	37,929	3,577	9.4	1,937	1,438
Grand Totals	37,929	27,127	71.5	12,299	13,970

United States Representative 4th District

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	JOHN MUNN	MIKE THOMPSON
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	10,362	12,532
4th Congressional District	37,929	23,550	62.1	10,362	12,532
2nd Senatorial District	37,929	23,550	62.1	10,362	12,532
4th Assembly District	37,929	23,550	62.1	10,362	12,532
State Board of Equalization Dist 2	37,929	23,550	62.1	10,362	12,532
1st Supervisorial District	8,083	5,132	63.5	2,406	2,576
2nd Supervisorial District	6,038	2,901	48.0	1,154	1,642
3rd Supervisorial District	7,416	4,557	61.4	2,110	2,306
4th Supervisorial District	7,812	5,229	66.9	2,314	2,772
5th Supervisorial District	8,580	5,731	66.8	2,378	3,236
City of Clearlake	7,178	3,440	47.9	1,380	1,943
City of Lakeport	3,123	2,148	68.8	882	1,196
Unincorporated Area	27,628	17,962	65.0	8,100	9,393
Vote by Mail Totals	37,929	23,550	62.1	10,362	12,532

United States Representative 4th District

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	JOHN MUNN	MIKE THOMPSON
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1937	1438
4th Congressional District	37,929	3,577	9.4	1937	1438
2nd Senatorial District	37,929	3,577	9.4	1937	1438
4th Assembly District	37,929	3,577	9.4	1937	1438
State Board of Equalization Dist 2	37,929	3,577	9.4	1937	1438
1st Supervisorial District	8,083	760	9.4	407	295
2nd Supervisorial District	6,038	703	11.6	372	290
3rd Supervisorial District	7,416	707	9.5	396	284
4th Supervisorial District	7,812	641	8.2	353	260
5th Supervisorial District	8,580	766	8.9	409	309
City of Clearlake	7,178	833	11.6	442	338
City of Lakeport	3,123	232	7.4	126	95
Unincorporated Area	27,628	2,512	9.1	1369	1005
Election Day Voting Totals	37,929	3,577	9.4	1,937	1,438

United States Representative 4th District

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	JOHN MUNN	MIKE THOMPSON
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	12299	13970
4th Congressional District	37,929	27,127	71.5	12299	13970
2nd Senatorial District	37,929	27,127	71.5	12299	13970
4th Assembly District	37,929	27,127	71.5	12299	13970
State Board of Equalization Dist 2	37,929	27,127	71.5	12299	13970
1st Supervisorial District	8,083	5,892	72.9	2813	2871
2nd Supervisorial District	6,038	3,604	59.7	1526	1932
3rd Supervisorial District	7,416	5,264	71.0	2506	2590
4th Supervisorial District	7,812	5,870	75.1	2667	3032
5th Supervisorial District	8,580	6,497	75.7	2787	3545
City of Clearlake	7,178	4,273	59.5	1822	2281
City of Lakeport	3,123	2,380	76.2	1008	1291
Unincorporated Area	27,628	20,474	74.1	9469	10398
Vote by Mail Totals	37,929	23,550	62.1	10,362	12,532
Election Day Voting Totals	37,929	3,577	9.4	1,937	1,438
Grand Totals	37,929	27,127	71.5	12,299	13,970

Member of the State Assembly 4th District

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	CECILIA M. AGUIAR-CURRY	DARREN T. ELLIS
111 Middletown/Central Park	1,169	916	78.4	412	456
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	670	579
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	764	789
121 Spruce Grove	243	178	73.3	81	94
122 Jerusalem	28	17	60.7	11	6
123 Coyote Valley	170	116	68.2	35	77
126 Twin Lakes/Lower Lake	1,159	848	73.2	358	442
128 CL Dam	44	27	61.4	16	11
130 Perini Hill	18	15	83.3	5	10
131 Bell Park	140	85	60.7	32	50
132 Morgan Valley	40	33	82.5	19	14
141 CL Old Hwy/CL Village	1,111	654	58.9	329	296
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	560	429
213 CL AustinPk/CL Olympic	1,002	694	69.3	356	304
215 CL Hillcrest/CL Lakeshore	834	479	57.4	235	210
217 CL Davis	870	489	56.2	246	216
218 CL Molesworth/CL Pierce	1,568	885	56.4	491	344
222 Bally Peak	15	12	80.0	1	11
311 Upper Lake/Bachelor	1,602	1,148	71.7	495	602
341 Nice/Nice Harbor	1,390	971	69.9	502	434
343 Forty Springs	19	13	68.4	4	8
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	593	522
354 Glenhaven	164	104	63.4	65	33
361 Gravelly	58	49	84.5	17	28
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	757	731
390 Lakeshore Park	184	127	69.0	56	62
391 Sulphur Park	177	120	67.8	62	54
392 Bald Mtn	16	6	37.5	3	2
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	572	511
413 LP Government	729	564	77.4	303	229
414 LP Fairgrounds	943	667	70.7	358	268
421 Cow Mtn/Scotts Valley	936	763	81.5	336	392
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	751	648
441 Big Valley	389	283	72.8	111	160
442 Lands End/Adobe	944	658	69.7	300	330
452 Lakeside Park	95	79	83.2	38	35
455 Soda Bay	259	173	66.8	97	62
461 Donovan Valley	69	54	78.3	27	25
471 Highland Spgs	32	23	71.9	13	9
511 Gaddy	96	61	63.5	24	35
519 Heights/Little borax	1,162	954	82.1	545	373
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	864	785
530 Wheeler Pt/Hawaina	907	731	80.6	384	317
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	606	564
551 Thurston Lake	119	97	81.5	61	35
561 Llom/Hobergs Mtn	1,074	829	77.2	459	344
571 Glenbrook/WPines	1,118	883	79.0	485	359
Vote by Mail Totals	37,929	23,550	62.1	12,115	10,403
Election Day Voting Totals	37,929	3,577	9.4	1,396	1,894
Grand Totals	37,929	27,127	71.5	13,511	12,297

Member of the State Assembly 4th District

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	CECILIA M. AGUIAR-CURRY	DARREN T. ELLIS
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	12,115	10,403
4th Congressional District	37,929	23,550	62.1	12,115	10,403
2nd Senatorial District	37,929	23,550	62.1	12,115	10,403
4th Assembly District	37,929	23,550	62.1	12,115	10,403
State Board of Equalization Dist 2	37,929	23,550	62.1	12,115	10,403
1st Supervisorial District	8,083	5,132	63.5	2,469	2,426
2nd Supervisorial District	6,038	2,901	48.0	1,610	1,146
3rd Supervisorial District	7,416	4,557	61.4	2,256	2,107
4th Supervisorial District	7,812	5,229	66.9	2,663	2,309
5th Supervisorial District	8,580	5,731	66.8	3,117	2,415
City of Clearlake	7,178	3,440	47.9	1,905	1,378
City of Lakeport	3,123	2,148	68.8	1,151	875
Unincorporated Area	27,628	17,962	65.0	9,059	8,150
Vote by Mail Totals	37,929	23,550	62.1	12,115	10,403

Member of the State Assembly 4th District

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	CECILIA M. AGUIAR-CURRY	DARREN T. ELLIS
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1396	1894
4th Congressional District	37,929	3,577	9.4	1396	1894
2nd Senatorial District	37,929	3,577	9.4	1396	1894
4th Assembly District	37,929	3,577	9.4	1396	1894
State Board of Equalization Dist 2	37,929	3,577	9.4	1396	1894
1st Supervisorial District	8,083	760	9.4	263	398
2nd Supervisorial District	6,038	703	11.6	279	368
3rd Supervisorial District	7,416	707	9.5	300	371
4th Supervisorial District	7,812	641	8.2	243	360
5th Supervisorial District	8,580	766	8.9	311	397
City of Clearlake	7,178	833	11.6	328	432
City of Lakeport	3,123	232	7.4	82	133
Unincorporated Area	27,628	2,512	9.1	986	1329
Election Day Voting Totals	37,929	3,577	9.4	1,396	1,894

Member of the State Assembly 4th District

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	CECILIA M. AGUIAR-CURRY	DARREN T. ELLIS
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	13511	12297
4th Congressional District	37,929	27,127	71.5	13511	12297
2nd Senatorial District	37,929	27,127	71.5	13511	12297
4th Assembly District	37,929	27,127	71.5	13511	12297
State Board of Equalization Dist 2	37,929	27,127	71.5	13511	12297
1st Supervisorial District	8,083	5,892	72.9	2732	2824
2nd Supervisorial District	6,038	3,604	59.7	1889	1514
3rd Supervisorial District	7,416	5,264	71.0	2556	2478
4th Supervisorial District	7,812	5,870	75.1	2906	2669
5th Supervisorial District	8,580	6,497	75.7	3428	2812
City of Clearlake	7,178	4,273	59.5	2233	1810
City of Lakeport	3,123	2,380	76.2	1233	1008
Unincorporated Area	27,628	20,474	74.1	10045	9479
Vote by Mail Totals	37,929	23,550	62.1	12,115	10,403
Election Day Voting Totals	37,929	3,577	9.4	1,396	1,894
Grand Totals	37,929	27,127	71.5	13,511	12,297

Yuba Community College District Governing Board Member Trustee Area 7

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	JEFFREY LEE DRYDEN	DOUGLAS M. HARRIS
111 Middletown/Central Park	1,169	916	78.4	329	387
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	387	628
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	492	729
121 Spruce Grove	243	178	73.3	57	73
122 Jerusalem	28	17	60.7	1	15
123 Coyote Valley	170	116	68.2	45	51
126 Twin Lakes/Lower Lake	1,159	848	73.2	336	335
128 CL Dam	44	27	61.4	10	13
130 Perini Hill	18	15	83.3	1	8
131 Bell Park	140	85	60.7	38	33
132 Morgan Valley	40	33	82.5	8	18
141 CL Old Hwy/CL Village	1,111	654	58.9	226	319
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	363	479
213 CL AustinPk/CL Olympic	1,002	694	69.3	267	302
215 CL Hillcrest/CL Lakeshore	834	479	57.4	192	189
217 CL Davis	870	489	56.2	177	204
218 CL Molesworth/CL Pierce	1,568	885	56.4	328	415
222 Bally Peak	15	12	80.0	6	4
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	588	586
390 Lakeshore Park	184	127	69.0	27	53
391 Sulphur Park	177	120	67.8	39	50
392 Bald Mtn	16	6	37.5	3	1
551 Thurston Lake	119	97	81.5	25	56
561 LLom/Hobergs Mtn	296	241	81.4	54	115
571 Glenbrook/WPines	1,118	883	79.0	261	404
Vote by Mail Totals	18,164	10,739	59.1	3,511	4,890
Election Day Voting Totals	18,164	1,782	9.8	749	577
Grand Totals	18,164	12,521	68.9	4,260	5,467

Yuba Community College District Governing Board Member Trustee Area 7

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	JEFFREY LEE DRYDEN	DOUGLAS M. HARRIS
COUNTY OF LAKE, CALIFORNIA	18,164	10,739	59.1	3,511	4,890
4th Congressional District	18,164	10,739	59.1	3,511	4,890
2nd Senatorial District	18,164	10,739	59.1	3,511	4,890
4th Assembly District	18,164	10,739	59.1	3,511	4,890
State Board of Equalization Dist 2	18,164	10,739	59.1	3,511	4,890
1st Supervisorial District	8,083	5,132	63.5	1,649	2,359
2nd Supervisorial District	6,038	2,901	48.0	996	1,366
3rd Supervisorial District	2,510	1,626	64.8	572	641
5th Supervisorial District	1,533	1,080	70.5	294	524
City of Clearlake	7,178	3,440	47.9	1,183	1,640
Unincorporated Area	10,986	7,299	66.4	2,328	3,250
Vote by Mail Totals	18,164	10,739	59.1	3,511	4,890

Yuba Community College District Governing Board Member Trustee Area 7

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	JEFFREY LEE DRYDEN	DOUGLAS M. HARRIS
COUNTY OF LAKE, CALIFORNIA	18,164	1,782	9.8	749	577
4th Congressional District	18,164	1,782	9.8	749	577
2nd Senatorial District	18,164	1,782	9.8	749	577
4th Assembly District	18,164	1,782	9.8	749	577
State Board of Equalization Dist 2	18,164	1,782	9.8	749	577
1st Supervisorial District	8,083	760	9.4	281	250
2nd Supervisorial District	6,038	703	11.6	337	227
3rd Supervisorial District	2,510	178	7.1	85	49
5th Supervisorial District	1,533	141	9.2	46	51
City of Clearlake	7,178	833	11.6	380	281
Unincorporated Area	10,986	949	8.6	369	296
Election Day Voting Totals	18,164	1,782	9.8	749	577

Yuba Community College District Governing Board Member Trustee Area 7

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	JEFFREY LEE DRYDEN	DOUGLAS M. HARRIS
COUNTY OF LAKE, CALIFORNIA	18,164	12,521	68.9	4260	5467
4th Congressional District	18,164	12,521	68.9	4260	5467
2nd Senatorial District	18,164	12,521	68.9	4260	5467
4th Assembly District	18,164	12,521	68.9	4260	5467
State Board of Equalization Dist 2	18,164	12,521	68.9	4260	5467
1st Supervisorial District	8,083	5,892	72.9	1930	2609
2nd Supervisorial District	6,038	3,604	59.7	1333	1593
3rd Supervisorial District	2,510	1,804	71.9	657	690
5th Supervisorial District	1,533	1,221	79.6	340	575
City of Clearlake	7,178	4,273	59.5	1563	1921
Unincorporated Area	10,986	8,248	75.1	2697	3546
Vote by Mail Totals	18,164	10,739	59.1	3,511	4,890
Election Day Voting Totals	18,164	1,782	9.8	749	577
Grand Totals	18,164	12,521	68.9	4,260	5,467

Kelseyville Unified School District Governing Board Member

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	MARY BETH MOSKO	SABRINA ANDRUS	GILBERT RANGEL	MIKE BROWN
442 Lands End/Adobe	494	390	78.9	87	158	100	235
452 Lakeside Park	95	79	83.2	23	36	31	56
455 Soda Bay	259	173	66.8	40	71	50	84
471 Highland Spgs	32	23	71.9	12	13	7	15
511 Gaddy	96	61	63.5	11	24	18	44
519 Heights/Little borax	1,162	954	82.1	286	429	331	513
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	420	723	533	1,047
530 Wheeler Pt/Hawaina	907	731	80.6	220	307	247	361
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	309	514	400	651
561 Llom/Hobergs Mtn	778	588	75.6	147	252	188	332
Vote by Mail Totals	7,927	5,243	66.1	1,419	2,296	1,770	2,965
Election Day Voting Totals	7,927	698	8.8	136	231	135	373
Grand Totals	7,927	5,941	74.9	1,555	2,527	1,905	3,338

Kelseyville Unified School District Governing Board Member

Vote by Mail Totals

District	Registration	Ballots Cast	Turnout (%)	MARY BETH MOSKO	SABRINA ANDRUS	GILBERT RANGEL	MIKE BROWN
COUNTY OF LAKE, CALIFORNIA	7,927	5,243	66.1	1,419	2,296	1,770	2,965
4th Congressional District	7,927	5,243	66.1	1,419	2,296	1,770	2,965
2nd Senatorial District	7,927	5,243	66.1	1,419	2,296	1,770	2,965
4th Assembly District	7,927	5,243	66.1	1,419	2,296	1,770	2,965
State Board of Equalization Dist 2	7,927	5,243	66.1	1,419	2,296	1,770	2,965
4th Supervisorial District	880	592	67.3	152	248	175	350
5th Supervisorial District	7,047	4,651	66.0	1,267	2,048	1,595	2,615
Unincorporated Area	7,927	5,243	66.1	1,419	2,296	1,770	2,965
Vote by Mail Totals	7,927	5,243	66.1	1,419	2,296	1,770	2,965

