



## CITY COUNCIL REGULAR MEETING

Clearlake City Hall Council Chambers

14050 Olympic Dr, Clearlake, CA

Thursday, January 16, 2025

Regular Meeting 5:00 PM

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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](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](mailto: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.

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### 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](mailto: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](http://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](http://www.clearlake.ca.us).

### Zoom Link:

Join from PC, Mac, iPad, or Android:

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Phone one-tap:

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+12532158782,,88676359594# US (Tacoma)

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+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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#### **A. 5:00 PM CLOSED SESSION**

- (1) LIABILITY CLAIMS -Claimant: Adams Commercial General Contracting, Inc.; Agency Claimed Against: City of Clearlake (Govt Code §54961)
- (2) Significant exposure to litigation pursuant to § 54956.9(b): (1 Case)
- (3) Conference with Legal Counsel: Existing Litigation: Pursuant to Government Code Section 54956.9(d)(1): Case No. CV-425596: City of Clearlake v. Highlands Mutual Water Company, et al., Lake County Superior Court

#### **B. 6:00 PM REGULAR MEETING ROLL CALL**

#### **C. PLEDGE OF ALLEGIANCE**

**D. 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](mailto:mswanson@clearlake.ca.us).*

- E. ADOPTION OF THE AGENDA** *(This is the time for agenda modifications.)*
- F. ANNOUNCEMENT OF ACTION FROM CLOSED SESSION**
- G. PRESENTATIONS**
4. Presentation of January's Adoptable Dogs
  5. Presentation of City Employee Anniversary Milestone Awards
  6. Proclamation Declaring January 2025 as Human Trafficking Awareness Month
  7. Presentation of Certificates of Appreciation to Trunk or Treat and Breakfast with Santa Volunteers and Donors
- H. 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.*
- I. 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.*
8. Second Reading and Adoption of Various Zoning Ordinance Text Amendments  
Recommended Action: Hold second reading of Ordinance 271-2025, read by title only, waive further reading and adopt ordinance
  9. Adoption 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 second reading of Ordinance 273-2025, read by title only, waive further reading and adopt
  10. Adoption 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 second reading of Ordinance 274-2025, read by title only, waive further reading and adopt
  11. Consideration of Resolution SA 2025-01 Approving the Submittal of the FY 25-26 ROPS for the period of July 1, 2025 through June 30, 2026  
Recommended Action: Adopt Resolution SA 2025-01 Approving the ROPS for FY 25-26 and Submittal to the Lake County Oversight Board for Final Approval

- [12.](#) Warrants  
Recommended Action: Receive and file
- [13.](#) Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for the Boyles Fire  
Recommended Action: Continue declaration of emergency
- [14.](#) Minutes of the November 13, 2024 Lake County Vector Control District Board Meeting  
Recommended Action: Receive and file
- [15.](#) Adoption of Ordinance No. 278-2025, Adjustment to Councilmember Compensation  
Recommended Action: Hold second reading of the ordinance, read by title only, waive further reading, and adopt
- [16.](#) Appointments of Three Planning Commissioners to Fill Terms Ending March 2029  
Recommended Action: Review and File

## **J. BUSINESS**

- [17.](#) Discussion and Consideration of Lake County Special Districts Purchase of Four (4) Tax Defaulted Properties within the City of Clearlake for Sewer System Improvements  
Recommended Action: Approve Purchase Agreement and Authorize the City Manager to Sign
- [18.](#) Discussion and Consideration of a Community Wildfire Protection Plan for the Lake County Fire Protection District  
Recommended Action: Approve the Lake County Fire Protection District's Community Wildfire Protection Plan and Authorize the Mayor to Sign
- [19.](#) 2025 Mayor's Appointments  
Recommended Action: By motion, ratify the 2025 Mayor's Appointments
- [20.](#) Consideration of Appointing Councilmembers as Representatives to the CalCities Redwood Empire Division, Resolution No. 2025-01: A Resolution of the City Council of the City of Clearlake Appointing Representatives to Represent and Vote on Behalf of the City at the CalCities, Redwood Empire Division Business Meetings and Represent the City and Vote at the Division Legislative Committee Meetings  
Recommended Action: Ratify Mayor Cremer's appointment and adopt resolution
- [21.](#) Consideration of Appointments to the Measure V Oversight Committee  
Recommended Action: Make appointment(s) and/or direction to staff
- [22.](#) Review of City Council Norms and Procedures  
No Recommended Action by Council

## **K. CITY MANAGER AND COUNCILMEMBER REPORTS**

## **L. FUTURE AGENDA ITEMS**

**M. ADJOURNMENT**

POSTED: January 11, 2025

BY:



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Melissa Swanson, Administrative Services Director/City Clerk



## HUMAN TRAFFICKING AWARENESS MONTH JANUARY 2025

**WHEREAS**, human trafficking is a serious crime that affects people of all races, age, and gender; and

**WHEREAS**, human trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of human dignity and denies freedom to 32 million people around the world; and

**WHEREAS**, human trafficking is the fastest growing criminal industry globally; and

**WHEREAS**, California ranks first among the states in the number of potential reports of human trafficking; and

**WHEREAS**, a serious form of human trafficking involves the exploitation of children and youth for commercial sex acts. It is imperative that our young people and their families learn how to recognize risks and resist predators who use coercion and threats to manipulate children and young adults into sex and labor trafficking; and

**WHEREAS**, Lake Family Resource Center is instrumental in leading the way in the County of Lake in addressing human trafficking by providing 24-hour hotline services, and continuing support, advocacy and accompaniment to survivors; and

**WHEREAS**, preventing human trafficking in Lake County includes active public and private efforts to help recognize and acknowledge existence; and it is time to start conversations, take appropriate action and support one another to create a safer environment for all residents; and

**WHEREAS**, many organizations such as the District Attorney's Office, Sheriff's Office, Lakeport Police Department, Clearlake Police Department, our 7 local Pomo Tribes and Lake Family Resource Center are committed to ending Human Trafficking in Lake County and provide essential crisis intervention and prevention services to all members of our community.

**NOW, THEREFORE, BE IT PROCLAIMED** that the month of January 2025 is designated as Human Trafficking Awareness Month in the City of Clearlake, and our community is urged to support the efforts of the agencies assisting victims of human trafficking and urges all local governments, schools, businesses and community members to be aware and report any suspicious activity to local police departments and help shine the light on trafficking.

Dated this 16<sup>th</sup> day of January 2025

Russ Cremer, Mayor



STAFF REPORT			
<b>SUBJECT:</b> Zoning Ordinance Text Amendment, ZOA 2024-02			
<b>DATE:</b> January 16, 2025			
<b>SUBMITTED BY:</b> Mark Roberts – Senior Planner			
<b>REPORT PURPOSE:</b> <input checked="" type="checkbox"/> <b>Action Item</b> <input type="checkbox"/> Discussion <input type="checkbox"/> Information Only			
<b>APPLICANT:</b> 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.

From the December 5, 2024 staff report:

**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 10<sup>th</sup>, 2024, September 22<sup>nd</sup>, 2024, and October 22<sup>nd</sup>, 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 second reading of Ordinance 271-2024, read by title only, waive further reading and adopt.
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. 271-2025**

**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 \_\_\_\_\_ 2025 by the following vote:

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

\_\_\_\_\_  
Mayor

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this 16th day of January, 2025.

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 10<sup>th</sup>, 2024, Public Hearing required by law concerning the proposed amendments to the Zoning Ordinance and;

WHEREAS, on September 10<sup>th</sup>, 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<sup>h</sup>, 2024 for further discussion and;

WHEREAS, on September 24<sup>th</sup>, 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 22<sup>nd</sup>, 2024 for further consideration, and

WHEREAS, on September 10<sup>th</sup>, 2024, September 24<sup>th</sup>, 2024, and on October 22<sup>nd</sup>, 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 10<sup>th</sup>, 2024, and October 22<sup>nd</sup>, 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.

<b>Table 1. Clearlake Base Zoning Districts</b>			
<b>Abbreviation</b>	<b>District Name</b>	<b>Principal Function</b>	<b>Character Description</b>
<b>Residential Zoning Districts</b>			
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.

<b>Table 1. Clearlake Base Zoning Districts</b>			
<b>Abbreviation</b>	<b>District Name</b>	<b>Principal Function</b>	<b>Character Description</b>
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.
<b>Mixed-Use and Commercial Zoning Districts</b>			
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.

<b>Table 1. Clearlake Base Zoning Districts</b>			
<b>Abbreviation</b>	<b>District Name</b>	<b>Principal Function</b>	<b>Character Description</b>
<b>Other Commercial and Industrial Zoning Districts</b>			
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.
<b>Open Space Zoning Districts</b>			
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.
<b>Notes:</b> 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.

<b>Table 2. Clearlake Combining Zoning District</b>			
<b>Abbreviation</b>	<b>District Name</b>	<b>Principal Function</b>	<b>Character Description</b>
<b>Combining Zoning Districts</b>			
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
<b>Combining Zoning Districts</b>			
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.
<b>Notes:</b> 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:

<b>General Plan Land Use Designation</b>							
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	



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

## 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: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

<b>Table 4 Residential, Agricultural and Institutional Uses</b>								
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
<b>Residential Uses</b>								
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
<del>Multiplex</del> / <del>Multifamily</del> / <del>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</del>	AU	P	P	CU	P	P	CU	CU
Employee/Farm Worker Housing (See J Below)	P	P	P	-	-	-	-	P



<b>Table 4 Residential, Agricultural and Institutional Uses</b>								
<b>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</b>								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industria I	Open Space
	RR &LDR	MDR	HDR	GC	CD	MUX	IN	O
<b>Residential Neighborhoods (Requires a minimum area for the parcel proposed for development. See Subsection ----- Residential Development Area and Density Standards.</b>								
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	-	-
<b>Agricultural Uses</b>								
Agriculture, Support / Rural Services (H see below)	P	P	-	-	-	-	P	P
Greenhouses, hothouses	CU	-	-	-	-	-	AU	AU
<b>Institutional Uses</b>								
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

<b>Table 4 Residential, Agricultural and Institutional Uses</b>								
<b>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</b>								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industria I	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.

<b>Table 5. Commercial, Recreation and Amusement Uses</b>								
<b>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</b>								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
<b>Commercial Uses</b>								
Adult-Oriented Businesses (A)	-	-	-	-	-	-	-	--
<b>Alcoholic beverage regulations</b>	<b>Refer to Section 18-19.120 (Special Uses)</b>							
Automobile <b>Repairs</b>	-	-	-	CU	CU	-	AU	-
Automobile <b>Sales</b>	-	-	-	CU	CU	CU	CU	-
Auto Sound Installation (C)	-	-	-	AU	AU	-	AU	CU
Bed & Breakfast Inn	AU	AU	-	P	P	P	AU	-
<b>Campground</b>	<b>CU(RR Only)</b>	-	-	-	-	<b>CU</b>	<b>CU</b>	<b>CU</b>
Cannabis Dispensary (includes delivery and non-delivery and Micro-businesses) (B)	-	-	-	CU*	CU*	-	CU*	-
Commercial Retail / Business <b>Services</b> /Personal Services / Shopping Centers	-	-	-	P	P	P	P	-
Event Facility / Banquet Hall / Dance Hall / Lodge	-	-	-	C	AU	CU	-	-
<b>Gas Station / Light Automobile Service / Car Wash (except for electrical vehicle charging stations)</b>	-	-	-	AU	A	CU	AU	-
General Professional, Medical Office	-	-	-	P	P	CU	P	-
Heavy Retail, Home <b>Center</b>	-	-	-	CU	P	CU	P	-

<b>Table 5. Commercial, Recreation and Amusement Uses</b>								
<b>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</b>								
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.

<b>Table 6. Industrial, Communications and Transportation Uses</b>								
<b>P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission</b>								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
<b>Industrial Uses</b>								
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	-

<b>Table 6. Industrial, Communications and Transportation Uses</b>								
<b>P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission</b>								
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	-
<b>Transportation and Storage Uses</b>								
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	-

<b>Table 6. Industrial, Communications and Transportation Uses</b>								
<b>P=Use Allowed; ZP: Subject to a Zoning Permit; AU= Subject to Administrative Permit; CU=Subject to Conditional Use Permit from Planning Commission</b>								
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	-
<b>Wireless Telecommunications Facilities</b>								
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.

<b>Table 7. Temporary Uses</b>								
<b>P=Use Allowed; ZP: Subject to Zoning Permit; AU= Subject to Administrative Permit; CU= Subject to Conditional Use Permit from Planning Commission</b>								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed-Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
<b>Temporary Uses</b>								
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 <b>dealers</b> -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.
<b>19-19.345</b>	<b>Recreational Vehicle Parks and Campgrounds.</b>
18-19.350	Safe parking
<b>18-19.353</b>	<b>Helicopter Facilities</b>
18-19.360	Other accessory structures.
18-19.370	Other uses generally allowed.
<b>18-19.371</b>	<b>Temporary Employee &amp; Farm Worker Housing</b>

**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.

<b>Table 8. Alcoholic Beverage Sales and Onsite Consumption Uses</b>	
<b>Sales Activity</b>	<b>Required Permit</b>
Alcoholic Beverage Sales and onsite consumption when associated with a sit-down restaurant	Permitted
Sells <b>and</b> 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.

<b>Table 9. Alcoholic Beverage Performance Standards</b>	
<b>Performance Standards for Alcoholic Beverage Sales</b>	
<b>NSB-On Site Alcoholic Beverage Sales</b>	
<b>FSB-Off Site Alcoholic Beverage Sales</b>	
<b>Applicable to:</b>	<b>Performance Standard</b>
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.	<b>Conditional</b> 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.

<b>Table 11. Recycling Facilities Performance Standards</b>	
<b>RVM-Reverse Vending Machines (outside a building)</b> <b>SRC-Small Recycling Centers</b> <b>LRC-Large Recycling Centers</b> <b>RPC-Recycling Process Centers</b>	
<b>Applicable to:</b>	<b>Performance Standard</b>
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

<b>Table 11. Recycling Facilities Performance Standards</b>	
<b>RVM-Reverse Vending Machines (outside a building)</b> <b>SRC-Small Recycling Centers</b> <b>LRC-Large Recycling Centers</b> <b>RPC-Recycling Process Centers</b>	
<b>Applicable to:</b>	<b>Performance Standard</b>
	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 <b>24-hour donation</b> 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.

<b>Table 12. Maximum Cross Slope Density</b>						
<b>Average Cross-Slope in %</b>	<b>Maximum Density Allowed (density units per net acre)</b>					
	<b>RR</b>	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>MUX*, CD</b>	<b>C, IN</b>
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:

<b>Table 13. Minimum Street Yards</b>	
<b>Zone</b>	<b>Minimum Street Yards</b>
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

<b>Table 13. Minimum Street Yards</b>	
<b>Zone</b>	<b>Minimum Street Yards</b>
<b>Notes:</b> * 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:

<b>Table 14. Minimum Other Yards In RR, LDR, MDR, and HDR Zones</b>	
<b>Rear Yard</b>	<b>Side Yard</b>
10'	5'
Except for accessory and junior accessory dwellings in accordance with Section 18-19.320	

<b>Table 15. Minimum Other Yards In MUX, GC, CD, O and IN Zones</b>	
<b>Zone</b>	<b>Minimum Other Yard</b>
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.

<b>Table 16. Prohibited Encroachments within Yards</b>	
<b>Description</b>	<b>Prohibited Encroachments</b>
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.

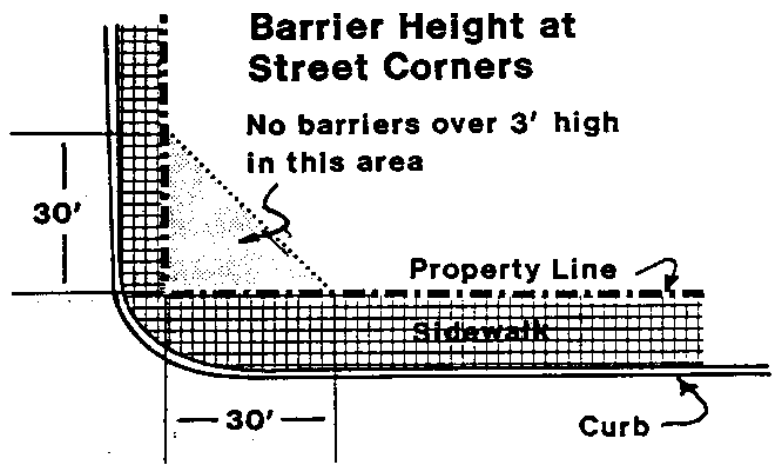
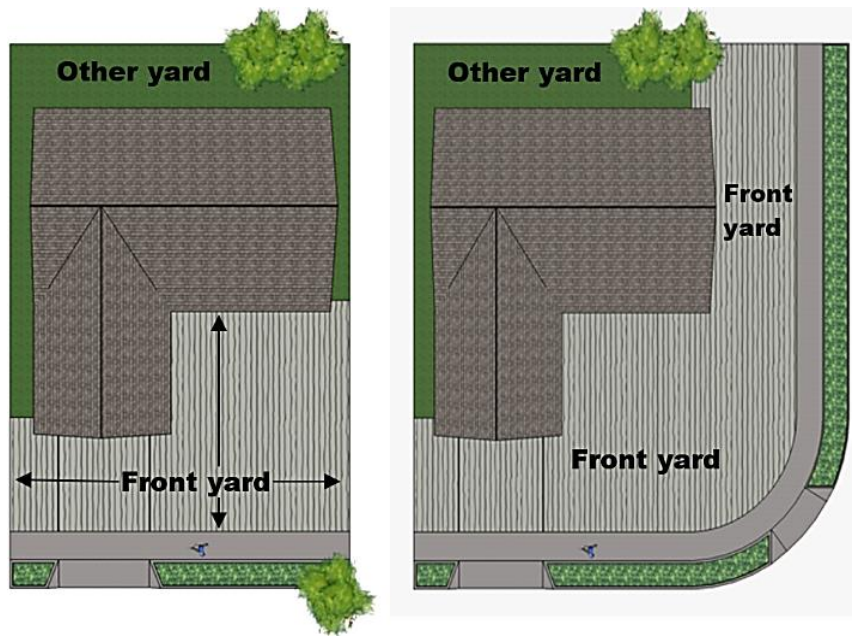


Figure 2.



**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.

<b>Table 17. What May Occupy Yards</b>			
<b>Location / Projection</b>	<b>Permitted Encroachments</b>		
	<b>(A) Into Yard</b>	<b>(B) From Lot Line</b>	<b>(C) Into Right-of-Way</b>
<b>All Yards</b>			
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. <sup>1</sup>
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

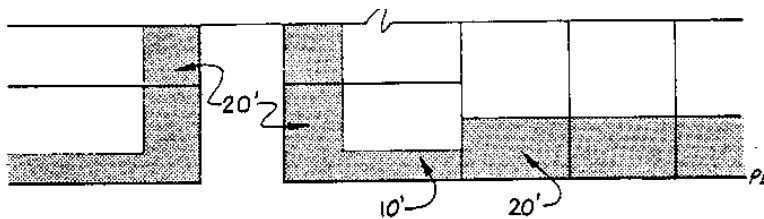
E. Flagpoles	-	5 ft.	Not permitted
F. Fences, walls and hedges. Fences, walls and hedges may occupy yards to the extent provided in Section 18-20.070.	-	-	Not permitted
G. Signs in conformance with the Sign Regulations in Chapter 18-21 may occupy yards to the extent provided in those regulations.	-	-	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.	-	-	-
<b>Front Yard</b>			
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
<b>Side Yard</b>			
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

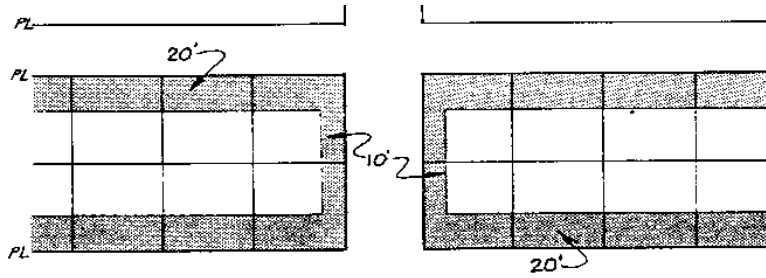
		permanent open space	
U. Decks, six feet or more above grade	Generally, 6 ft.; 0 ft. in CD and on sites with frontage along downtown streets	Generally, 2 ft.; 0 ft. in CD	Not permitted
<b>Rear Yard</b>			
V. Overhanging eaves and gutters	2.5 ft.	1 ft.	Generally, not permitted; 5 ft. in CD or on sites 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.

<b>Table 18. Discretionary Exceptions to What May Occupy Yards</b>	
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: <ol style="list-style-type: none"> <li>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</li> <li>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:</li> </ol>

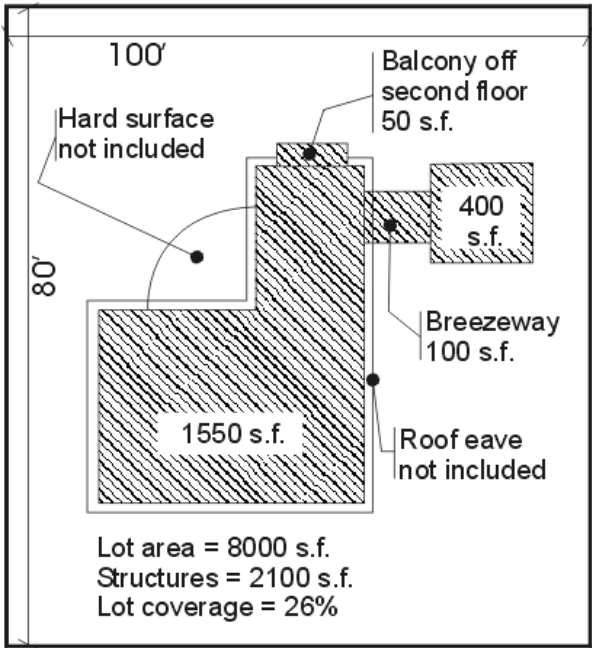
	<p>iii. In the case of a minor addition, that the minor addition is a logical extension of the existing non-conforming structure;</p> <p>iv. In the case of a detached single-story accessory structure, that the accessory structure is consistent with the traditional development pattern of the neighborhood 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.**

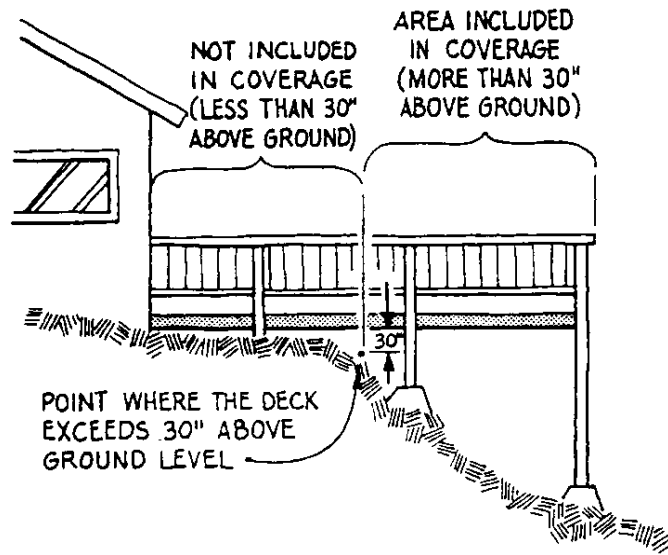
**A. Definition.** "Coverage" means the area of a lot covered by the footprint of all structures, as well as decks, balconies, porches and similar architectural features, expressed as a percentage of the total lot area. Uncovered decks or porches which are 30 inches or less from the ground shall not be included in the determination of coverage. (See Figures 6 and 7).

**Figure 6.**





**Figure 7.**

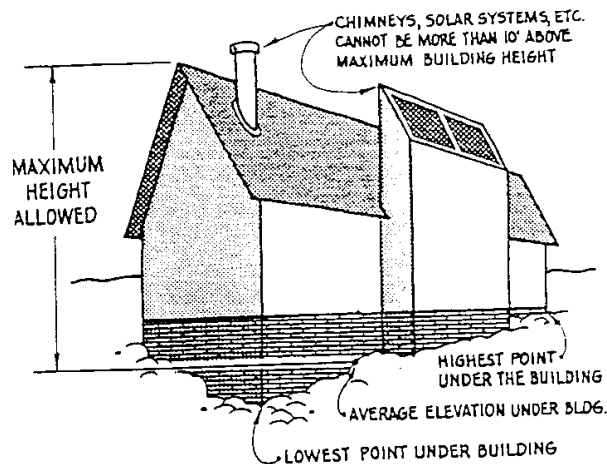


- B. Application and exception.** Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapter 18-20 inclusive, except that the Planning Commission may grant exceptions to maximum coverage for public assembly and institutional uses, in any zone, 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:

<b>Table 19. Maximum Height by Zone</b>	
<b>Zone</b>	<b>Maximum Height</b>
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.

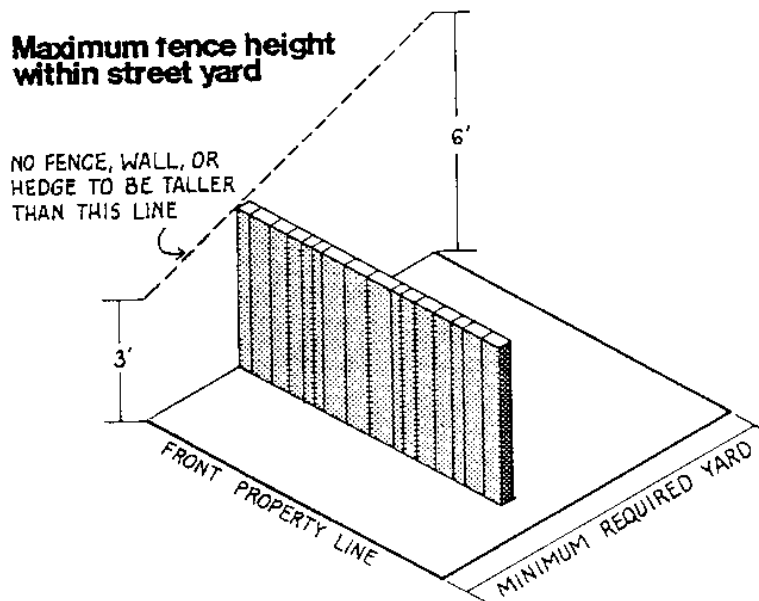
**18-20.070 Fences, Walls, Trash Enclosures and Hedges.**

**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.**

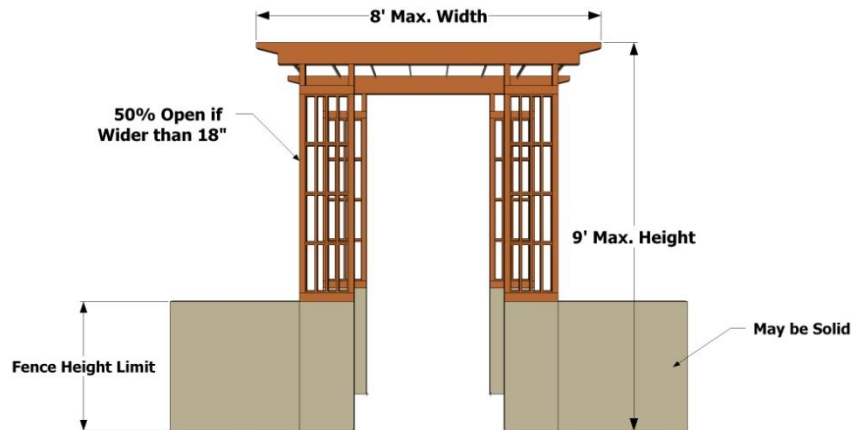
**B. Fences, walls or hedges may be placed within required yards, provided:**

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.

<b>Table 20. Bicycle Parking Space Requirements</b>	
<b>Zone</b>	<b>Number of bicycle spaces as a percentage of required auto spaces <sup>a b</sup></b>
MDR, HDR, MUX	5%
CD, GC, IN	15%
<b>Notes:</b>	
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%
<b>Notes:</b> 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, <b>senior housing, and other types of housing in accordance with State Law.</b>	N/A
Single-Family Attached	2 spaces / dwelling unit. Relaxation of this requirement is provided for accessory and junior accessory dwellings <b>senior, low income housing,</b>	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                      2 spaces for 3 to 4 bedroom units                      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 <b>senior housing, and other types of housing in accordance with State Law.</b></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 <b>senior housing, and other types of housing in accordance with State Law.</b>	N/A
Senior Independent Living Center	1 space per dwelling unit <b>or as provided by State Law.</b>	N/A
Emergency Shelters and Warming Shelters	1.5 spaces per employee during maximum occupancy at shelter.	1 space per <b>shared</b> kitchen facility; not required if kitchen facilities are not shared. <b>In accordance with Government Code Section 65583 (a)(4) sufficient parking shall be provided to accommodate all staff</b>

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 <b>or as provided by State Law.</b>	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 <b>or as provided in accordance with State Law.</b>	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 <b>or as provided in accordance with State Law.</b>	1 space per 40,000 sf.
Places of Public Assembly: High School	Special Study by Licensed Traffic Engineer or as required by Director <b>or as provided in accordance with State Law.</b>	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 <b>or as provided in accordance with Federal Law.</b>	1 space per 10,000 sf.
Public Service: Other	1 space per 300 sf. <b>or as provided in accordance with State Law.</b>	N/A
Residential Eldercare Facilities: Assisted Living	1 space per dwelling unit + 1 space per 3 beds in shared living facilities <b>or as provided in accordance with State Law.</b>	1 space per site
Residential Eldercare Facilities: Congregate Care	1 space per dwelling unit <b>or as provided in accordance with State Law.</b>	N/A

<b>Table 22. Required Parking and Loading for Institutional Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
Residential Eldercare Facilities: Nursing Home	1 space per 3 beds <b>or as provided in accordance with State Law.</b>	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).

<b>Table 23. Required Parking and Loading for Commercial Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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

<b>Table 23. Required Parking and Loading for Commercial Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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.

<b>Table 24. Required Parking and Loading for Recreation and Amusement Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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: Theaters Commercial Movie	1 space per 3 seats + 3 spaces per screen	1 space
Indoor Amusement: Skating Rinks Commercial	1 space per 100 sf. of rink surface	1 space
Indoor Amusement: Other Commercial	6 spaces per 1,000 sf.	1 space
Outdoor Amusement: Arenas Commercial Outdoor	1 space per 3 seats	1 space per 500 seats
Outdoor Amusement: Other Commercial	Per approved parking study	Per approved parking study
Indoor Swimming Pool Recreation:	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 Swimming Pool Recreation:	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.

<b>Table 25. Required Parking and Loading for Industrial Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
	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.

<b>Table 26. Required Parking and Loading for Agricultural Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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

<b>Table 26. Required Parking and Loading for Agricultural Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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.

<b>Table 27. Required Parking and Loading for Special Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
Airports	Per approved parking study <b>or as provided in accordance with State Law.</b>	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:

<b>Table 28. Exempt Signs and Level of Review</b>		
<b>Description of Sign</b>	<b>Subject to Director Approval</b>	<b>No Clearance Required</b>
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

<b>Table 28. Exempt Signs and Level of Review</b>		
<b>Description of Sign</b>	<b>Subject to Director Approval</b>	<b>No Clearance Required</b>
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	

<b>Table 28. Exempt Signs and Level of Review</b>		
<b>Description of Sign</b>	<b>Subject to Director Approval</b>	<b>No Clearance Required</b>
29. Small off-site signs on vehicles in all non-residential zones in the City, subject to the following conditions and regulations: <ul style="list-style-type: none"> <li>a. Signs shall be painted on, placed on or affixed to a vehicle. No more than one sign per location permitted.</li> <li>b. Signs shall be placed only on operable vehicles with current California Department of Motor Vehicles registration.</li> <li>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.</li> <li>d. All vehicles with signs parked in the City shall comply with all applicable state and City vehicle stopping and parking regulations.</li> <li>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.</li> </ul>		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.

<b>Table 29. Sign Area Allowances for Freestanding Signs</b>	
<b>Total Building(s) Area (s.f.)</b>	<b>Total Sign Area (s.f.)</b>
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.

<b>Table 30. Sign Height Allowances for Freestanding Signs</b>	
<b>Total Building(s) Area (s.f.)</b>	<b>Maximum Allowable Height</b>
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:

<b>Table 31. Sign Height Allowances for Freestanding Signs</b>	
<b>Total Building(s) Area (s.f.)</b>	<b>Total Sign Area (s.f.)</b>
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**

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### **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.

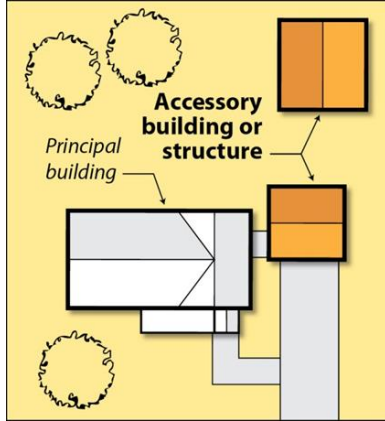
Access: A means of vehicular or non-vehicular approach or entry to or exit from a property, a street or highway.

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.

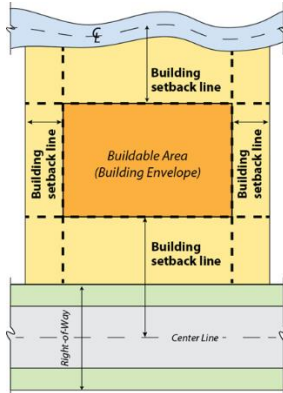
**Buffer yard:** A yard area that is designed to mitigate impacts of adjoining land uses through the use of landscaping and walls.

**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”.

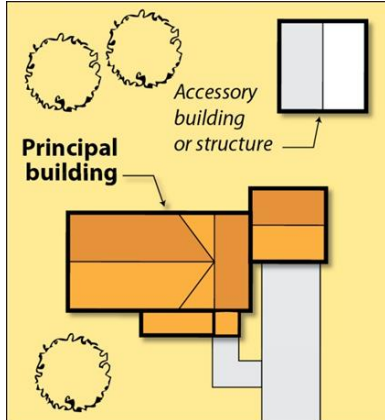
Building envelope: See “Buildable area”.

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 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 (ET<sub>o</sub>): 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.

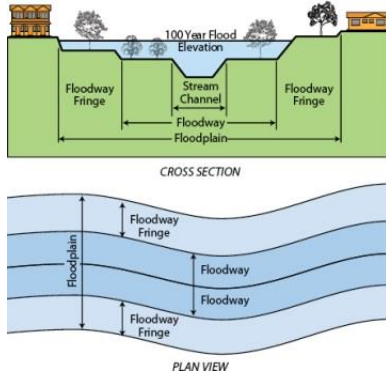
Final map: A subdivision map supported by complete engineering data, prepared in accordance with the conditions of an approved tentative map and in acceptable form for processing and filing for record, as provided in the City of Clearlake's Subdivision ordinance.

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.

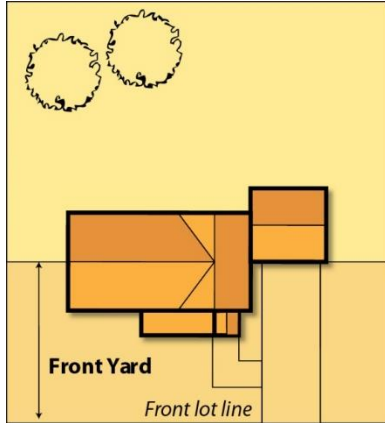
**Foundation:** The lowest exposed portion of the building wall, which supports the structure above.

**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.

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.



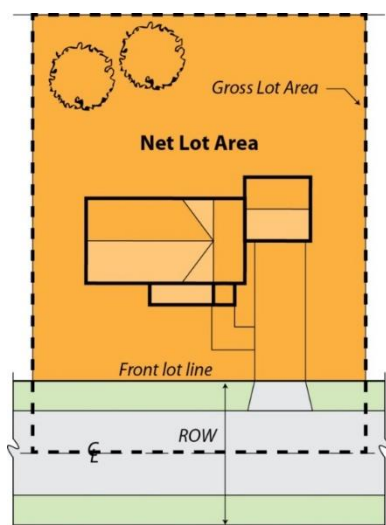
Lot: See "Lot of record".

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.

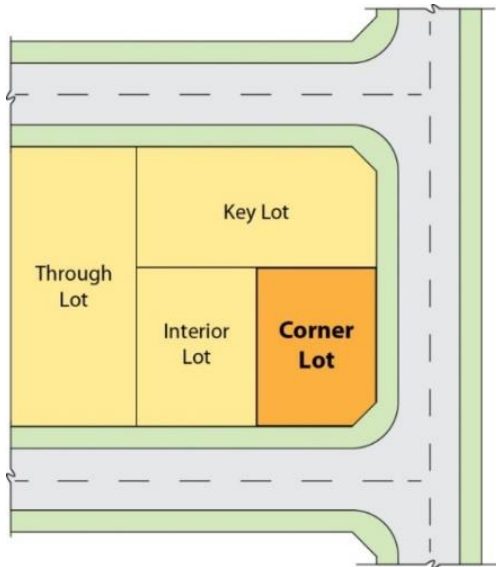
Lineal: Arrangement in a system of lines.

Lintel: A horizontal structural member that supports a load over an opening.

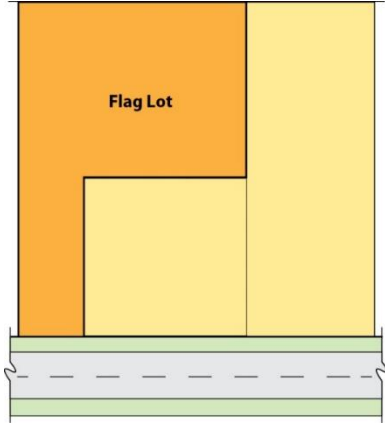
Lot area, net: The gross lot area minus any public or private street right-of-way and minus any roadway easement.



**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.

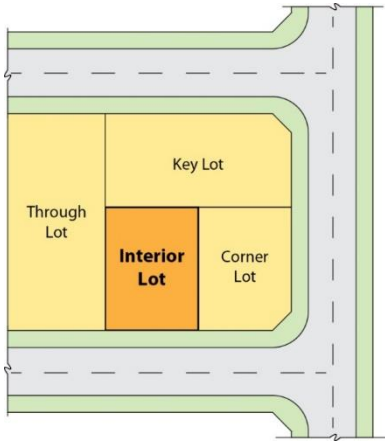


**Lot, flag or panhandle:** Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street. The panhandle 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.

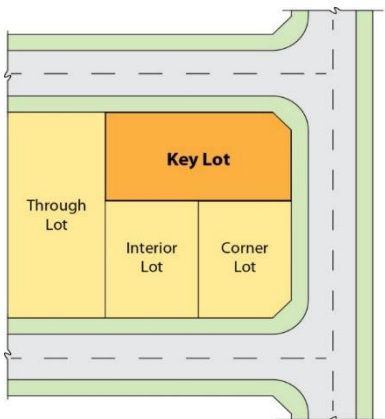


Lot coverage: See "Maximum lot coverage".

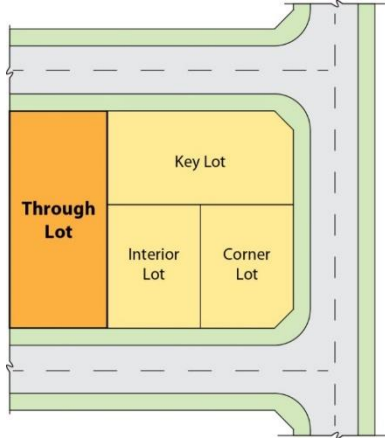
Lot, interior: A lot which is bordered on three sides by other lots and which fronts upon a street or right-of-way.



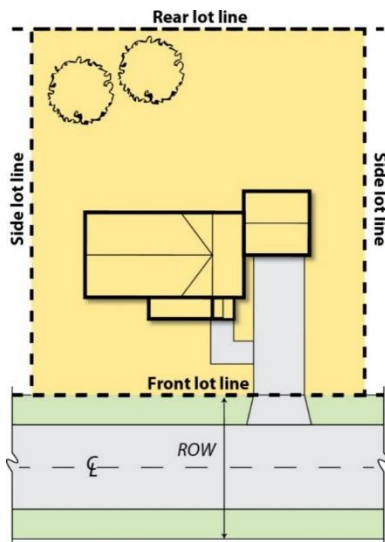
Lot, key: A lot, the sideline of which abuts the rear line of one or more adjoining lots.



**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.



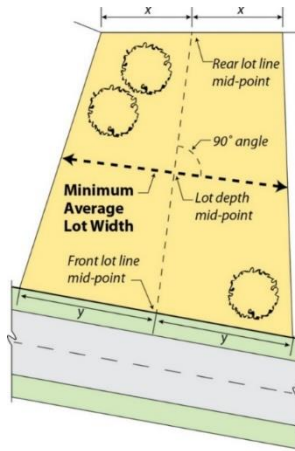
**Lot line, front:** A line separating a front yard of a lot from the street.

**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.

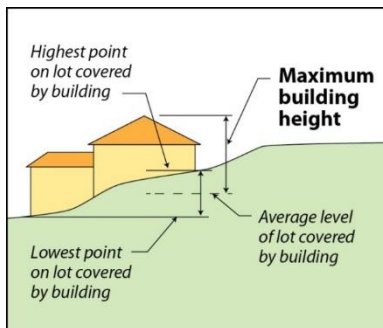
MAUCRSA: The state Medicinal and Adult Use of Cannabis Regulation and Safety Act, as may be amended.

Menu sign: A sign illustrating the menu or specials for an establishment.

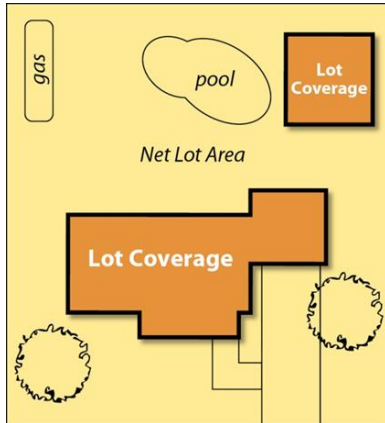


Maximum Applied Water Allowance (MAWA): The upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor and the size of the landscape area.

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

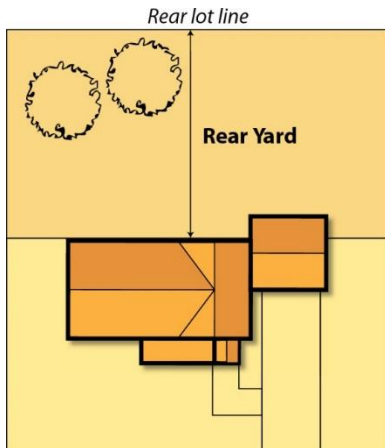
R

**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

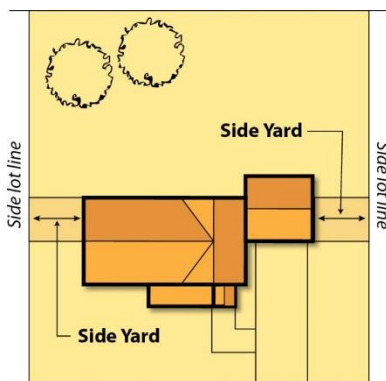
**Service station with convenience retail:** A retail business that provides the public with a convenient location to quickly purchase a wide variety of consumable products and services, generally food and motor fuels and in the operation and maintenance of automotive vehicles.

**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.

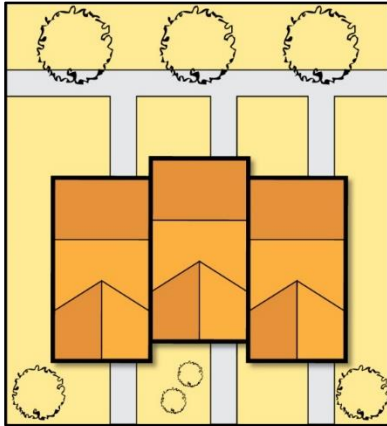
Tourist oriented directional sign: A sign that provides direction to tourist-oriented activities,



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.

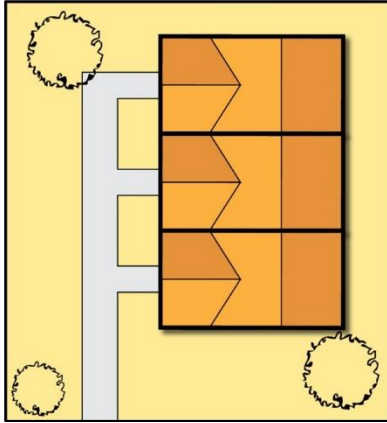
**Trash/Recycling enclosures:** A walled structure for trash and recycling containers, with one or more gates for access.

**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.

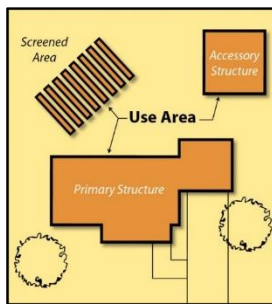
U

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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**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.

<b>Table 1. Clearlake Base Zoning Districts</b>			
<b>Abbreviation</b>	<b>District Name</b>	<b>Principal Function</b>	<b>Character Description</b>
<b>Residential Zoning Districts</b>			
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.
<b>Mixed-Use and Commercial Zoning Districts</b>			
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.

<b>Table 1. Clearlake Base Zoning Districts</b>			
Abbreviation	District Name	Principal Function	Character Description
<b>Other Commercial and Industrial Zoning Districts</b>			
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.
<b>Open Space Zoning Districts</b>			
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.
<b>Notes:</b> 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
<b>Combining Zoning Districts</b>			
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
<b>Combining Zoning Districts</b>			
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.
<b>Notes:</b> 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:

<b>Table 3. Land Use Zoning Matrix for Zoning Code</b>							
<b>General Plan Land Use Designation</b>							
<b>Zoning District</b>	<b>Industrial</b>	<b>Commercial</b>	<b>Mixed Use</b>	<b>High Density Residential</b>	<b>Medium Density Residential</b>	<b>Low Density Residential</b>	<b>Open Space</b>
<b>RR, Rural Residential</b>						<b>X</b>	
<b>LDR, Residential Low Density</b>					<b>X</b>	<b>X</b>	
<b>MDR, Residential Medium Density</b>			<b>X</b>		<b>X</b>		
<b>HDR, Residential High Density</b>			<b>X</b>	<b>X</b>			
<b>MUX, Mixed-Use</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>		<b>X</b>
<b>DC, Downtown Commercial Mixed Use</b>		<b>X</b>					
<b>CG, General Commercial</b>		<b>X</b>					
<b>I, Industrial</b>	<b>X</b>						
<b>O, Open Space</b>							<b>X</b>

## **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**

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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.





## **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

<b>Table 4 Residential, Agricultural and Institutional Uses</b>								
<b>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</b>								
<b>Land Use</b>	<b>Zoning Districts</b>							
	<b>Residential</b>			<b>Business &amp; Commercial</b>		<b>Mixed- Use</b>	<b>Industria I</b>	<b>Open Space</b>
	<b>RR &amp;LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>GC</b>	<b>CD</b>	<b>MUX</b>	<b>IN</b>	<b>O</b>
<b>Residential Uses</b>								
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
<del>Multiplex</del> / Multifamily/Multi-Dwelling Developments (such as apartment, condos, duplexes, triplexes, fourplexes, etc.). Refer to Multi Family/Multi Development Definition. <del>Dwellings for two or more families living independently of each other as separate units, including apartment houses, condominiums, duplexes, triplexes and fourplexes</del>	AU	P	P	CU	P	P	CU	CU
Employee/Farm Worker Housing (See J Below)	P	P	P	-	-	-	-	P

<b>Table 4 Residential, Agricultural and Institutional Uses</b>								
<b>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</b>								
Land Use	Zoning Districts							
	Residential			Business & Commercial		Mixed- Use	Industrial	Open Space
	RR & LDR	MDR	HDR	GC	CD	MUX	IN	O
<b>Residential Neighborhoods (Requires a minimum area for the parcel proposed for development. See Subsection ----- Residential Development Area and Density Standards.</b>								
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	-	-
<b>Agricultural Uses</b>								
Agriculture, Support / Rural Services (H see below)	P	P	-	-	-	-	P	P
Greenhouses, hothouses	CU	-	-	-	-	-	AU	AU
<b>Institutional Uses</b>								
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><b>*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></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.

<b>Table 5. Commercial, Recreation and Amusement Uses</b>								
<b>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</b>								
<b>Land Use</b>	<b>Zoning Districts</b>							
	<b>Residential</b>			<b>Business &amp; Commercial</b>		<b>Mixed- Use</b>	<b>Industrial</b>	<b>Open Space</b>
	<b>RR &amp; LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>GC</b>	<b>CD</b>	<b>MUX</b>	<b>IN</b>	<b>O</b>
<b>Commercial Uses</b>								
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.

<b>Table 6. Industrial, Communications and Transportation Uses</b>								
<b>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</b>								
<b>Land Use</b>	<b>Zoning Districts</b>							
	<b>Residential</b>			<b>Business &amp; Commercial</b>		<b>Mixed-Use</b>	<b>Industrial</b>	<b>Open Space</b>
	<b>RR &amp; LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>GC</b>	<b>CD</b>	<b>MUX</b>	<b>IN</b>	<b>O</b>
<b>Industrial Uses</b>								
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	-

<b>Table 6. Industrial, Communications and Transportation Uses</b>								
<b>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</b>								
<b>Land Use</b>	<b>Zoning Districts</b>							
	<b>Residential</b>			<b>Business &amp; Commercial</b>		<b>Mixed-Use</b>	<b>Industrial</b>	<b>Open Space</b>
	<b>RR &amp; LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>GC</b>	<b>CD</b>	<b>MUX</b>	<b>IN</b>	<b>O</b>
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	-
<b>Transportation and Storage Uses</b>								
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
<b>Wireless Telecommunications Facilities</b>								
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.

<b>Table 7. Temporary Uses</b>								
<b>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</b>								
<b>Land Use</b>	<b>Zoning Districts</b>							
	<b>Residential</b>			<b>Business &amp; Commercial</b>		<b>Mixed-Use</b>	<b>Industrial</b>	<b>Open Space</b>
	<b>RR &amp; LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>GC</b>	<b>CD</b>	<b>MUX</b>	<b>IN</b>	<b>O</b>
<b>Temporary Uses</b>								
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.

- 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.

<b>Table 8. Alcoholic Beverage Sales and Onsite Consumption Uses</b>	
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.

<b>Table 9. Alcoholic Beverage Performance Standards</b>	
<b>Performance Standards for Alcoholic Beverage Sales</b>	
<b>NSB-On Site Alcoholic Beverage Sales</b>	
<b>FSB-Off Site Alcoholic Beverage Sales</b>	
<b>Applicable to:</b>	<b>Performance Standard</b>
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.

<b>Table 10. Tobacco Products Use</b>	
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.

<b>Table 11. Recycling Facilities Performance Standards</b>	
<b>RVM-Reverse Vending Machines (outside a building)</b> <b>SRC-Small Recycling Centers</b> <b>LRC-Large Recycling Centers</b> <b>RPC-Recycling Process Centers</b>	
<b>Applicable to:</b>	<b>Performance Standard</b>
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

<b>Table 11. Recycling Facilities Performance Standards</b>	
<b>RVM-Reverse Vending Machines (outside a building)</b> <b>SRC-Small Recycling Centers</b> <b>LRC-Large Recycling Centers</b> <b>RPC-Recycling Process Centers</b>	
<b>Applicable to:</b>	<b>Performance Standard</b>
	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 18-33 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 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 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.

<b>Table 12. Maximum Cross Slope Density</b>						
<b>Average Cross-Slope in %</b>	<b>Maximum Density Allowed (density units per net acre)</b>					
	<b>RR</b>	<b>LDR</b>	<b>MDR</b>	<b>HDR</b>	<b>MUX*, CD</b>	<b>C, IN</b>
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:

<b>Table 13. Minimum Street Yards</b>	
<b>Zone</b>	<b>Minimum Street Yards</b>
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

<b>Table 13. Minimum Street Yards</b>	
<b>Zone</b>	<b>Minimum Street Yards</b>
<b>Notes:</b> * 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:

<b>Table 14. Minimum Other Yards In RR, LDR, MDR, and HDR Zones</b>	
<b>Rear Yard</b>	<b>Side Yard</b>
10'	5'
Except for accessory and junior accessory dwellings in accordance with Section 18-19.320	

<b>Table 15. Minimum Other Yards In MUX, GC, CD, O and IN Zones</b>	
<b>Zone</b>	<b>Minimum Other Yard</b>
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.

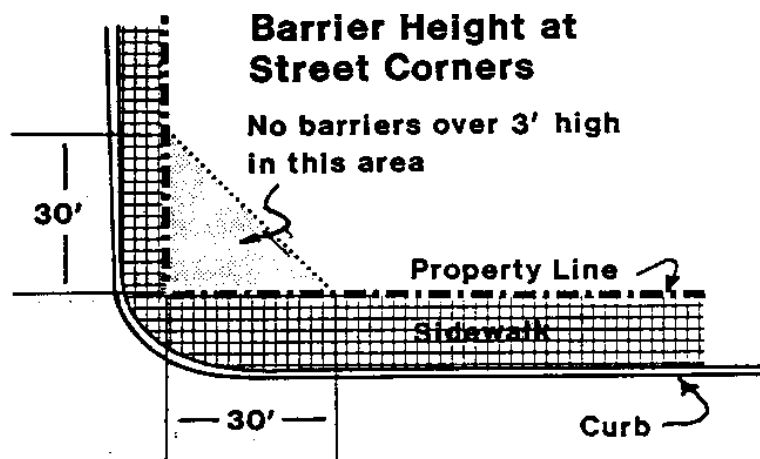


Figure 2.

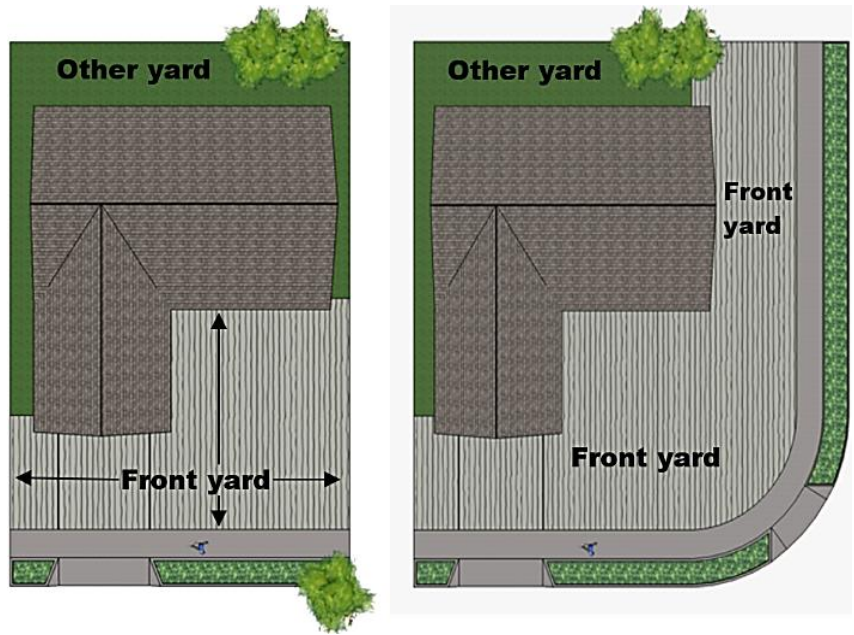


Figure 3.

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.



<b>Table 17. What May Occupy Yards</b>			
<b>Location / Projection</b>	<b>Permitted Encroachments</b>		
	<b>(A) Into Yard</b>	<b>(B) From Lot Line</b>	<b>(C) Into Right-of-Way</b>
<b>All Yards</b>			
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 <sup>1</sup>
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.	-	-	-
<b>Front Yard</b>			
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
<b>Side Yard</b>			
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
<b>Rear Yard</b>			
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.

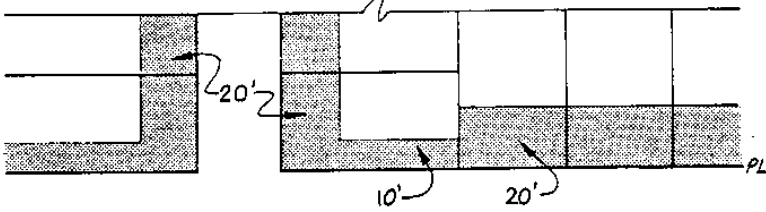
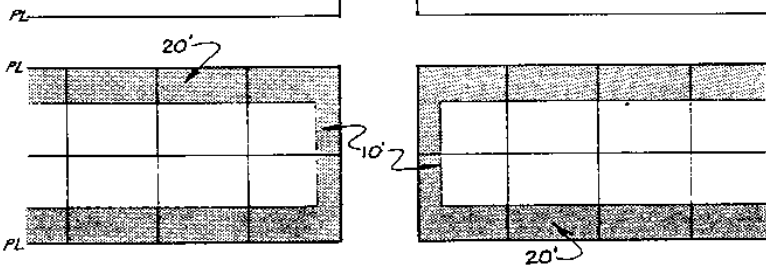


Figure 5.



- 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"> <li>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</li> <li>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"> <li>iii. In the case of a minor addition, that the minor addition is a logical extension of the existing non-conforming structure;</li> <li>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;</li> <li>v. That adjacent affected properties will not be deprived of reasonable solar exposure;</li> <li>vi. That no useful purpose would be realized by requiring the full yard;</li> <li>vii. That no significant fire protection, emergency access, privacy or security impacts are likely from the addition; and</li> <li>viii. That it is impractical to obtain a 10 foot separation easement pursuant to Subsection i above.</li> <li>ix.</li> </ul> </li> </ul> <p>All such minor additions and new accessory structures shall comply with applicable provisions of the City's adopted Building Code.</p>

E. Other yard exceptions	<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> <ol style="list-style-type: none"> <li>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;</li> <li>ii. When the exception is of a minor nature, involving an insignificant portion of total available solar exposure;</li> <li>iii. When the properties at issue are within an area where use of solar energy is generally infeasible because of landform shading;</li> <li>iv. When adequate recorded agreement running with the land exists to protect established solar collectors and probable collector locations;</li> <li>v. When the property to be shaded is a street.</li> <li>vi. Where no significant fire protection, emergency access, privacy or security impacts are likely to result from the exception.</li> </ol>
F. Front yard paving of more than 50% in residential front yards (see Table 16, Section B)	<p>Exceptions to this requirement may be approved subject to appropriate conditions and upon finding that:</p> <ol style="list-style-type: none"> <li>1. The exception will not constitute a grant of special privilege inconsistent with the driveway or parking limitations upon other properties in the vicinity;</li> <li>2. The exception will not adversely affect the health, safety or general welfare of persons working or residing in the vicinity; and</li> <li>3. The exception is reasonably necessary for the applicant's full enjoyment of uses permitted upon his/her property.</li> </ol>

**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.

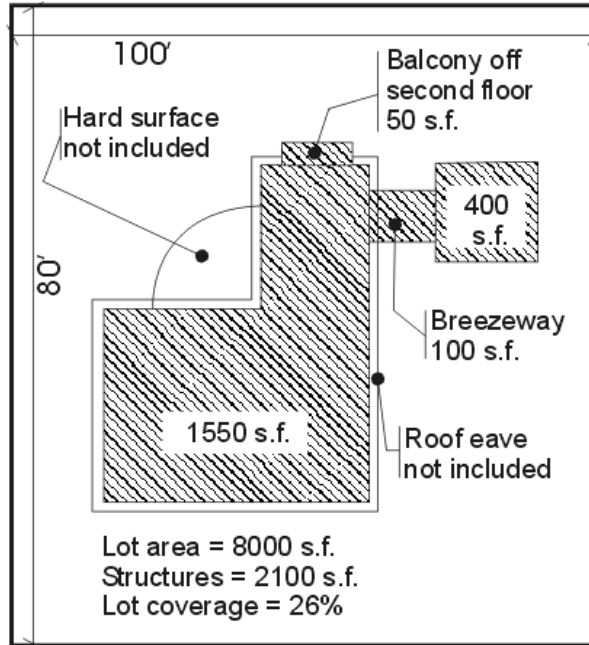
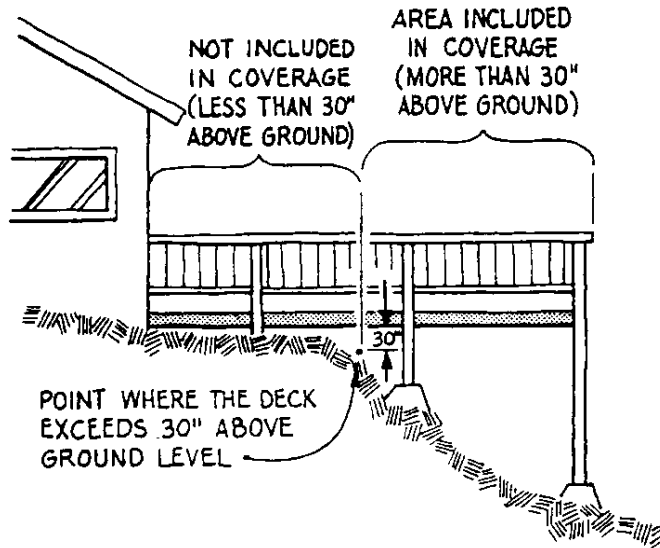


Figure 7.



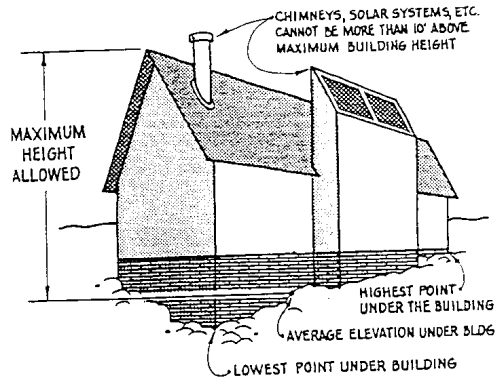
**B. Application and exception.** Maximum coverage shall be as provided in the specific property development standards for the various zones in Chapter 18-20 inclusive, except that the Planning Commission may grant exceptions to maximum coverage for public assembly and institutional uses, in any zone, 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:

<b>Table 19. Maximum Height by Zone</b>	
<b>Zone</b>	<b>Maximum Height</b>
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.**

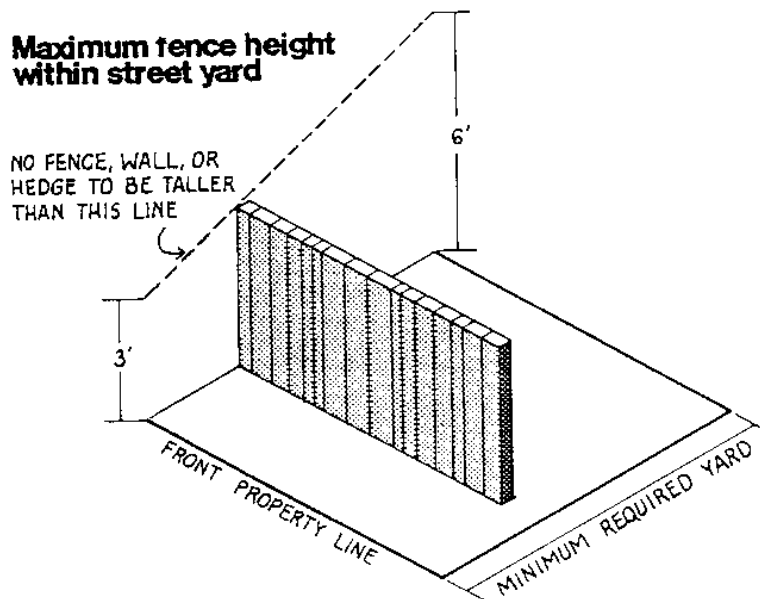
**A. Purpose and application.**

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:**

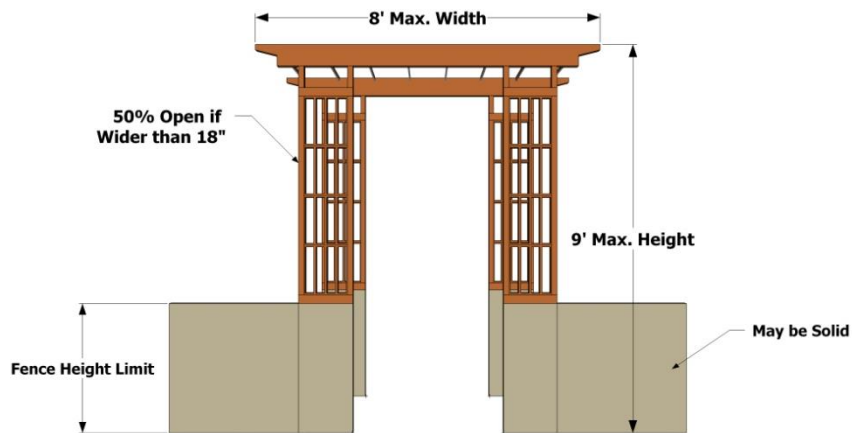
1. The maximum height in any street yard shall be as shown in Figure 9.
2. The maximum height in any other yard shall be 6 feet.
3. Arbors, trellises and other lightweight ornamental landscape elements are allowed within a required yard, subject to the same height limits that apply to fences and hedges.

**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.

<b>Table 20. Bicycle Parking Space Requirements</b>	
<b>Zone</b>	<b>Number of bicycle spaces as a percentage of required auto spaces <sup>a b</sup></b>
MDR, HDR, MUX	5%
CD, GC, IN	15%
<b>Notes:</b>	
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%
<b>Notes:</b> 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

<b>Table 22. Required Parking and Loading for Institutional Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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).