Kelseyville Unified School District Governing Board Member

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	MARY BETH MOSKO	SABRINA ANDRUS	GILBERT RANGEL	MIKE BROWN
COUNTY OF LAKE, CALIFORNIA	7,927	698	8.8	136	231	135	373
4th Congressional District	7,927	698	8.8	136	231	135	373
2nd Senatorial District	7,927	698	8.8	136	231	135	373
4th Assembly District	7,927	698	8.8	136	231	135	373
State Board of Equalization Dist 2	7,927	698	8.8	136	231	135	373
4th Supervisorial District	880	73	8.3	10	30	13	40
5th Supervisorial District	7,047	625	8.9	126	201	122	333
Unincorporated Area	7,927	698	8.8	136	231	135	373
Election Day Voting Totals	7,927	698	8.8	136	231	135	373

Kelseyville Unified School District Governing Board Member

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	MARY BETH MOSKO	SABRINA ANDRUS	GILBERT RANGEL	MIKE BROWN
COUNTY OF LAKE, CALIFORNIA	7,927	5,941	74.9	1555	2527	1905	3338
4th Congressional District	7,927	5,941	74.9	1555	2527	1905	3338
2nd Senatorial District	7,927	5,941	74.9	1555	2527	1905	3338
4th Assembly District	7,927	5,941	74.9	1555	2527	1905	3338
State Board of Equalization Dist 2	7,927	5,941	74.9	1555	2527	1905	3338
4th Supervisorial District	880	665	75.6	162	278	188	390
5th Supervisorial District	7,047	5,276	74.9	1393	2249	1717	2948
Unincorporated Area	7,927	5,941	74.9	1555	2527	1905	3338
Vote by Mail Totals	7,927	5,243	66.1	1,419	2,296	1,770	2,965
Election Day Voting Totals	7,927	698	8.8	136	231	135	373
Grand Totals	7,927	5,941	74.9	1,555	2,527	1,905	3,338

Konocti Unified School District Governing Board Member

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	JOAN SHELLEY MINGORI	TINA VIRAMONTES	ZABDY NERIA
113 HVL1/HVL2/HVL3	73	58	79.5	20	12	26
121 Spruce Grove	231	167	72.3	49	37	56
122 Jerusalem	28	17	60.7	3	0	10
126 Twin Lakes/Lower Lake	1,159	848	73.2	331	267	277
128 CL Dam	44	27	61.4	13	13	7
130 Perini Hill	18	15	83.3	4	5	4
131 Bell Park	140	85	60.7	43	27	29
132 Morgan Valley	40	33	82.5	12	13	9
141 CL Old Hwy/CL Village	1,111	654	58.9	265	217	252
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	399	339	431
213 CL AustinPk/CL Olympic	1,002	694	69.3	284	239	276
215 CL Hillcrest/CL Lakeshore	834	479	57.4	179	168	190
217 CL Davis	870	489	56.2	187	167	161
218 CL Molesworth/CL Pierce	1,568	885	56.4	370	313	378
222 Bally Peak	15	12	80.0	6	2	3
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	572	511	466
390 Lakeshore Park	184	127	69.0	37	22	48
391 Sulphur Park	177	120	67.8	31	39	38
392 Bald Mtn	16	6	37.5	5	2	1
551 Thurston Lake	119	97	81.5	40	28	46
561 Llom/Hobergs Mtn	296	241	81.4	46	33	121
Vote by Mail Totals	11,807	6,509	55.1	2,443	2,080	2,498
Election Day Voting Totals	11,807	1,141	9.7	453	374	331
Grand Totals	11,807	7,650	64.8	2,896	2,454	2,829

Konocti Unified School District Governing Board Member

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	JOAN SHELLEY MINGORI	TINA VIRAMONTES	ZABDY NERIA
COUNTY OF LAKE, CALIFORNIA	11,807	6,509	55.1	2,443	2,080	2,498
4th Congressional District	11,807	6,509	55.1	2,443	2,080	2,498
2nd Senatorial District	11,807	6,509	55.1	2,443	2,080	2,498
4th Assembly District	11,807	6,509	55.1	2,443	2,080	2,498
State Board of Equalization Dist 2	11,807	6,509	55.1	2,443	2,080	2,498
1st Supervisorial District	2,844	1,665	58.5	648	526	606
2nd Supervisorial District	6,038	2,901	48.0	1,132	987	1,221
3rd Supervisorial District	2,510	1,626	64.8	578	510	511
5th Supervisorial District	415	317	76.4	85	57	160
City of Clearlake	7,178	3,440	47.9	1,354	1,178	1,440
Unincorporated Area	4,629	3,069	66.3	1,089	902	1,058
Vote by Mail Totals	11,807	6,509	55.1	2,443	2,080	2,498

Konocti Unified School District Governing Board Member

Election Day Voting Totals	Registration	Ballots Cast	Turnout (%)	JOAN SHELLEY MINGORI	TINA VIRAMONTES	ZABDY NERIA
District						
COUNTY OF LAKE, CALIFORNIA	11,807	1,141	9.7	453	374	331
4th Congressional District	11,807	1,141	9.7	453	374	331
2nd Senatorial District	11,807	1,141	9.7	453	374	331
4th Assembly District	11,807	1,141	9.7	453	374	331
State Board of Equalization Dist 2	11,807	1,141	9.7	453	374	331
1st Supervisorial District	2,844	239	8.4	92	65	64
2nd Supervisorial District	6,038	703	11.6	293	241	218
3rd Supervisorial District	2,510	178	7.1	67	64	42
5th Supervisorial District	415	21	5.1	1	4	7
City of Clearlake	7,178	833	11.6	343	278	255
Unincorporated Area	4,629	308	6.7	110	96	76
Election Day Voting Totals	11,807	1,141	9.7	453	374	331

Konocti Unified School District Governing Board Member

Grand Totals	Registration	Ballots Cast	Turnout (%)	JOAN SHELLEY MINGORI	TINA VIRAMONTES	ZABDY NERIA
District	Registration	Ballots Cast	Turnout (%)	JOAN SHELLEY MINGORI	TINA VIRAMONTES	ZABDY NERIA
COUNTY OF LAKE, CALIFORNIA	11,807	7,650	64.8	2896	2454	2829
4th Congressional District	11,807	7,650	64.8	2896	2454	2829
2nd Senatorial District	11,807	7,650	64.8	2896	2454	2829
4th Assembly District	11,807	7,650	64.8	2896	2454	2829
State Board of Equalization Dist 2	11,807	7,650	64.8	2896	2454	2829
1st Supervisorial District	2,844	1,904	66.9	740	591	670
2nd Supervisorial District	6,038	3,604	59.7	1425	1228	1439
3rd Supervisorial District	2,510	1,804	71.9	645	574	553
5th Supervisorial District	415	338	81.4	86	61	167
City of Clearlake	7,178	4,273	59.5	1697	1456	1695
Unincorporated Area	4,629	3,377	73.0	1199	998	1134
Vote by Mail Totals	11,807	6,509	55.1	2,443	2,080	2,498
Election Day Voting Totals	11,807	1,141	9.7	453	374	331
Grand Totals	11,807	7,650	64.8	2,896	2,454	2,829

Lakeport Unified School District Governing Board Member

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	CATHERINE "CAT" DUNNE	SCOTT JOHNSON	JENNIFER RICHARDSON	DANIEL BUFFALO
311 Upper Lake/Bachelor	0	1	0.0	0	0	0	0
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	668	471	408	365
413 LP Government	729	564	77.4	304	212	181	146
414 LP Fairgrounds	943	667	70.7	327	253	222	177
421 Cow Mtn/Scotts Valley	934	762	81.6	397	299	242	235
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	757	535	502	414
441 Big Valley	389	283	72.8	112	107	76	76
442 Lands End/Adobe	450	268	59.6	140	103	91	58
461 Donovan Valley	69	54	78.3	22	22	16	15
Vote by Mail Totals	6,930	4,636	66.9	2,432	1,820	1,596	1,345
Election Day Voting Totals	6,930	569	8.2	295	182	142	141
Grand Totals	6,930	5,205	75.1	2,727	2,002	1,738	1,486

Lakeport Unified School District Governing Board Member

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	CATHERINE "CAT" DUNNE	SCOTT JOHNSON	JENNIFER RICHARDSON	DANIEL BUFFALO
COUNTY OF LAKE, CALIFORNIA	6,930	4,636	66.9	2,432	1,820	1,596	1,345
4th Congressional District	6,930	4,636	66.9	2,432	1,820	1,596	1,345
2nd Senatorial District	6,930	4,636	66.9	2,432	1,820	1,596	1,345
4th Assembly District	6,930	4,636	66.9	2,432	1,820	1,596	1,345
State Board of Equalization Dist 2	6,930	4,636	66.9	2,432	1,820	1,596	1,345
3rd Supervisorial District	0	0	0.0	0	0	0	0
4th Supervisorial District	6,930	4,636	66.9	2,432	1,820	1,596	1,345
City of Lakeport	3,123	2,148	68.8	1,172	856	750	631
Unincorporated Area	3,807	2,488	65.4	1,260	964	846	714
Vote by Mail Totals	6,930	4,636	66.9	2,432	1,820	1,596	1,345

Lakeport Unified School District Governing Board Member

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	CATHERINE "CAT" DUNNE	SCOTT JOHNSON	JENNIFER RICHARDSON	DANIEL BUFFALO
COUNTY OF LAKE, CALIFORNIA	6,930	569	8.2	295	182	142	141
4th Congressional District	6,930	569	8.2	295	182	142	141
2nd Senatorial District	6,930	569	8.2	295	182	142	141
4th Assembly District	6,930	569	8.2	295	182	142	141
State Board of Equalization Dist 2	6,930	569	8.2	295	182	142	141
3rd Supervisorial District	0	1	0.0	0	0	0	0
4th Supervisorial District	6,930	568	8.2	295	182	142	141
City of Lakeport	3,123	232	7.4	127	80	61	57
Unincorporated Area	3,807	337	8.9	168	102	81	84
Election Day Voting Totals	6,930	569	8.2	295	182	142	141

Lakeport Unified School District Governing Board Member

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	CATHERINE "CAT" DUNNE	SCOTT JOHNSON	JENNIFER RICHARDSON	DANIEL BUFFALO
COUNTY OF LAKE, CALIFORNIA	6,930	5,205	75.1	2727	2002	1738	1486
4th Congressional District	6,930	5,205	75.1	2727	2002	1738	1486
2nd Senatorial District	6,930	5,205	75.1	2727	2002	1738	1486
4th Assembly District	6,930	5,205	75.1	2727	2002	1738	1486
State Board of Equalization Dist 2	6,930	5,205	75.1	2727	2002	1738	1486
3rd Supervisorial District	0	1	0.0	0	0	0	0
4th Supervisorial District	6,930	5,204	75.1	2727	2002	1738	1486
City of Lakeport	3,123	2,380	76.2	1299	936	811	688
Unincorporated Area	3,807	2,825	74.2	1428	1066	927	798
Vote by Mail Totals	6,930	4,636	66.9	2,432	1,820	1,596	1,345
Election Day Voting Totals	6,930	569	8.2	295	182	142	141
Grand Totals	6,930	5,205	75.1	2,727	2,002	1,738	1,486

Middletown Unified School District Governing Board Member 4-Year Term

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	ANNETTE LEE	FREDERIC LAHEY	ZOI ANN BRACISCO
111 Middletown/Central Park	1,169	916	78.4	418	208	455
113 HVL1/HVL2/HVL3	1,681	1,282	76.3	590	362	485
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	776	381	644
121 Spruce Grove	12	11	91.7	3	7	7
123 Coyote Valley	170	116	68.2	48	32	63
571 Glenbrook/WPines	1,118	883	79.0	314	223	431
Vote by Mail Totals	6,357	4,230	66.5	1,896	1,101	1,871
Election Day Voting Totals	6,357	641	10.1	253	112	214
Grand Totals	6,357	4,871	76.6	2,149	1,213	2,085

Middletown Unified School District Governing Board Member 4-Year Term

Vote by Mail Totals

District	Registration	Ballots Cast	Turnout (%)	ANNETTE LEE	FREDERIC LAHEY	ZOI ANN BRACISCO
COUNTY OF LAKE, CALIFORNIA	6,357	4,230	66.5	1,896	1,101	1,871
4th Congressional District	6,357	4,230	66.5	1,896	1,101	1,871
2nd Senatorial District	6,357	4,230	66.5	1,896	1,101	1,871
4th Assembly District	6,357	4,230	66.5	1,896	1,101	1,871
State Board of Equalization Dist 2	6,357	4,230	66.5	1,896	1,101	1,871
1st Supervisorial District	5,239	3,467	66.2	1,624	901	1,485
5th Supervisorial District	1,118	763	68.2	272	200	386
Unincorporated Area	6,357	4,230	66.5	1,896	1,101	1,871
Vote by Mail Totals	6,357	4,230	66.5	1,896	1,101	1,871

Middletown Unified School District Governing Board Member 4-Year Term

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	ANNETTE LEE	FREDERIC LAHEY	ZOI ANN BRACISCO
COUNTY OF LAKE, CALIFORNIA	6,357	641	10.1	253	112	214
4th Congressional District	6,357	641	10.1	253	112	214
2nd Senatorial District	6,357	641	10.1	253	112	214
4th Assembly District	6,357	641	10.1	253	112	214
State Board of Equalization Dist 2	6,357	641	10.1	253	112	214
1st Supervisorial District	5,239	521	9.9	211	89	169
5th Supervisorial District	1,118	120	10.7	42	23	45
Unincorporated Area	6,357	641	10.1	253	112	214
Election Day Voting Totals	6,357	641	10.1	253	112	214

Middletown Unified School District Governing Board Member 4-Year Term

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	ANNETTE LEE	FREDERIC LAHEY	ZOI ANN BRACISCO
COUNTY OF LAKE, CALIFORNIA	6,357	4,871	76.6	2149	1213	2085
4th Congressional District	6,357	4,871	76.6	2149	1213	2085
2nd Senatorial District	6,357	4,871	76.6	2149	1213	2085
4th Assembly District	6,357	4,871	76.6	2149	1213	2085
State Board of Equalization Dist 2	6,357	4,871	76.6	2149	1213	2085
1st Supervisorial District	5,239	3,988	76.1	1835	990	1654
5th Supervisorial District	1,118	883	79.0	314	223	431
Unincorporated Area	6,357	4,871	76.6	2149	1213	2085
Vote by Mail Totals	6,357	4,230	66.5	1,896	1,101	1,871
Election Day Voting Totals	6,357	641	10.1	253	112	214
Grand Totals	6,357	4,871	76.6	2,149	1,213	2,085

Middletown Unified School District Governing Board Member 2-Year Unexpired Term

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	PATRICIA PACHIE	NATHAN WILLIS
111 Middletown/Central Park	1,169	916	78.4	482	309
113 HVL1/HVL2/HVL3	1,681	1,282	76.3	595	478
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	774	606
121 Spruce Grove	12	11	91.7	10	0
123 Coyote Valley	170	116	68.2	65	35
571 Glenbrook/WPines	1,118	883	79.0	352	356
Vote by Mail Totals	6,357	4,230	66.5	1,973	1,598
Election Day Voting Totals	6,357	641	10.1	305	186
Grand Totals	6,357	4,871	76.6	2,278	1,784