<b>Table 23. Required Parking and Loading for Commercial Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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



<b>Table 23. Required Parking and Loading for Commercial Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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.

<b>Table 24. Required Parking and Loading for Recreation and Amusement Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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: Theaters Commercial Movie	1 space per 3 seats + 3 spaces per screen	1 space
Indoor Amusement: Skating Rinks Commercial	1 space per 100 sf. of rink surface	1 space
Indoor Amusement: Other Commercial	6 spaces per 1,000 sf.	1 space
Outdoor Amusement: Arenas Commercial Outdoor	1 space per 3 seats	1 space per 500 seats
Outdoor Amusement: Other Commercial	Per approved parking study	Per approved parking study
Indoor Swimming Pool Recreation:	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 Swimming Pool Recreation:	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.

<b>Table 25. Required Parking and Loading for Industrial Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
	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.

<b>Table 26. Required Parking and Loading for Agricultural Uses</b>		
<b>Use</b>	<b>Parking and Loading</b>	
	<b>Required Parking Spaces</b>	<b>Required Loading Spaces</b>
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 b. Nursery/Cultivation c. Testing Lab	1 space per 800 sf processing area and 300 sf of office area. 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 300 sf.	1 space per 20,000 sf. 1 space per 20,000 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:

<b>Table 28. Exempt Signs and Level of Review</b>		
<b>Description of Sign</b>	<b>Subject to Director Approval</b>	<b>No Clearance Required</b>
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

<b>Table 28. Exempt Signs and Level of Review</b>		
<b>Description of Sign</b>	<b>Subject to Director Approval</b>	<b>No Clearance Required</b>
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	

<b>Table 28. Exempt Signs and Level of Review</b>		
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"> <li>a. Signs shall be painted on, placed on or affixed to a vehicle. No more than one sign per location permitted.</li> <li>b. Signs shall be placed only on operable vehicles with current California Department of Motor Vehicles registration.</li> <li>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.</li> <li>d. All vehicles with signs parked in the City shall comply with all applicable state and City vehicle stopping and parking regulations.</li> <li>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.</li> </ul>		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.

<b>Table 29. Sign Area Allowances for Freestanding Signs</b>	
<b>Total Building(s) Area (s.f.)</b>	<b>Total Sign Area (s.f.)</b>
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.

<b>Table 30. Sign Height Allowances for Freestanding Signs</b>	
<b>Total Building(s) Area (s.f.)</b>	<b>Maximum Allowable Height</b>
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:

<b>Table 31. Sign Height Allowances for Freestanding Signs</b>	
<b>Total Building(s) Area (s.f.)</b>	<b>Total Sign Area (s.f.)</b>
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 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 prohibited 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.

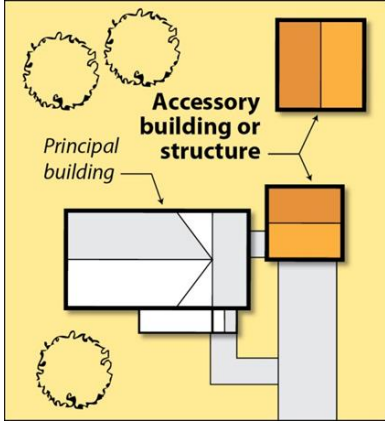
**Access:** A means of vehicular or non-vehicular approach or entry to or exit from a property, a street or highway.

**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.

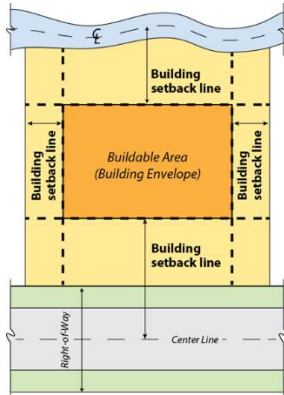
**Building**: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or material of any kind or nature. "Building" shall include "structure".

**Building, accessory**: See "Accessory building or structure".



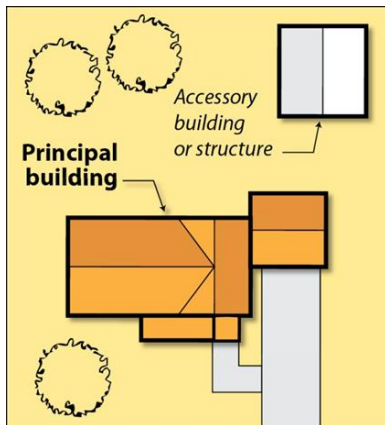
Building envelope: See “Buildable area”.

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 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.

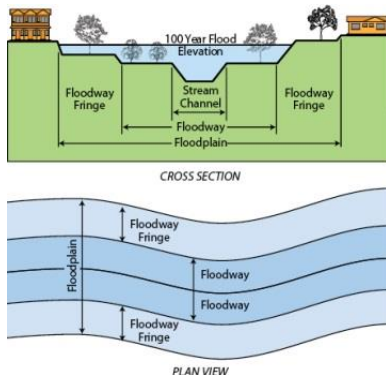
Final map: A subdivision map supported by complete engineering data, prepared in accordance with the conditions of an approved tentative map and in acceptable form for processing and filing for record, as provided in the City of Clearlake’s Subdivision ordinance.

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.

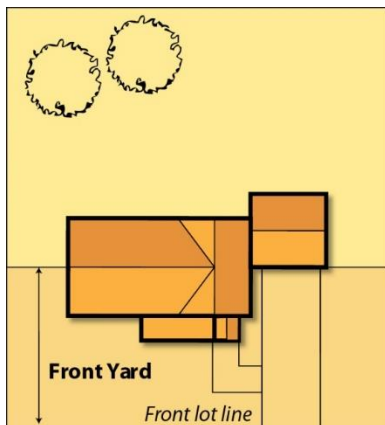
**Foster family home:** Any residential facility providing 24-hour care for 6 or fewer children which is owned, leased or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed.

**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.



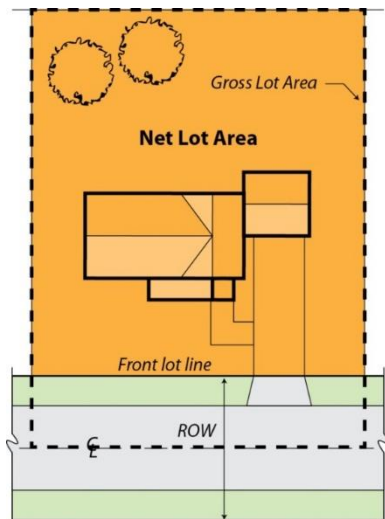
**Lot:** See "Lot of record".

**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.

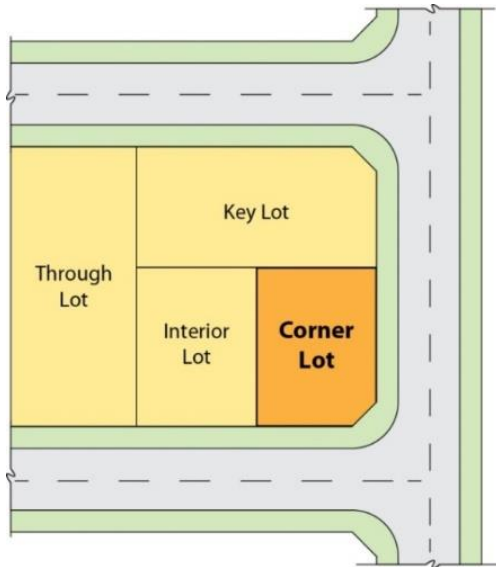
**Lineal:** Arrangement in a system of lines.

**Lintel:** A horizontal structural member that supports a load over an opening.

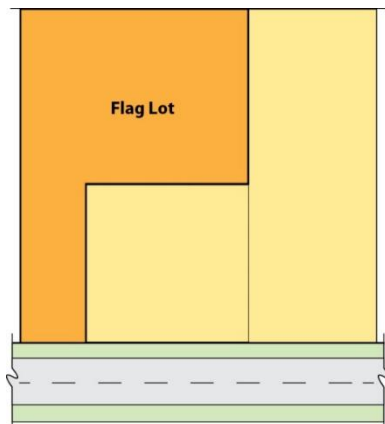
**Lot area, net:** The gross lot area minus any public or private street right-of-way and minus any roadway easement.



**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.

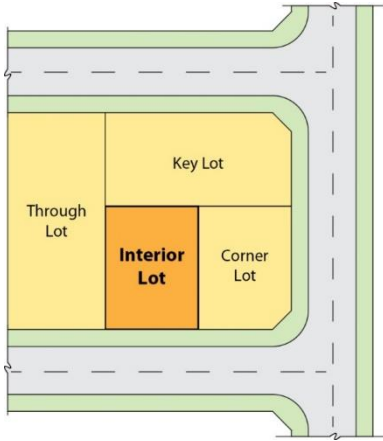


**Lot, flag or panhandle:** Lots that have less than the minimum required frontage on a public or private street, have access to a public or private street by a narrow strip of land and the largest portion of the lot is situated behind adjoining lots which front on a public or private street. The panhandle 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.

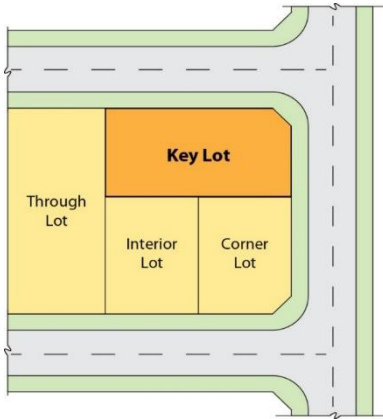


**Lot coverage:** See "Maximum lot coverage".

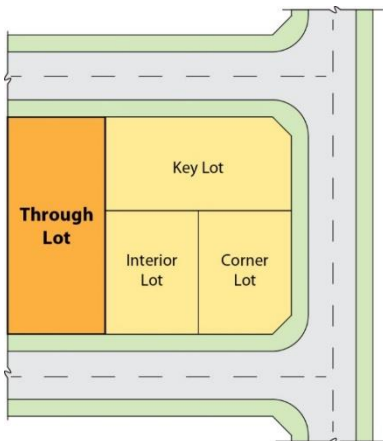
**Lot, interior:** A lot which is bordered on three sides by other lots and which fronts upon a street or right-of-way.



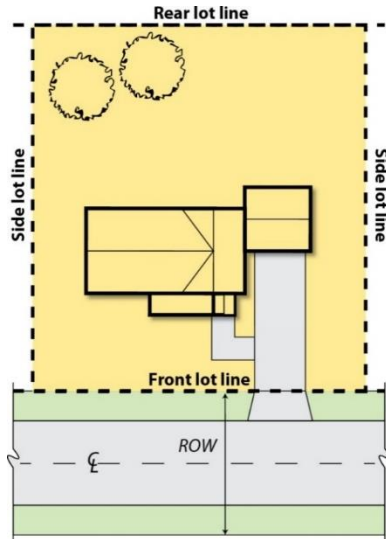
**Lot, key:** A lot, the sideline of which abuts the rear line of one or more adjoining lots.



**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.



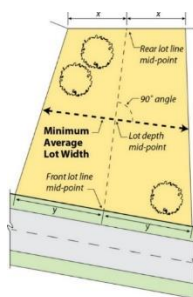
**Lot line, front:** A line separating a front yard of a lot from the street.

**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.

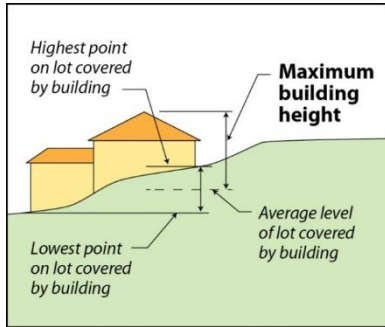
MAUCRSA: The state Medicinal and Adult Use of Cannabis Regulation and Safety Act, as may be amended.

Menu sign: A sign illustrating the menu or specials for an establishment.

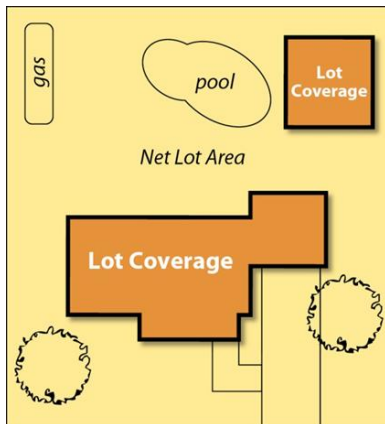


Maximum Applied Water Allowance (MAWA): The upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor and the size of the landscape area.

**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.

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.

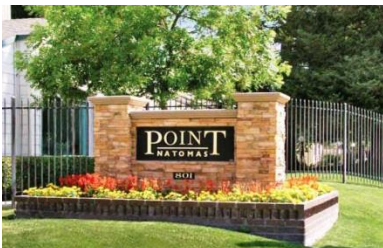
Private utility: Any utility which is not a public utility.

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

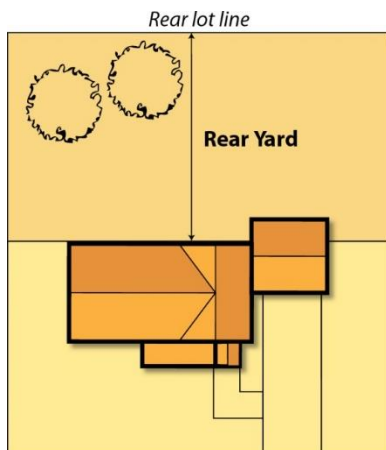
R

**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

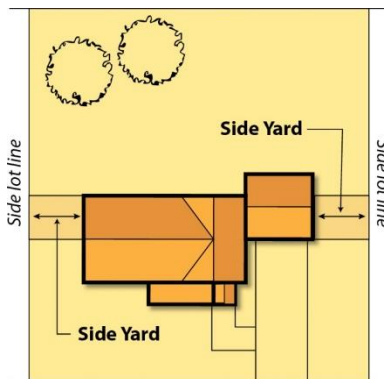
**Service station with convenience retail:** A retail business that provides the public with a convenient location to quickly purchase a wide variety of consumable products and services, generally food and motor fuels and in the operation and maintenance of automotive vehicles.

**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.

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,

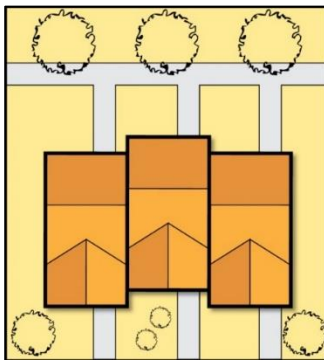
Tobacco product specialized retail shop: A store that specializes in selling tobacco products as a major part of sales.

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.

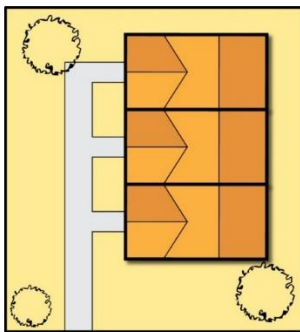
Trash/Recycling enclosures: A walled structure for trash and recycling containers, with one or more gates for access.

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.

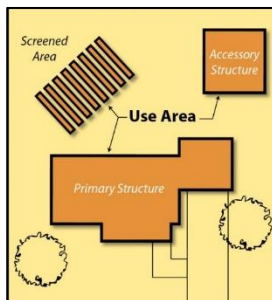
**U**

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.

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City Council

<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Elite CA Enterprises, LLC Development Agreement, DA 2024-01	<b>MEETING DATE:</b> January 16, 2025
<b>SUBMITTED BY:</b> Mark Roberts – Senior Planner	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> <b>Action Item</b>	

**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.

From the December 5, 2024, staff report:

**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 Second Reading of Ordinance No. 273-2024, Read by Title Only, Waive Further Reading, and Adopt

- 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. 273-2025  
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 18<sup>th</sup>, 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 5<sup>th</sup>, 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 **16<sup>th</sup> day of January, 2025.**

**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 15<sup>th</sup> 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 20<sup>th</sup>, 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 5<sup>th</sup>, 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 13<sup>th</sup>, 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 30<sup>th</sup> for the preceding period of January 1<sup>st</sup> through June 30<sup>th</sup> and no later than January 31<sup>st</sup> for the preceding period of July 1<sup>st</sup> through December 31<sup>st</sup>. 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 1<sup>st</sup> 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

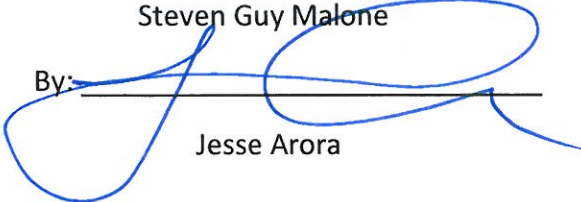
By: \_\_\_\_\_

Dean Pucci

City Attorney

"OWNER"

Date: Nov 15<sup>th</sup>, 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.

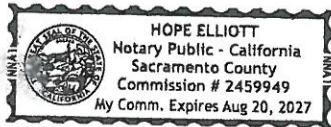
State of California )
County of Sacramento )
On 11/15/2024 before me, Hope Elliott, A Notary Public
Date Here Insert Name and Title of the Officer
Personally appeared Jesse Arora
Name(s) of Signer(s)

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 Is Representing

1. The first part of the document is a list of the names of the members of the committee who were appointed by the Board of Directors on January 1, 1998. The names are listed in alphabetical order and include the following: [illegible]

**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  $01^{\circ} 52' 55''$  West (South) 40.00 feet from a point that is North  $89^{\circ} 19' 45''$  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  $02^{\circ} 23' 34''$  West (South  $01^{\circ} 24'$  West) 357.00 feet; thence South  $89^{\circ} 19' 45''$  East, 109.38 feet; thence North  $01^{\circ} 42' 52''$  East, 356.90 feet to a point that is South  $89^{\circ} 19' 45''$  East of the point of beginning; and thence North  $89^{\circ} 19' 45''$  West, 105.15 feet to the point of beginning.

Bearing based on California State Coordinate System, Zone 2.  
Calls in parentheses (—) are record.

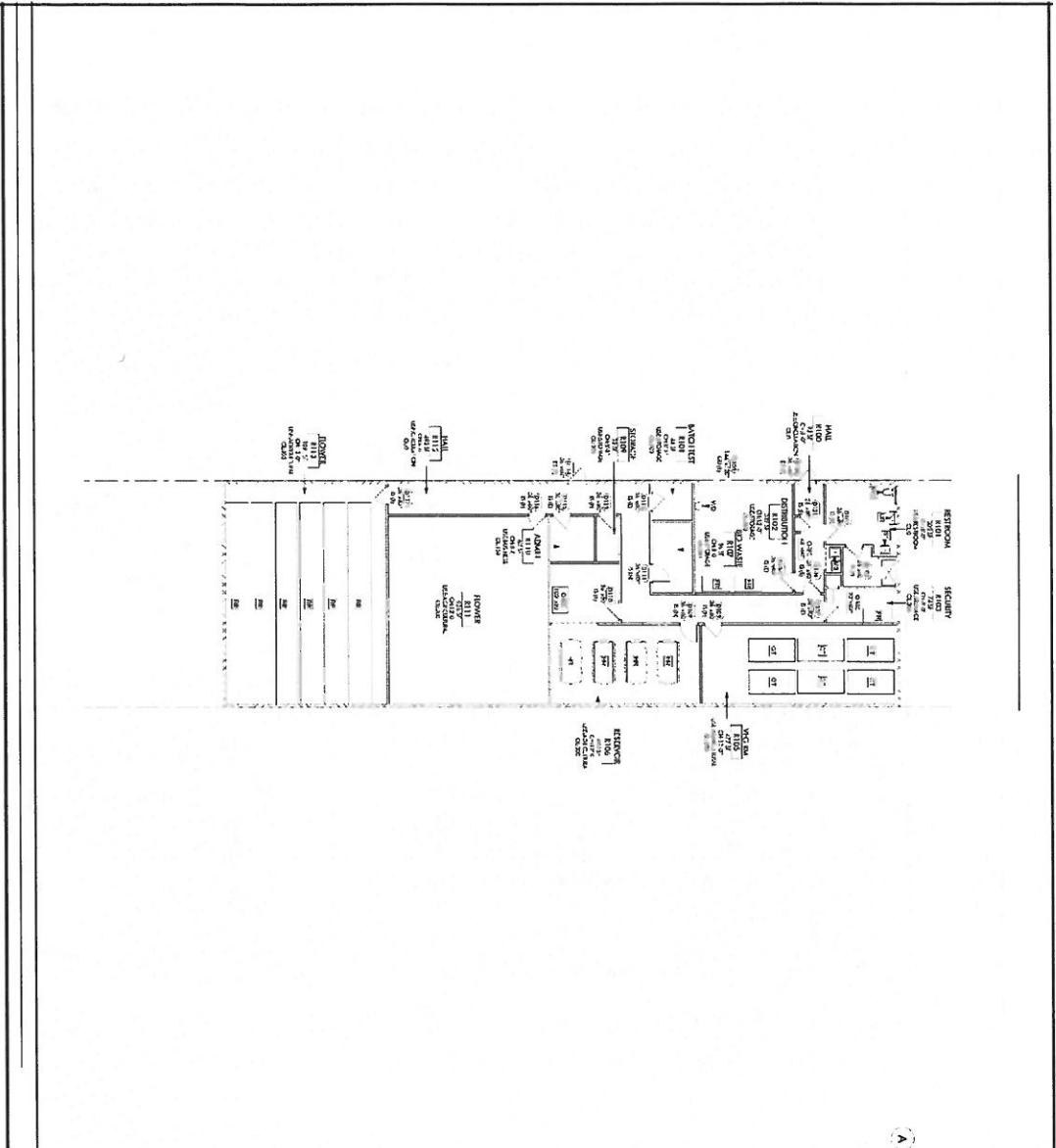
## TRACT TWO:

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  $2^{\circ} 23' 34''$  West (recorded South  $01^{\circ} 24'$  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  $89^{\circ} 19' 45''$  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  $01^{\circ} 52' 55''$  West (South) 40.00 feet from a point that is North  $89^{\circ} 19' 45''$  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  $02^{\circ} 23' 34''$  West (South  $01^{\circ} 24'$  West) 357.00 feet; thence South  $89^{\circ} 19' 45''$  East, 109.38 feet; thence North  $01^{\circ} 42' 52''$  East, 356.90 feet to a point that is South  $89^{\circ} 19' 45''$  East of the point of beginning; thence North  $89^{\circ} 19' 45''$  West, 105.15 feet to the point of beginning.





**LEGEND - FLOOR PLAN**

1	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
2	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
3	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
4	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
5	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
6	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
7	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
8	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
9	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
10	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
11	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
12	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
13	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
14	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
15	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
16	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
17	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
18	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL
19	1'-0" WALL	2'-0" WALL	3'-0" WALL	4'-0" WALL	5'-0" WALL
20	6'-0" WALL	8'-0" WALL	10'-0" WALL	12'-0" WALL	14'-0" WALL

**ADDITIONAL FLOOR PLAN NOTES:**  
 1. ALL WALLS ARE TO BE CONSTRUCTION GRADE UNLESS NOTED OTHERWISE.  
 2. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.  
 3. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.  
 4. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.  
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 17. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.  
 18. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.  
 19. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.  
 20. ALL WALLS ARE TO BE 1/2" GYP BOARD UNLESS NOTED OTHERWISE.

REMODEL FOR: **APN:039-550-460-000**

**CLEARLAKE ELECTRONICS SUPPLY**

14935 OLYMPIC DR,  
 CLEARLAKE, CA 95422

**GREYSCALE HOMES**

14935 OLYMPIC DR  
 CLEARLAKE, CA 95422  
 TEL: 916-833-5815  
 WWW: www.GreyscaleHomes.com

SALE  
 TARGO  
 ADDRESS:  
 14915 OLYMPIC DR  
 CLEARLAKE, CA 95422  
 TEL: 916-833-5815  
 WWW: www.GreyscaleHomes.com

DATE: 11/11/2014  
 TIME: 10:11:11 AM  
 USER: JEFFREY  
 PROJECT: 14935 OLYMPIC DR  
 SHEET: 2



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.

 T. Kocot

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

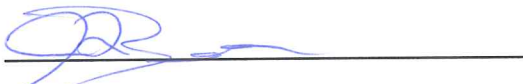
NOES: None

ABSENT: None

ABSTAIN: None

*RE Bean*  
\_\_\_\_\_  
Chairperson, Planning Commission

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk, Planning Commission

Exhibits:       Development Agreement DA 2018-05



STAFF REPORT	
<b>SUBJECT:</b> June Bugzzz Development Agreement, DA 2025-02 for an approved Commercial Cannabis Operation	<b>MEETING DATE:</b> January 16, 2025
<b>SUBMITTED BY:</b> Mark Roberts – Senior Planner	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

Adoption of Development Agreement, DA 2025-02 for an existing approved Commercial Cannabis Operation at 14915 & 14935 Olympic Drive, Units A and B2.

From the December 5, 2024 staff report:

**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 second reading of Ordinance No. 274-2025, read by title only, waive further reading, and set second reading and adopt.

- Attachments:**
  - 1) Development Agreement Ordinance 274-2025
  - 2) Development Agreement (DA 2024-02)
  - 3) Approved Use Permits Staff Report Packet

**CITY OF CLEARLAKE  
ORDINANCE NO. 274-2025  
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 18<sup>th</sup>, 2018 and March 9<sup>th</sup>, 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 16<sup>th</sup>, 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 5<sup>th</sup>, 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 **16<sup>th</sup> day of January, 2025.**

**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 20<sup>th</sup>, 2018 and on March 9<sup>th</sup>, 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 5<sup>th</sup>, 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 13<sup>th</sup>, 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 30<sup>th</sup> for the preceding period of January 1<sup>st</sup> through June 30<sup>th</sup> and no later than January 31<sup>st</sup> for the preceding period of July 1<sup>st</sup> through December 31<sup>st</sup>. 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 1<sup>st</sup> 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:

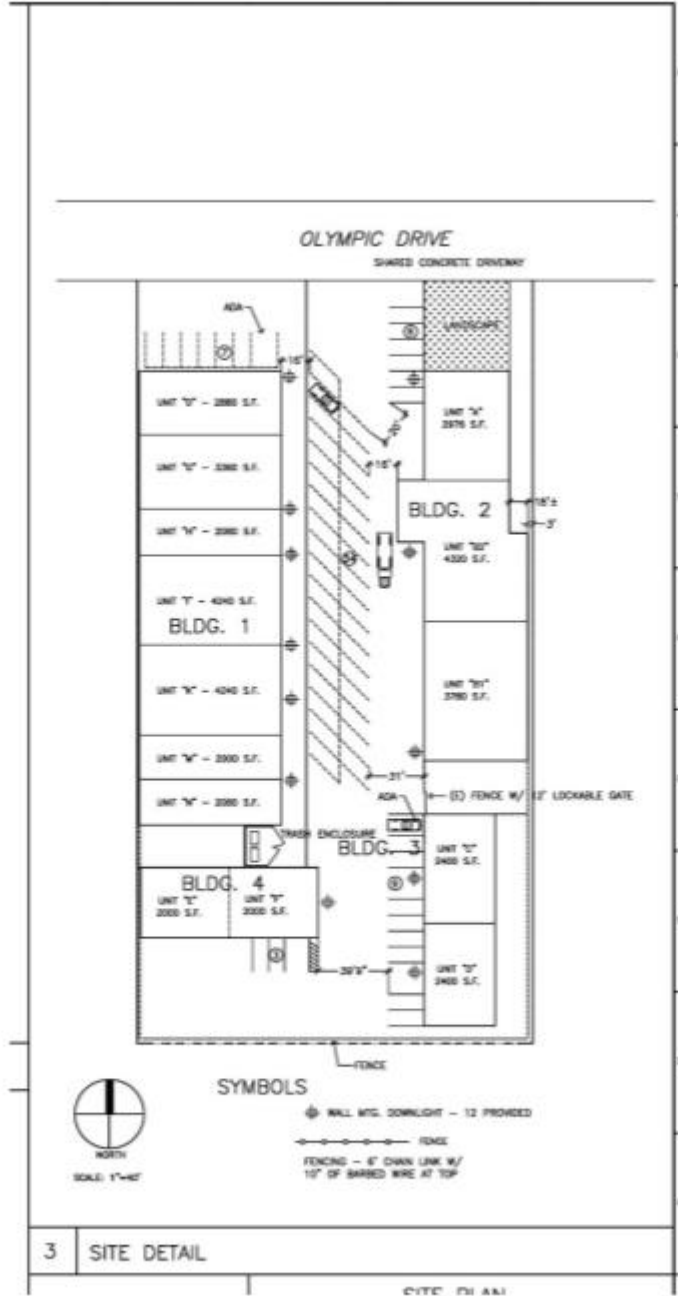
COMMENCING at a point on the West line of the State Highway leading from Lower Lake to Clearlake Oaks, where the same is intersected by the South line of the County Road leading to Austin's, said point being within the Northeast one quarter of the Southeast one quarter of Section 21, Township 13 North, 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.

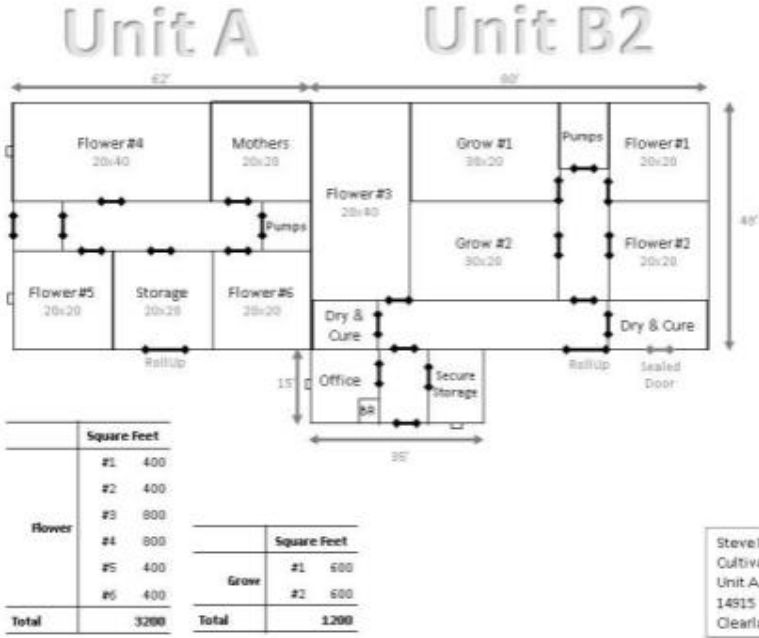
# EXHIBIT A – SITE PLAN AND INTERNAL LAYOUT

## SITE PLAN:





**FLOOR PLAN**



Steve Malone  
 Cultivation  
 Unit A & B2  
 14915 Olympic Drive  
 Clearlake, CA 95422

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](mailto: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](mailto: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](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](mailto: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](mailto: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](http://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](http://www.clearlake.ca.us).

POSTED: March 5, 2021



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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

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**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

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**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.

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\* 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.