Middletown Unified School District Governing Board Member 2-Year Unexpired Term

**Vote by Mail
Totals**

District	Registration	Ballots Cast	Turnout (%)	PATRICIA PACHIE	NATHAN WILLIS
COUNTY OF LAKE, CALIFORNIA	6,357	4,230	66.5	1,973	1,598
4th Congressional District	6,357	4,230	66.5	1,973	1,598
2nd Senatorial District	6,357	4,230	66.5	1,973	1,598
4th Assembly District	6,357	4,230	66.5	1,973	1,598
State Board of Equalization Dist 2	6,357	4,230	66.5	1,973	1,598
1st Supervisorial District	5,239	3,467	66.2	1,673	1,281
5th Supervisorial District	1,118	763	68.2	300	317
Unincorporated Area	6,357	4,230	66.5	1,973	1,598
Vote by Mail Totals	6,357	4,230	66.5	1,973	1,598

Middletown Unified School District Governing Board Member 2-Year Unexpired Term

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	PATRICIA PACHIE	NATHAN WILLIS
COUNTY OF LAKE, CALIFORNIA	6,357	641	10.1	305	186
4th Congressional District	6,357	641	10.1	305	186
2nd Senatorial District	6,357	641	10.1	305	186
4th Assembly District	6,357	641	10.1	305	186
State Board of Equalization Dist 2	6,357	641	10.1	305	186
1st Supervisorial District	5,239	521	9.9	253	147
5th Supervisorial District	1,118	120	10.7	52	39
Unincorporated Area	6,357	641	10.1	305	186
Election Day Voting Totals	6,357	641	10.1	305	186

Middletown Unified School District Governing Board Member 2-Year Unexpired Term

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	PATRICIA PACHIE	NATHAN WILLIS
COUNTY OF LAKE, CALIFORNIA	6,357	4,871	76.6	2278	1784
4th Congressional District	6,357	4,871	76.6	2278	1784
2nd Senatorial District	6,357	4,871	76.6	2278	1784
4th Assembly District	6,357	4,871	76.6	2278	1784
State Board of Equalization Dist 2	6,357	4,871	76.6	2278	1784
1st Supervisorial District	5,239	3,988	76.1	1926	1428
5th Supervisorial District	1,118	883	79.0	352	356
Unincorporated Area	6,357	4,871	76.6	2278	1784
Vote by Mail Totals	6,357	4,230	66.5	1,973	1,598
Election Day Voting Totals	6,357	641	10.1	305	186
Grand Totals	6,357	4,871	76.6	2,278	1,784

County Supervisor, District 1

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	JOHN H. HESS	HELEN OWEN
111 Middletown/Central Park	1,169	916	78.4	337	525
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	602	639
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	647	897
121 Spruce Grove	243	178	73.3	64	103
122 Jerusalem	28	17	60.7	7	8
123 Coyote Valley	170	116	68.2	41	74
126 Twin Lakes/Lower Lake	1,159	848	73.2	276	486
128 CL Dam	44	27	61.4	11	15
130 Perini Hill	18	15	83.3	6	7
131 Bell Park	140	85	60.7	29	47
132 Morgan Valley	40	33	82.5	14	13
141 CL Old Hwy/CL Village	1,111	654	58.9	258	304
Vote by Mail Totals	8,083	5,132	63.5	2,107	2,659
Election Day Voting Totals	8,083	760	9.4	185	459
Grand Totals	8,083	5,892	72.9	2,292	3,118

County Supervisor, District 1

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	JOHN H. HESS	HELEN OWEN
COUNTY OF LAKE, CALIFORNIA	8,083	5,132	63.5	2,107	2,659
4th Congressional District	8,083	5,132	63.5	2,107	2,659
2nd Senatorial District	8,083	5,132	63.5	2,107	2,659
4th Assembly District	8,083	5,132	63.5	2,107	2,659
State Board of Equalization Dist 2	8,083	5,132	63.5	2,107	2,659
1st Supervisorial District	8,083	5,132	63.5	2,107	2,659
City of Clearlake	1,155	551	47.7	233	253
Unincorporated Area	6,928	4,581	66.1	1,874	2,406
Vote by Mail Totals	8,083	5,132	63.5	2,107	2,659

County Supervisor, District 1

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	JOHN H. HESS	HELEN OWEN
COUNTY OF LAKE, CALIFORNIA	8,083	760	9.4	185	459
4th Congressional District	8,083	760	9.4	185	459
2nd Senatorial District	8,083	760	9.4	185	459
4th Assembly District	8,083	760	9.4	185	459
State Board of Equalization Dist 2	8,083	760	9.4	185	459
1st Supervisorial District	8,083	760	9.4	185	459
City of Clearlake	1,155	130	11.3	36	66
Unincorporated Area	6,928	630	9.1	149	393
Election Day Voting Totals	8,083	760	9.4	185	459

County Supervisor, District 1

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	JOHN H. HESS	HELEN OWEN
COUNTY OF LAKE, CALIFORNIA	8,083	5,892	72.9	2,292	3,118
4th Congressional District	8,083	5,892	72.9	2,292	3,118
2nd Senatorial District	8,083	5,892	72.9	2,292	3,118
4th Assembly District	8,083	5,892	72.9	2,292	3,118
State Board of Equalization Dist 2	8,083	5,892	72.9	2,292	3,118
1st Supervisorial District	8,083	5,892	72.9	2,292	3,118
City of Clearlake	1,155	681	59.0	269	319
Unincorporated Area	6,928	5,211	75.2	2,023	2,799
Vote by Mail Totals	8,083	5,132	63.5	2,107	2,659
Election Day Voting Totals	8,083	760	9.4	185	459
Grand Totals	8,083	5,892	72.9	2,292	3,118

City of Clearlake Member, City Council

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	BRETT D. FREEMAN	TARA DOWNEY	JESSICA HOOTEN	JAMES RIVERA	RUSSELL PERDOCK	DAVID CLAFFEY	JOYCE OVERTON	MARY WILSON
128 CL Dam	44	27	61.4	5	11	4	10	8	10	6	10
141 CL Old Hwy/CL Village	1,111	654	58.9	166	181	190	170	100	159	148	222
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	206	260	315	235	230	291	287	317
213 CL AustinPk/CL Olympic	1,002	694	69.3	174	225	224	183	118	168	133	222
215 CL Hillcrest/CL Lakeshore	834	479	57.4	129	171	135	132	67	118	87	152
217 CL Davis	870	489	56.2	112	152	141	120	79	109	119	148
218 CL Molesworth/CL Pierce	1,568	885	56.4	223	262	247	226	140	215	202	289
Vote by Mail Totals	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
Election Day Voting Totals	7,178	833	11.6	189	221	283	180	137	122	139	196
Grand Totals	7,178	4,273	59.5	1,015	1,262	1,256	1,076	742	1,070	982	1,360

City of Clearlake Member, City Council

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	BRETT D. FREEMAN	TARA DOWNEY	JESSICA HOOTEN	JAMES RIVERA	RUSSELL PERDOCK	DAVID CLAFFEY	JOYCE OVERTON	MARY WILSON
COUNTY OF LAKE, CALIFORNIA	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
4th Congressional District	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
2nd Senatorial District	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
4th Assembly District	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
State Board of Equalization Dist 2	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
1st Supervisorial District	1,155	551	47.7	148	158	154	142	95	156	129	205
2nd Supervisorial District	6,023	2,889	48.0	678	883	819	754	510	792	714	959
City of Clearlake	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
Vote by Mail Totals	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164

City of Clearlake Member, City Council

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	BRETT D. FREEMAN	TARA DOWNEY	JESSICA HOOTEN	JAMES RIVERA	RUSSELL PERDOCK	DAVID CLAFFEY	JOYCE OVERTON	MARY WILSON
COUNTY OF LAKE, CALIFORNIA	7,178	833	11.6	189	221	283	180	137	122	139	196
4th Congressional District	7,178	833	11.6	189	221	283	180	137	122	139	196
2nd Senatorial District	7,178	833	11.6	189	221	283	180	137	122	139	196
4th Assembly District	7,178	833	11.6	189	221	283	180	137	122	139	196
State Board of Equalization Dist 2	7,178	833	11.6	189	221	283	180	137	122	139	196
1st Supervisorial District	1,155	130	11.3	23	34	40	38	13	13	25	27
2nd Supervisorial District	6,023	703	11.7	166	187	243	142	124	109	114	169
City of Clearlake	7,178	833	11.6	189	221	283	180	137	122	139	196
Election Day Voting Totals	7,178	833	11.6	189	221	283	180	137	122	139	196

City of Clearlake Member, City Council

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	BRETT D. FREEMAN	TARA DOWNEY	JESSICA HOOTEN	JAMES RIVERA	RUSSELL PERDOCK	DAVID CLAFFEY	JOYCE OVERTON	MARY WILSON
COUNTY OF LAKE, CALIFORNIA	7,178	4,273	59.5	1015	1262	1256	1076	742	1070	982	1360
4th Congressional District	7,178	4,273	59.5	1015	1262	1256	1076	742	1070	982	1360
2nd Senatorial District	7,178	4,273	59.5	1015	1262	1256	1076	742	1070	982	1360
4th Assembly District	7,178	4,273	59.5	1015	1262	1256	1076	742	1070	982	1360
State Board of Equalization Dist 2	7,178	4,273	59.5	1015	1262	1256	1076	742	1070	982	1360
1st Supervisorial District	1,155	681	59.0	171	192	194	180	108	169	154	232
2nd Supervisorial District	6,023	3,592	59.6	844	1070	1062	896	634	901	828	1128
City of Clearlake	7,178	4,273	59.5	1015	1262	1256	1076	742	1070	982	1360
Vote by Mail Totals	7,178	3,440	47.9	826	1,041	973	896	605	948	843	1,164
Election Day Voting Totals	7,178	833	11.6	189	221	283	180	137	122	139	196
Grand Totals	7,178	4,273	59.5	1,015	1,262	1,256	1,076	742	1,070	982	1,360

City of Lakeport Member, City Council 4-Year Term

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	MICHAEL FROIO	KENNETH "KENNY" PARLET II	CHRISTINA PRICE	CARL PORTER	KIM COSTA
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	366	474	457	334	421
413 LP Government	729	564	77.4	167	199	240	174	195
414 LP Fairgrounds	943	667	70.7	236	223	247	193	226
Vote by Mail Totals	3,123	2,148	68.8	706	793	884	642	774
Election Day Voting Totals	3,123	232	7.4	63	103	60	59	68
Grand Totals	3,123	2,380	76.2	769	896	944	701	842

City of Lakeport Member, City Council 4-Year Term

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	MICHAEL FROJO	KENNETH "KENNY" PARLET II	CHRISTINA PRICE	CARL PORTER	KIM COSTA
COUNTY OF LAKE, CALIFORNIA	3,123	2,148	68.8	706	793	884	642	774
4th Congressional District	3,123	2,148	68.8	706	793	884	642	774
2nd Senatorial District	3,123	2,148	68.8	706	793	884	642	774
4th Assembly District	3,123	2,148	68.8	706	793	884	642	774
State Board of Equalization Dist 2	3,123	2,148	68.8	706	793	884	642	774
4th Supervisorial District	3,123	2,148	68.8	706	793	884	642	774
City of Lakeport	3,123	2,148	68.8	706	793	884	642	774
Vote by Mail Totals	3,123	2,148	68.8	706	793	884	642	774

City of Lakeport Member, City Council 4-Year Term

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	MICHAEL FROJO	KENNETH "KENNY" PARLET II	CHRISTINA PRICE	CARL PORTER	KIM COSTA
COUNTY OF LAKE, CALIFORNIA	3,123	232	7.4	63	103	60	59	68
4th Congressional District	3,123	232	7.4	63	103	60	59	68
2nd Senatorial District	3,123	232	7.4	63	103	60	59	68
4th Assembly District	3,123	232	7.4	63	103	60	59	68
State Board of Equalization Dist 2	3,123	232	7.4	63	103	60	59	68
4th Supervisorial District	3,123	232	7.4	63	103	60	59	68
City of Lakeport	3,123	232	7.4	63	103	60	59	68
Election Day Voting Totals	3,123	232	7.4	63	103	60	59	68

City of Lakeport Member, City Council 4-Year Term

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	MICHAEL FROJO	KENNETH "KENNY" PARLET II	CHRISTINA PRICE	CARL PORTER	KIM COSTA
COUNTY OF LAKE, CALIFORNIA	3,123	2,380	76.2	769	896	944	701	842
4th Congressional District	3,123	2,380	76.2	769	896	944	701	842
2nd Senatorial District	3,123	2,380	76.2	769	896	944	701	842
4th Assembly District	3,123	2,380	76.2	769	896	944	701	842
State Board of Equalization Dist 2	3,123	2,380	76.2	769	896	944	701	842
4th Supervisorial District	3,123	2,380	76.2	769	896	944	701	842
City of Lakeport	3,123	2,380	76.2	769	896	944	701	842
Vote by Mail Totals	3,123	2,148	68.8	706	793	884	642	774
Election Day Voting Totals	3,123	232	7.4	63	103	60	59	68
Grand Totals	3,123	2,380	76.2	769	896	944	701	842

City of Lakeport Member, City Council 2-Year Unexpired Term

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	BRANDON DISNEY
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	900
413 LP Government	729	564	77.4	426
414 LP Fairgrounds	943	667	70.7	477
Vote by Mail Totals	3,123	2,148	68.8	1,636
Election Day Voting Totals	3,123	232	7.4	167
Grand Totals	3,123	2,380	76.2	1,803

City of Lakeport Member, City Council 2-Year Unexpired Term

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	BRANDON DISNEY
COUNTY OF LAKE, CALIFORNIA	3,123	2,148	68.8	1,636
4th Congressional District	3,123	2,148	68.8	1,636
2nd Senatorial District	3,123	2,148	68.8	1,636
4th Assembly District	3,123	2,148	68.8	1,636
State Board of Equalization Dist 2	3,123	2,148	68.8	1,636
4th Supervisorial District	3,123	2,148	68.8	1,636
City of Lakeport	3,123	2,148	68.8	1,636
Vote by Mail Totals	3,123	2,148	68.8	1,636

City of Lakeport Member, City Council 2-Year Unexpired Term

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	BRANDON DISNEY
COUNTY OF LAKE, CALIFORNIA	3,123	232	7.4	167
4th Congressional District	3,123	232	7.4	167
2nd Senatorial District	3,123	232	7.4	167
4th Assembly District	3,123	232	7.4	167
State Board of Equalization Dist 2	3,123	232	7.4	167
4th Supervisorial District	3,123	232	7.4	167
City of Lakeport	3,123	232	7.4	167
Election Day Voting Totals	3,123	232	7.4	167

City of Lakeport Member, City Council 2-Year Unexpired Term

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	BRANDON DISNEY
COUNTY OF LAKE, CALIFORNIA	3,123	2,380	76.2	1803
4th Congressional District	3,123	2,380	76.2	1803
2nd Senatorial District	3,123	2,380	76.2	1803
4th Assembly District	3,123	2,380	76.2	1803
State Board of Equalization Dist 2	3,123	2,380	76.2	1803
4th Supervisorial District	3,123	2,380	76.2	1803
City of Lakeport	3,123	2,380	76.2	1803
Vote by Mail Totals	3,123	2,148	68.8	1,636
Election Day Voting Totals	3,123	232	7.4	167
Grand Totals	3,123	2,380	76.2	1,803