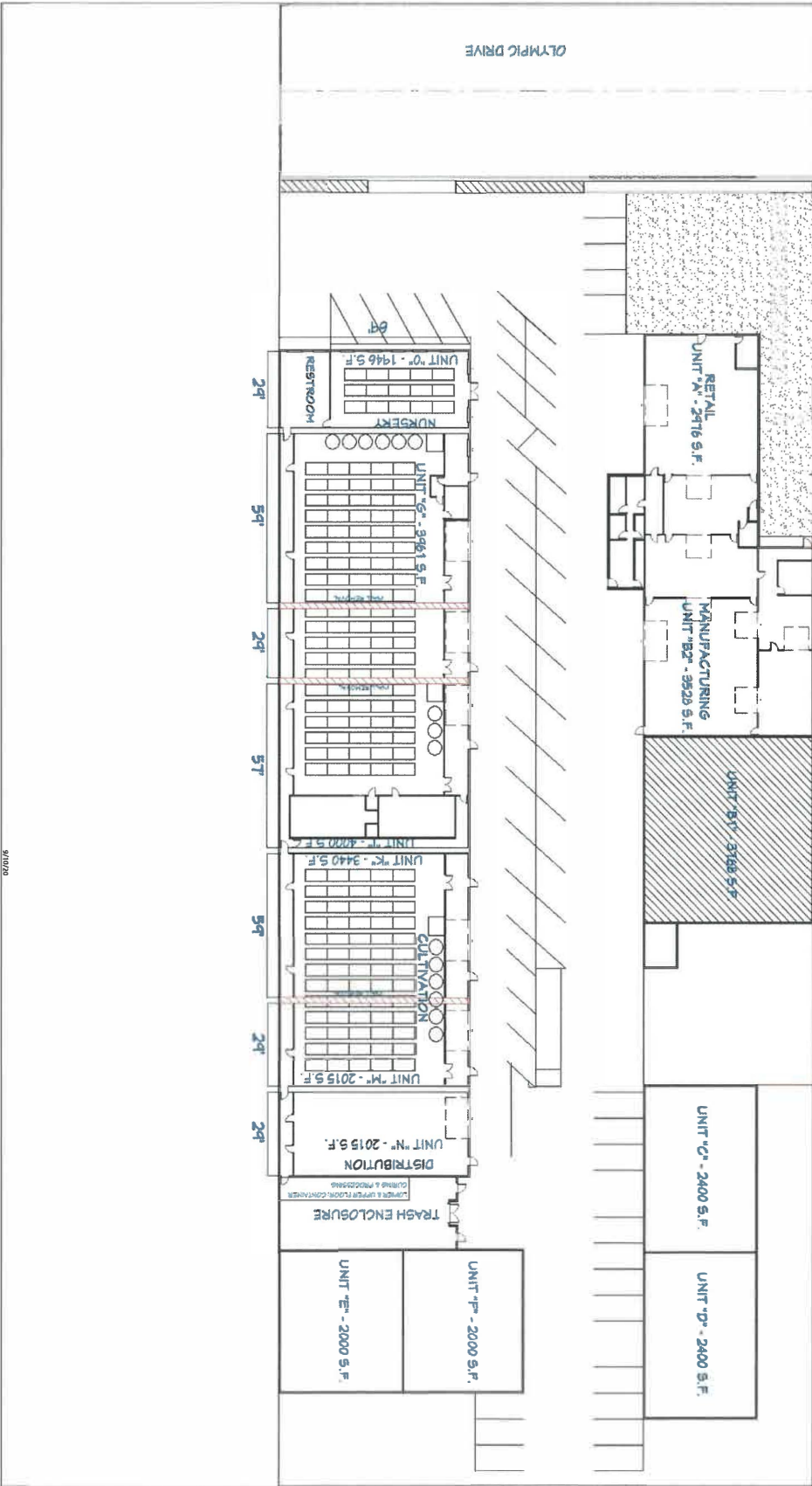
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\* Attachment 3

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



<p>9/10/20</p> <p style="font-size: 2em; font-weight: bold;">A0-</p> <p style="font-size: 0.8em;">SHEET OF</p>	<p><b>TENANT IMPROVEMENT FOR:</b>                  CMS GROUP, LLC                  14915 OLYMPIC DR,                  CLEARLAKE, CA 95422</p>	 <p>(707) 533-6121 INFO@HTHCONSTRUCTION.COM</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">#</th> <th style="width: 70%;">REVISIONS</th> <th style="width: 10%;">DATE</th> <th style="width: 15%;">BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td>ADDED COLORING ZONE EXISTING BLANDS ALLOCATION.</td> <td> </td> <td> </td> </tr> </tbody> </table> <p style="font-size: 0.8em;">COPYRIGHT © 2020 HTH CONSTRUCTION</p>	#	REVISIONS	DATE	BY		ADDED COLORING ZONE EXISTING BLANDS ALLOCATION.		
#	REVISIONS	DATE	BY								
	ADDED COLORING ZONE EXISTING BLANDS ALLOCATION.										



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.

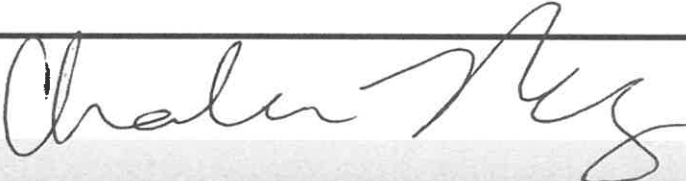
- { } 5. A sketch or diagram depicting the interior configuration of the premises, including the total floor area, drawn to scale.
- { } 6. A site plan drawing depicting the facility and all properties within 600 feet.
- { } 7. A lighting plan showing existing and proposed exterior and interior lighting 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: \_\_\_\_\_

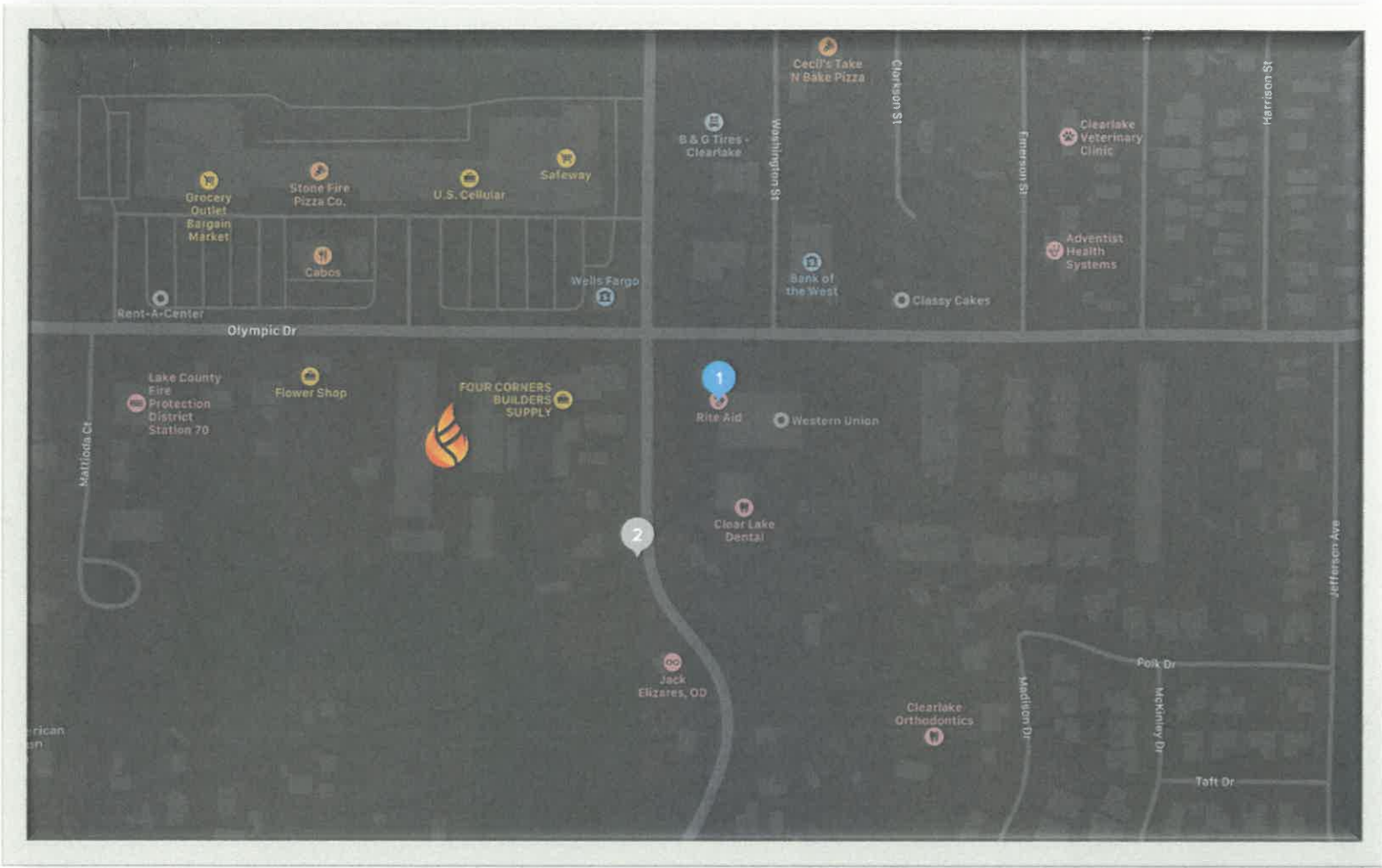
Credit Card     Debit Card     Money Order     Cash     Check # \_\_\_\_\_





{ } 6. A site plan drawing depicting the facility and all properties within 6

Section I, Item 10.



**{ } 7. A lighting plan showing existing and proposed exterior and interior lighting placement and levels.**

Section I, Item 10.

**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.

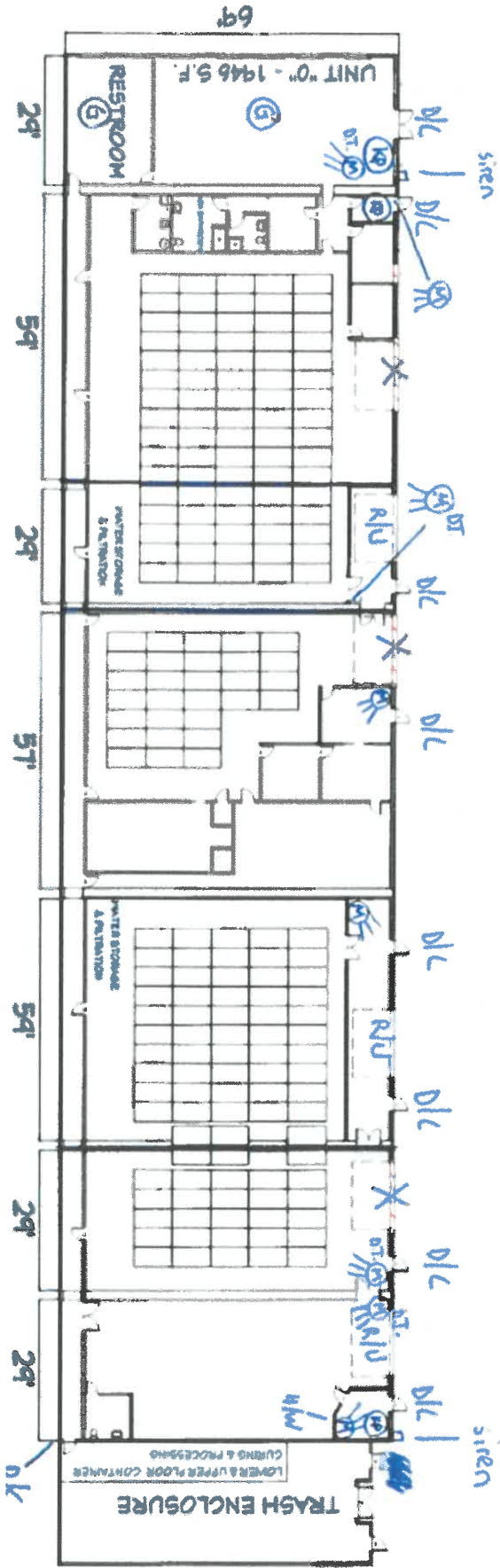
Over twenty plus years of experience providing security guard services in numerous industries have afforded CANNA SENTRY a broad understanding of security that we depend on to develop and refine our internal best practices from lessons learned. We employ that collective knowhow to deliver our clients 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/L = 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 I, Item 10.

Fax: (707)462-1478

**Proposal****Client Information**

FUEGO PREMIUM [BURG]  
 14935 OLYMPIC DR STE G-O  
 CLEARLAKE CALIFORNIA 95422

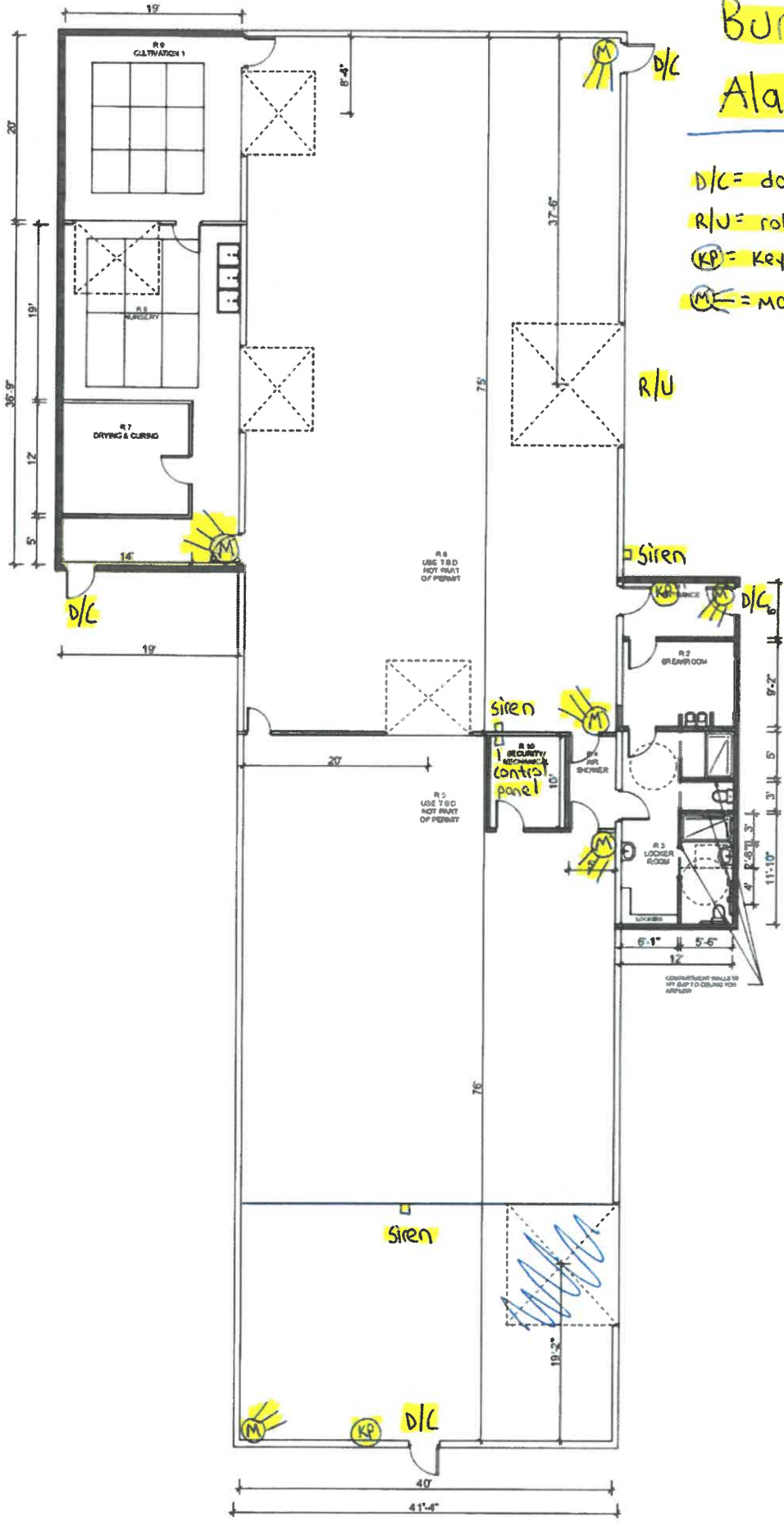
**Proposal Number** 5665  
**Date** 10/5/2020 **Expires** 11/5/2020  
**Salesperson** JAVIER MORENO

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 I, Item 10.

**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

<b>Sub Total</b>	<b>\$5,700.00</b>
<b>Labor</b>	<b>\$0.00</b>
<b>Sales Tax</b>	<b>\$328.13</b>
<b>Total This Proposal</b>	<b>\$6,028.13</b>

## **{ } 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

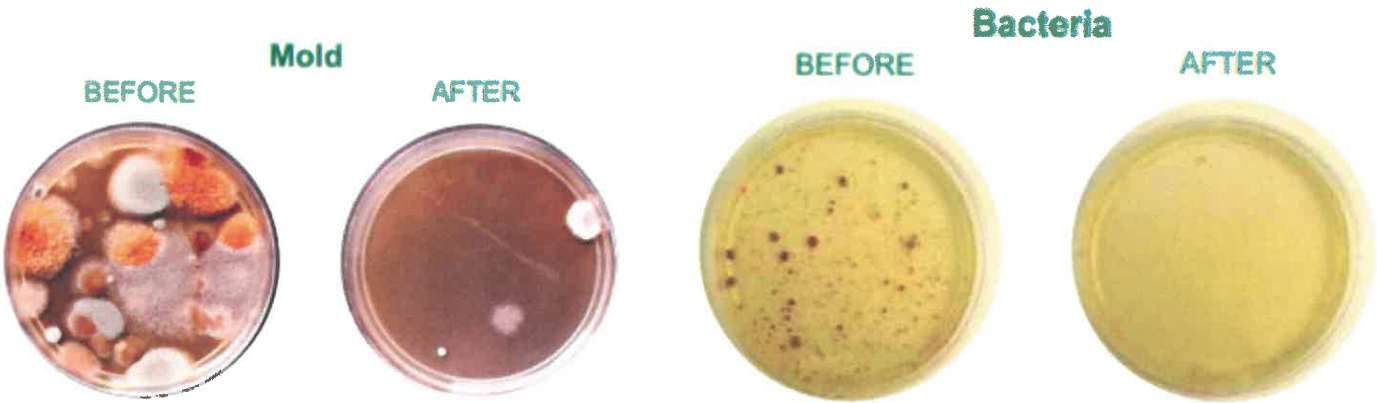
1. Air within zone filtered through activated carbon on a constant basis within grow rooms and other areas on a consistent basis to ensure odor control is clean and constantly maintained inside the facility.
2. Air exhausted from rooms filtered through activated carbon, transferred through sealed ducting 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.

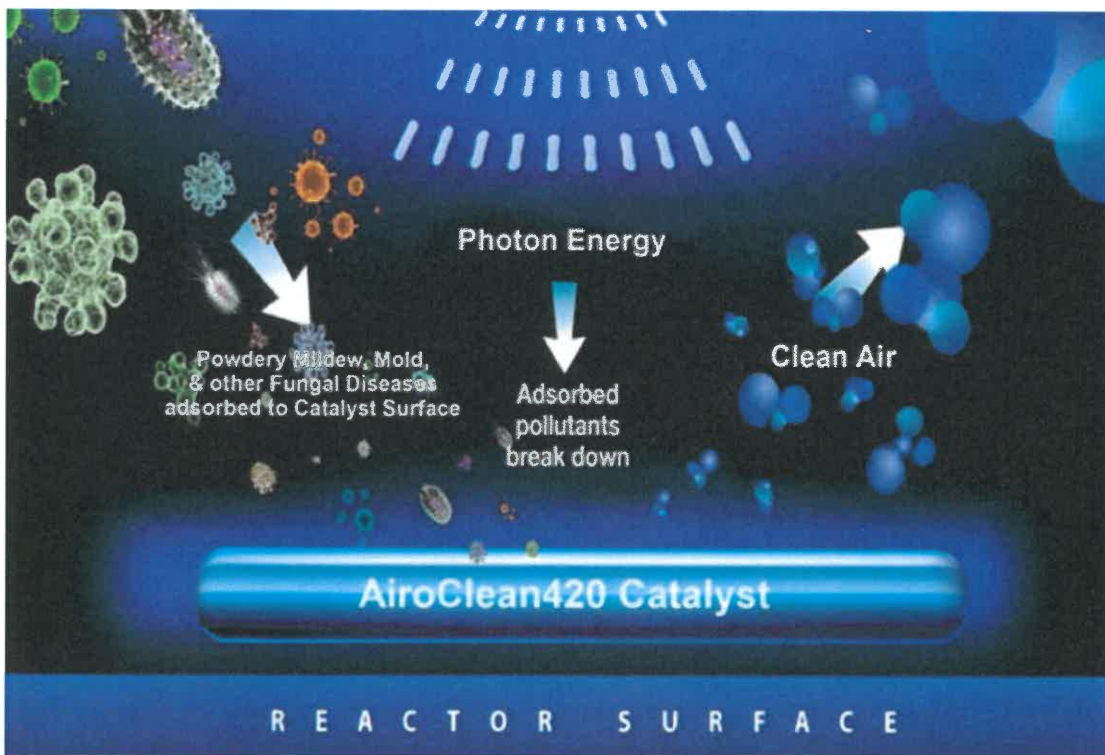


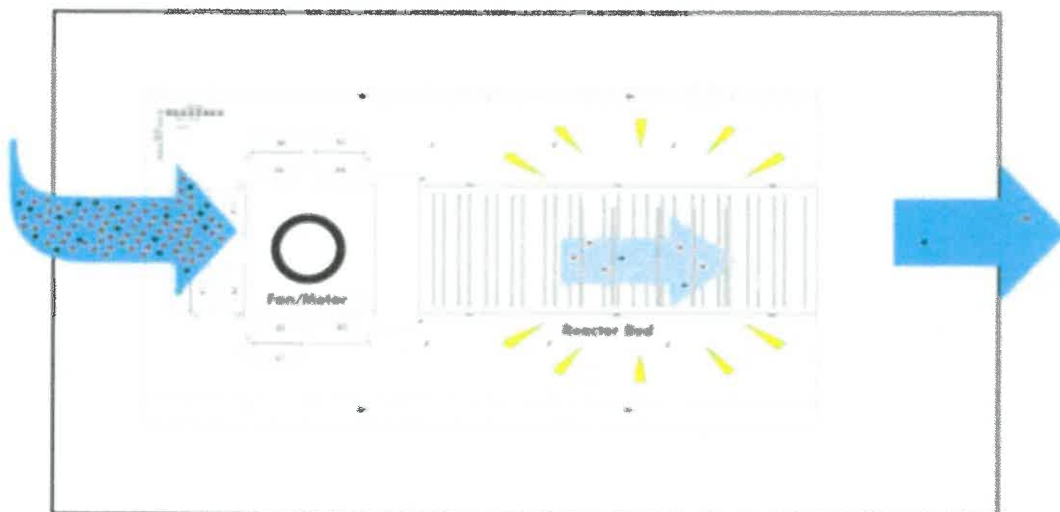
# AiroClean420 AIRO-50 - Grow Room Air Sanitation System

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 I, Item 10.

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 I, Item 10.

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.



Uvonair 5000 Plus



# { } 10. A detailed business plan.

**Fuego Premium, LLC**

Cultivation

**Emerald Mountain Factory**

Non Volatile Manufacturing

**Canna Cudo**

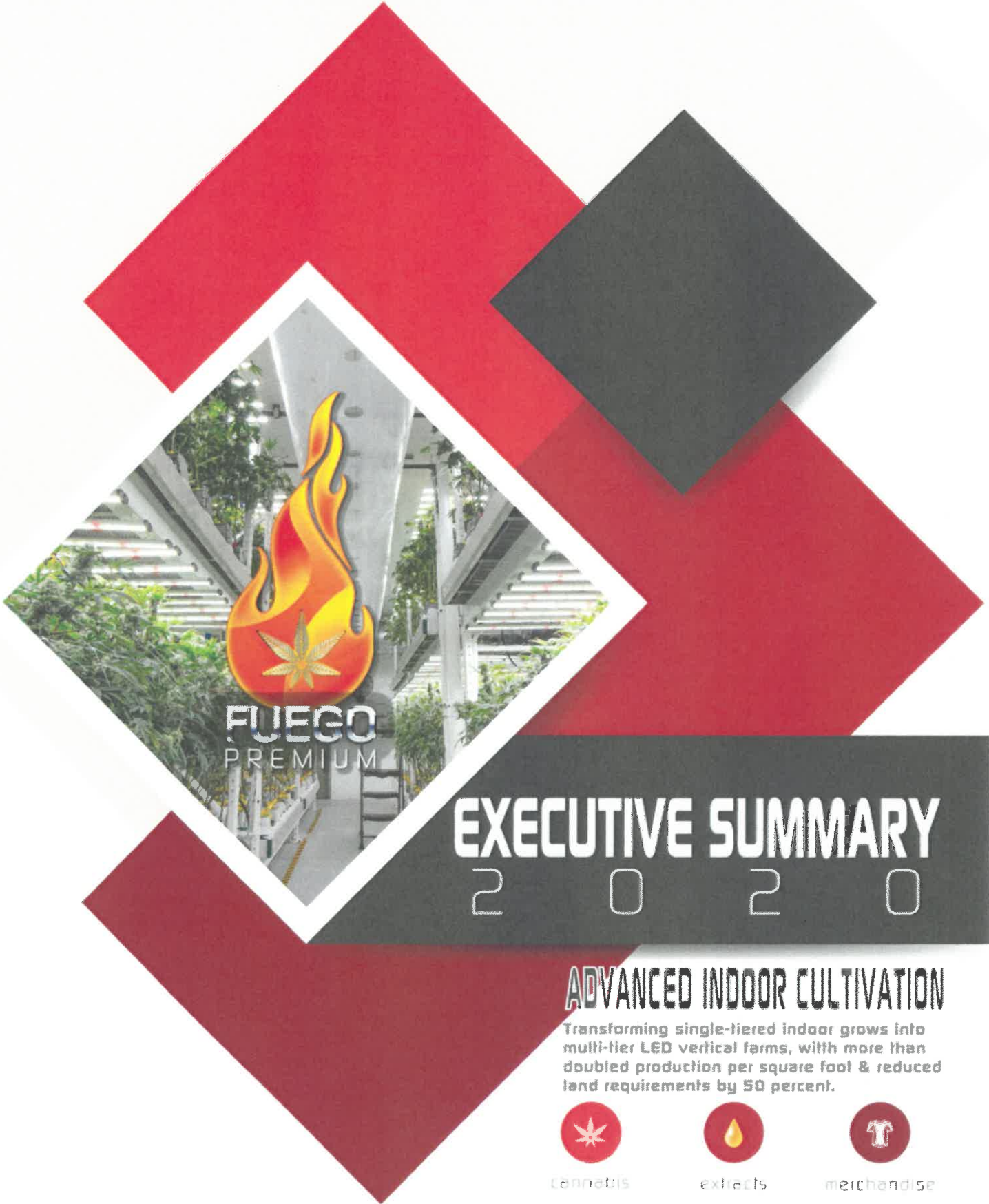
Nursery

**Emerald Mountain Express**

Delivery

**Emerald Mountain Supply**

Distribution



# EXECUTIVE SUMMARY

## 2020

### 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.

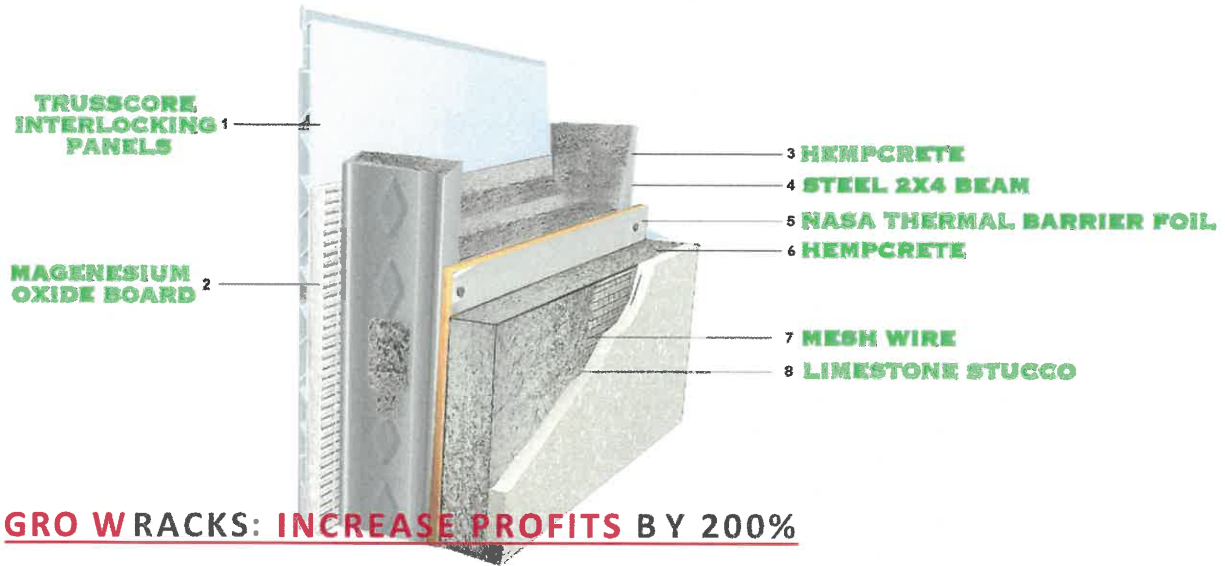
We partner with our technology providers to ensure a flourishing year-round production.

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



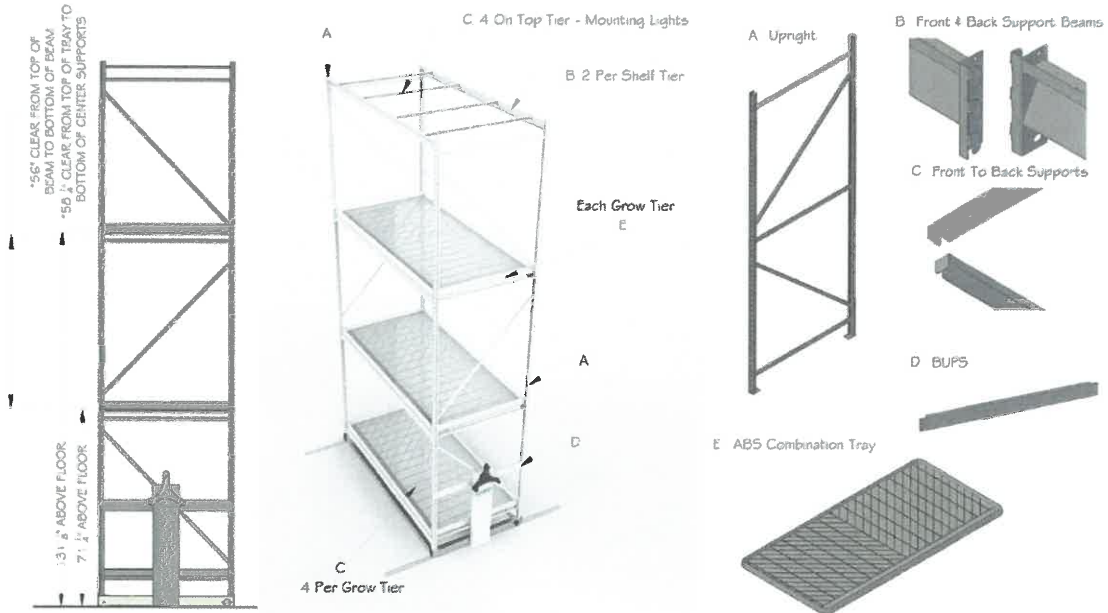
**MASTERGRO W WALL: FIREPROOF, MOLDPROOF, BUGPROOF**



**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 AND 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 MADE 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

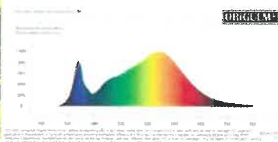
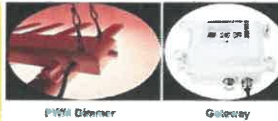
Integrated Dimming:  
85539PCS lights in 2.6KM  
to be dimming



50-277VAC, 3870-622W/6 hpM,  
48VDC output Safety protection  
from water spraying

Simple Installation  
Each bar applied with a push  
lock, for growers' convenience

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



◆ 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  
cabin@origulm.net

#### LED PLANT GROW LIGHT



◆ Full spectrum: Samsung 3500K,  
4500K + CREE 660nm, 730nm.  
240-660W, 48VDC output, 90-480VAC,  
1530umol/s, 2.3umol/L

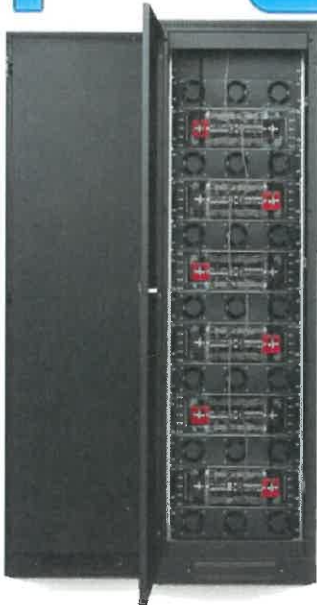
◆ For growers' convenience of  
installation  
Each bar with a push lock annexed  
with the bracket;  
2 notches for freely raising and  
lowering the luminare



www.origulm.net

## ENERGY STORAGE: SUPER CAPACITOR ADVANCEMENTS

# ADVANCED OFFGRID POWER 1.2 MEGA WATTS

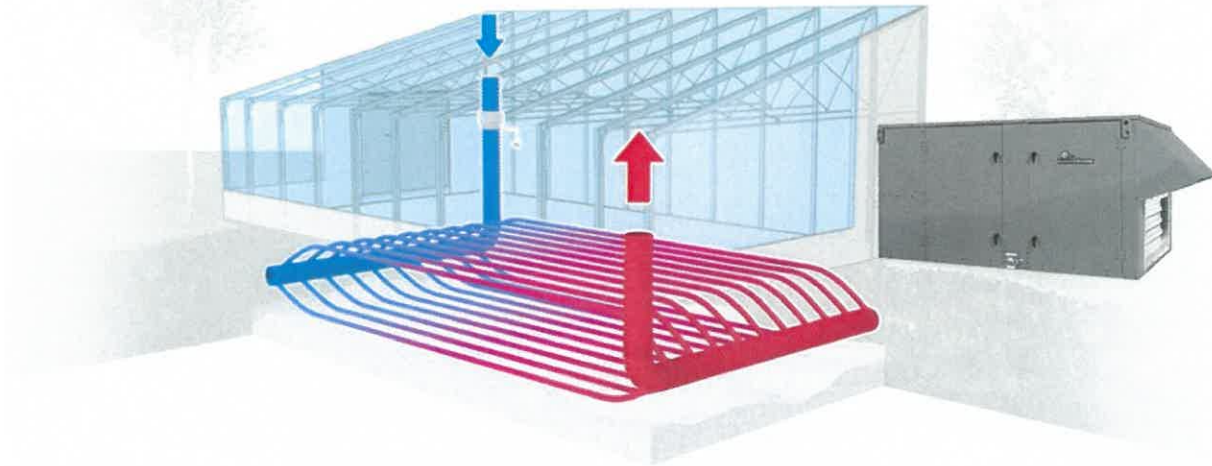


EXAMPLES OF SHELGINO SETUPS				
Max power**	1500 kW	7200 kW	10800 kW	5200 kW
Max current*	3000 A	2900 A	1500 A	1600 A
Nominal power**	380 kW	225 kW	150 kW	75 kW
Nominal current**	1250 A	750 A	500 A	250 A
Nominal voltage	672 V	672 V	672 V	672 V
Efficiency at Max power	74.8 %	81.7 %	88.8 %	92.4 %
Efficiency 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	1488	1488	1488	1488

\*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.