Northshore Fire Protection District Director Upper Lake Zone

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	GARY L. LEWIS	WALT CHRISTENSEN
311 Upper Lake/Bachelor	1,464	1,073	73.3	406	475
421 Cow Mtn/Scotts Valley	22	18	81.8	9	4
430 Sutter/Robin Hill/Westlake	57	62	108.8	27	27
Vote by Mail Totals	1,543	960	62.2	388	419
Election Day Voting Totals	1,543	193	12.5	54	87
Grand Totals	1,543	1,153	74.7	442	506

Northshore Fire Protection District Director Upper Lake Zone

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	GARY L. LEWIS	WALT CHRISTENSEN
COUNTY OF LAKE, CALIFORNIA	1,543	960	62.2	388	419
4th Congressional District	1,543	960	62.2	388	419
2nd Senatorial District	1,543	960	62.2	388	419
4th Assembly District	1,543	960	62.2	388	419
State Board of Equalization Dist 2	1,543	960	62.2	388	419
3rd Supervisorial District	1,464	910	62.2	363	402
4th Supervisorial District	79	50	63.3	25	17
Unincorporated Area	1,543	960	62.2	388	419
Vote by Mail Totals	1,543	960	62.2	388	419

Northshore Fire Protection District Director Upper Lake Zone

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	GARY L. LEWIS	WALT CHRISTENSEN
COUNTY OF LAKE, CALIFORNIA	1,543	193	12.5	54	87
4th Congressional District	1,543	193	12.5	54	87
2nd Senatorial District	1,543	193	12.5	54	87
4th Assembly District	1,543	193	12.5	54	87
State Board of Equalization Dist 2	1,543	193	12.5	54	87
3rd Supervisorial District	1,464	163	11.1	43	73
4th Supervisorial District	79	30	38.0	11	14
Unincorporated Area	1,543	193	12.5	54	87
Election Day Voting Totals	1,543	193	12.5	54	87

Northshore Fire Protection District Director Upper Lake Zone

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	GARY L. LEWIS	WALT CHRISTENSEN
COUNTY OF LAKE, CALIFORNIA	1,543	1,153	74.7	442	506
4th Congressional District	1,543	1,153	74.7	442	506
2nd Senatorial District	1,543	1,153	74.7	442	506
4th Assembly District	1,543	1,153	74.7	442	506
State Board of Equalization Dist 2	1,543	1,153	74.7	442	506
3rd Supervisorial District	1,464	1,073	73.3	406	475
4th Supervisorial District	79	80	101.3	36	31
Unincorporated Area	1,543	1,153	74.7	442	506
Vote by Mail Totals	1,543	960	62.2	388	419
Election Day Voting Totals	1,543	193	12.5	54	87
Grand Totals	1,543	1,153	74.7	442	506

Proposition 2

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	427	429
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	683	565
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	784	726
121 Spruce Grove	243	178	73.3	85	84
122 Jerusalem	28	17	60.7	8	9
123 Coyote Valley	170	116	68.2	27	81
126 Twin Lakes/Lower Lake	1,159	848	73.2	381	415
128 CL Dam	44	27	61.4	12	15
130 Perini Hill	18	15	83.3	8	7
131 Bell Park	140	85	60.7	41	40
132 Morgan Valley	40	33	82.5	20	12
141 CL Old Hwy/CL Village	1,111	654	58.9	357	255
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	579	376
213 CL AustinPk/CL Olympic	1,002	694	69.3	402	250
215 CL Hillcrest/CL Lakeshore	834	479	57.4	252	192
217 CL Davis	870	489	56.2	261	195
218 CL Molesworth/CL Pierce	1,568	885	56.4	506	331
222 Bally Peak	15	12	80.0	4	8
311 Upper Lake/Bachelor	1,602	1,148	71.7	587	503
341 Nice/Nice Harbor	1,390	971	69.9	522	402
343 Forty Springs	19	13	68.4	10	3
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	665	470
354 Glenhaven	164	104	63.4	53	44
361 Gravelly	58	49	84.5	21	27
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	742	711
390 Lakeshore Park	184	127	69.0	51	68
391 Sulphur Park	177	120	67.8	62	51
392 Bald Mtn	16	6	37.5	3	2
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	602	474
413 LP Government	729	564	77.4	318	212
414 LP Fairgrounds	943	667	70.7	384	232
421 Cow Mtn/Scotts Valley	936	763	81.5	323	401
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	790	583
441 Big Valley	389	283	72.8	117	153
442 Lands End/Adobe	944	658	69.7	325	306
452 Lakeside Park	95	79	83.2	26	46
455 Soda Bay	259	173	66.8	92	70
461 Donovan Valley	69	54	78.3	32	22
471 Highland Spgs	32	23	71.9	9	13
511 Gaddy	96	61	63.5	22	35
519 Heights/Little borax	1,162	954	82.1	491	426
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	835	810
530 Wheeler Pt/Hawaina	907	731	80.6	338	343
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	608	530
551 Thurston Lake	119	97	81.5	46	48
561 LLom/Hobergs Mtn	1,074	829	77.2	432	352
571 Glenbrook/WPines	1,118	883	79.0	448	378
Vote by Mail Totals	37,929	23,550	62.1	11,974	10,279
Election Day Voting Totals	37,929	3,577	9.4	1,819	1,428
Grand Totals	37,929	27,127	71.5	13,793	11,707

Proposition 2

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	11,974	10,279
4th Congressional District	37,929	23,550	62.1	11,974	10,279
2nd Senatorial District	37,929	23,550	62.1	11,974	10,279
4th Assembly District	37,929	23,550	62.1	11,974	10,279
State Board of Equalization Dist 2	37,929	23,550	62.1	11,974	10,279
1st Supervisorial District	8,083	5,132	63.5	2,468	2,350
2nd Supervisorial District	6,038	2,901	48.0	1,618	1,103
3rd Supervisorial District	7,416	4,557	61.4	2,313	2,023
4th Supervisorial District	7,812	5,229	66.9	2,728	2,209
5th Supervisorial District	8,580	5,731	66.8	2,847	2,594
City of Clearlake	7,178	3,440	47.9	1,912	1,322
City of Lakeport	3,123	2,148	68.8	1,214	799
Unincorporated Area	27,628	17,962	65.0	8,848	8,158
Vote by Mail Totals	37,929	23,550	62.1	11,974	10,279

Proposition 2

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1819	1428
4th Congressional District	37,929	3,577	9.4	1819	1428
2nd Senatorial District	37,929	3,577	9.4	1819	1428
4th Assembly District	37,929	3,577	9.4	1819	1428
State Board of Equalization Dist 2	37,929	3,577	9.4	1819	1428
1st Supervisorial District	8,083	760	9.4	365	288
2nd Supervisorial District	6,038	703	11.6	386	249
3rd Supervisorial District	7,416	707	9.5	405	260
4th Supervisorial District	7,812	641	8.2	290	303
5th Supervisorial District	8,580	766	8.9	373	328
City of Clearlake	7,178	833	11.6	457	292
City of Lakeport	3,123	232	7.4	90	119
Unincorporated Area	27,628	2,512	9.1	1272	1017
Election Day Voting Totals	37,929	3,577	9.4	1,819	1,428

Proposition 2

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	13793	11707
4th Congressional District	37,929	27,127	71.5	13793	11707
2nd Senatorial District	37,929	27,127	71.5	13793	11707
4th Assembly District	37,929	27,127	71.5	13793	11707
State Board of Equalization Dist 2	37,929	27,127	71.5	13793	11707
1st Supervisorial District	8,083	5,892	72.9	2833	2638
2nd Supervisorial District	6,038	3,604	59.7	2004	1352
3rd Supervisorial District	7,416	5,264	71.0	2718	2283
4th Supervisorial District	7,812	5,870	75.1	3018	2512
5th Supervisorial District	8,580	6,497	75.7	3220	2922
City of Clearlake	7,178	4,273	59.5	2369	1614
City of Lakeport	3,123	2,380	76.2	1304	918
Unincorporated Area	27,628	20,474	74.1	10120	9175
Vote by Mail Totals	37,929	23,550	62.1	11,974	10,279
Election Day Voting Totals	37,929	3,577	9.4	1,819	1,428
Grand Totals	37,929	27,127	71.5	13,793	11,707

Proposition 3

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	456	402
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	756	481
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	884	639
121 Spruce Grove	243	178	73.3	86	86
122 Jerusalem	28	17	60.7	10	6
123 Coyote Valley	170	116	68.2	45	62
126 Twin Lakes/Lower Lake	1,159	848	73.2	403	387
128 CL Dam	44	27	61.4	15	9
130 Perini Hill	18	15	83.3	7	8
131 Bell Park	140	85	60.7	36	46
132 Morgan Valley	40	33	82.5	19	14
141 CL Old Hwy/CL Village	1,111	654	58.9	347	275
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	561	413
213 CL AustinPk/CL Olympic	1,002	694	69.3	353	304
215 CL Hillcrest/CL Lakeshore	834	479	57.4	261	181
217 CL Davis	870	489	56.2	239	223
218 CL Molesworth/CL Pierce	1,568	885	56.4	491	344
222 Bally Peak	15	12	80.0	2	10
311 Upper Lake/Bachelor	1,602	1,148	71.7	573	510
341 Nice/Nice Harbor	1,390	971	69.9	535	400
343 Forty Springs	19	13	68.4	4	4
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	684	446
354 Glenhaven	164	104	63.4	69	31
361 Gravelly	58	49	84.5	27	20
371 Bartlett	4	4	100.0	3	1
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	802	662
390 Lakeshore Park	184	127	69.0	62	60
391 Sulphur Park	177	120	67.8	64	48
392 Bald Mtn	16	6	37.5	1	4
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	611	453
413 LP Government	729	564	77.4	332	199
414 LP Fairgrounds	943	667	70.7	353	256
421 Cow Mtn/Scotts Valley	936	763	81.5	384	337
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	771	598
441 Big Valley	389	283	72.8	116	152
442 Lands End/Adobe	944	658	69.7	335	288
452 Lakeside Park	95	79	83.2	46	29
455 Soda Bay	259	173	66.8	104	56
461 Donovan Valley	69	54	78.3	29	21
471 Highland Spgs	32	23	71.9	16	6
511 Gaddy	96	61	63.5	26	31
519 Heights/Little borax	1,162	954	82.1	591	314
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	857	770
530 Wheeler Pt/Hawaina	907	731	80.6	394	287
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	688	452
551 Thurston Lake	119	97	81.5	55	38
561 LLom/Hobergs Mtn	1,074	829	77.2	511	285
571 Glenbrook/WPines	1,118	883	79.0	526	301
Vote by Mail Totals	37,929	23,550	62.1	12,867	9,372
Election Day Voting Totals	37,929	3,577	9.4	1,673	1,577
Grand Totals	37,929	27,127	71.5	14,540	10,949

Proposition 3

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	12,867	9,372
4th Congressional District	37,929	23,550	62.1	12,867	9,372
2nd Senatorial District	37,929	23,550	62.1	12,867	9,372
4th Assembly District	37,929	23,550	62.1	12,867	9,372
State Board of Equalization Dist 2	37,929	23,550	62.1	12,867	9,372
1st Supervisorial District	8,083	5,132	63.5	2,723	2,094
2nd Supervisorial District	6,038	2,901	48.0	1,587	1,149
3rd Supervisorial District	7,416	4,557	61.4	2,475	1,869
4th Supervisorial District	7,812	5,229	66.9	2,810	2,097
5th Supervisorial District	8,580	5,731	66.8	3,272	2,163
City of Clearlake	7,178	3,440	47.9	1,889	1,364
City of Lakeport	3,123	2,148	68.8	1,197	799
Unincorporated Area	27,628	17,962	65.0	9,781	7,209
Vote by Mail Totals	37,929	23,550	62.1	12,867	9,372

Proposition 3

Election Day Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1673	1577
4th Congressional District	37,929	3,577	9.4	1673	1577
2nd Senatorial District	37,929	3,577	9.4	1673	1577
4th Assembly District	37,929	3,577	9.4	1673	1577
State Board of Equalization Dist 2	37,929	3,577	9.4	1673	1577
1st Supervisorial District	8,083	760	9.4	341	321
2nd Supervisorial District	6,038	703	11.6	320	326
3rd Supervisorial District	7,416	707	9.5	349	317
4th Supervisorial District	7,812	641	8.2	287	298
5th Supervisorial District	8,580	766	8.9	376	315
City of Clearlake	7,178	833	11.6	378	385
City of Lakeport	3,123	232	7.4	99	109
Unincorporated Area	27,628	2,512	9.1	1196	1083
Election Day Voting Totals	37,929	3,577	9.4	1,673	1,577

Proposition 3

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	14540	10949
4th Congressional District	37,929	27,127	71.5	14540	10949
2nd Senatorial District	37,929	27,127	71.5	14540	10949
4th Assembly District	37,929	27,127	71.5	14540	10949
State Board of Equalization Dist 2	37,929	27,127	71.5	14540	10949
1st Supervisorial District	8,083	5,892	72.9	3064	2415
2nd Supervisorial District	6,038	3,604	59.7	1907	1475
3rd Supervisorial District	7,416	5,264	71.0	2824	2186
4th Supervisorial District	7,812	5,870	75.1	3097	2395
5th Supervisorial District	8,580	6,497	75.7	3648	2478
City of Clearlake	7,178	4,273	59.5	2267	1749
City of Lakeport	3,123	2,380	76.2	1296	908
Unincorporated Area	27,628	20,474	74.1	10977	8292
Vote by Mail Totals	37,929	23,550	62.1	12,867	9,372
Election Day Voting Totals	37,929	3,577	9.4	1,673	1,577
Grand Totals	37,929	27,127	71.5	14,540	10,949

Proposition 4

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	449	414
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	719	535
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	834	690
121 Spruce Grove	243	178	73.3	85	86
122 Jerusalem	28	17	60.7	9	8
123 Coyote Valley	170	116	68.2	29	81
126 Twin Lakes/Lower Lake	1,159	848	73.2	401	395
128 CL Dam	44	27	61.4	17	9
130 Perini Hill	18	15	83.3	7	8
131 Bell Park	140	85	60.7	43	38
132 Morgan Valley	40	33	82.5	19	13
141 CL Old Hwy/CL Village	1,111	654	58.9	403	217
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	631	344
213 CL AustinPk/CL Olympic	1,002	694	69.3	404	247
215 CL Hillcrest/CL Lakeshore	834	479	57.4	276	172
217 CL Davis	870	489	56.2	287	171
218 CL Molesworth/CL Pierce	1,568	885	56.4	588	257
222 Bally Peak	15	12	80.0	5	7
311 Upper Lake/Bachelor	1,602	1,148	71.7	554	537
341 Nice/Nice Harbor	1,390	971	69.9	561	365
343 Forty Springs	19	13	68.4	5	8
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	702	430
354 Glenhaven	164	104	63.4	65	35
361 Gravelly	58	49	84.5	20	28
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	830	649
390 Lakeshore Park	184	127	69.0	61	63
391 Sulphur Park	177	120	67.8	78	37
392 Bald Mtn	16	6	37.5	2	3
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	554	534
413 LP Government	729	564	77.4	300	236
414 LP Fairgrounds	943	667	70.7	363	257
421 Cow Mtn/Scotts Valley	936	763	81.5	315	409
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	766	611
441 Big Valley	389	283	72.8	100	171
442 Lands End/Adobe	944	658	69.7	291	342
452 Lakeside Park	95	79	83.2	24	50
455 Soda Bay	259	173	66.8	103	58
461 Donovan Valley	69	54	78.3	28	25
471 Highland Spgs	32	23	71.9	13	9
511 Gaddy	96	61	63.5	24	34
519 Heights/Little borax	1,162	954	82.1	537	378
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	843	806
530 Wheeler Pt/Hawaina	907	731	80.6	389	308
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	662	495
551 Thurston Lake	119	97	81.5	46	49
561 LLom/Hobergs Mtn	1,074	829	77.2	462	329
571 Glenbrook/WPines	1,118	883	79.0	468	365
Vote by Mail Totals	37,929	23,550	62.1	12,439	9,985
Election Day Voting Totals	37,929	3,577	9.4	1,935	1,330
Grand Totals	37,929	27,127	71.5	14,374	11,315