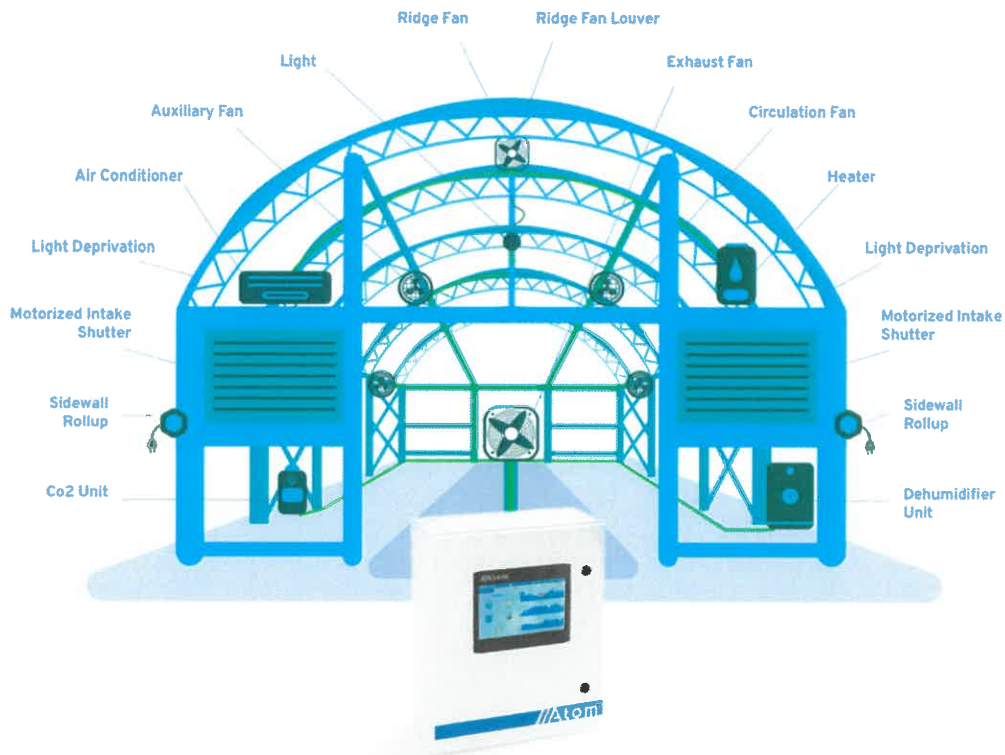
From single-zone greenhouses to multi-site agriculture operations, Atom enables the modern farm to consolidate dozens of analog systems, collect real-time data, and ensure healthy crops, all for less energy.

### 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.

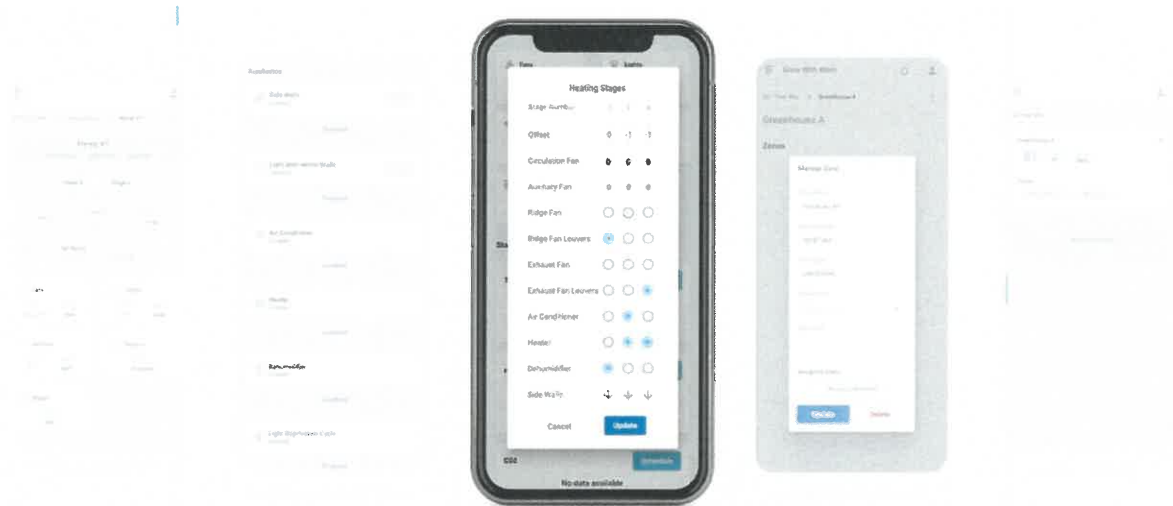
# IOT AUTOMATION ROBOTICS

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.

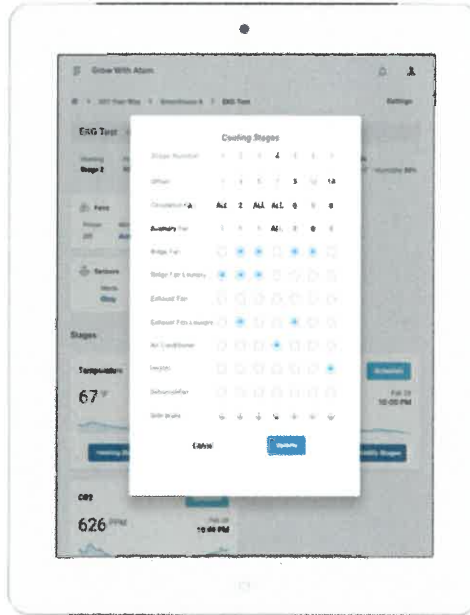






## AUTOMATE CLIMATE RECIPES

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.



## **A COMPREHENSIVE APPROACH**

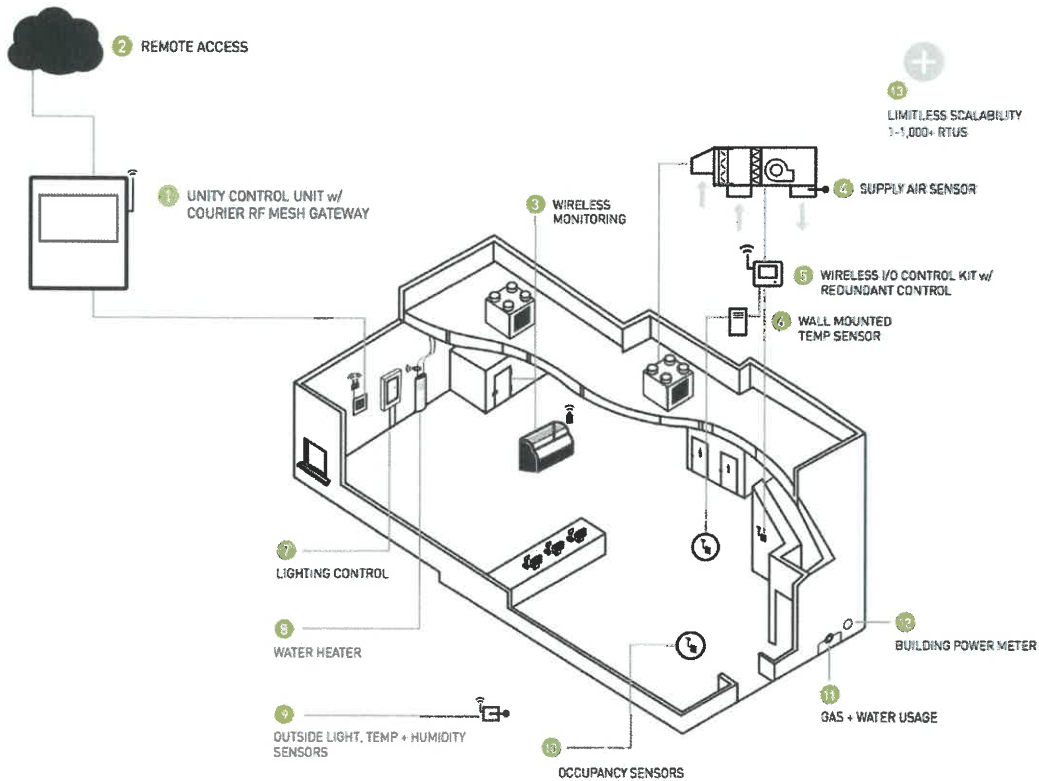
Unity is more than a set of solutions. Unity is a process that provides the path forward to meeting your energy savings goals. We work with manufactures, incentive providers and lenders to make it happen.

## **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.**

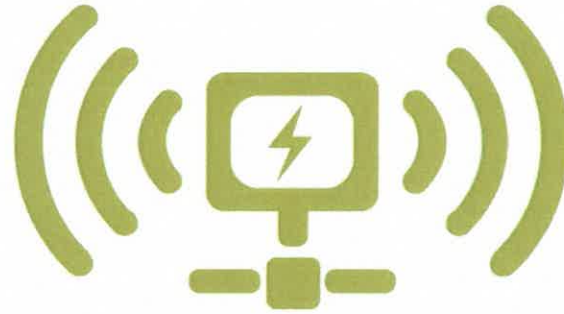
UNITY's Cloud Control provides complete access to your facility via our integrated web dashboard.





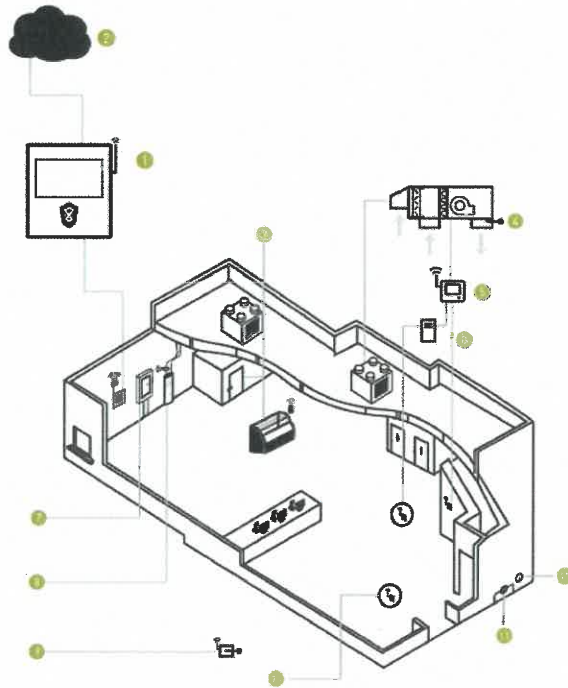
**WIRELESS MESH**  
**REDUCED INSTALL COSTS AND EASY SET UP**

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.

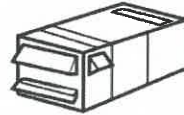


# COMPLETE BUILDING AUTOMATION



## 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



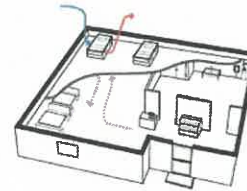
## REFRIGERATION

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**

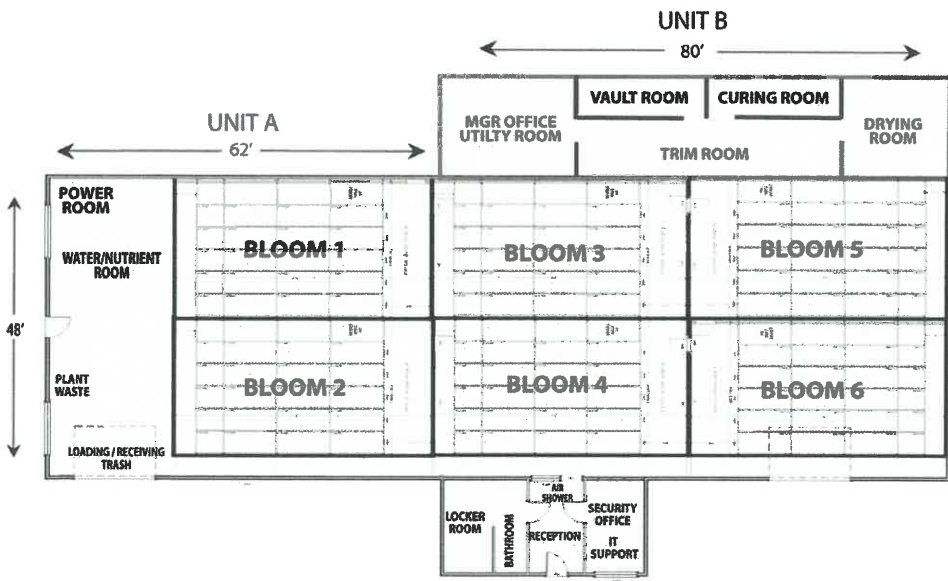
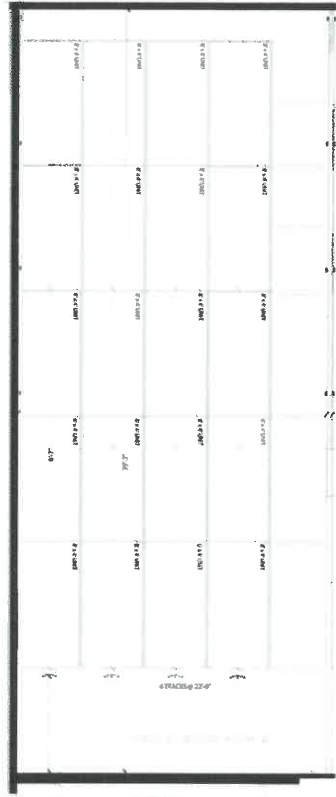
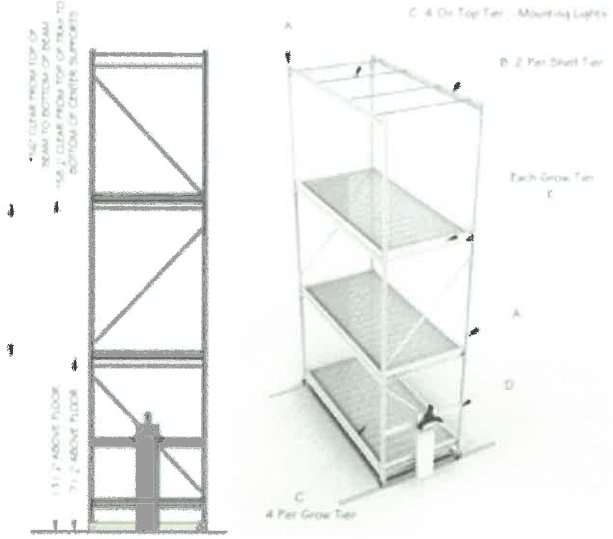


# INNER CITY CULTIVATION HYBRID BLOOM ROOM

## BLOOM ROOM

Specifications:  
Height: 12'  
Size: 8'x4'  
No. of Grow Levels: 3  
Tray: ABS Compositon Tray  
Finish: K20 White with Anti-Fungal and Anti-Microbial Finish

Vertical Grow Rack





# CULTIVATION ACCOUNTING

## BLOOM ROOM SPECS

<b>24</b>	<b>- ROWS BLOOM 1</b>
<b>5</b>	<b>- RACKS PER ROW</b>
<b>120</b>	<b>- RACKS BLOOM 1</b>
<b>5</b>	<b>- 8'X4' TRAYS PER LEVEL</b>
<b>2</b>	<b>- LEVELS PER RACK</b>
<b>240</b>	<b>- TRAYS BLOOM 1</b>
<b>4</b>	<b>- LIGHTS PER RACK</b>
<b>480</b>	<b>- LIGHTS BLOOM 1</b>
<b>24</b>	<b>- PLANTS PER TRAY</b>
<b>5,760</b>	<b>- PLANTS BLOOM 1</b>

## ESTIMATED REVENUE

<b>ESTIMATED* 1.5 LBS</b>	<b>PER LIGHT</b>
<b>720 LBS ESTIMATED YIELD</b>	<b>PER ROOM HARVEST</b>
<b>\$2,000 PER LB x 720 LBS</b>	<b>\$1,400,000.00 PER HARVEST 1</b>
<b>HARVEST PER MONTH*</b>	<b>\$1,400,000.00 A MONTH</b>
<b>ESTIMATED* \$16,800,000.00</b>	<b>PER YEAR REVENUE</b>







## SALES GOALS

A complete set of financial s is found in this Business Plan, but key metrics include:

	<b>2021</b>	<b>2022</b>	<b>2023</b>
Projected Units produced per Year	<b>8,640</b>	<b>17,080</b>	<b>26,020</b>
Delivery Service Members	<b>100</b>	<b>1000</b>	<b>5000</b>

## FINANCIAL OVERVIEW

A complete set of financial s is found in this Business Plan, but key metrics include:

	<b>2021</b>	<b>2022</b>	<b>2023</b>
FUEGO PREMIUM Locations	<b>1</b>	<b>2</b>	<b>3</b>
Lake County Location Vert Rack Revenue	<b>\$16,800,000.00</b>	<b>\$33,600,000.00</b>	<b>\$50,400,000.00</b>
Distribution Revenue	<b>\$5,000,000.00</b>	<b>\$10,000,000.00</b>	<b>\$20,000,000.00</b>
Delivery Services Revenue	<b>\$750,000.00</b>	<b>\$1,500,000.00</b>	<b>\$2,500,000.00</b>
Total Revenues (\$)	<b>\$22,550,000.00</b>	<b>\$45,100,000.00</b>	<b>\$72,900,000.00</b>
Expenses (\$)	<b>\$2,353,800.00</b>	<b>\$6,793,058.00</b>	<b>\$12,339,000.00</b>
Operating profit/loss (\$)	<b>\$20,196,200.00</b>	<b>\$38,306,942.00</b>	<b>\$60,561,000.00</b>



## **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.

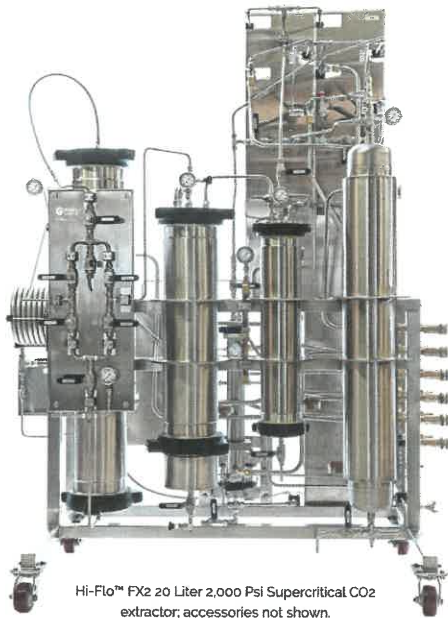
Our goal is to make **EMERALD MOUNTAIN FACTORY** the beacon of where to go for every person’s everyday needs with cannabis infused Bio-Mineral Therapies through our various natural vegetation cell food products.

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

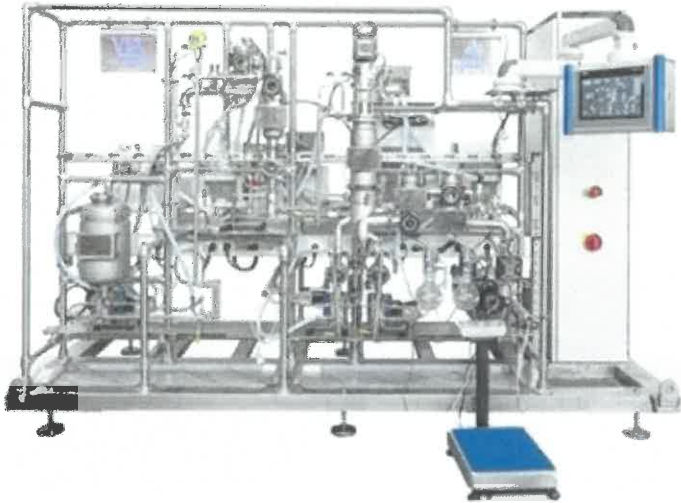
**EQUIPMENT COSTS: \$500,000.00  
EQUIPMENT MAINTENANCE: \$45,000.00 /yr**

# **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:**

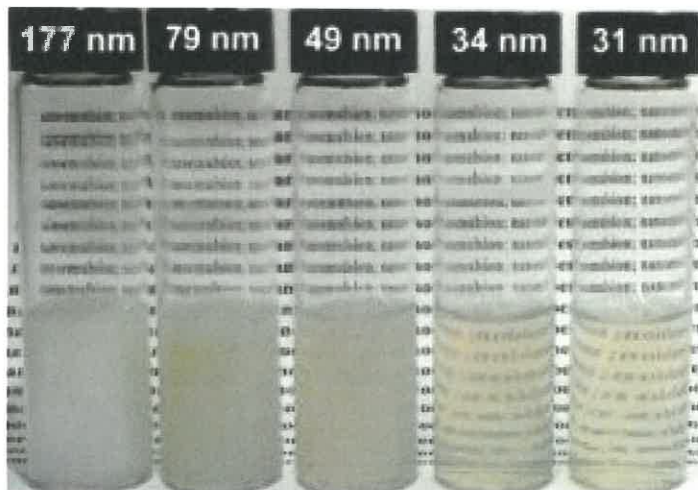
- Continuous feed so you don't have to break vacuum
- Short residence time
- High evaporation rates
- Low processing temperatures
- Compact design
- Cannabinoid separation
- Automated controls
- Fully Jacketed for precise temperature controls
- Included with the VKL 70-5 is the feeding system, short 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><b>1. EMERALD MOUNTAIN MINTZ</b>  <b>2. TERPZ GUSHER GUMZ</b>  <b>3. TERPZ POPZ</b>  <b>4. CANNABIS CANDIDED BACON</b>  <b>5. EMERALD HONEY</b>  <b>6. TEA H.C.</b></p> <p><b>7. EMERALD MOUNTAIN DRYHOUSE</b>          - THSEA - <a href="http://www.thsea.com">www.thsea.com</a>          - Candied Salmon          - Candied Trout</p> <p><b>8. EMERALD MOUNTAIN CHOCOLATIER</b>          - Truffles          - Emerald Nutz</p> <p><b>9. 707 ELECTRIC DREAMZ</b>          - Purple Punch          - Lime Pop          - Tangerine Dream          - Limoncello          - Blueberry Slushy          - Fizzy Peach</p>	<p><b>10. ALTUM</b>          - Canna Cream          - Canna Soap          - Canna Balm          - Canna Ointments          - Cooking Cooking Oilz          - Olive (infused*)          - Coconut          - Grape Seed          - Peanut          - Sesame          - Canola (Vegetable)          - Butterz</p> <p>- <b>Salad Dressing</b>          - Mendo Ranch          - Strawberry Diesel Vinaigrette</p> <p><b>11. HALF BAKED 2GO</b>          - Cookie Dough          - Gourmet Biscotti          - Cinnamon Rolls          - Croissant          - Donuts          - Cheesecake</p>
---	--

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
	<b>\$5,000,000.00</b>	<b>\$10,000,000.00</b>	<b>\$20,000,000.00</b>

## FINANCIAL OVERVIEW

A complete set of financials is found in this Business Plan, but key metrics include:

	2019	2020	2021
<b>EMERALD MOUNTAIN FACTORY</b>	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 (\$)	\$3,500,000.00	\$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 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.

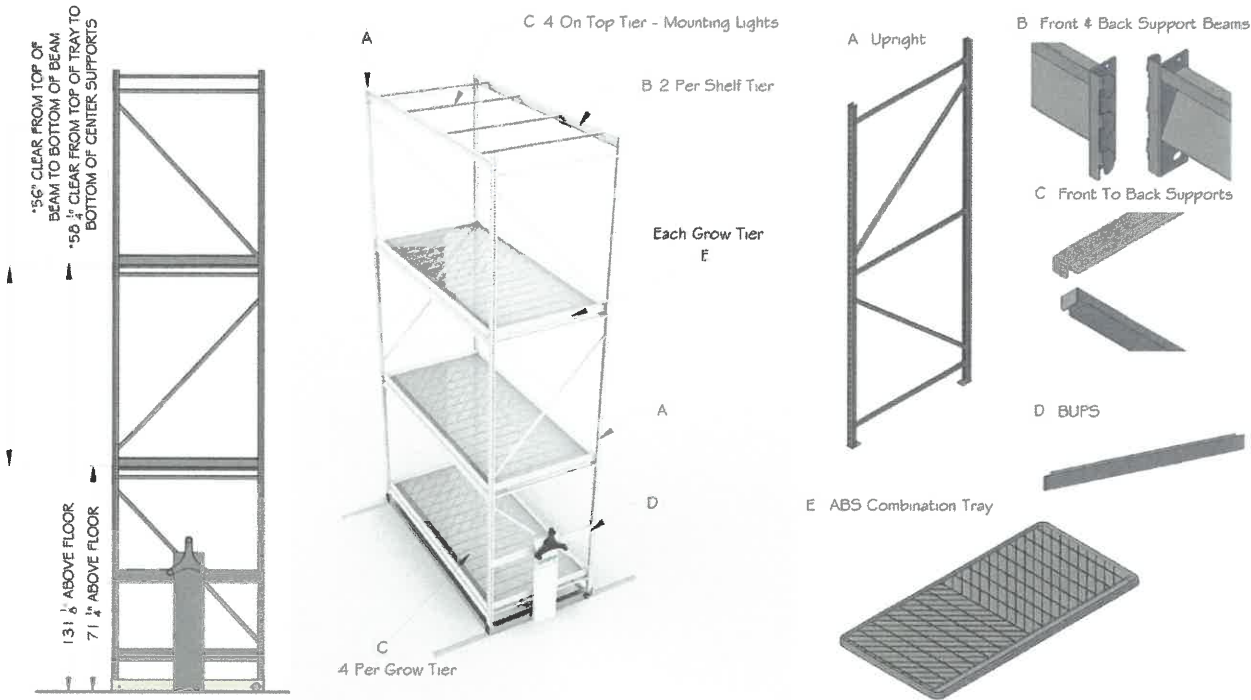
We partner with our technology providers to ensure a flourishing year-round production.

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

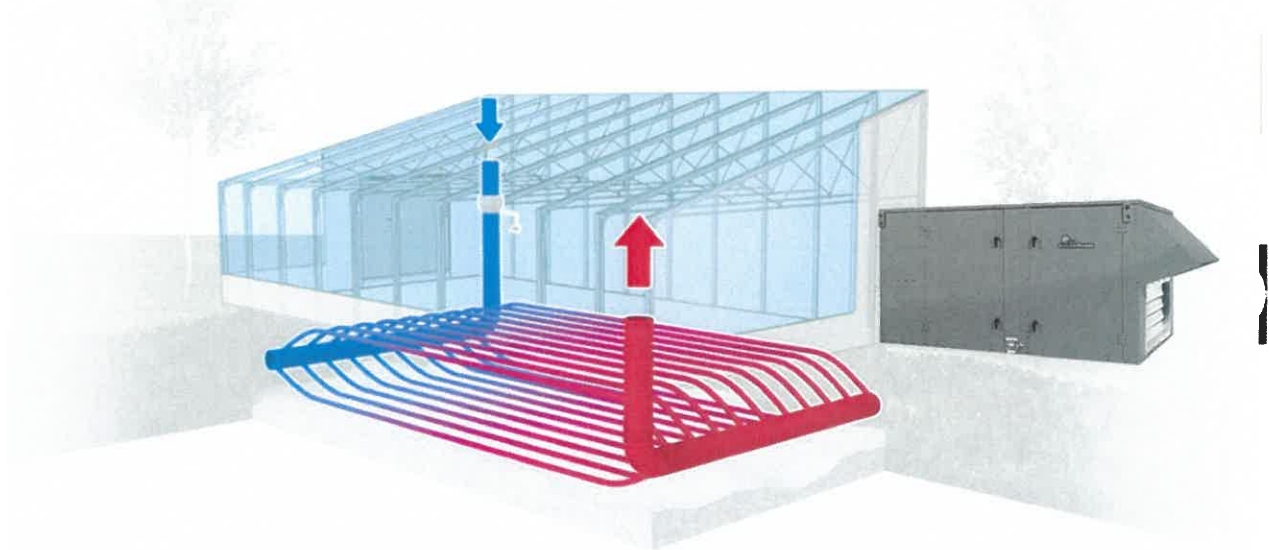
### Vertical Grow Rack



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## MIXED LIGHTING SYSTEMS

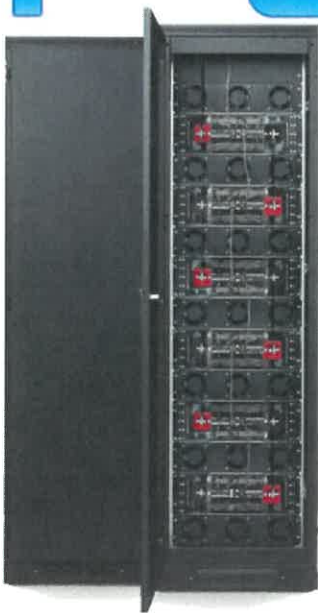
# GEO THERMAL AC/HEATING



## ENERGY SYSTEMS

# ADVANCED OFFGRID POWER

# 1.2 MEGA WATTS



EXAMPLES OF BRANDED SETUPS				
Max power**	1315 kW	1295 kW	1050 kW	570 kW
Max current**	5000 A	3500 A	1700 A	1000 A
Nominal power**	88 kW	220 kW	150 kW	70 kW
Nominal current**	1250 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 series	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.

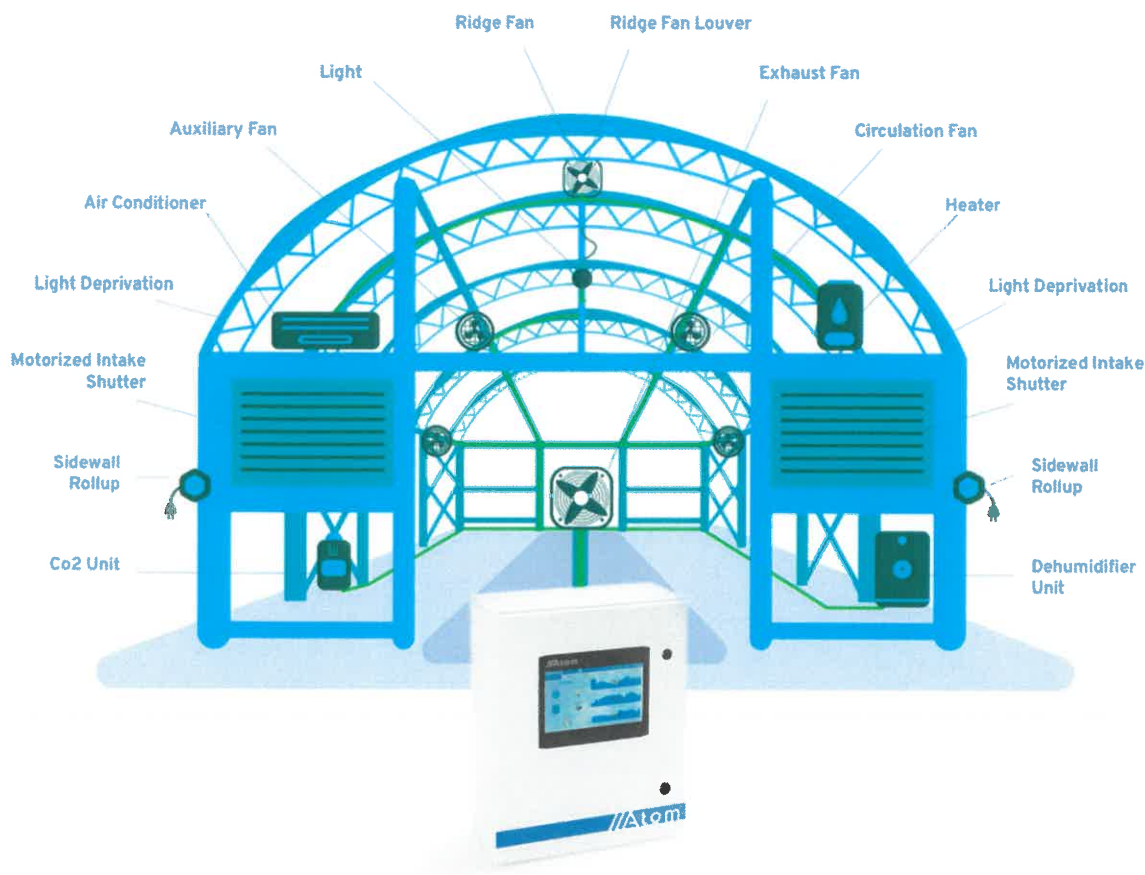
From single-zone greenhouses to multi-site agriculture operations, Atom enables the modern farm to consolidate dozens of analog systems, collect real-time data, and ensure healthy crops, all for less energy.