Proposition 4

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	12,439	9,985
4th Congressional District	37,929	23,550	62.1	12,439	9,985
2nd Senatorial District	37,929	23,550	62.1	12,439	9,985
4th Assembly District	37,929	23,550	62.1	12,439	9,985
State Board of Equalization Dist 2	37,929	23,550	62.1	12,439	9,985
1st Supervisorial District	8,083	5,132	63.5	2,620	2,226
2nd Supervisorial District	6,038	2,901	48.0	1,780	968
3rd Supervisorial District	7,416	4,557	61.4	2,435	1,937
4th Supervisorial District	7,812	5,229	66.9	2,569	2,399
5th Supervisorial District	8,580	5,731	66.8	3,035	2,455
City of Clearlake	7,178	3,440	47.9	2,126	1,141
City of Lakeport	3,123	2,148	68.8	1,123	912
Unincorporated Area	27,628	17,962	65.0	9,190	7,932
Vote by Mail Totals	37,929	23,550	62.1	12,439	9,985

Proposition 4

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1935	1330
4th Congressional District	37,929	3,577	9.4	1935	1330
2nd Senatorial District	37,929	3,577	9.4	1935	1330
4th Assembly District	37,929	3,577	9.4	1935	1330
State Board of Equalization Dist 2	37,929	3,577	9.4	1935	1330
1st Supervisorial District	8,083	760	9.4	395	268
2nd Supervisorial District	6,038	703	11.6	411	230
3rd Supervisorial District	7,416	707	9.5	445	220
4th Supervisorial District	7,812	641	8.2	288	303
5th Supervisorial District	8,580	766	8.9	396	309
City of Clearlake	7,178	833	11.6	480	276
City of Lakeport	3,123	232	7.4	94	115
Unincorporated Area	27,628	2,512	9.1	1361	939
Election Day Voting Totals	37,929	3,577	9.4	1,935	1,330

Proposition 4

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	14374	11315
4th Congressional District	37,929	27,127	71.5	14374	11315
2nd Senatorial District	37,929	27,127	71.5	14374	11315
4th Assembly District	37,929	27,127	71.5	14374	11315
State Board of Equalization Dist 2	37,929	27,127	71.5	14374	11315
1st Supervisorial District	8,083	5,892	72.9	3015	2494
2nd Supervisorial District	6,038	3,604	59.7	2191	1198
3rd Supervisorial District	7,416	5,264	71.0	2880	2157
4th Supervisorial District	7,812	5,870	75.1	2857	2702
5th Supervisorial District	8,580	6,497	75.7	3431	2764
City of Clearlake	7,178	4,273	59.5	2606	1417
City of Lakeport	3,123	2,380	76.2	1217	1027
Unincorporated Area	27,628	20,474	74.1	10551	8871
Vote by Mail Totals	37,929	23,550	62.1	12,439	9,985
Election Day Voting Totals	37,929	3,577	9.4	1,935	1,330
Grand Totals	37,929	27,127	71.5	14,374	11,315

Proposition 5

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	320	532
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	494	733
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	552	953
121 Spruce Grove	243	178	73.3	53	120
122 Jerusalem	28	17	60.7	7	10
123 Coyote Valley	170	116	68.2	16	91
126 Twin Lakes/Lower Lake	1,159	848	73.2	265	524
128 CL Dam	44	27	61.4	16	10
130 Perini Hill	18	15	83.3	4	11
131 Bell Park	140	85	60.7	22	54
132 Morgan Valley	40	33	82.5	13	19
141 CL Old Hwy/CL Village	1,111	654	58.9	321	297
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	478	490
213 CL AustinPk/CL Olympic	1,002	694	69.3	325	326
215 CL Hillcrest/CL Lakeshore	834	479	57.4	195	247
217 CL Davis	870	489	56.2	216	236
218 CL Molesworth/CL Pierce	1,568	885	56.4	408	425
222 Bally Peak	15	12	80.0	1	11
311 Upper Lake/Bachelor	1,602	1,148	71.7	372	703
341 Nice/Nice Harbor	1,390	971	69.9	437	472
343 Forty Springs	19	13	68.4	5	8
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	540	578
354 Glenhaven	164	104	63.4	55	45
361 Gravelly	58	49	84.5	17	31
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	578	882
390 Lakeshore Park	184	127	69.0	39	80
391 Sulphur Park	177	120	67.8	51	62
392 Bald Mtn	16	6	37.5	2	3
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	394	670
413 LP Government	729	564	77.4	224	303
414 LP Fairgrounds	943	667	70.7	278	329
421 Cow Mtn/Scotts Valley	936	763	81.5	185	529
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	547	813
441 Big Valley	389	283	72.8	78	191
442 Lands End/Adobe	944	658	69.7	214	415
452 Lakeside Park	95	79	83.2	23	52
455 Soda Bay	259	173	66.8	75	83
461 Donovan Valley	69	54	78.3	19	32
471 Highland Spgs	32	23	71.9	7	15
511 Gaddy	96	61	63.5	18	39
519 Heights/Little borax	1,162	954	82.1	350	556
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	613	1,012
530 Wheeler Pt/Hawaina	907	731	80.6	276	408
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	439	701
551 Thurston Lake	119	97	81.5	33	60
561 Llom/Hobergs Mtn	1,074	829	77.2	354	432
571 Glenbrook/WPines	1,118	883	79.0	330	495
Vote by Mail Totals	37,929	23,550	62.1	8,819	13,306
Election Day Voting Totals	37,929	3,577	9.4	1,442	1,784
Grand Totals	37,929	27,127	71.5	10,261	15,090

Proposition 5

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	8,819	13,306
4th Congressional District	37,929	23,550	62.1	8,819	13,306
2nd Senatorial District	37,929	23,550	62.1	8,819	13,306
4th Assembly District	37,929	23,550	62.1	8,819	13,306
State Board of Equalization Dist 2	37,929	23,550	62.1	8,819	13,306
1st Supervisorial District	8,083	5,132	63.5	1,785	2,998
2nd Supervisorial District	6,038	2,901	48.0	1,302	1,421
3rd Supervisorial District	7,416	4,557	61.4	1,768	2,540
4th Supervisorial District	7,812	5,229	66.9	1,825	3,063
5th Supervisorial District	8,580	5,731	66.8	2,139	3,284
City of Clearlake	7,178	3,440	47.9	1,575	1,664
City of Lakeport	3,123	2,148	68.8	829	1,161
Unincorporated Area	27,628	17,962	65.0	6,415	10,481
Vote by Mail Totals	37,929	23,550	62.1	8,819	13,306

Proposition 5

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1442	1784
4th Congressional District	37,929	3,577	9.4	1442	1784
2nd Senatorial District	37,929	3,577	9.4	1442	1784
4th Assembly District	37,929	3,577	9.4	1442	1784
State Board of Equalization Dist 2	37,929	3,577	9.4	1442	1784
1st Supervisorial District	8,083	760	9.4	298	356
2nd Supervisorial District	6,038	703	11.6	321	314
3rd Supervisorial District	7,416	707	9.5	330	326
4th Supervisorial District	7,812	641	8.2	219	369
5th Supervisorial District	8,580	766	8.9	274	419
City of Clearlake	7,178	833	11.6	384	367
City of Lakeport	3,123	232	7.4	67	141
Unincorporated Area	27,628	2,512	9.1	991	1276
Election Day Voting Totals	37,929	3,577	9.4	1,442	1,784

Proposition 5

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	10261	15090
4th Congressional District	37,929	27,127	71.5	10261	15090
2nd Senatorial District	37,929	27,127	71.5	10261	15090
4th Assembly District	37,929	27,127	71.5	10261	15090
State Board of Equalization Dist 2	37,929	27,127	71.5	10261	15090
1st Supervisorial District	8,083	5,892	72.9	2083	3354
2nd Supervisorial District	6,038	3,604	59.7	1623	1735
3rd Supervisorial District	7,416	5,264	71.0	2098	2866
4th Supervisorial District	7,812	5,870	75.1	2044	3432
5th Supervisorial District	8,580	6,497	75.7	2413	3703
City of Clearlake	7,178	4,273	59.5	1959	2031
City of Lakeport	3,123	2,380	76.2	896	1302
Unincorporated Area	27,628	20,474	74.1	7406	11757
Vote by Mail Totals	37,929	23,550	62.1	8,819	13,306
Election Day Voting Totals	37,929	3,577	9.4	1,442	1,784
Grand Totals	37,929	27,127	71.5	10,261	15,090

Proposition 6

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	311	530
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	490	740
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	531	972
121 Spruce Grove	243	178	73.3	58	114
122 Jerusalem	28	17	60.7	10	7
123 Coyote Valley	170	116	68.2	29	79
126 Twin Lakes/Lower Lake	1,159	848	73.2	278	506
128 CL Dam	44	27	61.4	12	14
130 Perini Hill	18	15	83.3	6	9
131 Bell Park	140	85	60.7	22	58
132 Morgan Valley	40	33	82.5	18	14
141 CL Old Hwy/CL Village	1,111	654	58.9	271	330
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	418	532
213 CL AustinPk/CL Olympic	1,002	694	69.3	272	372
215 CL Hillcrest/CL Lakeshore	834	479	57.4	184	256
217 CL Davis	870	489	56.2	197	249
218 CL Molesworth/CL Pierce	1,568	885	56.4	362	460
222 Bally Peak	15	12	80.0	5	7
311 Upper Lake/Bachelor	1,602	1,148	71.7	329	743
341 Nice/Nice Harbor	1,390	971	69.9	365	547
343 Forty Springs	19	13	68.4	4	9
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	471	637
354 Glenhaven	164	104	63.4	44	53
361 Gravelly	58	49	84.5	18	26
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	572	869
390 Lakeshore Park	184	127	69.0	39	76
391 Sulphur Park	177	120	67.8	48	63
392 Bald Mtn	16	6	37.5	1	4
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	345	696
413 LP Government	729	564	77.4	224	298
414 LP Fairgrounds	943	667	70.7	224	376
421 Cow Mtn/Scotts Valley	936	763	81.5	239	472
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	513	837
441 Big Valley	389	283	72.8	68	195
442 Lands End/Adobe	944	658	69.7	213	415
452 Lakeside Park	95	79	83.2	17	58
455 Soda Bay	259	173	66.8	80	79
461 Donovan Valley	69	54	78.3	21	31
471 Highland Spgs	32	23	71.9	5	17
511 Gaddy	96	61	63.5	20	37
519 Heights/Little borax	1,162	954	82.1	384	512
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	574	1,041
530 Wheeler Pt/Hawaina	907	731	80.6	267	410
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	431	702
551 Thurston Lake	119	97	81.5	40	54
561 Llom/Hobergs Mtn	1,074	829	77.2	367	404
571 Glenbrook/WPines	1,118	883	79.0	335	483
Vote by Mail Totals	37,929	23,550	62.1	8,543	13,419
Election Day Voting Totals	37,929	3,577	9.4	1,191	1,976
Grand Totals	37,929	27,127	71.5	9,734	15,395

Proposition 6

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	8,543	13,419
4th Congressional District	37,929	23,550	62.1	8,543	13,419
2nd Senatorial District	37,929	23,550	62.1	8,543	13,419
4th Assembly District	37,929	23,550	62.1	8,543	13,419
State Board of Equalization Dist 2	37,929	23,550	62.1	8,543	13,419
1st Supervisorial District	8,083	5,132	63.5	1,809	2,967
2nd Supervisorial District	6,038	2,901	48.0	1,173	1,516
3rd Supervisorial District	7,416	4,557	61.4	1,639	2,632
4th Supervisorial District	7,812	5,229	66.9	1,766	3,084
5th Supervisorial District	8,580	5,731	66.8	2,156	3,220
City of Clearlake	7,178	3,440	47.9	1,411	1,783
City of Lakeport	3,123	2,148	68.8	739	1,221
Unincorporated Area	27,628	17,962	65.0	6,393	10,415
Vote by Mail Totals	37,929	23,550	62.1	8,543	13,419

Proposition 6

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1191	1976
4th Congressional District	37,929	3,577	9.4	1191	1976
2nd Senatorial District	37,929	3,577	9.4	1191	1976
4th Assembly District	37,929	3,577	9.4	1191	1976
State Board of Equalization Dist 2	37,929	3,577	9.4	1191	1976
1st Supervisorial District	8,083	760	9.4	227	406
2nd Supervisorial District	6,038	703	11.6	265	360
3rd Supervisorial District	7,416	707	9.5	254	397
4th Supervisorial District	7,812	641	8.2	183	390
5th Supervisorial District	8,580	766	8.9	262	423
City of Clearlake	7,178	833	11.6	305	430
City of Lakeport	3,123	232	7.4	54	149
Unincorporated Area	27,628	2,512	9.1	832	1397
Election Day Voting Totals	37,929	3,577	9.4	1,191	1,976

Proposition 6

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	9734	15395
4th Congressional District	37,929	27,127	71.5	9734	15395
2nd Senatorial District	37,929	27,127	71.5	9734	15395
4th Assembly District	37,929	27,127	71.5	9734	15395
State Board of Equalization Dist 2	37,929	27,127	71.5	9734	15395
1st Supervisorial District	8,083	5,892	72.9	2036	3373
2nd Supervisorial District	6,038	3,604	59.7	1438	1876
3rd Supervisorial District	7,416	5,264	71.0	1893	3029
4th Supervisorial District	7,812	5,870	75.1	1949	3474
5th Supervisorial District	8,580	6,497	75.7	2418	3643
City of Clearlake	7,178	4,273	59.5	1716	2213
City of Lakeport	3,123	2,380	76.2	793	1370
Unincorporated Area	27,628	20,474	74.1	7225	11812
Vote by Mail Totals	37,929	23,550	62.1	8,543	13,419
Election Day Voting Totals	37,929	3,577	9.4	1,191	1,976
Grand Totals	37,929	27,127	71.5	9,734	15,395

Proposition 32

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	368	495
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	573	690
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	669	870
121 Spruce Grove	243	178	73.3	61	111
122 Jerusalem	28	17	60.7	8	9
123 Coyote Valley	170	116	68.2	18	91
126 Twin Lakes/Lower Lake	1,159	848	73.2	337	468
128 CL Dam	44	27	61.4	15	12
130 Perini Hill	18	15	83.3	4	11
131 Bell Park	140	85	60.7	35	44
132 Morgan Valley	40	33	82.5	15	17
141 CL Old Hwy/CL Village	1,111	654	58.9	314	303
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	527	441
213 CL AustinPk/CL Olympic	1,002	694	69.3	346	312
215 CL Hillcrest/CL Lakeshore	834	479	57.4	237	217
217 CL Davis	870	489	56.2	255	206
218 CL Molesworth/CL Pierce	1,568	885	56.4	489	361
222 Bally Peak	15	12	80.0	4	8
311 Upper Lake/Bachelor	1,602	1,148	71.7	428	661
341 Nice/Nice Harbor	1,390	971	69.9	481	443
343 Forty Springs	19	13	68.4	4	9
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	558	563
354 Glenhaven	164	104	63.4	58	41
361 Gravelly	58	49	84.5	25	22
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	665	818
390 Lakeshore Park	184	127	69.0	42	77
391 Sulphur Park	177	120	67.8	53	63
392 Bald Mtn	16	6	37.5	2	3
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	424	639
413 LP Government	729	564	77.4	257	279
414 LP Fairgrounds	943	667	70.7	283	328
421 Cow Mtn/Scotts Valley	936	763	81.5	258	472
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	601	785
441 Big Valley	389	283	72.8	88	180
442 Lands End/Adobe	944	658	69.7	228	406
452 Lakeside Park	95	79	83.2	26	49
455 Soda Bay	259	173	66.8	92	74
461 Donovan Valley	69	54	78.3	28	24
471 Highland Spgs	32	23	71.9	7	15
511 Gaddy	96	61	63.5	19	39
519 Heights/Little borax	1,162	954	82.1	416	496
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	713	939
530 Wheeler Pt/Hawaina	907	731	80.6	309	380
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	526	625
551 Thurston Lake	119	97	81.5	40	55
561 LLom/Hobergs Mtn	1,074	829	77.2	361	418
571 Glenbrook/WPines	1,118	883	79.0	403	427
Vote by Mail Totals	37,929	23,550	62.1	10,070	12,300
Election Day Voting Totals	37,929	3,577	9.4	1,602	1,698
Grand Totals	37,929	27,127	71.5	11,672	13,998

Proposition 32

**Vote by Mail
Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	10,070	12,300
4th Congressional District	37,929	23,550	62.1	10,070	12,300
2nd Senatorial District	37,929	23,550	62.1	10,070	12,300
4th Assembly District	37,929	23,550	62.1	10,070	12,300
State Board of Equalization Dist 2	37,929	23,550	62.1	10,070	12,300
1st Supervisorial District	8,083	5,132	63.5	2,106	2,758
2nd Supervisorial District	6,038	2,901	48.0	1,493	1,258
3rd Supervisorial District	7,416	4,557	61.4	1,962	2,390
4th Supervisorial District	7,812	5,229	66.9	2,058	2,888
5th Supervisorial District	8,580	5,731	66.8	2,451	3,006
City of Clearlake	7,178	3,440	47.9	1,757	1,506
City of Lakeport	3,123	2,148	68.8	892	1,108
Unincorporated Area	27,628	17,962	65.0	7,421	9,686
Vote by Mail Totals	37,929	23,550	62.1	10,070	12,300

Proposition 32

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1602	1698
4th Congressional District	37,929	3,577	9.4	1602	1698
2nd Senatorial District	37,929	3,577	9.4	1602	1698
4th Assembly District	37,929	3,577	9.4	1602	1698
State Board of Equalization Dist 2	37,929	3,577	9.4	1602	1698
1st Supervisorial District	8,083	760	9.4	311	363
2nd Supervisorial District	6,038	703	11.6	365	287
3rd Supervisorial District	7,416	707	9.5	356	312
4th Supervisorial District	7,812	641	8.2	234	363
5th Supervisorial District	8,580	766	8.9	336	373
City of Clearlake	7,178	833	11.6	426	346
City of Lakeport	3,123	232	7.4	72	138
Unincorporated Area	27,628	2,512	9.1	1104	1214
Election Day Voting Totals	37,929	3,577	9.4	1,602	1,698

Proposition 32

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	11672	13998
4th Congressional District	37,929	27,127	71.5	11672	13998
2nd Senatorial District	37,929	27,127	71.5	11672	13998
4th Assembly District	37,929	27,127	71.5	11672	13998
State Board of Equalization Dist 2	37,929	27,127	71.5	11672	13998
1st Supervisorial District	8,083	5,892	72.9	2417	3121
2nd Supervisorial District	6,038	3,604	59.7	1858	1545
3rd Supervisorial District	7,416	5,264	71.0	2318	2702
4th Supervisorial District	7,812	5,870	75.1	2292	3251
5th Supervisorial District	8,580	6,497	75.7	2787	3379
City of Clearlake	7,178	4,273	59.5	2183	1852
City of Lakeport	3,123	2,380	76.2	964	1246
Unincorporated Area	27,628	20,474	74.1	8525	10900
Vote by Mail Totals	37,929	23,550	62.1	10,070	12,300
Election Day Voting Totals	37,929	3,577	9.4	1,602	1,698
Grand Totals	37,929	27,127	71.5	11,672	13,998

Proposition 33

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	300	561
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	430	818
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	508	1,012
121 Spruce Grove	243	178	73.3	46	127
122 Jerusalem	28	17	60.7	8	9
123 Coyote Valley	170	116	68.2	18	88
126 Twin Lakes/Lower Lake	1,159	848	73.2	241	551
128 CL Dam	44	27	61.4	12	14
130 Perini Hill	18	15	83.3	6	9
131 Bell Park	140	85	60.7	21	58
132 Morgan Valley	40	33	82.5	7	23
141 CL Old Hwy/CL Village	1,111	654	58.9	262	353
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	427	537
213 CL AustinPk/CL Olympic	1,002	694	69.3	281	367
215 CL Hillcrest/CL Lakeshore	834	479	57.4	167	276
217 CL Davis	870	489	56.2	182	267
218 CL Molesworth/CL Pierce	1,568	885	56.4	364	467
222 Bally Peak	15	12	80.0	1	11
311 Upper Lake/Bachelor	1,602	1,148	71.7	351	731
341 Nice/Nice Harbor	1,390	971	69.9	392	522
343 Forty Springs	19	13	68.4	4	9
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	459	642
354 Glenhaven	164	104	63.4	51	49
361 Gravelly	58	49	84.5	22	25
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	526	941
390 Lakeshore Park	184	127	69.0	37	79
391 Sulphur Park	177	120	67.8	60	54
392 Bald Mtn	16	6	37.5	1	4
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	331	720
413 LP Government	729	564	77.4	208	320
414 LP Fairgrounds	943	667	70.7	213	387
421 Cow Mtn/Scotts Valley	936	763	81.5	202	513
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	497	874
441 Big Valley	389	283	72.8	59	208
442 Lands End/Adobe	944	658	69.7	195	435
452 Lakeside Park	95	79	83.2	16	59
455 Soda Bay	259	173	66.8	81	77
461 Donovan Valley	69	54	78.3	19	32
471 Highland Spgs	32	23	71.9	8	14
511 Gaddy	96	61	63.5	8	47
519 Heights/Little borax	1,162	954	82.1	326	573
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	568	1,071
530 Wheeler Pt/Hawaina	907	731	80.6	277	419
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	445	700
551 Thurston Lake	119	97	81.5	29	65
561 LLom/Hobergs Mtn	1,074	829	77.2	319	450
571 Glenbrook/WPines	1,118	883	79.0	297	521
Vote by Mail Totals	37,929	23,550	62.1	8,013	14,095
Election Day Voting Totals	37,929	3,577	9.4	1,271	1,996
Grand Totals	37,929	27,127	71.5	9,284	16,091

Proposition 33

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	8,013	14,095
4th Congressional District	37,929	23,550	62.1	8,013	14,095
2nd Senatorial District	37,929	23,550	62.1	8,013	14,095
4th Assembly District	37,929	23,550	62.1	8,013	14,095
State Board of Equalization Dist 2	37,929	23,550	62.1	8,013	14,095
1st Supervisorial District	8,083	5,132	63.5	1,615	3,204
2nd Supervisorial District	6,038	2,901	48.0	1,145	1,562
3rd Supervisorial District	7,416	4,557	61.4	1,631	2,670
4th Supervisorial District	7,812	5,229	66.9	1,611	3,260
5th Supervisorial District	8,580	5,731	66.8	2,011	3,399
City of Clearlake	7,178	3,440	47.9	1,372	1,849
City of Lakeport	3,123	2,148	68.8	676	1,292
Unincorporated Area	27,628	17,962	65.0	5,965	10,954
Vote by Mail Totals	37,929	23,550	62.1	8,013	14,095

Proposition 33

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1271	1996
4th Congressional District	37,929	3,577	9.4	1271	1996
2nd Senatorial District	37,929	3,577	9.4	1271	1996
4th Assembly District	37,929	3,577	9.4	1271	1996
State Board of Equalization Dist 2	37,929	3,577	9.4	1271	1996
1st Supervisorial District	8,083	760	9.4	244	419
2nd Supervisorial District	6,038	703	11.6	277	363
3rd Supervisorial District	7,416	707	9.5	274	388
4th Supervisorial District	7,812	641	8.2	218	379
5th Supervisorial District	8,580	766	8.9	258	447
City of Clearlake	7,178	833	11.6	323	432
City of Lakeport	3,123	232	7.4	76	135
Unincorporated Area	27,628	2,512	9.1	872	1429
Election Day Voting Totals	37,929	3,577	9.4	1,271	1,996

Proposition 33

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	9284	16091
4th Congressional District	37,929	27,127	71.5	9284	16091
2nd Senatorial District	37,929	27,127	71.5	9284	16091
4th Assembly District	37,929	27,127	71.5	9284	16091
State Board of Equalization Dist 2	37,929	27,127	71.5	9284	16091
1st Supervisorial District	8,083	5,892	72.9	1859	3623
2nd Supervisorial District	6,038	3,604	59.7	1422	1925
3rd Supervisorial District	7,416	5,264	71.0	1905	3058
4th Supervisorial District	7,812	5,870	75.1	1829	3639
5th Supervisorial District	8,580	6,497	75.7	2269	3846
City of Clearlake	7,178	4,273	59.5	1695	2281
City of Lakeport	3,123	2,380	76.2	752	1427
Unincorporated Area	27,628	20,474	74.1	6837	12383
Vote by Mail Totals	37,929	23,550	62.1	8,013	14,095
Election Day Voting Totals	37,929	3,577	9.4	1,271	1,996
Grand Totals	37,929	27,127	71.5	9,284	16,091

Proposition 34

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	415	422
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	618	589
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	774	691
121 Spruce Grove	243	178	73.3	89	77
122 Jerusalem	28	17	60.7	7	10
123 Coyote Valley	170	116	68.2	40	64
126 Twin Lakes/Lower Lake	1,159	848	73.2	340	427
128 CL Dam	44	27	61.4	10	15
130 Perini Hill	18	15	83.3	8	7
131 Bell Park	140	85	60.7	37	41
132 Morgan Valley	40	33	82.5	10	19
141 CL Old Hwy/CL Village	1,111	654	58.9	304	289
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	476	449
213 CL AustinPk/CL Olympic	1,002	694	69.3	320	314
215 CL Hillcrest/CL Lakeshore	834	479	57.4	228	201
217 CL Davis	870	489	56.2	229	212
218 CL Molesworth/CL Pierce	1,568	885	56.4	419	385
222 Bally Peak	15	12	80.0	1	11
311 Upper Lake/Bachelor	1,602	1,148	71.7	553	496
341 Nice/Nice Harbor	1,390	971	69.9	468	425
343 Forty Springs	19	13	68.4	10	3
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	572	502
354 Glenhaven	164	104	63.4	47	50
361 Gravelly	58	49	84.5	20	23
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	749	678
390 Lakeshore Park	184	127	69.0	55	51
391 Sulphur Park	177	120	67.8	50	58
392 Bald Mtn	16	6	37.5	3	2
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	559	470
413 LP Government	729	564	77.4	275	243
414 LP Fairgrounds	943	667	70.7	328	258
421 Cow Mtn/Scotts Valley	936	763	81.5	337	357
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	687	642
441 Big Valley	389	283	72.8	139	122
442 Lands End/Adobe	944	658	69.7	320	292
452 Lakeside Park	95	79	83.2	34	40
455 Soda Bay	259	173	66.8	77	81
461 Donovan Valley	69	54	78.3	31	19
471 Highland Spgs	32	23	71.9	11	12
511 Gaddy	96	61	63.5	28	25
519 Heights/Little borax	1,162	954	82.1	438	434
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	768	821
530 Wheeler Pt/Hawaina	907	731	80.6	299	365
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	592	510
551 Thurston Lake	119	97	81.5	37	56
561 Llom/Hobergs Mtn	1,074	829	77.2	333	414
571 Glenbrook/WPines	1,118	883	79.0	382	412
Vote by Mail Totals	37,929	23,550	62.1	10,822	10,622
Election Day Voting Totals	37,929	3,577	9.4	1,707	1,464
Grand Totals	37,929	27,127	71.5	12,529	12,086

Proposition 34

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	10,822	10,622
4th Congressional District	37,929	23,550	62.1	10,822	10,622
2nd Senatorial District	37,929	23,550	62.1	10,822	10,622
4th Assembly District	37,929	23,550	62.1	10,822	10,622
State Board of Equalization Dist 2	37,929	23,550	62.1	10,822	10,622
1st Supervisorial District	8,083	5,132	63.5	2,317	2,363
2nd Supervisorial District	6,038	2,901	48.0	1,323	1,295
3rd Supervisorial District	7,416	4,557	61.4	2,156	2,018
4th Supervisorial District	7,812	5,229	66.9	2,501	2,246
5th Supervisorial District	8,580	5,731	66.8	2,525	2,700
City of Clearlake	7,178	3,440	47.9	1,574	1,545
City of Lakeport	3,123	2,148	68.8	1,056	868
Unincorporated Area	27,628	17,962	65.0	8,192	8,209
Vote by Mail Totals	37,929	23,550	62.1	10,822	10,622

Proposition 34

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	1707	1464
4th Congressional District	37,929	3,577	9.4	1707	1464
2nd Senatorial District	37,929	3,577	9.4	1707	1464
4th Assembly District	37,929	3,577	9.4	1707	1464
State Board of Equalization Dist 2	37,929	3,577	9.4	1707	1464
1st Supervisorial District	8,083	760	9.4	335	288
2nd Supervisorial District	6,038	703	11.6	350	277
3rd Supervisorial District	7,416	707	9.5	373	272
4th Supervisorial District	7,812	641	8.2	297	290
5th Supervisorial District	8,580	766	8.9	352	337
City of Clearlake	7,178	833	11.6	412	320
City of Lakeport	3,123	232	7.4	106	103
Unincorporated Area	27,628	2,512	9.1	1189	1041
Election Day Voting Totals	37,929	3,577	9.4	1,707	1,464

Proposition 34

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	12529	12086
4th Congressional District	37,929	27,127	71.5	12529	12086
2nd Senatorial District	37,929	27,127	71.5	12529	12086
4th Assembly District	37,929	27,127	71.5	12529	12086
State Board of Equalization Dist 2	37,929	27,127	71.5	12529	12086
1st Supervisorial District	8,083	5,892	72.9	2652	2651
2nd Supervisorial District	6,038	3,604	59.7	1673	1572
3rd Supervisorial District	7,416	5,264	71.0	2529	2290
4th Supervisorial District	7,812	5,870	75.1	2798	2536
5th Supervisorial District	8,580	6,497	75.7	2877	3037
City of Clearlake	7,178	4,273	59.5	1986	1865
City of Lakeport	3,123	2,380	76.2	1162	971
Unincorporated Area	27,628	20,474	74.1	9381	9250
Vote by Mail Totals	37,929	23,550	62.1	10,822	10,622
Election Day Voting Totals	37,929	3,577	9.4	1,707	1,464
Grand Totals	37,929	27,127	71.5	12,529	12,086