### 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.

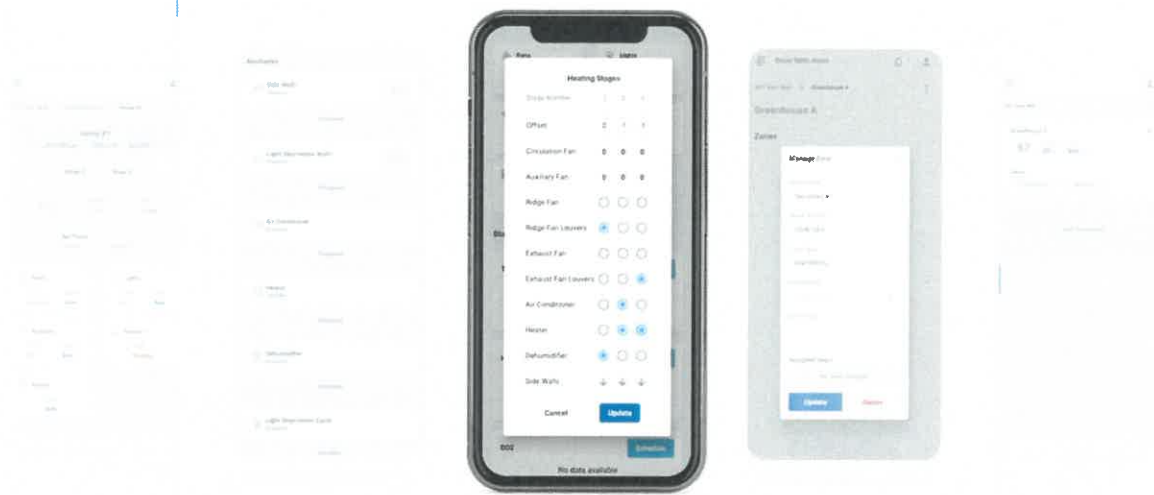
## Monitor Energy Use

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.



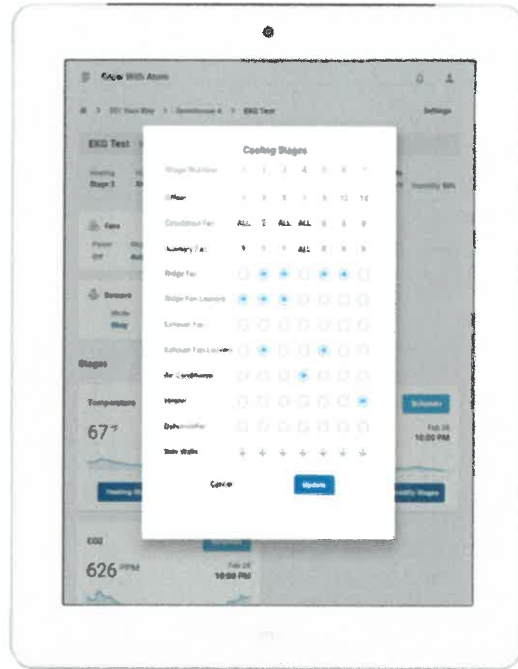
## Easily Monitor Operations

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.



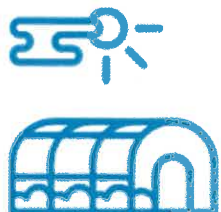
# Automate Lighting Recipes

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



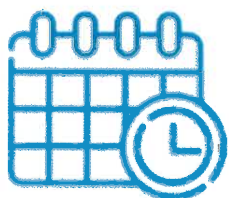
Light-Dep Controls



Temperature Settings



20-Amp DC Output



Multi-day Set Points



Wifi Enabled\*

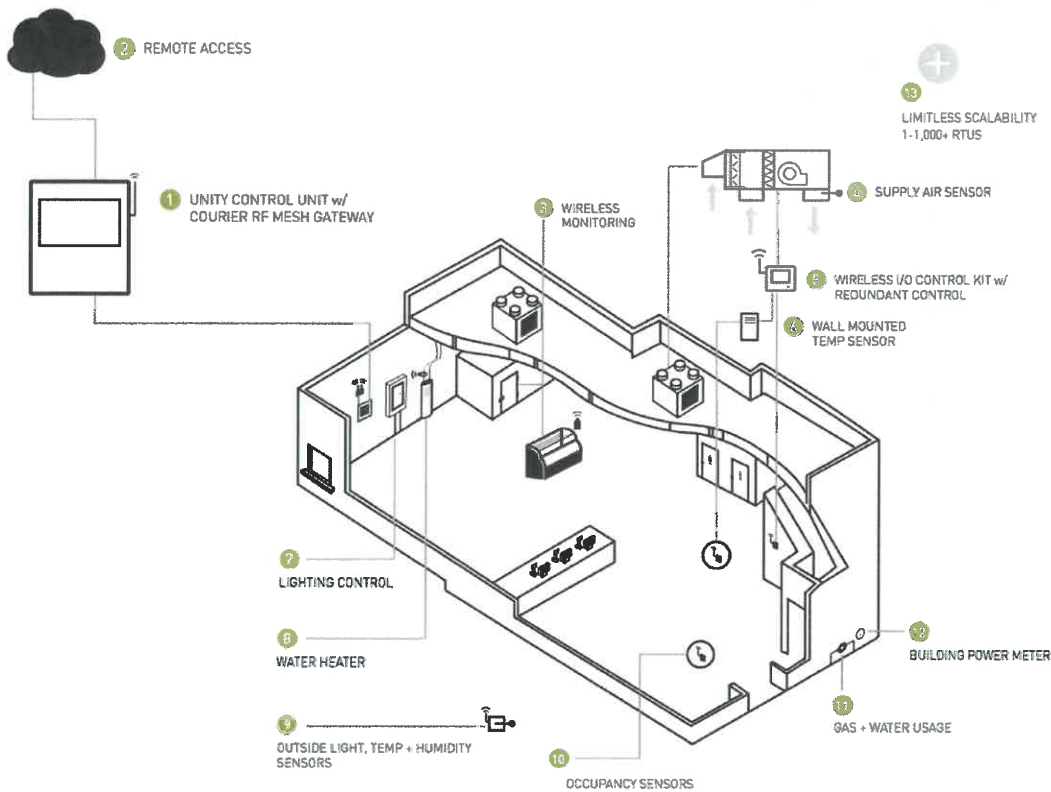


2yr. Battery Backup



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

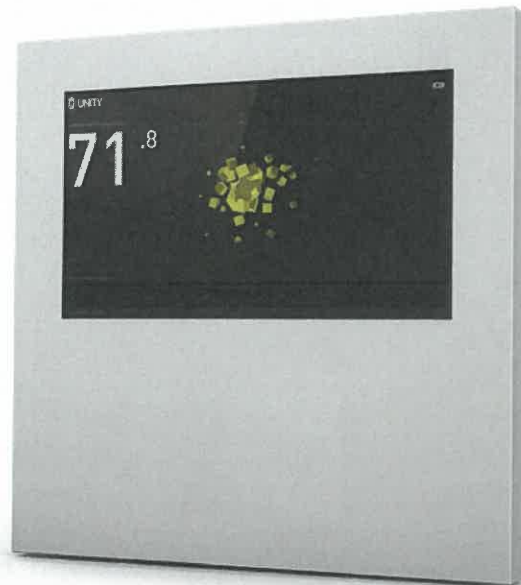
- **In-depth Building Analysis**
- **UNITY controls Sales & Installation**
- **Certified Test & Balance**
- **Incentive Procurement**
- **Variable Speed Fan Installation**
- **Lighting Upgrades & Retrofits**
- **Customized Integration**
- **Cloud Based Asset Management**





## 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**

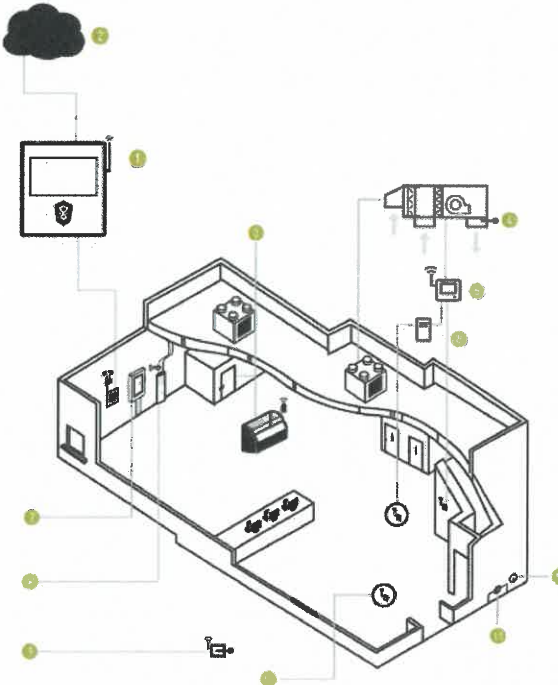
UNITY's patented wireless mesh architecture is the smoothest, fastest most cost effective solution available.



**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.

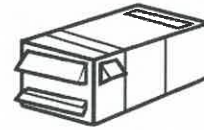


BUILDING



### 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.



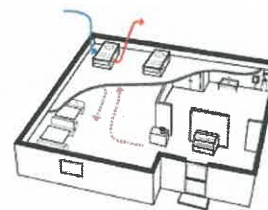
### REFRIGERATION

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 financial s 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
<b>CANNACUDO</b> 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 (\$)	<b>\$646,535.84</b>	<b>\$3,879,215.04</b>	<b>\$7,758,430.08</b>



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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      ○      2      ○



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

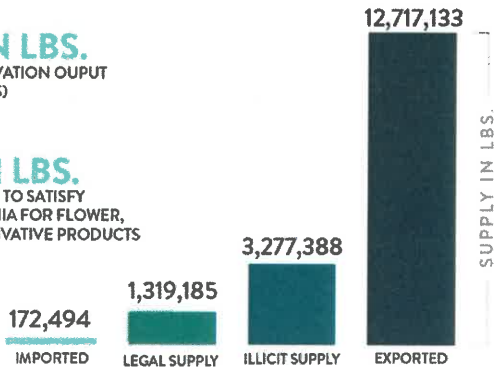
FOR MORE INSIGHTS  
LIKE THIS, VISIT:  
NEWFRONTIERDATA.COM

DESPITE INCREMENTAL LEGAL MARKET GAINS, CALIFORNIA'S ILLICIT  
CANNABIS STILL DOMINATES IN-STATE & NATIONAL SUPPLY.



**SUPPLY**  
**17.3 MILLION LBS.**  
CALIFORNIA TOTAL CULTIVATION OUTPUT  
(LEGAL + ILLICIT + EXPORTS)

**DEMAND**  
**4.8 MILLION LBS.**  
TOTAL POUNDS REQUIRED TO SATISFY  
ALL DEMAND IN CALIFORNIA FOR FLOWER,  
OILS, AND ALL OTHER DERIVATIVE PRODUCTS



**58%**  
OF ALL OF THE NATION'S  
CANNABIS IS GROWN  
IN CALIFORNIA



© 2019 New Frontier Data | Source: New Frontier Data



## 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.

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SALES GOALS

A complete set of financials is found in this Business Plan, but key metrics include:

	<b>2021</b>	<b>2022</b>	<b>2023</b>
Cannabis Flower Distribution	<b>\$2,000,000.00</b>	<b>\$4,000,000.00</b>	<b>\$8,000,000.00</b>
Edible Distribution	<b>\$1,000,000.00</b>	<b>\$2,000,000.00</b>	<b>\$4,000,000.00</b>
Drink Distribution	<b>\$1,200,000.00</b>	<b>\$2,400,000.00</b>	<b>\$4,800,000.00</b>
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
	<b>\$5,000,000.00</b>	<b>\$10,000,000.00</b>	<b>\$20,000,000.00</b>

FINANCIAL OVERVIEW

A complete set of financials is found in this Business Plan, but key metrics include:

	<b>2021</b>	<b>2022</b>	<b>2023</b>
<b>EMERALD MOUNTAIN SUPPLY, CO.</b>			
Locations	1	6	12
Total Revenues (\$)	\$5,000,000.00	\$10,000,000.00	\$20,000,000.00
Expenses (\$)	<b>\$1,500,000.00</b>	<b>\$3,000,000.00</b>	<b>\$6,000,000.00</b>
Operating profit/loss (\$)	<b>\$3,500,000.00</b>	<b>\$7,000,000.00</b>	<b>\$14,000,000.00</b>

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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.

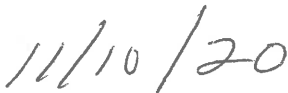
This letter serves as acknowledgement that Chandra  
Martinez, Fuego Premium, LLC, may use the  
following properties pursuant to state law:

Unit O for a marijuana nursery

Units G, H, I, K, and M for marijuana indoor  
cultivation.

Unit N for marijuana distribution

Sincerely,



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 )

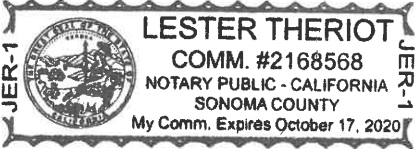
On November 10, 2020 before me, Lester Theriot Notary Public  
(insert name and title of the officer)

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.

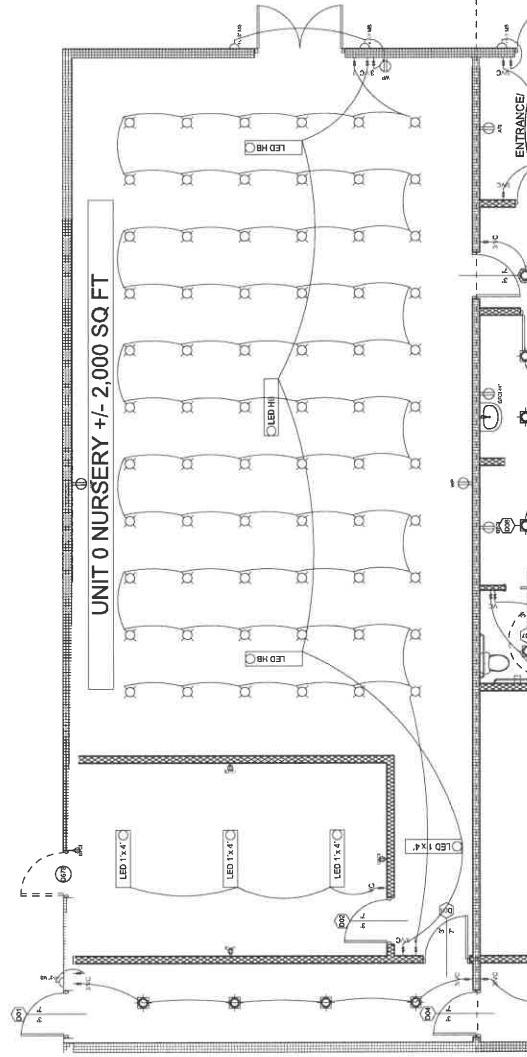
WITNESS my hand and official seal.

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 TEMPER-RESISTANT
	DOUBLE RECEPTACLE MOUNT @ 14" WATERPROOF 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' C-FH-CCT 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

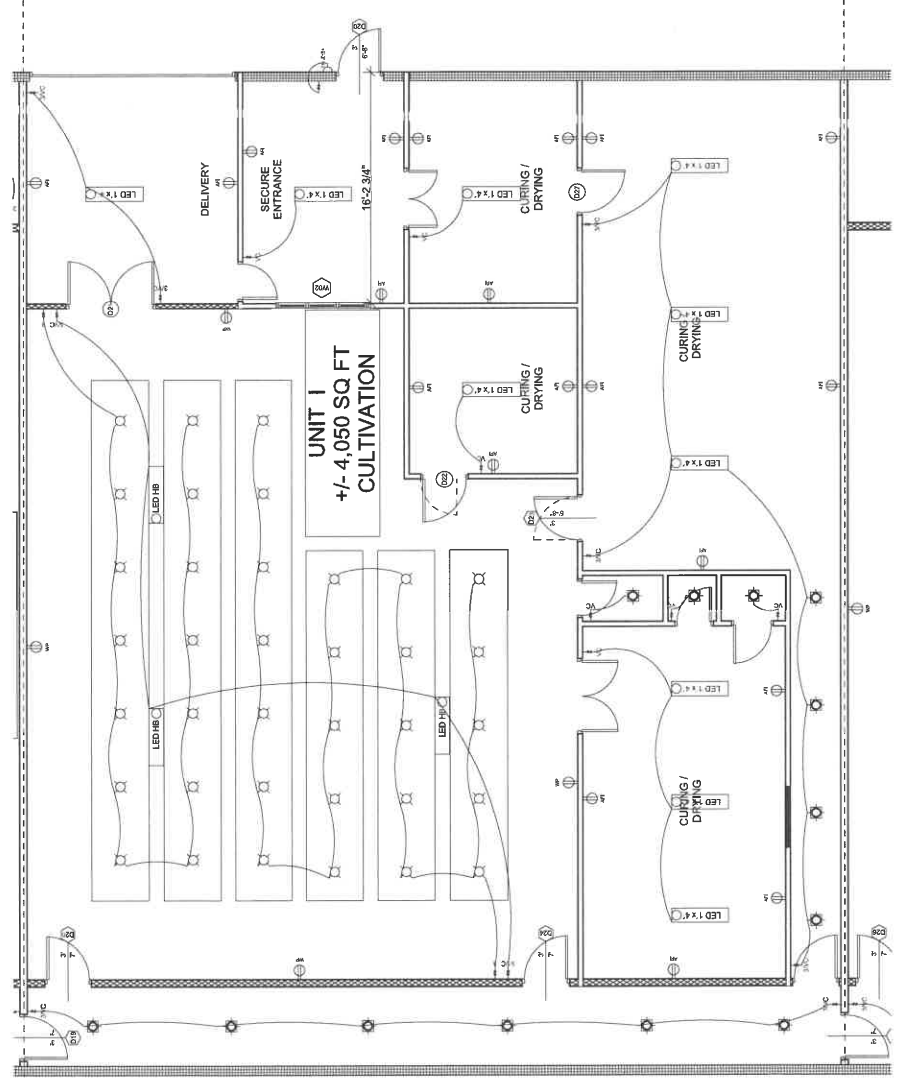


1st FLOOR ELECTRICAL

Section I, Item 10.

COORDINATION ONLY  
NOT FOR CONSTRUCTION

ELECTRICAL SYMBOLS	
	RECESSED LIGHT, 4" LED FIXED, LC-DL-Canless-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
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	3 POLE LIGHT SWITCH/ROCKER
	LIGHT SWITCH/ROCKER W/ VACANCY SENSOR



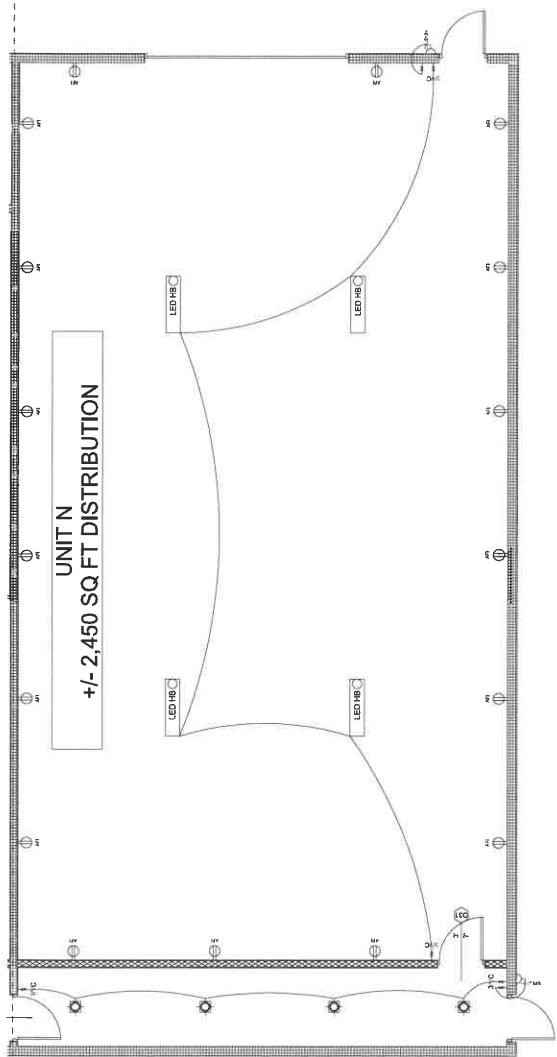
1st FLOOR ELECTRICAL

1/4" = 1'-0"

<p><b>RUFF + ASSOCIATES</b> Architecture Planning Development</p> <p>107 West Standby Street, Upland, CA 91782 Phone: 767-422-0225 Fax: 767-422-0227 Email: info@ruffassociates.com</p> <p>© BY RUFF + ASSOCIATES. ALL RIGHTS RESERVED.</p>	<p><b>FUEGO PREMIUM LLC</b> TENANT IMPROVEMENT UNIT G 14915 OLYMPIC DRIVE CLEAR LAKE CA 95422</p>
	<p><b>Section I, Item 10.</b></p>

COORDINATION ONLY  
NOT FOR CONSTRUCTION

ELECTRICAL SYMBOLS	
	RECESSED LIGHT, 4" LED FIXED, LC-DL-Games-20N-40K
	LED TROFFER LIGHT 1'x4' BTWN FLOOR JOISTS
	HIGH BAY LC-LB-223W-50K
	WALL MOUNT FLOOD LC-SB-3042-320W-50K
	SMALL WALL PACK LC-WP-25W-50K
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	LIGHT SWITCH/ROCKER
	3 POLE LIGHT SWITCH/ROCKER
	LIGHT SWITCH/ROCKER W/ VACANCY SENSOR



18' FLOOR ELECTRICAL 1/4" = 1'-0"

DATE	REVISIONS



**RUFF + ASSOCIATES**  
Architecture Planning Development  
100 West Broadway Street, Ukiah, CA 95422  
Phone: 707-473-0225 Fax: 707-473-0227  
e-mail: ruffa@ruffandassociates.com  
COPYRIGHT BY RUFF + ASSOCIATES, ALL RIGHTS RESERVED.



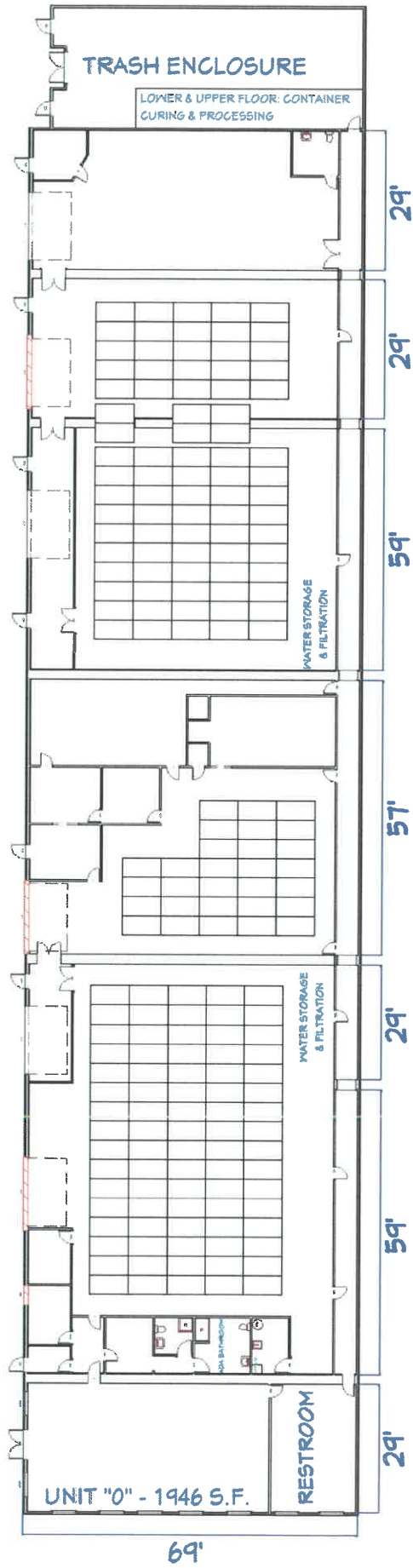
**FUEGO PREMIUM LLC**  
TENANT IMPROVEMENT  
UNIT G  
14915 OLYMPIC DRIVE CLEAR  
LAKE CA 95422

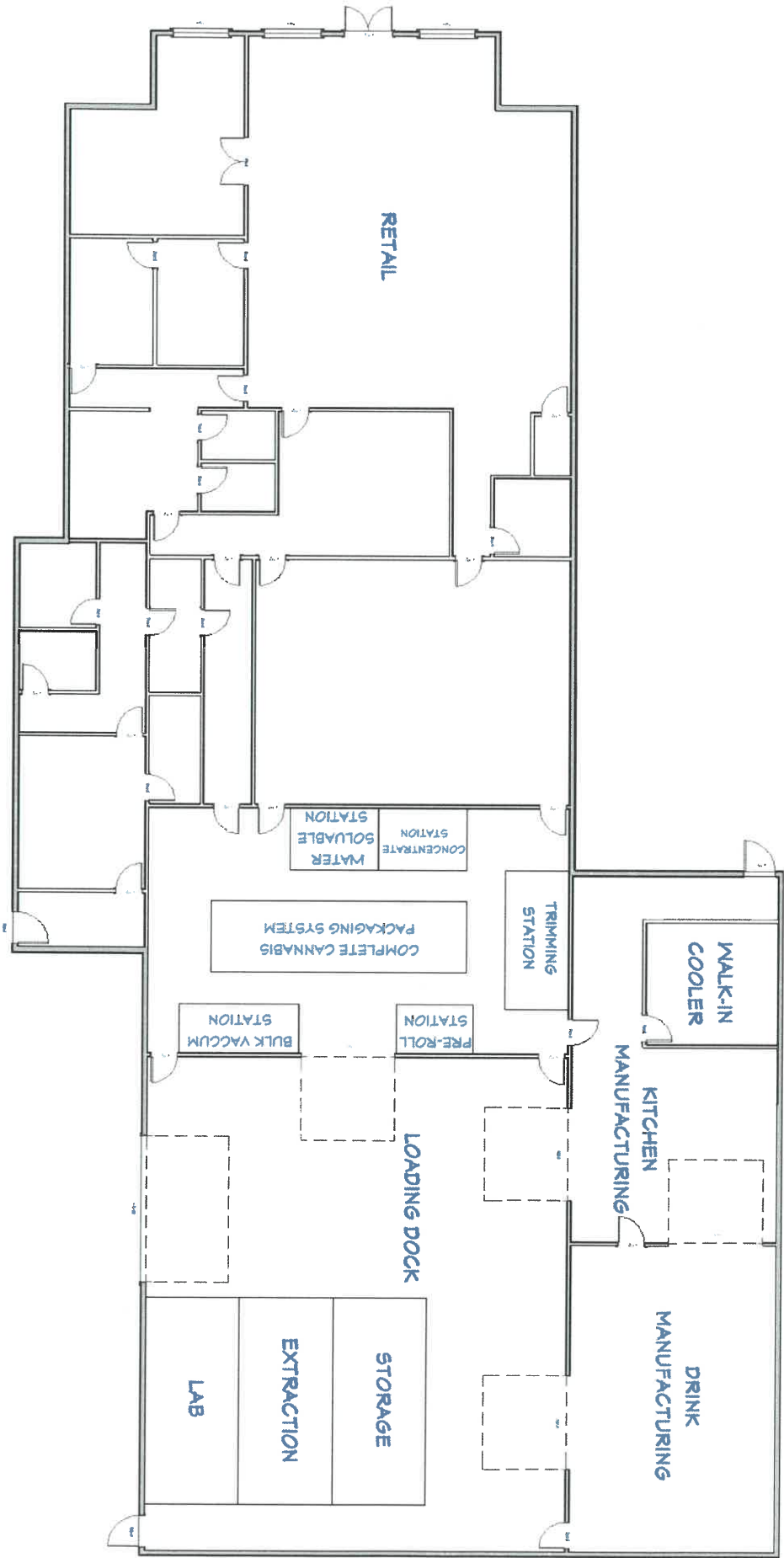
SHEET TITLE	NO	DATE
ELECTRICAL		

DATE	BY	CHKD BY	APP'D BY
10-27-2020			

SCALE	DATE	BY

Section I, Item 10.





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 I, Item 10.

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: Ting 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**

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**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](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](mailto: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 I, Item 10.

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:

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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



# City of Clearlake

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

Section I, Item 10.

## DEVELOPMENT COORDINATION REVIEW

### CITY DEPARTMENTS

- Building Inspection
- Code Enforcement
- Fire (Lake County Fire District)
- Police
- Public Works/Engineering

### COUNTY AGENCIES

- Air Quality Management
- Environmental Health
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- Sonoma State University
- State Clearing House
- Water Resources

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- U.S. Department of Agriculture

### OTHER

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- 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)  
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](http://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](mailto: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,

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:

Section I, Item 10.

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](tel:994-8201) ext: 103

RE: DCR UP Fuego Tribe Commercial Cannabis UP 06-20, 07-20, 08-20, 09-20, 10-20

Section I, Item 10.

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](mailto:cdfa.CalCannabis_Scientists@cdfa.ca.gov).

Sincerely,



**AIMEE PASCHANE**  
Local Verification Unit



CalCannabis Cultivation Licensing Division  
[cdfa.CalCannabis\\_Local\\_Verification@cdfa.ca.gov](mailto:cdfa.CalCannabis_Local_Verification@cdfa.ca.gov)  
(916) 263-0801 | (833) CAL-GROW  
[cannabis.cdfa.ca.gov](http://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.

934

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 I, Item 10.

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 9<sup>th</sup>, 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 9<sup>th</sup> 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 9<sup>th</sup> 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 1<sup>st</sup> 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 30<sup>th</sup> for the preceding period of January 1<sup>st</sup> through June 30<sup>th</sup> and no later than January 31<sup>st</sup> for the preceding period of July 1<sup>st</sup> through December 31<sup>st</sup>. 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, 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 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”

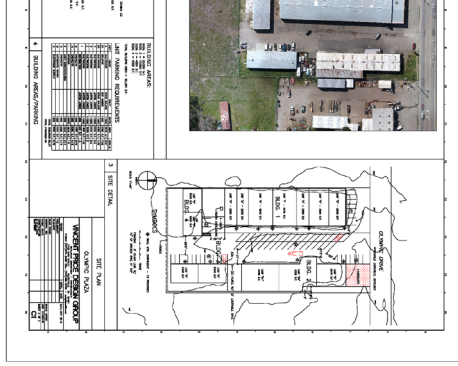
Chandra Martinez

By: \_\_\_\_\_

Date: \_\_\_\_\_, 2021

Chandra Martinez

EXHIBIT A  
LEGAL DESCRIPTION  
To be inserted later



Section I, Item 10.

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

Successor Agency



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Consideration of Resolution SA 2025-01 Approving the Submittal of the FY 25-26 ROPS for the period of July 1, 2025 through June 30, 2026	<b>MEETING DATE:</b> Jan. 16, 2025
<b>SUBMITTED BY:</b> Acting Director of Finance, Matt Pressey	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

**WHAT IS BEING ASKED OF THE SUCCESSOR AGENCY:**

Approve ROPS 25-26 for the period of July 1, 2025 through June 30, 2026, and authorize the Chair to sign the attached Successor Agency Resolution stating the same.

**BACKGROUND/DISCUSSION:**

Submission of six-month Recognized Obligation Payment Schedules (ROPS) for approval to the State Department of Finance (DOF) is required under AB 1484 as part of the dissolution of redevelopment agencies and State control over the release of former property tax increment funds by the County to the Successor Agency. These schedules require projections of approved enforceable obligations funded by the County Redevelopment Property Tax Trust Fund (RPTTF) and other funding sources. The ROPS also provide authorization for the Successor Agency to spend available bond proceeds for redevelopment purposes, dispose of property and repayment of loans made by the City to the former redevelopment agency.

A single annual ROPS for both the A and B periods in FY 25-26 is due to be submitted by February 1, 2025, for the July to December 31, 2025 and January to June 30, 2026 periods. The ROPS are used to authorize expenditures and allocate Redevelopment Property Tax Trust Fund (RPTTF) payments to the Successor Agencies in each six-month period of the fiscal year.

**Redevelopment Property Tax Trust Fund**

The Lake County Auditor-Controller is responsible for the administration of the RPTTF pursuant to State law. The RPTTF revenues are generated from the former Redevelopment Agency tax increment allocation formula and based on changes in the annual assessed valuations. With the current revenue the Agency has some flexibility in meeting its obligations, but any decline in revenue from the City’s property tax allocation will reduce the funds available for allocation to the Successor Agency. This would create challenges for the Successor

Agency in meeting the financial obligations of debt service, disposal of properties and increase the administrative burden to the City for the dissolution process.

Attached are the ROPS 25-26 schedules. The County Board will meet on January 23<sup>rd</sup> to approve and sign the Oversight Board Resolution.

**OPTIONS:**

- 1. Adopt Resolution SA 2025-01 Approving the ROPS for FY 25-26 and Submittal to the Lake County Oversight Board for Approval
- 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:

**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 approve ROPS 25-26 for the period of July 1, 2025 through June 30, 2026, and authorize the Chair to sign the attached Resolution stating the same.

- Attachments:**
  - 1) Successor Agency Resolution – SA 2025-01
  - 2) Exhibit A - ROPS 25-26 Schedules

## RESOLUTION NO. SA-2025-01

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE CITY OF CLEARLAKE REDEVELOPMENT AGENCY APPROVING RECOGNIZED OBLIGATION PAYMENT SCHEDULE 25-26 FOR THE PERIOD OF JULY 1, 2025 TO JUNE 30, 2026**

**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**, Health and Safety Code Section 34177(l) requires the Successor Agency to prepare a recognized obligation payment schedule (“ROPS”), before each six-month fiscal period, forward looking to the next twelve months; and

**WHEREAS**, a Recognized Obligation Payment Schedule (ROPS) is defined in Health and Safety Code Section 34171(h) as the minimum payment amounts and the due dates of payments required by enforceable obligations for a six-month period and identifies the payment source from the Redevelopment Property Tax Trust Fund (RPTTF) and payable from other sources of the Successor Agency; and

**WHEREAS**, the Successor Agency must prepare and approve a draft ROPS, including the estimated amounts for administrative costs, for the two six-month fiscal periods comprising the fiscal year and proposed sources of payment for those costs, and submit it for approval by the Oversight Board established to review Successor Agency actions; and

**WHEREAS**, pursuant to Health and Safety Code section 34181 (a), the Oversight Board is required to approve the Recognized Obligation Payment Schedule (ROPS), subject to the subsequent approval of a final ROPS by the State Department of Finance; and

**WHEREAS**, in accordance with AB 1484, the Recognized Obligation Payment Schedule (ROPS 25-26) covering the period July 1, 2025 through June 30, 2026, once it is approved by the Oversight Board, must be submitted to the Lake County Auditor Controller, the State Controller, and the State Department of Finance by February 1, 2025; and

**NOW, THEREFORE, BE IT RESOLVED** by the Clearlake Successor Agency to the Clearlake Redevelopment Agency, as follows:

1. The Successor Agency hereby approves the ROPS 25-26 for the period July 1, 2025 through June 30, 2026.
2. The Successor Agency directs the staff to submit the ROPS 25-26 to the Oversight Board for review and approval.

- 3. The staff shall also submit the approved and signed ROPS 25-26 to the State Department of Finance, County of Lake Auditor-Controller and State Controller’s Office and is further authorized to take all such actions as are necessary to secure final approval of the ROPS 25-26.

**ADOPTED THIS** 16th day of January, 2026 by the Successor Agency by the following vote:

- Ayes:
- Noes:
- Absent:
- Abstain:

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Chair of Successor Agency

ATTEST:

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Melissa Swanson  
City Clerk/Clerk of the Successor Agency

**Recognized Obligation Payment Schedule (ROPS 25-26) - Summary  
Filed for the July 1, 2025 through June 30, 2026 Period**

**Successor Agency:** Clearlake

**County:** Lake

<b>Current Period Requested Funding for Enforceable Obligations (ROPS Detail)</b>	<b>25-26A Total (July - December)</b>	<b>25-26B Total (January - June)</b>	<b>ROPS 25-26 Total</b>
<b>A Enforceable Obligations Funded as Follows (B+C+D)</b>	\$ -	\$ -	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
<b>E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)</b>	\$ 679,647	\$ 622,647	\$ 1,302,294
F RPTTF	679,647	622,647	1,302,294
G Administrative RPTTF	-	-	-
<b>H Current Period Enforceable Obligations (A+E)</b>	\$ 679,647	\$ 622,647	\$ 1,302,294

**Certification of Oversight Board Chairman:**

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

\_\_\_\_\_  
Name Title

/s/ \_\_\_\_\_  
Signature Date

**Clearlake  
Recognized Obligation Payment Schedule (ROPS 25-26) - ROPS Detail  
July 1, 2025 through June 30, 2026**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 25-26 Total	ROPS 25-26A (Jul - Dec)					25-26A Total	ROPS 25-26B (Jan - Jun)					25-26B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$11,791,091		\$1,302,294	\$-	\$-	\$-	\$679,647	\$-	\$679,647	\$-	\$-	\$-	\$622,647	\$-	\$622,647
1	Tax Allocation Bonds 2017	Bonds Issued After 12/31/10	12/13/2017	10/01/2036	US Bank	2017 Taxable Tax Allocation Refunding	Highlands Park	11,133,241	N	\$644,444	-	-	-	484,447	-	\$484,447	-	-	-	159,997	-	\$159,997
9	Operation of Austin Resort Prop	Property Maintenance	01/01/2014	06/30/2019	Various vendors	Maintenance & Sewer, Water, Gar, etc.	Highlands Park	55,000	N	\$55,000	-	-	-	50,000	-	\$50,000	-	-	-	5,000	-	\$5,000
12	Appraisals, Closing Costs, Comm	Property Dispositions	01/01/2014	06/30/2019	Various vendors	Appraisals, closing costs, comm to sell	Highlands Park	60,000	N	\$60,000	-	-	-	30,000	-	\$30,000	-	-	-	30,000	-	\$30,000
13	Trustee Services 2017 TABs	Fees	12/13/2018	10/01/2036	US Bank	Trustee for bond issue (25 years left)	Highlands Park	2,650	N	\$2,650	-	-	-	-	-	\$-	-	-	-	2,650	-	\$2,650
16	Continuing Disclosure services	Fees	10/01/2006	10/01/2036	NHA Advisors	Continuing Disclosure (25 years left)	Highlands Park	5,200	N	\$5,200	-	-	-	5,200	-	\$5,200	-	-	-	-	-	\$-
26	Overhead Costs	Admin Costs	07/01/2018	06/30/2019	City of Clearlake	Indirect cost allocation to SA	Highlands Park	220,000	N	\$220,000	-	-	-	110,000	-	\$110,000	-	-	-	110,000	-	\$110,000
31	Bond Reserve	Reserves	12/13/2017	10/01/2036	US Bank	Bond Reserve for Fall Debt Service	Highlands Park	315,000	N	\$315,000	-	-	-	-	-	\$-	-	-	-	315,000	-	\$315,000

**Clearlake**  
**Recognized Obligation Payment Schedule (ROPS 25-26) - Report of Cash Balances**  
**July 1, 2022 through June 30, 2023**  
 (Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.							
A	B	C	D	E	F	G	H
	<b>ROPS 22-23 Cash Balances (07/01/22 - 06/30/23)</b>	<b>Fund Sources</b>					<b>Comments</b>
		<b>Bond Proceeds</b>		<b>Reserve Balance</b>	<b>Other Funds</b>	<b>RPTTF</b>	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
<b>1</b>	<b>Beginning Available Cash Balance (Actual 07/01/22)</b> RPTTF amount should exclude "A" period distribution amount.			287,500			
<b>2</b>	<b>Revenue/Income (Actual 06/30/23)</b> RPTTF amount should tie to the ROPS 22-23 total distribution from the County Auditor-Controller			-		1,198,076	
<b>3</b>	<b>Expenditures for ROPS 22-23 Enforceable Obligations (Actual 06/30/23)</b>			287,500		935,001	Item 1 - Debt Services \$953,965; Item 13 - Trustee Services \$2,480 Item 26 - Personnel \$253,556
<b>4</b>	<b>Retention of Available Cash Balance (Actual 06/30/23)</b> RPTTF amount retained should only include the amounts distributed as reserve for future period(s)					300,000	
<b>5</b>	<b>ROPS 22-23 RPTTF Prior Period Adjustment</b> RPTTF amount should tie to the Agency's ROPS 22-23 PPA form submitted to the CAC		No entry required			-	
<b>6</b>	<b>Ending Actual Available Cash Balance (06/30/23)</b> C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$-	\$-	\$-	\$(36,925)	

**Clearlake  
Recognized Obligation Payment Schedule (ROPS 25-26) - Notes  
July 1, 2025 through June 30, 2026**

Item #	Notes/Comments
1	
9	
12	
13	
16	
26	
31	





Clearlake, CA

Check Register

Packet: APPKT03455 - 11/26/24 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
002331	AFLAC	11/26/2024	Regular	0.00	183.34	18056
001435	ARGONAUT CONSTRUCTORS	11/26/2024	Regular	0.00	318,757.13	18057
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	221.36	18058
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	630.68	18059
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	59.75	18060
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	15.28	18061
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	67.15	18062
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	30.65	18063
001397	AT&T CALNET 3	11/26/2024	Regular	0.00	147.04	18064
VEN01351	BKF ENGINEERS	11/26/2024	Regular	0.00	2,545.50	18065
VEN01265	CANTEEN SERVICES OF UKIAH, INC	11/26/2024	Regular	0.00	104.00	18066
VEN01393	CHRISTOPHER WILLIAM INGLIS	11/26/2024	Regular	0.00	150.00	18067
000024	CLEARLAKE POLICE ASSOCIATION	11/26/2024	Regular	0.00	1,825.00	18068
VEN01258	CLEARLAKE POLICE OFFICERS ASSOC	11/26/2024	Regular	0.00	6,935.00	18069
001744	DC ELECTRIC	11/26/2024	Regular	0.00	3,153.78	18070
VEN01386	DOWNEY BRAND LLP	11/26/2024	Regular	0.00	149,589.25	18071
VEN01108	FAWN CHRISTINE WILLIAMS	11/26/2024	Regular	0.00	150.00	18072
001732	GARY PRICE CONSULTING SERVICES	11/26/2024	Regular	0.00	12,117.05	18073
VEN01418	JACK SMALLEY	11/26/2024	Regular	0.00	150.00	18074
002187	NORTH COAST OPPORTUNITIES	11/26/2024	Regular	0.00	221.10	18075
000009	OPERATING ENGINEERS LOCAL 3	11/26/2024	Regular	0.00	486.00	18076
001843	PG&E CFM	11/26/2024	Regular	0.00	4,833.36	18077
	**Void**	11/26/2024	Regular	0.00	0.00	18078
001843	PG&E CFM	11/26/2024	Regular	0.00	23.82	18079
VEN01255	REDWOOD EMPIRE MUNICIPAL INSL	11/26/2024	Regular	0.00	181.76	18080
002215	ROBERT COKER	11/26/2024	Regular	0.00	150.00	18081
VEN01580	TANKO STREETLIGHTING, INC - TANK	11/26/2024	Regular	0.00	5,500.00	18082
VEN01222	TERRY LEE STEWART	11/26/2024	Regular	0.00	150.00	18083
VEN01412	THE EIDAM CORPORATION - LUCY &	11/26/2024	Regular	0.00	51,723.31	18084
002292	TYLER TECHNOLOGIES	11/26/2024	Regular	0.00	34,752.09	18085
000708	VALIC LOCKBOX	11/26/2024	Regular	0.00	470.00	18086

**Bank Code AP Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	52	30	0.00	595,323.40
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>52</b>	<b>31</b>	<b>0.00</b>	<b>595,323.40</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	11/2024	595,323.40
			<hr/> 595,323.40



Clearlake, CA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
VEN01085	ACC BUSINESS	12/05/2024	Regular	0.00	613.64	18087
VEN01085	ACC BUSINESS	12/05/2024	Regular	0.00	613.64	18088
000591	ACTION SANITARY	12/05/2024	Regular	0.00	506.53	18089
001911	ADAMS ASHBY GROUP INC	12/05/2024	Regular	0.00	10,690.50	18090
001506	ADELINE LEYBA	12/05/2024	Regular	0.00	300.00	18091
VEN01531	ALL-AMERICAN CONSTRUCTION, INC	12/05/2024	Regular	0.00	1,100,861.73	18092
001397	AT&T CALNET 3	12/05/2024	Regular	0.00	332.55	18093
000068	BOB'S JANITORIAL	12/05/2024	Regular	0.00	240.32	18094
VEN01395	BRIGHTLY SOFTWARE, INC	12/05/2024	Regular	0.00	5,712.05	18095
VEN01440	CITIZENS CARING FOR CLEARLAKE	12/05/2024	Regular	0.00	15,709.76	18096
000548	COMPUTER LOGISTICS	12/05/2024	Regular	0.00	4,237.74	18097
VEN01581	CRACKERJACK CLEANING LLC	12/05/2024	Regular	0.00	6,530.02	18098
000774	DEEP VALLEY SECURITY	12/05/2024	Regular	0.00	32.95	18099
001835	DIRK SLOOTEN	12/05/2024	Regular	0.00	100.00	18100
000073	EASTLAKE SANITARY LANDFILL	12/05/2024	Regular	0.00	103.22	18101
000004	EDWARD A ROBEY JR	12/05/2024	Regular	0.00	100.00	18102
VEN01544	EIDE BAILLY LLP	12/05/2024	Regular	0.00	16,112.50	18103
001199	EUREKA OXYGEN CO	12/05/2024	Regular	0.00	94.01	18104
000120	FED EX	12/05/2024	Regular	0.00	130.57	18105
000096	GOLDEN STATE WATER COMPANY	12/05/2024	Regular	0.00	1,299.89	18106
VEN01577	GOVERNMENT FINANCE SERVICES, L	12/05/2024	Regular	0.00	5,362.50	18107
VEN01579	HILDERBRAND CONSULTING, LLC	12/05/2024	Regular	0.00	1,000.00	18108
001554	HINDERLITER DELLAMAS & ASSOC.	12/05/2024	Regular	0.00	1,627.61	18109
VEN01394	HUNTERS SERVICES INC	12/05/2024	Regular	0.00	285.00	18110
001949	ICE WATER DISTRIBUTORS INC	12/05/2024	Regular	0.00	186.00	18111
001939	JIM SCHOLZ	12/05/2024	Regular	0.00	860.29	18112
002274	JOHN R BENOIT	12/05/2024	Regular	0.00	5,350.34	18113
VEN01472	KAREN ELLEN RAYMER-L&K LOCKSM	12/05/2024	Regular	0.00	231.00	18114
VEN01537	KIRSTEN PRIEBE	12/05/2024	Regular	0.00	100.00	18115
002280	LAW OFFICES OF P SCOTT BROWNE	12/05/2024	Regular	0.00	2,046.43	18116
VEN01123	LOOMIS	12/05/2024	Regular	0.00	610.88	18117
001251	MARK A CLEMENTI PHD	12/05/2024	Regular	0.00	844.00	18118
VEN01329	MCGRATH RENTCORP AND SUBSIDIAR	12/05/2024	Regular	0.00	1,124.03	18119
000793	MEDIACOM	12/05/2024	Regular	0.00	650.00	18120
VEN01344	MICHAEL PESONEN - COMFORTABLE	12/05/2024	Regular	0.00	1,375.00	18121
001489	NAPA AUTO PARTS	12/05/2024	Regular	0.00	97.38	18122
VEN01191	NORTH BAY ANIMAL SERVICES	12/05/2024	Regular	0.00	31,250.00	18123
001392	OFFICE DEPOT	12/05/2024	Regular	0.00	609.43	18124
002242	PARODI INVESTIGATIVE SOLUTIONS,	12/05/2024	Regular	0.00	265.00	18125
000208	PEACE OFFICERS RESEARCH ASSOC	12/05/2024	Regular	0.00	243.00	18126
001238	PORAC	12/05/2024	Regular	0.00	650.70	18127
000711	PURCHASE POWER	12/05/2024	Regular	0.00	135.54	18128
VEN01487	SHARON A GPWAN - AUGMENT MET	12/05/2024	Regular	0.00	69.00	18129
001709	SPCA OF CLEARLAKE	12/05/2024	Regular	0.00	4,000.00	18130
VEN01226	SPEAKWRITE LLC	12/05/2024	Regular	0.00	132.06	18131
002273	STACEY MATTINA	12/05/2024	Regular	0.00	100.00	18132
001952	STEVE FELDER	12/05/2024	Regular	0.00	24.00	18133
002375	THOMAS DEWALT	12/05/2024	Regular	0.00	2,380.00	18134
001934	TINA VIRAMONTES	12/05/2024	Regular	0.00	88.22	18135

Check Register

Packet: APPKT03478-1

Section I, Item 12.

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
000085	VESTIS GROUP, INC. (F/K/A ARAMAR	12/05/2024	Regular	0.00	197.24	18136

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	83	50	0.00	1,226,216.27
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>83</b>	<b>50</b>	<b>0.00</b>	<b>1,226,216.27</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	12/2024	1,226,216.27
			<hr/>
			1,226,216.27



Clearlake, CA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
001911	ADAMS ASHBY GROUP INC	12/19/2024	Regular	0.00	6,463.20	18154
001138	ADVENTIST HEALTH	12/19/2024	Regular	0.00	108.00	18155
002353	ALL IN ONE AUTO	12/19/2024	Regular	0.00	7,900.00	18156
VEN01531	ALL-AMERICAN CONSTRUCTION, INC	12/19/2024	Regular	0.00	975,723.75	18157
VEN01467	ALLEGION ACCESS TECHNOLOGIES LI	12/19/2024	Regular	0.00	2,009.23	18158
000101	AMERIGAS	12/19/2024	Regular	0.00	5,876.92	18159
001435	ARGONAUT CONSTRUCTORS	12/19/2024	Regular	0.00	1,173,415.78	18160
001397	AT&T CALNET 3	12/19/2024	Regular	0.00	32.17	18161
001397	AT&T CALNET 3	12/19/2024	Regular	0.00	32.17	18162
001397	AT&T CALNET 3	12/19/2024	Regular	0.00	32.17	18163
001397	AT&T CALNET 3	12/19/2024	Regular	0.00	30.65	18164
000068	BOB'S JANITORIAL	12/19/2024	Regular	0.00	494.79	18165
VEN01347	CALIFORNIA COAST UNIVERSITY	12/19/2024	Regular	0.00	4,500.00	18166
002162	CALIFORNIA ENGINEERING	12/19/2024	Regular	0.00	21,329.15	18167
000902	CALIFORNIA SURVEYING - DRAFTING	12/19/2024	Regular	0.00	326.25	18168
2404	CALTRONICS	12/19/2024	Regular	0.00	254.48	18169
VEN01312	CAPITOL BARRICADE, INC.	12/19/2024	Regular	0.00	1,721.30	18170
002370	CODE PUBLISHING CO	12/19/2024	Regular	0.00	1,490.00	18171
000548	COMPUTER LOGISTICS	12/19/2024	Regular	0.00	3,740.00	18172
000160	DEPT OF JUSTICE	12/19/2024	Regular	0.00	277.00	18173
VEN01585	DEYANIRA LOPEZ	12/19/2024	Regular	0.00	12.99	18174
VEN01386	DOWNEY BRAND LLP	12/19/2024	Regular	0.00	14.00	18175
VEN01126	ECORP CONSULTING, INC	12/19/2024	Regular	0.00	717.50	18176
001603	ELVIS COOK	12/19/2024	Regular	0.00	500.00	18177
VEN01120	FLOCK GROUP INC.	12/19/2024	Regular	0.00	55,880.00	18178
VEN01584	GILBERT RANGEL	12/19/2024	Regular	0.00	100.00	18179
001402	GREEN VALLEY CONSULTING	12/19/2024	Regular	0.00	19,513.75	18180
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	127.32	18181
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	139.55	18182
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	303.54	18183
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	283.91	18184
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	42.44	18185
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	115.24	18186
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	112.12	18187
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	144.62	18188
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	47.45	18189
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	362.41	18190
000121	HIGHLANDS WATER COMPANY	12/19/2024	Regular	0.00	219.76	18191
VEN01583	HOPE IN HUMANITY INC	12/19/2024	Regular	0.00	300.00	18192
000008	INTERNAL REVENUE SERVICE	12/19/2024	Regular	0.00	648.12	18193
000108	LAKE COUNTY RECORD BEE	12/19/2024	Regular	0.00	3,983.85	18194
VEN01089	LAMON CONSTRUCTION	12/19/2024	Regular	0.00	1,038,093.33	18195
VEN01515	LSW ARCHITECTS, P.C.	12/19/2024	Regular	0.00	1,400.00	18196
000793	MEDIACOM	12/19/2024	Regular	0.00	356.55	18197
002020	MORTGAGE+CARE	12/19/2024	Regular	0.00	450.00	18198
VEN01582	NORTHPOINT CONSULTING GROUP,	12/19/2024	Regular	0.00	165.00	18199
001392	OFFICE DEPOT	12/19/2024	Regular	0.00	162.12	18200
000129	PARAMEX SCREENING	12/19/2024	Regular	0.00	82.00	18201
001843	PG&E CFM	12/19/2024	Regular	0.00	1,425.00	18202
001843	PG&E CFM	12/19/2024	Regular	0.00	1,185.27	18203
001843	PG&E CFM	12/19/2024	Regular	0.00	27.10	18204
001843	PG&E CFM	12/19/2024	Regular	0.00	346.66	18205
001843	PG&E CFM	12/19/2024	Regular	0.00	1,340.86	18206
000130	PITNEY BOWES	12/19/2024	Regular	0.00	617.05	18207

Check Register

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
002061	PLEXUS GLOBAL LLC	12/19/2024	Regular	0.00	55.50	18208
000711	PURCHASE POWER	12/19/2024	Regular	0.00	135.54	18209
VEN01371	R.E.Y. ENGINEERS, INC.	12/19/2024	Regular	0.00	735.00	18210
002031	REDWOOD COAST PETROLEUM & N	12/19/2024	Regular	0.00	1,271.61	18211
VEN01487	SHARON A GPWAN - AUGMENT MEI	12/19/2024	Regular	0.00	69.00	18212
VEN01336	SSA LANDSCAPE ARCHITECTS, INC.	12/19/2024	Regular	0.00	2,229.15	18213
001742	STATE WATER RESOURCES BOARD	12/19/2024	Regular	0.00	10,920.00	18214
000099	U.S. CELLULAR	12/19/2024	Regular	0.00	425.74	18215
000085	VESTIS GROUP, INC. (F/K/A ARAMAR	12/19/2024	Regular	0.00	98.62	18216

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	79	63	0.00	3,350,916.68
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>79</b>	<b>63</b>	<b>0.00</b>	<b>3,350,916.68</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	12/2024	3,350,916.68
			<hr/>
			<b>3,350,916.68</b>





Clearlake, CA

Check Register

Packet: APPKT03524 - 12/23/24 AP INVOICES/CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
002392	DE LAGE LANDEN PUBLIC FINANCE	12/23/2024	Regular	0.00	1,462.90	18217
000120	FED EX	12/23/2024	Regular	0.00	40.56	18218
001392	OFFICE DEPOT	12/23/2024	Regular	0.00	63.71	18219
VEN01526	TAYLOR ELISE WHITE	12/23/2024	Regular	0.00	360.00	18220
VEN01412	THE EIDAM CORPORATION - LUCY &	12/23/2024	Regular	0.00	10,815.88	18221

**Bank Code AP Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	7	5	0.00	12,743.05
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>7</b>	<b>5</b>	<b>0.00</b>	<b>12,743.05</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	12/2024	12,743.05
			<hr/>
			12,743.05



Clearlake, CA

# Check Register

Packet: APPKT03531 - 12/23/24 CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
002331	AFLAC	12/23/2024	Regular	0.00	183.34	18223
000024	CLEARLAKE POLICE ASSOCIATION	12/23/2024	Regular	0.00	1,825.00	18224
000009	OPERATING ENGINEERS LOCAL 3	12/23/2024	Regular	0.00	486.00	18225
000027	OPERATING ENGINEERS PUBLIC EMP	12/23/2024	Regular	0.00	91,856.00	18226
000708	VALIC LOCKBOX	12/23/2024	Regular	0.00	470.00	18227

### Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	10	5	0.00	94,820.34
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>10</b>	<b>5</b>	<b>0.00</b>	<b>94,820.34</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	12/2024	94,820.34
			<hr/>
			94,820.34



Clearlake, CA

# Check Register

Packet: APPKT03531 - 12/23/24 CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
002331	AFLAC	12/23/2024	Regular	0.00	183.34	18223
000024	CLEARLAKE POLICE ASSOCIATION	12/23/2024	Regular	0.00	1,825.00	18224
000009	OPERATING ENGINEERS LOCAL 3	12/23/2024	Regular	0.00	486.00	18225
000027	OPERATING ENGINEERS PUBLIC EMP	12/23/2024	Regular	0.00	91,856.00	18226
000708	VALIC LOCKBOX	12/23/2024	Regular	0.00	470.00	18227

**Bank Code AP Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	10	5	0.00	94,820.34
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>10</b>	<b>5</b>	<b>0.00</b>	<b>94,820.34</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	12/2024	94,820.34
			<hr/>
			94,820.34



Clearlake, CA

Check Register

Packet: APPKT03537 - 1/6/25 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
001138	ADVENTIST HEALTH	01/06/2025	Regular	0.00	86.00	18228
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	229.21	18229
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	640.04	18230
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	156.44	18231
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	33.05	18232
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	32.53	18233
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	63.51	18234
001397	AT&T CALNET 3	01/06/2025	Regular	0.00	69.89	18235
VEN01393	CHRISTOPHER WILLIAM INGLIS	01/06/2025	Regular	0.00	75.00	18236
VEN01358	DANIELA JUSTUS	01/06/2025	Regular	0.00	101.06	18237
VEN01586	ECOLAB INC.	01/06/2025	Regular	0.00	75.54	18238
VEN01108	FAWN CHRISTINE WILLIAMS	01/06/2025	Regular	0.00	75.00	18239
VEN01418	JACK SMALLEY	01/06/2025	Regular	0.00	75.00	18240
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	90.40	18241
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	123.96	18242
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	142.04	18243
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	353.76	18244
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	18.08	18245
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	123.96	18246
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	343.52	18247
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	530.20	18248
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	142.04	18249
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	142.04	18250
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	142.04	18251
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	18.08	18252
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	123.96	18253
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	177.32	18254
000158	LAKE COUNTY SPECIAL DISTRICTS	01/06/2025	Regular	0.00	18.08	18255
001392	OFFICE DEPOT	01/06/2025	Regular	0.00	16.19	18256
002215	ROBERT COKER	01/06/2025	Regular	0.00	75.00	18257
000202	ROTO-ROOTER OF LAKE COUNTY	01/06/2025	Regular	0.00	275.00	18258
001513	SAN DIEGO POLICE EQUIPMENT	01/06/2025	Regular	0.00	2,604.95	18259
VEN01222	TERRY LEE STEWART	01/06/2025	Regular	0.00	75.00	18260

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	35	33	0.00	7,247.89
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>35</b>	<b>33</b>	<b>0.00</b>	<b>7,247.89</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2025	7,247.89
			<hr/>
			<b>7,247.89</b>





Clearlake, CA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
VEN01191	NORTH BAY ANIMAL SERVICES	01/06/2025	Regular	0.00	31,250.00	18261

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	31,250.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>1</b>	<b>1</b>	<b>0.00</b>	<b>31,250.00</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2025	31,250.00
			<hr/>
			<b>31,250.00</b>



Clearlake, CA

Check Register

Packet: APPKT03554 - 1/8/25 AP CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
VEN01178	CALIFORNIA INTERGOVERNMENTAL	01/08/2025	Regular	0.00	733,023.96	18262
000024	CLEARLAKE POLICE ASSOCIATION	01/08/2025	Regular	0.00	1,920.00	18263
VEN01574	HOBBLIT MOTORS	01/08/2025	Regular	0.00	49.38	18264
VEN01329	MCGRATH RENTCORP AND SUBSIDIARIES	01/08/2025	Regular	0.00	2,248.06	18265
000027	OPERATING ENGINEERS PUBLIC EMPLOYERS ASSOCIATION	01/08/2025	Regular	0.00	97,675.00	18266
000131	PCD	01/08/2025	Regular	0.00	36,830.85	18267
VEN01495	PRO-EX CONSTRUCTION, INC	01/08/2025	Regular	0.00	53,414.06	18268
VEN01532	SQUARE SIGNS LLC DBA FRONT SIGN	01/08/2025	Regular	0.00	63,433.88	18269
002375	THOMAS DEWALT	01/08/2025	Regular	0.00	2,400.00	18270
000708	VALIC LOCKBOX	01/08/2025	Regular	0.00	470.00	18271

**Bank Code AP Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	13	10	0.00	991,465.19
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>13</b>	<b>10</b>	<b>0.00</b>	<b>991,465.19</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2025	991,465.19
			<hr/>
			991,465.19



Clearlake, CA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
VEN01085	ACC BUSINESS	01/14/2025	Regular	0.00	613.64	18272
VEN01085	ACC BUSINESS	01/14/2025	Regular	0.00	613.64	18273
000591	ACTION SANITARY	01/14/2025	Regular	0.00	187.83	18274
002353	ALL IN ONE AUTO	01/14/2025	Regular	0.00	1,490.00	18275
VEN01467	ALLEGION ACCESS TECHNOLOGIES LI	01/14/2025	Regular	0.00	450.00	18276
002389	ASCAP ACCOUNT SERVICES	01/14/2025	Regular	0.00	445.00	18277
001397	AT&T CALNET 3	01/14/2025	Regular	0.00	332.55	18278
000068	BOB'S JANITORIAL	01/14/2025	Regular	0.00	64.16	18279
002162	CALIFORNIA ENGINEERING	01/14/2025	Regular	0.00	16,012.95	18280
2404	CALTRONICS	01/14/2025	Regular	0.00	387.26	18281
001645	CIVIC PLUS	01/14/2025	Regular	0.00	11,025.00	18282
000548	COMPUTER LOGISTICS	01/14/2025	Regular	0.00	1,745.00	18283
000572	COUNTY OF LAKE AUDITOR	01/14/2025	Regular	0.00	23.00	18284
002261	COUNTY OF LAKE CHAMBER	01/14/2025	Regular	0.00	925.00	18285
002291	CRAFCO INC	01/14/2025	Regular	0.00	2,204.86	18286
000774	DEEP VALLEY SECURITY	01/14/2025	Regular	0.00	32.95	18287
000160	DEPT OF JUSTICE	01/14/2025	Regular	0.00	420.00	18288
000073	EASTLAKE SANITARY LANDFILL	01/14/2025	Regular	0.00	57.02	18289
VEN01544	EIDE BAILLY LLP	01/14/2025	Regular	0.00	2,058.00	18290
000851	ENTERPRISE TOWING	01/14/2025	Regular	0.00	600.00	18291
VEN01254	ESS ENVIRONMENTAL INC.	01/14/2025	Regular	0.00	20,055.00	18292
001199	EUREKA OXYGEN CO	01/14/2025	Regular	0.00	47.30	18293
000120	FED EX	01/14/2025	Regular	0.00	107.09	18294
001769	FULL SOURCE	01/14/2025	Regular	0.00	171.79	18295
002337	GLADWELL GOVERNMENTAL SERVIC	01/14/2025	Regular	0.00	350.00	18296
VEN01577	GOVERNMENT FINANCE SERVICES, L	01/14/2025	Regular	0.00	4,612.50	18297
002070	GOVERNMENTJOBS.COM INC	01/14/2025	Regular	0.00	5,009.42	18298
000797	GRANITE CONSTRUCTION	01/14/2025	Regular	0.00	4,138.88	18299
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	93.40	18300
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	45.69	18301
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	106.21	18302
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	107.70	18303
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	41.66	18304
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	401.27	18305
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	108.22	18306
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	180.14	18307
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	283.91	18308
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	123.04	18309
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	42.12	18310
000121	HIGHLANDS WATER COMPANY	01/14/2025	Regular	0.00	195.65	18311
VEN01394	HUNTERS SERVICES INC	01/14/2025	Regular	0.00	570.00	18312
001949	ICE WATER DISTRIBUTORS INC	01/14/2025	Regular	0.00	132.35	18313
002274	JOHN R BENOIT	01/14/2025	Regular	0.00	2,937.50	18314
000108	LAKE COUNTY RECORD BEE	01/14/2025	Regular	0.00	5,855.65	18315
000158	LAKE COUNTY SPECIAL DISTRICTS	01/14/2025	Regular	0.00	640.48	18316
000158	LAKE COUNTY SPECIAL DISTRICTS	01/14/2025	Regular	0.00	257.92	18317
001481	LAKE COUNTY VECTOR CONTROL	01/14/2025	Regular	0.00	489.55	18318
VEN01545	LARKYN E FEILER	01/14/2025	Regular	0.00	3,183.56	18319
002280	LAW OFFICES OF P SCOTT BROWNE	01/14/2025	Regular	0.00	2,046.43	18320
2403	LIEBERT CASSIDY WHITMORE	01/14/2025	Regular	0.00	900.00	18321
VEN01123	LOOMIS	01/14/2025	Regular	0.00	1,242.91	18322
VEN01380	MARK ROBERTS	01/14/2025	Regular	0.00	50.00	18323
000793	MEDIACOM	01/14/2025	Regular	0.00	650.00	18324
001489	NAPA AUTO PARTS	01/14/2025	Regular	0.00	589.51	18325

Check Register

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
001913	OCCU-MED LTD	01/14/2025	Regular	0.00	837.00	18326
001392	OFFICE DEPOT	01/14/2025	Regular	0.00	5.22	18327
002270	OPENGOV, INC	01/14/2025	Regular	0.00	24,960.00	18328
001843	PG&E CFM	01/14/2025	Regular	0.00	971.90	18329
001843	PG&E CFM	01/14/2025	Regular	0.00	4,815.75	18330
	**Void**	01/14/2025	Regular	0.00	0.00	18331
001843	PG&E CFM	01/14/2025	Regular	0.00	27.10	18332
002061	PLEXUS GLOBAL LLC	01/14/2025	Regular	0.00	27.75	18333
VEN01495	PRO-EX CONSTRUCTION, INC	01/14/2025	Regular	0.00	33,876.17	18334
000711	PURCHASE POWER	01/14/2025	Regular	0.00	1,221.17	18335
001298	QUACKENBUSH MRRCF	01/14/2025	Regular	0.00	620.50	18336
002031	REDWOOD COAST PETROLEUM & N	01/14/2025	Regular	0.00	2,480.99	18337
VEN01255	REDWOOD EMPIRE MUNICIPAL INSL	01/14/2025	Regular	0.00	181.76	18338
000506	SIGNS OF RANDY HARE	01/14/2025	Regular	0.00	187.00	18339
VEN01226	SPEAKWRITE LLC	01/14/2025	Regular	0.00	99.73	18340
001432	SUN RIDGE SYSTEMS (RIMS)	01/14/2025	Regular	0.00	33,578.00	18341
VEN01526	TAYLOR ELISE WHITE	01/14/2025	Regular	0.00	240.00	18342
000309	UCC RENTAL	01/14/2025	Regular	0.00	330.00	18343
000085	VESTIS GROUP, INC. (F/K/A ARAMAR	01/14/2025	Regular	0.00	147.93	18344
001325	VERIZON WIRELESS	12/10/2024	Bank Draft	0.00	2,054.01	DFT0004714

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	96	72	0.00	200,062.68
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	1	1	0.00	2,054.01
EFT's	0	0	0.00	0.00
	<b>97</b>	<b>74</b>	<b>0.00</b>	<b>202,116.69</b>

### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	12/2024	2,054.01
999	Pooled Cash	1/2025	200,062.68
			<hr/>
			<b>202,116.69</b>



Clearlake, CA

Check Register

Packet: APPKT03570 - 1/15/25 CHECK RUN AA

By Check Number

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-Accounts Payable</b>						
001843	PG&E CFM	01/15/2025	Regular	0.00	4,833.36	18345
	**Void**	01/15/2025	Regular	0.00	0.00	18346
VEN01412	THE EIDAM CORPORATION - LUCY &	01/15/2025	Regular	0.00	10,815.88	18347

**Bank Code AP Summary**

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	2	2	0.00	15,649.24
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>2</b>	<b>3</b>	<b>0.00</b>	<b>15,649.24</b>



### Fund Summary

Fund	Name	Period	Amount
999	Pooled Cash	1/2025	15,649.24
			<hr/>
			15,649.24

# CITY OF CLEARLAKE

City Council



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Continuation of Director of Emergency Services/City Manager Proclamation Declaring a Local Emergency for The Boyles Fire	
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <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 8<sup>th</sup> 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



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Alan D. Flora  
Director of Emergency Services

**MINUTES OF PREVIOUS MEETING**

**November 13, 2024**

The regular monthly meeting of the Board of Trustees of the Lake County Vector Control District was called to order at 1:35 PM by President Giambruno.