Proposition 35

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	573	286
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	894	359
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	1,054	471
121 Spruce Grove	243	178	73.3	103	70
122 Jerusalem	28	17	60.7	11	6
123 Coyote Valley	170	116	68.2	57	53
126 Twin Lakes/Lower Lake	1,159	848	73.2	485	305
128 CL Dam	44	27	61.4	23	4
130 Perini Hill	18	15	83.3	8	7
131 Bell Park	140	85	60.7	48	31
132 Morgan Valley	40	33	82.5	22	10
141 CL Old Hwy/CL Village	1,111	654	58.9	459	156
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	724	251
213 CL AustinPk/CL Olympic	1,002	694	69.3	463	194
215 CL Hillcrest/CL Lakeshore	834	479	57.4	329	117
217 CL Davis	870	489	56.2	331	125
218 CL Molesworth/CL Pierce	1,568	885	56.4	652	185
222 Bally Peak	15	12	80.0	6	6
311 Upper Lake/Bachelor	1,602	1,148	71.7	737	350
341 Nice/Nice Harbor	1,390	971	69.9	681	247
343 Forty Springs	19	13	68.4	11	2
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	847	275
354 Glenhaven	164	104	63.4	68	33
361 Gravelly	58	49	84.5	29	18
371 Bartlett	4	4	100.0	2	2
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	1,044	414
390 Lakeshore Park	184	127	69.0	77	41
391 Sulphur Park	177	120	67.8	79	32
392 Bald Mtn	16	6	37.5	4	1
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	775	286
413 LP Government	729	564	77.4	415	117
414 LP Fairgrounds	943	667	70.7	494	119
421 Cow Mtn/Scotts Valley	936	763	81.5	465	244
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	948	414
441 Big Valley	389	283	72.8	174	94
442 Lands End/Adobe	944	658	69.7	415	215
452 Lakeside Park	95	79	83.2	48	26
455 Soda Bay	259	173	66.8	119	44
461 Donovan Valley	69	54	78.3	36	14
471 Highland Spgs	32	23	71.9	16	6
511 Gaddy	96	61	63.5	31	25
519 Heights/Little borax	1,162	954	82.1	661	246
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	1,108	527
530 Wheeler Pt/Hawaina	907	731	80.6	468	223
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	831	314
551 Thurston Lake	119	97	81.5	62	31
561 LLom/Hobergs Mtn	1,074	829	77.2	558	225
571 Glenbrook/WPines	1,118	883	79.0	571	263
Vote by Mail Totals	37,929	23,550	62.1	15,825	6,407
Election Day Voting Totals	37,929	3,577	9.4	2,191	1,077
Grand Totals	37,929	27,127	71.5	18,016	7,484

Proposition 35

**Vote by Mail
Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	15,825	6,407
4th Congressional District	37,929	23,550	62.1	15,825	6,407
2nd Senatorial District	37,929	23,550	62.1	15,825	6,407
4th Assembly District	37,929	23,550	62.1	15,825	6,407
State Board of Equalization Dist 2	37,929	23,550	62.1	15,825	6,407
1st Supervisorial District	8,083	5,132	63.5	3,303	1,531
2nd Supervisorial District	6,038	2,901	48.0	2,068	675
3rd Supervisorial District	7,416	4,557	61.4	3,094	1,236
4th Supervisorial District	7,812	5,229	66.9	3,534	1,357
5th Supervisorial District	8,580	5,731	66.8	3,826	1,608
City of Clearlake	7,178	3,440	47.9	2,466	794
City of Lakeport	3,123	2,148	68.8	1,547	449
Unincorporated Area	27,628	17,962	65.0	11,812	5,164
Vote by Mail Totals	37,929	23,550	62.1	15,825	6,407

Proposition 35

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	2191	1077
4th Congressional District	37,929	3,577	9.4	2191	1077
2nd Senatorial District	37,929	3,577	9.4	2191	1077
4th Assembly District	37,929	3,577	9.4	2191	1077
State Board of Equalization Dist 2	37,929	3,577	9.4	2191	1077
1st Supervisorial District	8,083	760	9.4	434	227
2nd Supervisorial District	6,038	703	11.6	437	203
3rd Supervisorial District	7,416	707	9.5	485	179
4th Supervisorial District	7,812	641	8.2	371	222
5th Supervisorial District	8,580	766	8.9	464	246
City of Clearlake	7,178	833	11.6	515	238
City of Lakeport	3,123	232	7.4	137	73
Unincorporated Area	27,628	2,512	9.1	1539	766
Election Day Voting Totals	37,929	3,577	9.4	2,191	1,077

Proposition 35

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	18016	7484
4th Congressional District	37,929	27,127	71.5	18016	7484
2nd Senatorial District	37,929	27,127	71.5	18016	7484
4th Assembly District	37,929	27,127	71.5	18016	7484
State Board of Equalization Dist 2	37,929	27,127	71.5	18016	7484
1st Supervisorial District	8,083	5,892	72.9	3737	1758
2nd Supervisorial District	6,038	3,604	59.7	2505	878
3rd Supervisorial District	7,416	5,264	71.0	3579	1415
4th Supervisorial District	7,812	5,870	75.1	3905	1579
5th Supervisorial District	8,580	6,497	75.7	4290	1854
City of Clearlake	7,178	4,273	59.5	2981	1032
City of Lakeport	3,123	2,380	76.2	1684	522
Unincorporated Area	27,628	20,474	74.1	13351	5930
Vote by Mail Totals	37,929	23,550	62.1	15,825	6,407
Election Day Voting Totals	37,929	3,577	9.4	2,191	1,077
Grand Totals	37,929	27,127	71.5	18,016	7,484

Proposition 36

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	609	256
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	859	388
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	1,088	435
121 Spruce Grove	243	178	73.3	125	46
122 Jerusalem	28	17	60.7	12	5
123 Coyote Valley	170	116	68.2	91	17
126 Twin Lakes/Lower Lake	1,159	848	73.2	568	222
128 CL Dam	44	27	61.4	16	9
130 Perini Hill	18	15	83.3	9	6
131 Bell Park	140	85	60.7	61	18
132 Morgan Valley	40	33	82.5	18	12
141 CL Old Hwy/CL Village	1,111	654	58.9	419	201
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	654	312
213 CL AustinPk/CL Olympic	1,002	694	69.3	463	194
215 CL Hillcrest/CL Lakeshore	834	479	57.4	301	139
217 CL Davis	870	489	56.2	297	157
218 CL Molesworth/CL Pierce	1,568	885	56.4	556	280
222 Bally Peak	15	12	80.0	7	5
311 Upper Lake/Bachelor	1,602	1,148	71.7	784	309
341 Nice/Nice Harbor	1,390	971	69.9	631	299
343 Forty Springs	19	13	68.4	11	2
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	800	317
354 Glenhaven	164	104	63.4	60	40
361 Gravelly	58	49	84.5	33	14
371 Bartlett	4	4	100.0	1	3
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	1,057	415
390 Lakeshore Park	184	127	69.0	94	24
391 Sulphur Park	177	120	67.8	78	34
392 Bald Mtn	16	6	37.5	3	2
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	764	315
413 LP Government	729	564	77.4	335	192
414 LP Fairgrounds	943	667	70.7	458	153
421 Cow Mtn/Scotts Valley	936	763	81.5	539	180
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	997	388
441 Big Valley	389	283	72.8	212	55
442 Lands End/Adobe	944	658	69.7	469	161
452 Lakeside Park	95	79	83.2	58	16
455 Soda Bay	259	173	66.8	109	52
461 Donovan Valley	69	54	78.3	38	15
471 Highland Spgs	32	23	71.9	17	5
511 Gaddy	96	61	63.5	43	14
519 Heights/Little borax	1,162	954	82.1	633	272
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	1,150	477
530 Wheeler Pt/Hawaina	907	731	80.6	480	211
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	807	339
551 Thurston Lake	119	97	81.5	58	35
561 LLom/Hobergs Mtn	1,074	829	77.2	466	315
571 Glenbrook/WPines	1,118	883	79.0	569	257
Vote by Mail Totals	37,929	23,550	62.1	15,678	6,566
Election Day Voting Totals	37,929	3,577	9.4	2,229	1,047
Grand Totals	37,929	27,127	71.5	17,907	7,613

Proposition 36

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	15,678	6,566
4th Congressional District	37,929	23,550	62.1	15,678	6,566
2nd Senatorial District	37,929	23,550	62.1	15,678	6,566
4th Assembly District	37,929	23,550	62.1	15,678	6,566
State Board of Equalization Dist 2	37,929	23,550	62.1	15,678	6,566
1st Supervisorial District	8,083	5,132	63.5	3,414	1,415
2nd Supervisorial District	6,038	2,901	48.0	1,859	865
3rd Supervisorial District	7,416	4,557	61.4	3,085	1,257
4th Supervisorial District	7,812	5,229	66.9	3,578	1,349
5th Supervisorial District	8,580	5,731	66.8	3,742	1,680
City of Clearlake	7,178	3,440	47.9	2,213	1,028
City of Lakeport	3,123	2,148	68.8	1,408	595
Unincorporated Area	27,628	17,962	65.0	12,057	4,943
Vote by Mail Totals	37,929	23,550	62.1	15,678	6,566

Proposition 36

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	2,229	1,047
4th Congressional District	37,929	3,577	9.4	2,229	1,047
2nd Senatorial District	37,929	3,577	9.4	2,229	1,047
4th Assembly District	37,929	3,577	9.4	2,229	1,047
State Board of Equalization Dist 2	37,929	3,577	9.4	2,229	1,047
1st Supervisorial District	8,083	760	9.4	461	200
2nd Supervisorial District	6,038	703	11.6	419	222
3rd Supervisorial District	7,416	707	9.5	467	202
4th Supervisorial District	7,812	641	8.2	418	183
5th Supervisorial District	8,580	766	8.9	464	240
City of Clearlake	7,178	833	11.6	493	264
City of Lakeport	3,123	232	7.4	149	65
Unincorporated Area	27,628	2,512	9.1	1,587	718
Election Day Voting Totals	37,929	3,577	9.4	2,229	1,047

Proposition 36

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	17907	7613
4th Congressional District	37,929	27,127	71.5	17907	7613
2nd Senatorial District	37,929	27,127	71.5	17907	7613
4th Assembly District	37,929	27,127	71.5	17907	7613
State Board of Equalization Dist 2	37,929	27,127	71.5	17907	7613
1st Supervisorial District	8,083	5,892	72.9	3875	1615
2nd Supervisorial District	6,038	3,604	59.7	2278	1087
3rd Supervisorial District	7,416	5,264	71.0	3552	1459
4th Supervisorial District	7,812	5,870	75.1	3996	1532
5th Supervisorial District	8,580	6,497	75.7	4206	1920
City of Clearlake	7,178	4,273	59.5	2706	1292
City of Lakeport	3,123	2,380	76.2	1557	660
Unincorporated Area	27,628	20,474	74.1	13644	5661
Vote by Mail Totals	37,929	23,550	62.1	15,678	6,566
Election Day Voting Totals	37,929	3,577	9.4	2,229	1,047
Grand Totals	37,929	27,127	71.5	17,907	7,613

Kelseyville Unified School District Measure R

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
442 Lands End/Adobe	494	390	78.9	162	208
452 Lakeside Park	95	79	83.2	25	47
455 Soda Bay	259	173	66.8	101	59
471 Highland Spgs	32	23	71.9	11	11
511 Gaddy	96	61	63.5	23	35
519 Heights/Little borax	1,162	954	82.1	506	383
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	799	831
530 Wheeler Pt/Hawaina	907	731	80.6	355	319
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	646	501
561 Llom/Hobergs Mtn	778	588	75.6	299	253
Vote by Mail Totals	7,927	5,243	66.1	2,558	2,367
Election Day Voting Totals	7,927	698	8.8	369	280
Grand Totals	7,927	5,941	74.9	2,927	2,647

Kelseyville Unified School District Measure R

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
COUNTY OF LAKE, CALIFORNIA	7,927	5,243	66.1	2,558	2,367
4th Congressional District	7,927	5,243	66.1	2,558	2,367
2nd Senatorial District	7,927	5,243	66.1	2,558	2,367
4th Assembly District	7,927	5,243	66.1	2,558	2,367
State Board of Equalization Dist 2	7,927	5,243	66.1	2,558	2,367
4th Supervisorial District	880	592	67.3	269	287
5th Supervisorial District	7,047	4,651	66.0	2,289	2,080
Unincorporated Area	7,927	5,243	66.1	2,558	2,367
Vote by Mail Totals	7,927	5,243	66.1	2,558	2,367

Kelseyville Unified School District Measure R

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
COUNTY OF LAKE, CALIFORNIA	7,927	698	8.8	369	280
4th Congressional District	7,927	698	8.8	369	280
2nd Senatorial District	7,927	698	8.8	369	280
4th Assembly District	7,927	698	8.8	369	280
State Board of Equalization Dist 2	7,927	698	8.8	369	280
4th Supervisorial District	880	73	8.3	30	38
5th Supervisorial District	7,047	625	8.9	339	242
Unincorporated Area	7,927	698	8.8	369	280
Election Day Voting Totals	7,927	698	8.8	369	280

Kelseyville Unified School District Measure R

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
COUNTY OF LAKE, CALIFORNIA	7,927	5,941	74.9	2927	2647
4th Congressional District	7,927	5,941	74.9	2927	2647
2nd Senatorial District	7,927	5,941	74.9	2927	2647
4th Assembly District	7,927	5,941	74.9	2927	2647
State Board of Equalization Dist 2	7,927	5,941	74.9	2927	2647
4th Supervisorial District	880	665	75.6	299	325
5th Supervisorial District	7,047	5,276	74.9	2628	2322
Unincorporated Area	7,927	5,941	74.9	2927	2647
Vote by Mail Totals	7,927	5,243	66.1	2,558	2,367
Election Day Voting Totals	7,927	698	8.8	369	280
Grand Totals	7,927	5,941	74.9	2,927	2,647

Konocti Unified School District Measure S

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
113 HVL1/HVL2/HVL3	73	58	79.5	35	18
121 Spruce Grove	231	167	72.3	79	69
122 Jerusalem	28	17	60.7	13	4
126 Twin Lakes/Lower Lake	1,159	848	73.2	395	385
128 CL Dam	44	27	61.4	15	12
130 Perini Hill	18	15	83.3	7	8
131 Bell Park	140	85	60.7	48	33
132 Morgan Valley	40	33	82.5	15	14
141 CL Old Hwy/CL Village	1,111	654	58.9	381	204
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	585	355
213 CL AustinPk/CL Olympic	1,002	694	69.3	432	215
215 CL Hillcrest/CL Lakeshore	834	479	57.4	260	171
217 CL Davis	870	489	56.2	282	162
218 CL Molesworth/CL Pierce	1,568	885	56.4	548	286
222 Bally Peak	15	12	80.0	5	7
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	772	653
390 Lakeshore Park	184	127	69.0	59	55
391 Sulphur Park	177	120	67.8	64	42
392 Bald Mtn	16	6	37.5	3	2
551 Thurston Lake	119	97	81.5	50	41
561 Llom/Hobergs Mtn	296	241	81.4	143	55
Vote by Mail Totals	11,807	6,509	55.1	3,496	2,464
Election Day Voting Totals	11,807	1,141	9.7	695	327
Grand Totals	11,807	7,650	64.8	4,191	2,791

Konocti Unified School District Measure S

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
COUNTY OF LAKE, CALIFORNIA	11,807	6,509	55.1	3,496	2,464
4th Congressional District	11,807	6,509	55.1	3,496	2,464
2nd Senatorial District	11,807	6,509	55.1	3,496	2,464
4th Assembly District	11,807	6,509	55.1	3,496	2,464
State Board of Equalization Dist 2	11,807	6,509	55.1	3,496	2,464
1st Supervisorial District	2,844	1,665	58.5	847	683
2nd Supervisorial District	6,038	2,901	48.0	1,684	986
3rd Supervisorial District	2,510	1,626	64.8	786	704
5th Supervisorial District	415	317	76.4	179	91
City of Clearlake	7,178	3,440	47.9	2,000	1,164
Unincorporated Area	4,629	3,069	66.3	1,496	1,300
Vote by Mail Totals	11,807	6,509	55.1	3,496	2,464

Konocti Unified School District Measure S

Election Day
Voting Totals

District	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
COUNTY OF LAKE, CALIFORNIA	11,807	1,141	9.7	695	327
4th Congressional District	11,807	1,141	9.7	695	327
2nd Senatorial District	11,807	1,141	9.7	695	327
4th Assembly District	11,807	1,141	9.7	695	327
State Board of Equalization Dist 2	11,807	1,141	9.7	695	327
1st Supervisorial District	2,844	239	8.4	141	64
2nd Supervisorial District	6,038	703	11.6	428	210
3rd Supervisorial District	2,510	178	7.1	112	48
5th Supervisorial District	415	21	5.1	14	5
City of Clearlake	7,178	833	11.6	503	241
Unincorporated Area	4,629	308	6.7	192	86
Election Day Voting Totals	11,807	1,141	9.7	695	327

Konocti Unified School District Measure S

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	BONDS YES	BONDS NO
COUNTY OF LAKE, CALIFORNIA	11,807	7,650	64.8	4191	2791
4th Congressional District	11,807	7,650	64.8	4191	2791
2nd Senatorial District	11,807	7,650	64.8	4191	2791
4th Assembly District	11,807	7,650	64.8	4191	2791
State Board of Equalization Dist 2	11,807	7,650	64.8	4191	2791
1st Supervisorial District	2,844	1,904	66.9	988	747
2nd Supervisorial District	6,038	3,604	59.7	2112	1196
3rd Supervisorial District	2,510	1,804	71.9	898	752
5th Supervisorial District	415	338	81.4	193	96
City of Clearlake	7,178	4,273	59.5	2503	1405
Unincorporated Area	4,629	3,377	73.0	1688	1386
Vote by Mail Totals	11,807	6,509	55.1	3,496	2,464
Election Day Voting Totals	11,807	1,141	9.7	695	327
Grand Totals	11,807	7,650	64.8	4,191	2,791

County of Lake Advisory Measure U

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	260	603
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	413	814
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	425	1,086
121 Spruce Grove	243	178	73.3	40	125
122 Jerusalem	28	17	60.7	9	8
123 Coyote Valley	170	116	68.2	16	94
126 Twin Lakes/Lower Lake	1,159	848	73.2	212	578
128 CL Dam	44	27	61.4	12	14
130 Perini Hill	18	15	83.3	7	8
131 Bell Park	140	85	60.7	11	70
132 Morgan Valley	40	33	82.5	13	18
141 CL Old Hwy/CL Village	1,111	654	58.9	191	409
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	315	620
213 CL AustinPk/CL Olympic	1,002	694	69.3	237	407
215 CL Hillcrest/CL Lakeshore	834	479	57.4	143	297
217 CL Davis	870	489	56.2	134	314
218 CL Molesworth/CL Pierce	1,568	885	56.4	277	550
222 Bally Peak	15	12	80.0	4	8
311 Upper Lake/Bachelor	1,602	1,148	71.7	313	777
341 Nice/Nice Harbor	1,390	971	69.9	312	612
343 Forty Springs	19	13	68.4	3	10
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	396	719
354 Glenhaven	164	104	63.4	50	48
361 Gravelly	58	49	84.5	17	26
371 Bartlett	4	4	100.0	1	3
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	462	981
390 Lakeshore Park	184	127	69.0	48	67
391 Sulphur Park	177	120	67.8	40	67
392 Bald Mtn	16	6	37.5	1	4
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	295	787
413 LP Government	729	564	77.4	165	365
414 LP Fairgrounds	943	667	70.7	176	429
421 Cow Mtn/Scotts Valley	936	763	81.5	165	549
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	365	991
441 Big Valley	389	283	72.8	47	217
442 Lands End/Adobe	944	658	69.7	157	473
452 Lakeside Park	95	79	83.2	9	65
455 Soda Bay	259	173	66.8	52	113
461 Donovan Valley	69	54	78.3	17	35
471 Highland Spgs	32	23	71.9	5	17
511 Gaddy	96	61	63.5	11	47
519 Heights/Little borax	1,162	954	82.1	256	671
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	287	1,389
530 Wheeler Pt/Hawaina	907	731	80.6	182	514
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	296	865
551 Thurston Lake	119	97	81.5	34	58
561 LLom/Hobergs Mtn	1,074	829	77.2	300	482
571 Glenbrook/WPines	1,118	883	79.0	293	530
Vote by Mail Totals	37,929	23,550	62.1	6,493	15,618
Election Day Voting Totals	37,929	3,577	9.4	981	2,316
Grand Totals	37,929	27,127	71.5	7,474	17,934

County of Lake Advisory Measure U

Vote by Mail
Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	23,550	62.1	6,493	15,618
4th Congressional District	37,929	23,550	62.1	6,493	15,618
2nd Senatorial District	37,929	23,550	62.1	6,493	15,618
4th Assembly District	37,929	23,550	62.1	6,493	15,618
State Board of Equalization Dist 2	37,929	23,550	62.1	6,493	15,618
1st Supervisorial District	8,083	5,132	63.5	1,421	3,352
2nd Supervisorial District	6,038	2,901	48.0	903	1,760
3rd Supervisorial District	7,416	4,557	61.4	1,397	2,887
4th Supervisorial District	7,812	5,229	66.9	1,299	3,600
5th Supervisorial District	8,580	5,731	66.8	1,473	4,019
City of Clearlake	7,178	3,440	47.9	1,074	2,092
City of Lakeport	3,123	2,148	68.8	583	1,421
Unincorporated Area	27,628	17,962	65.0	4,836	12,105
Vote by Mail Totals	37,929	23,550	62.1	6,493	15,618

County of Lake Advisory Measure U

Election Day Voting Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	3,577	9.4	981	2316
4th Congressional District	37,929	3,577	9.4	981	2316
2nd Senatorial District	37,929	3,577	9.4	981	2316
4th Assembly District	37,929	3,577	9.4	981	2316
State Board of Equalization Dist 2	37,929	3,577	9.4	981	2316
1st Supervisorial District	8,083	760	9.4	188	475
2nd Supervisorial District	6,038	703	11.6	207	436
3rd Supervisorial District	7,416	707	9.5	246	427
4th Supervisorial District	7,812	641	8.2	154	441
5th Supervisorial District	8,580	766	8.9	186	537
City of Clearlake	7,178	833	11.6	235	519
City of Lakeport	3,123	232	7.4	53	160
Unincorporated Area	27,628	2,512	9.1	693	1637
Election Day Voting Totals	37,929	3,577	9.4	981	2,316

County of Lake Advisory Measure U

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	37,929	27,127	71.5	7474	17934
4th Congressional District	37,929	27,127	71.5	7474	17934
2nd Senatorial District	37,929	27,127	71.5	7474	17934
4th Assembly District	37,929	27,127	71.5	7474	17934
State Board of Equalization Dist 2	37,929	27,127	71.5	7474	17934
1st Supervisorial District	8,083	5,892	72.9	1609	3827
2nd Supervisorial District	6,038	3,604	59.7	1110	2196
3rd Supervisorial District	7,416	5,264	71.0	1643	3314
4th Supervisorial District	7,812	5,870	75.1	1453	4041
5th Supervisorial District	8,580	6,497	75.7	1659	4556
City of Clearlake	7,178	4,273	59.5	1309	2611
City of Lakeport	3,123	2,380	76.2	636	1581
Unincorporated Area	27,628	20,474	74.1	5529	13742
Vote by Mail Totals	37,929	23,550	62.1	6,493	15,618
Election Day Voting Totals	37,929	3,577	9.4	981	2,316
Grand Totals	37,929	27,127	71.5	7,474	17,934

South Lake County Fire Protection District Measure T

Cumulative Totals

Precinct	Registration	Ballots Cast	Turnout (%)	YES	NO
111 Middletown/Central Park	1,169	916	78.4	571	252
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	875	308
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	1,086	370
121 Spruce Grove	154	119	77.3	67	43
122 Jerusalem	28	17	60.7	15	2
123 Coyote Valley	169	115	68.0	66	43
126 Twin Lakes/Lower Lake	9	13	144.4	5	7
130 Perini Hill	6	5	83.3	5	0
561 Llom/Hobergs Mtn	721	546	75.7	396	92
571 Glenbrook/WPines	1,118	883	79.0	571	220
Vote by Mail Totals	7,335	4,927	67.2	3,277	1,154
Election Day Voting Totals	7,335	690	9.4	380	183
Grand Totals	7,335	5,617	76.6	3,657	1,337

South Lake County Fire Protection District Measure T

**Vote by Mail
Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	7,335	4,927	67.2	3,277	1,154
4th Congressional District	7,335	4,927	67.2	3,277	1,154
2nd Senatorial District	7,335	4,927	67.2	3,277	1,154
4th Assembly District	7,335	4,927	67.2	3,277	1,154
State Board of Equalization Dist 2	7,335	4,927	67.2	3,277	1,154
1st Supervisorial District	5,496	3,661	66.6	2,410	883
5th Supervisorial District	1,839	1,266	68.8	867	271
Unincorporated Area	7,335	4,927	67.2	3,277	1,154
Vote by Mail Totals	7,335	4,927	67.2	3,277	1,154

South Lake County Fire Protection District Measure T

**Election Day
Voting Totals**

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	7,335	690	9.4	380	183
4th Congressional District	7,335	690	9.4	380	183
2nd Senatorial District	7,335	690	9.4	380	183
4th Assembly District	7,335	690	9.4	380	183
State Board of Equalization Dist 2	7,335	690	9.4	380	183
1st Supervisorial District	5,496	527	9.6	280	142
5th Supervisorial District	1,839	163	8.9	100	41
Unincorporated Area	7,335	690	9.4	380	183
Election Day Voting Totals	7,335	690	9.4	380	183

South Lake County Fire Protection District Measure T

Grand Totals

District	Registration	Ballots Cast	Turnout (%)	YES	NO
COUNTY OF LAKE, CALIFORNIA	7,335	5,617	76.6	3657	1337
4th Congressional District	7,335	5,617	76.6	3657	1337
2nd Senatorial District	7,335	5,617	76.6	3657	1337
4th Assembly District	7,335	5,617	76.6	3657	1337
State Board of Equalization Dist 2	7,335	5,617	76.6	3657	1337
1st Supervisorial District	5,496	4,188	76.2	2690	1025
5th Supervisorial District	1,839	1,429	77.7	967	312
Unincorporated Area	7,335	5,617	76.6	3657	1337
Vote by Mail Totals	7,335	4,927	67.2	3,277	1,154
Election Day Voting Totals	7,335	690	9.4	380	183
Grand Totals	7,335	5,617	76.6	3,657	1,337

President and Vice President

Write-in Tally

Precinct	Registration	Ballots Cast	Turnout (%)	PETER SONSKI
111 Middletown/Central Park	1,169	916	78.4	1
113 HVL1/HVL2/HVL3	1,754	1,340	76.4	0
116 HVL4/HVL5/HVL6/Ranchos	2,207	1,663	75.4	0
121 Spruce Grove	243	178	73.3	0
122 Jerusalem	28	17	60.7	0
123 Coyote Valley	170	116	68.2	0
126 Twin Lakes/Lower Lake	1,159	848	73.2	0
128 CL Dam	44	27	61.4	0
130 Perini Hill	18	15	83.3	0
131 Bell Park	140	85	60.7	0
132 Morgan Valley	40	33	82.5	0
141 CL Old Hwy/CL Village	1,111	654	58.9	0
211 CL MonitorPt/CL Burms Vly	1,749	1,045	59.7	0
213 CL AustinPk/CL Olympic	1,002	694	69.3	0
215 CL Hillcrest/CL Lakeshore	834	479	57.4	0
217 CL Davis	870	489	56.2	0
218 CL Molesworth/CL Pierce	1,568	885	56.4	0
222 Bally Peak	15	12	80.0	0
311 Upper Lake/Bachelor	1,602	1,148	71.7	0
341 Nice/Nice Harbor	1,390	971	69.9	1
343 Forty Springs	19	13	68.4	0
351 Lucerne/TheCastle/Kono Tayee	1,669	1,171	70.2	0
354 Glenhaven	164	104	63.4	0
361 Gravelly	58	49	84.5	0
371 Bartlett	4	4	100.0	0
381 LongVly/ELake/KeysW/KeysE	2,133	1,551	72.7	0
390 Lakeshore Park	184	127	69.0	0
391 Sulphur Park	177	120	67.8	0
392 Bald Mtn	16	6	37.5	0
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	0
413 LP Government	729	564	77.4	0
414 LP Fairgrounds	943	667	70.7	0
421 Cow Mtn/Scotts Valley	936	763	81.5	0
430 Sutter/Robin Hill/Westlake	1,965	1,457	74.1	0
441 Big Valley	389	283	72.8	0
442 Lands End/Adobe	944	658	69.7	0
452 Lakeside Park	95	79	83.2	0
455 Soda Bay	259	173	66.8	0
461 Donovan Valley	69	54	78.3	0
471 Highland Spgs	32	23	71.9	0
511 Gaddy	96	61	63.5	0
519 Heights/Little borax	1,162	954	82.1	0
520 Kville/Cole Crk/Kelsey Crk	2,375	1,723	72.5	0
530 Wheeler Pt/Hawaina	907	731	80.6	0
532 Riviera/Ely Flat/Yaquima	1,729	1,219	70.5	0
551 Thurston Lake	119	97	81.5	0
561 Llom/Hobergs Mtn	1,074	829	77.2	0
571 Glenbrook/WPines	1,118	883	79.0	0
Vote by Mail Totals	37,929	23,550	62.1	2
Election Day Voting Totals	37,929	3,577	9.4	0
Grand Totals	37,929	27,127	71.5	2

City of Lakeport Member, City Council 4-Year Term

Write-in Tally

Precinct	Registration	Ballots Cast	Turnout (%)	ANDRE WILLIAMS
411 LP Lange/LP Willkow Tree	1,451	1,149	79.2	28
413 LP Government	729	564	77.4	17
414 LP Fairgrounds	943	667	70.7	22
Vote by Mail Totals	3,123	2,148	68.8	64
Election Day Voting Totals	3,123	232	7.4	3
Grand Totals	3,123	2,380	76.2	67

*** End of report ***