Board Present: Curt Giambruno, Rob Bostock, Frank Lincoln, Ronald Nagy, and George Spurr.

Absent: None.

District Personnel: Jamesina J. Scott, Ph.D., District Manager and Research Director, and Ms. Jacinda Franusich, Office Manager.

Citizen’s Input: None.

Agenda Additions and/or Deletions: None.

**Approve Minutes of October 9, 2024 Regular Meeting with a Correction to the Check Numbers to Include Checks 22882-22896. Making the Total Expenditures for October 2024 \$125,455.84**

Mr. Nagy moved to approve the Board Minutes of October 9, 2024 regular meeting with a correction to the check numbers to include checks 22882-22896 making the total expenditures for October 2024 \$125,455.84. Mr. Spurr seconded the motion. Motion carried unanimously.

**Research Report**

Dr. Scott reported on arbovirus activity. This year in Lake County, thirteen mosquito samples tested positive for West Nile virus (WNV), and three dead birds tested positive for West Nile virus as well. In addition, seven sentinel chickens tested positive for WNV.

Thirty-one California counties have reported West Nile virus activity in 2024. One hundred seven residents from twenty-three counties have been diagnosed with WNV illness, four hundred seventy-four dead birds from 20 counties were positive for WNV, and 1,835 mosquito samples were positive for WNV. In addition, 139 sentinel chickens seroconverted for WNV in 2024.

Twenty-six mosquito samples have tested positive for St. Louis encephalitis virus (SLEV) from five California counties in 2024.

There have been five human cases of locally acquired dengue (DEN) virus infection in residents of Los Angeles County in 2024.

In the rest of the nation, one thousand two hundred forty human cases of West Nile virus have been reported from forty-seven states.

Seventeen cases of eastern equine encephalitis (EEEV) infections have been reported in residents of eight states with five cases being fatal.

Seventeen human cases of Jamestown Canyon virus (JCV) have been reported in residents of five states.

Twenty-nine human cases of La Crosse encephalitis virus (LACV) have been reported in residents of seven states.

Forty-six human cases of Powassan virus (POWV) have been reported in residents of nine states. Six of the cases were fatal.

One hundred fifty-one cases of travel-associated chikungunya virus have been reported in the United States in 2024.

Twenty-six Zika (ZIK) virus disease cases have been reported in 2024. Seventeen of the cases were in travelers returning from affected areas and nine were locally acquired in residents of Puerto Rico.

There have been over 12 million suspected cases of dengue (DEN) virus reported in the Americas through October 31, 2024. Through November 6, 7,101 dengue cases have been reported in the United States and its territories. Of the cases, 4,627 were locally acquired in California, Florida, and the US Territories of Puerto Rico and the US Virgin Isles. The remaining cases were reported in travelers returning from affected areas.

There have been 94 Oropouche (ORO) Fever cases identified in travelers returning from Cuba, South America, or Central America in the United States in 2024.



Dr. Scott reported on adult biting fly activity. Forty-three carbon-dioxide-baited traps were set in a variety of locations around Lake County in October. Large numbers of biting black gnats and relatively low numbers of mosquitoes were collected with the exception of *Aedes melanimon* and *Aedes nigromaculis*, irrigated pasture mosquito species, collected from Middletown and Hidden Valley.

New Jersey light traps were set near Borax Lake and in the Reclamation near Upper Lake. A variety of mosquito species and biting black gnats were collected.

The large resting box in Lakeport was sampled in October. Three female *Culex tarsalis*, one female *Anopheles franciscanus*, and one male *Aedes sierrensis* were collected.

Dr. Scott reported on tick testing. No ticks were submitted for testing in October.

Dr. Scott reported on Clear Lake gnat, Chironominae, and Tanypodinae surveillance in Clear Lake. In October the Clear Lake gnat larval count remained level at 0.68 larva per dredge. Chironominae numbers decreased from 26.61 larvae per dredge in August to 13.00 larvae per dredge in October. Tanypodinae numbers decreased from 0.75 larvae per dredge in August to nearly zero in October.

**Operation Report**

During October, 0.15 inches of rainfall was recorded in the District's rain gauge. The level of Clear Lake was at 2.23 feet on the Rumsey Gauge on October 1 and reached 1.86 feet by October 31.

Twenty-one service requests were completed in October including seven yellowjacket requests. Residents submitted three service requests online in October. In addition, 38 exposed septic tanks in the fire-affected areas of southern Lake County were inspected; 30 required treatment with a mosquito larvicide.

On October 8, Lake County Public Health used the District's Conference Room for a meeting of the Tobacco Program.

On October 16, Dr. Scott and Office Manager Jacinda Franusich met with Erica Frye, the Districts VC3 Onboarding Project Manager. Ms. Frye outlined the onboarding process and discussed IT details they will need for the project. A formal Onboarding Project Kickoff date was set for the week of December 16.

The District's on-site annual financial audit was performed on October 22 by Zach Pehling of PnPCPA. Mr. Pehling will present his audit report to the board in early 2025.

District employees attended an on-site deferred compensation workshop about the CalPERS 457 Plan on October 22.

Several of the certified staff attended the online Tick Academy webinar through the Integrated Pest Management Institute of North America on October 16-17. The employees received continuing education credits for participating in the webinar.

Several employees attended the webinar "Capturing the Overlooked Effects of a Creeping Climate" by Ryan Ferrell.

Office Manager Jacinda Franusich attended the CalPERS Educational Forum in San Diego, CA on October 28-30.

On October 30, District employees attended the webinar "Investigating the ecology of *Culicoides* biting midges: The big problem of tiny vectors." Continuing education credit was received by the employees who attended.

Dr. Scott participated in the Reeves New Investigator Award Committee meeting and the Sacramento Valley Region of the Mosquito and Vector Control Association of California meeting on October 8.

**Approve Checks for the Month of November 2024**

Mr. Nagy moved to approve Check Nos. 22897–22966 for the month of November 2024 in the amount of \$220,441.61. Mr. Spurr seconded the motion. The motion carried unanimously.

**Other Business**

No other business was discussed.

**Announcement of the Next Regular Board Meeting**

The next regular meeting of the Board of Trustees of the Lake County Vector Control District will be at 1:30 P.M. on December 11, 2024 in the LCVCD Board Room, 410 Esplanade, Lakeport, CA 95453.

Mr. Spurr moved to adjourn the meeting. Mr. Nagy seconded the motion. There being no other business the meeting was adjourned by President Giambruno at 2:24 P.M.

Respectfully submitted,

Ronald Nagy  
Secretary



# CITY OF CLEARLAKE

City Council

<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Consideration of Second Reading of Ordinance No. 278-2025, Adjustment to Councilmember Compensation	<b>MEETING DATE:</b> January 16, 2025
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <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 second reading of Ordinance No. 278-2025, read it by title only, waive further reading and adopt the ordinance.

From the December 5, 2024 staff report:

**BACKGROUND/DISCUSSION:**

(Former) 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: No immediate impact.

**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. 278-2025

**ORDINANCE NO. 278-2025**

**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 31<sup>st</sup> 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 16th day of January, 2025 by the following vote:

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

\_\_\_\_\_  
Russ Cremer, 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



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Appointment of Three Planning Commissioners to Fill Terms Ending in March 2029	<b>MEETING DATE:</b> January 16, 2025
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <input checked="" type="checkbox"/> Information only <input type="checkbox"/> Discussion <input type="checkbox"/> Action Item	

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

No action is being asked of the Council. This memo is for informational purposes only.

**BACKGROUND/DISCUSSION:**

Planning Commissioners Terry Stewart’s, Robert Coker’s, and Fawn Williams’ terms expire on March 11, 2025. Commissioner Stewart and Chair Williams have served one full term. Commissioner Coker has served two terms.

According to the City Council Norms and Procedures, if a Planning Commissioner has served only one term and wishes to serve a second term, that Commissioner may submit a letter of interest no later than 30 days before the end of their term for consideration of reappointment. Chair Williams has filed a letter of interest to serve a second term. Commissioner Stewart will not be seeking reappointment.

If a Planning Commissioner has served two or more terms, the incumbent must apply to be considered for reappointment.

Staff will advertise and accept applications for the upcoming terms, with an anticipated appointment date of February 20<sup>th</sup>.

**OPTIONS:**

- 1. No action needs to be taken by Council. Information only.

**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

# CITY OF CLEARLAKE

City Council



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Discussion and Consideration of Approval of Lake County Special Districts Purchase of Four (4) Tax Defaulted Properties within the City of Clearlake for Sewer System Improvements	<b>MEETING DATE:</b> Jan. 16, 2025
<b>SUBMITTED BY:</b> Alan D. Flora, City Manager	
<b>PURPOSE OF REPORT:</b> <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 agreement for Lake County Special Districts to purchase four (4) vacant tax defaulted lots within the City to construct sewer system improvements.

**BACKGROUND/ DISCUSSION:**

With new leadership at Lake County Special Districts there has been renewed interest in capital improvement planning. With a history of sewer spills from the system in the rainy season, this is a much needed focus. Special Districts has identified four vacant and tax defaulted lots within the City that are well positioned to install additional infrastructure to resolve longstanding issues and support recent and future development.

On November 5, 2024 the Lake County Board of Supervisors/Directors approved the agreement to purchase the four properties, as well as several other properties throughout their service area, but not within the City. Section 3775 of the California Revenue and Taxation Code requires the purchase price to be approved by the City Council.

*Revenue and Taxation Code 3775.  
Whenever the county or the State is the purchaser the price shall be agreed upon between the county board of supervisors and the State Controller and the governing body of any city in which such property may be located and such price shall be paid to the county tax collector for distribution.  
(Added by Stats. 1943, Ch. 669.)*

**OPTIONS:**

1. Approve the Agreement to Purchase Property by Lake County Special Districts within the City and Authorize City Manager to Sign.
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:

**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. Draft Purchase Agreement**

AGREEMENT TO PURCHASE TAX-DEFAULTED PROPERTY BY AND BETWEEN  
THE COUNTY OF LAKE AND  
THE COUNTY OF LAKE SPECIAL DISTRICTS ADMINISTRATION

This agreement is made this 5<sup>th</sup> day of November, 2024 by and between the Lake County Board of Supervisors and the County of Lake Special Districts Administration, in accordance with provisions of California law. The County (“*SELLER*”), subject to the State Controller’s approval, does hereby agree to sell to County of Lake Special Districts Administration (“*PURCHASER*”) the real property described in Exhibit ‘A’ of this agreement.

The real property situated within said county, hereinafter set forth and described in Exhibit ‘A’ of this agreement, is tax defaulted and is subject to the power of sale by the tax collector of said county for the nonpayment of taxes.

The *PURCHASER* agrees to pay the sum of \$139,000.00 and which is tendered in the form of cash, check, or electronic funds transfer with this document.

In consideration of the mutual promises herein set forth, the parties mutually agree as follows:

1. Approval by the State Controller. California Revenue and Taxation Code section 3795 requires this agreement to be submitted to and approved by the California State Controller before it becomes final. This agreement is not in effect until the California State Controller’s authorization is received and the noticing process is complete.
2. Purchase and Evidence of Title. Within 21 days from the effective date of this agreement, the *PURCHASER* agrees to pay a sum sufficient to redeem the delinquent property taxes pursuant to California Revenue and Taxation Code section 3793.1(a) or a reduced price in accordance with section 3793.1(b). The approval and notice process will determine the effective date of the sale and the final purchase price. The *PURCHASER* agrees to pay the amount specified in Exhibit ‘A’ for the properties described in Exhibit ‘A’. Payment shall be in cash or certified funds payable to the Lake County Tax Collector. Upon receipt of said sums by the Tax Collector, the Tax Collector shall execute and record a deed conveying the title to said property to *PURCHASER* and after recordation the deeds will be returned to the purchaser by the County Clerk/Recorder.
3. No Representation. The *SELLER* makes no representation concerning the condition of title to the subject property. The *SELLER* does not warrant title to the property or make any representations concerning the title. Additionally, the *SELLER* makes no representation concerning the physical condition of the subject property and the *PURCHASER* acknowledges that it is not relying upon any statements or representations of the *SELLER* concerning the subject property and is purchasing the subject property in its ‘as is’ condition.
4. Other Expenses: The *PURCHASER* shall pay the other expenses in addition to the purchase price of the property, including but not limited to: the cost of giving notice of the notice of agreement, the cost of publishing or posting the notice of agreement, the cost of proceeding to obtain a clear title to the property, and the expenses incurred in the payment, compromise, or other method of removal of any liens or adverse claims against the property.


5. Intent of Use. The public purpose and specified intent of use set forth by the PURCHASER for the purchased property is as follows: Economic development and housing production.
  
6. Jurisdiction Boundaries. If the PURCHASER is a 'district' as defined by Government Code 56036(a) the purchased property must be within their jurisdiction, unless a letter from purchasers' legal counsel stating that either the influence has been extended by the Local Agency Formation Commission (LAFCo) to include the property or the property may be purchased without conflict with sphere of influence parameters.
  
7. Real Property Taxes, Fiscal Year (2023)-(2024): The purchase price does not include the property taxes for Fiscal Year (2023)-(2024). The PURCHASER shall be responsible for payment in full of the Fiscal Year (2023)-(2024) property taxes for the property in addition to the purchase price.
  
8. Treated as a Single Transaction: The SELLER shall sell the property(s) listed in Exhibit 'A' as a single transaction to the PURCHASER in consideration of the receipt of the payments in listed in this agreement.
  
9. Redemption: If any of the properties listed in Exhibit 'A' are redeemed prior to the effective date of this agreement, this agreement shall be null and void as to that property or properties. Notwithstanding the foregoing, the agreement shall be binding and shall remain in full force and effect with respect to any remaining property (s).
  
10. Void/Incomplete Purchase: This agreement shall become null and void and the right of redemption restored upon the failure of the PURCHASER to comply with the terms and conditions of this agreement prior to the tax deed recordation. The PURCHASER will be required to reimburse the Tax Collector for the costs for producing notice, publication, and actual costs incurred for preparing and conducting the agreement sale if these expenses have already been incurred.
  
11. Indemnity: The PURCHASER shall indemnify the SELLER from and against any and all liability, loss, costs, damages, attorney's fees, and other expenses which the SELLER may sustain or incur by reasons of a challenge to validity of the tax default sale of the property described in Exhibit 'A'. Pursuant to California Revenue and Taxation Code section 3809, a proceeding based on alleged invalidity or irregularity of any proceeding instituted can only be commenced within one year after the date of execution of the Tax Collector's deed.
  
12. Environmental Condition of Property. The property acquired pursuant to this agreement may contain hazardous wastes, toxic substances, or other substances regulated by federal, state, and local agencies. The SELLER in no way whatsoever assumes any responsibility, implied or otherwise, and makes no representations that the property (s) are in compliance with federal, state, or local laws governing such substances. The SELLER in no way assumes any responsibility, implied or otherwise, for any costs or liability of any kind imposed upon or voluntarily assumed by the PURCHASER or any other owner to

remediate, clean up, or otherwise bring into compliance according to federal, state, or local environmental laws property purchased.

13. CERCLA. The SELLER and the PURCHASER agree that under United States Code, title 42, section 9601(20,d), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) expressly excludes local and state governments from clean up liability for properties they acquire as a result of tax delinquencies. Notwithstanding this provision, the PURCHASER shall defend, indemnify, and hold harmless the SELLER, its board of supervisors, officers, claims, actions, liabilities, losses, damages, and costs , including reasonable attorneys' fees, arising out of or resulting from the performance of this agreement, regardless of whether caused in part by a party indemnified hereunder, including but not limited to allegations that the SELLER and/or the SELLER's officers, directors, agents, employees, or volunteers are liable for costs or other charges related to the remediation, clean up, or other work necessary to bring any property purchased under this agreement into compliance with deferral, state, or local environmental laws.

The undersigned hereby agree to the terms and conditions of this agreement and are duly authorized to sign for said agencies.

This document is being executed in counterpart each of which constitutes an original

ATTEST:   
Bruno Cabatier (Nov 7, 2024 12:57 PST)  
PURCHASER

By: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CLERK OF THE BOARD OF SUPERVISORS



By: \_\_\_\_\_

By: Johanna Delong  
Johanna Delong (Nov 6, 2024 14:23 PST)  
DEPUTY

By: \_\_\_\_\_

Pursuant to the provisions of Revenue and Taxation Code section 3775, the governing body of the City of Clearlake hereby agrees to the selling price as provided in this agreement.

ATTEST: \_\_\_\_\_  
DEPUTY

CITY OF CLEARLAKE  
By: \_\_\_\_\_

Pursuant to the provisions of Revenue and Taxation Code section 3795, the Controller approves the foregoing agreement this this ( ) day of ( ), ( ) is approved.

MALIA M. COHEN, CALIFORNIA STATE CONTROLLER  
By: \_\_\_\_\_







<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Discussion and Consideration of a Community Wildfire Protection Plan for the Lake County Fire Protection District	<b>MEETING DATE:</b> Jan. 16, 2025
<b>SUBMITTED BY:</b> Alan D. Flora, City Manager	
<b>PURPOSE OF REPORT:</b> <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 a Community Wildfire Protection Plan (CWPP) on behalf of the Lake County Fire Protection District.

**BACKGROUND/ DISCUSSION:**

The Lake County Fire Protection District has created a Community Wildfire Protection Plan (CWPP). The CWPP reflects community input on actions and projects that will assist not only residents, but also first responders in their efforts to protect lives, property, and the environment. Face-to-face engagement with citizens, local, state, and federal agencies was limited by the restrictions placed during the COVID-19 pandemic. Input was gathered primarily through virtual meetings, teleconferences, and individual phone calls. The Fire Protection District would like to thank the Clear Lake Environmental Research Center (CLERC) for their assistance in gathering community input for this plan and to extend sincere appreciation to the local, state, and federal fire personnel who provided community input and their expertise in developing this plan.

The plan’s stated purpose is to:

- Update and streamline the 2021 CWPP in accordance with the most recent guidelines and utilize the document to develop and implement the LCFPD CWPP.
- Provide fire safety information to homeowners.
- Provide information to homeowners to reduce the ignitability of their homes.
- Identify recommended fuel reduction projects throughout the LCFPD.
- Identify fire safety resources and groups throughout the LCFPD.

This plan along with the CAL FIRE Unit Plan are in alignment with priorities being:

- Evacuation Routes (Egress and Ingress Corridors)
- WUI Wildland Urban Interface
- Critical Infrastructure Protection
- Strategic Ridge Tops

*Note: The CWPP is not to be construed as indicative of project “activity” as defined under the*

“Community Guide to the California Environmental Quality Act, Chapter Three, Projects Subject to CEQA.” Any actual project activities undertaken that meet this definition of project activity and are undertaken by the CWPP participants or agencies listed shall meet with local, state, and federal environmental compliance requirements.

In December, the Lake County Board of Supervisors adopted the CWPP and now the fire Protection District is asking the City Council to adopt the plan. This will cover both parts of the District which are within the City and in the unincorporated area.

**OPTIONS:**

- 1. Approve the Lake County Fire Protection District Community Wildfire Protection Plan and Authorize the Mayor to Sign.
- 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:

**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. Draft LCFPD CWPP

# CITY OF CLEARLAKE

City Council



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Mayor's Appointments for 2025	<b>MEETING DATE:</b> January 16, 2025
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <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 ratify the 2025 Mayor's Appointments.

**BACKGROUND/DISCUSSION:**

As is customary for the City of Clearlake, the Mayor makes appointments to the various committees, boards and commissions at the first Council meeting of the calendar year.

The Mayor will announce the appointments at the Council meeting.

**OPTIONS:**

- 1. Move to ratify the Mayor's appointments for 2025.
- 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 ratify Mayor Cremer's appointments.

**Attachments:** 1) 2024 Mayor's Appointments

# 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

2<sup>nd</sup> 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

2<sup>nd</sup> 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 2<sup>nd</sup> 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](mailto:RRA@lakecountyca.gov)

Russ Cremer, Member  
Dirk Slooten, Alternate

Meets 3<sup>rd</sup> 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 4<sup>th</sup> Thursday of each month at 4:00pm

**CLEARLAKE PLANNING COMMISSION**

(4 Year Staggered Terms Expiring in Odd Numbered Years)

Meets the 2<sup>nd</sup> and 4<sup>th</sup> 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 3<sup>rd</sup> 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

# CITY OF CLEARLAKE

City Council



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Consideration of Appointing Councilmembers as Representatives to the CalCities Redwood Empire Division, Resolution No. 2025-01: A Resolution of the City Council of the City of Clearlake Appointing Representatives to Represent and Vote on Behalf of the City at the CalCities, Redwood Empire Division Business Meetings and Represent the City and Vote at the Division Legislative Committee Meetings	<b>MEETING DATE:</b> January 16, 2025
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <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 a resolution ratifying Mayor Cremer’s appointments to the CalCities, Redwood Empire Division Committees.

**BACKGROUND/DISCUSSION:**

The CalCities Redwood Empire Division requests each member city to appoint a voting representative and alternate to division meetings and legislative committee meetings by resolution. The Mayor will announce the appointments at the meeting and the resolution is attached.

Making this appointment does not preclude any other Councilmember or staff from attending any meeting of the division. If more than one person from the City does attend, those attending are permitted to caucus to provide input to the voting delegate prior to a vote.

Generally, there are four quarterly meetings annually, with one of those being held during the League’s annual conference. The CalCities annual conference will be held in Long Beach in October 2025.

**OPTIONS:**

1. Move to adopt Resolution, adding the names of the appointees.
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. 2025-01, adding the names of the appointees in the motion.

- Attachments:** 1) Resolution No. 2025-01

**CITY OF CLEARLAKE  
CITY COUNCIL**

**RESOLUTION NO. 2025-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CLEARLAKE APPOINTING REPRESENTATIVES TO REPRESENT AND  
VOTE ON BEHALF OF THE CITY AT THE CALCITIES, REDWOOD EMPIRE  
DIVISION BUSINESS MEETINGS AND REPRESENT THE CITY AND VOTE  
AT DIVISION LEGISLATIVE COMMITTEE MEETINGS.**

**WHEREAS**, the City is a member of the League of California Cities (CalCities), an association of California city officials who work together to enhance their knowledge and skills, exchange information, and combine resources so that they may influence policy decisions that affect cities, and

**WHEREAS**, mayors, council members and other officials set League policies and priorities from member cities who serve on the League Board of Directors, League policy committees, regional division boards, departments, caucuses, and task forces where League policies and priorities are formulated and set, and

**WHEREAS**, the City is an active member of the Redwood Empire Division, League of California Cities, and

**WHEREAS**, the Redwood Empire Division By-laws, Article III, Section 3, states representatives of each member city shall cast one vote by city, and

**WHEREAS**, the Redwood Empire Division By-laws, Article VIII, creates a Redwood Empire Division Legislative Committee to review and respond to bills that impact Redwood Empire Cities, and

**WHEREAS**, the City must appoint one elected official to attend and represent the city at Division Business meetings who can vote on behalf of the city, and

**WHEREAS**, the City must appoint one elected official to attend and represent the city at Legislative Committee meetings who can vote on behalf of the city, and

**WHEREAS**, an alternate elected official should be appointed to represent the city in the event the regular member is not available to attend, and

**WHEREAS**, appointments should be reviewed and updated annually.

**NOW, THEREFORE, BE IT RESOLVED** that the 2025 appointments for the Redwood Empire Division are as follows:

**Division Business Meeting Primary:** \_\_\_\_\_

**Division Business Meeting Alternate:** \_\_\_\_\_

**Legislative Committee Primary:** \_\_\_\_\_

**Legislative Committee Alternate:** \_\_\_\_\_

It is hereby certified that the foregoing Resolution No. 2025-01 was duly introduced and adopted by the City Council of the City of Clearlake at its regular meeting held on the 16<sup>th</sup> day of January 2025 by the following vote:

- AYES IN FAVOR:
- NOES:
- ABSENT:
- ABSTAIN:

Approved:

Attested:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# CITY OF CLEARLAKE

City Council



<b>STAFF REPORT</b>	
<b>SUBJECT:</b> Consideration of Appointments to the Measure V Oversight Committee	<b>MEETING DATE:</b>
<b>SUBMITTED BY:</b> Melissa Swanson, Administrative Services Director/City Clerk	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

**WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:**

The newly elected City Council Members are being asked to appoint one member each to the Committee; Resolution No. 2025-02 and by motion approve the Mayor’s appointment of a chairperson of the Committee.

**BACKGROUND/DISCUSSION:**

With the passage of Measure V, the Road Maintenance and Improvement Transactions and Use Tax, the Council must make appoints to the Measure V Citizen Oversight Committee.

Pursuant to Section 3-7.14 of the Road Maintenance and Improvement Transaction and Use Tax Ordinance No. 189-2016 (attached), the City Council shall, by resolution, appoint a five member Citizen Oversight Committee to meet annually to review expenditures and appropriations of tax revenues to ensure those revenues are spent or appropriated as set forth in the Expenditure Plan.

Each Council Member shall appoint one Committee Member. The Committee Member’s term coincides with the appointing Council Member’s term.

At the December 5<sup>th</sup> Council meeting, three Councilmembers began new terms, leaving three vacancies on the Measure V Oversight Committee. The Oversight Committee is currently made up of the following individuals:

- Sheryl Almon: Appointed by Councilmember Cremer
- Bruno Sabatier: Appointed by Mayor Slooten

It is the prerogative of each individual Council Member as to the decision on appointment. However, all Committee Members must be a resident of the City at the time of appointment and remain a resident while serving on the Committee. If a Council Member chooses an individual without accepting applications, that person must fill out a committee application and return it to the City Clerk for verification purposes (Council Norms and Procedures Section 5.2(e)). If any Council Member wishes to appoint at the January 16<sup>th</sup> meeting, it is appropriate for the Council to adopt Resolution No. 2025-02



**RESOLUTION 2025-02**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE**  
**APPOINTING MEMBERS OF THE MEASURE V CITIZEN OVERSIGHT COMMITTEE**

**WHEREAS**, in November 2016, Measure V, the “City of Clearlake Road Maintenance and Improvement Transactions and Use Tax” (Road Tax) was approved by Clearlake voters; and

**WHEREAS**, Ordinance No. 189-2016 sets forth the procedure for implementation of the Road Tax and the creation of a Citizen Oversight Committee consisting of five members, appointed individually by the five Council Members; and

**WHEREAS**, on December 5, 2025, three Councilmembers were sworn into new terms leaving three vacant seats on the Measure V Citizen Oversight Committee effective immediately; and

**WHEREAS**, appointments to said Committee were made at a duly noticed Council meeting on January 16, 2025.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Clearlake as follows:

1. Council Member Tara Downey hereby appoints \_\_\_\_\_ as a Measure V Citizen Oversight Committee Member;
2. Council Member Jessica Hooten hereby appoints \_\_\_\_\_ as a Measure V Citizen Oversight Committee Member;
3. Council Member Mary Wilson hereby appoints \_\_\_\_\_ as a Measure V Citizen Oversight Committee Member;
4. This Resolution shall take effect immediately after its passage.

Passed and Adopted this 16<sup>h</sup> day of January, 2025 by the following vote:

AYES:  
NOES:  
ABSENT OR NOT VOTING:

\_\_\_\_\_  
Mayor, City of Clearlake

ATTEST:

\_\_\_\_\_  
City Clerk, City of Clearlake

CITY OF CLEARLAKE

ORDINANCE NO. 189-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE  
ADDING CHAPTER 3-7 TO THE CLEARLAKE MUNICIPAL CODE  
RELATED TO A TRANSACTIONS AND USE TAX TO BE  
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

THE PEOPLE OF THE CITY OF CLEARLAKE, CALIFORNIA DO ORDAIN AS  
FOLLOWS:

**Section 1. Amendment.** Chapter 3-7 entitled "City of Clearlake Road Maintenance and Improvement Transactions and Use Tax" is added to the City of Clearlake Municipal Code to read as follows:

3-7.1 **Title.** This ordinance shall be known as the City of Clearlake Improvement Transactions and Use Tax Ordinance. The City of Clearlake hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

3-7.2 **Operative Date.** "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the Effective Date of this ordinance, the date of such effectiveness being as set forth below.

3-7.3. **Purpose.** This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

a. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a two-thirds (2/3) majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

b. A transactions and use tax for road maintenance and improvement requires a vote of the residents of the City, and two-thirds (2/3) of those voting on the tax must approve the tax in order for it to be implemented. In addition, this Ordinance, along with the Transactions and Use Tax Expenditure Plan ("Expenditure Plan") for use of the proceeds of the tax, which is attached to this Ordinance as Exhibit A, must be approved by two-thirds (2/3) of the City Council.

c. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

d. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from,

the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

e. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3-7.4. **Contract with State.** Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3-7.5. **Transactions Tax Rate.** For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1 %) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3-7.6 **Place of Sale.** For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3-7.7 **Use Tax Rate.** An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1 %) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3-7.8 **Adoption of Provisions of State Law.** Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3-7.9 **Limitations on Adoption of State Law and Collection of Use Taxes.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:



a. Wherever the State of California is named or referred to as the taxing authority, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, Victim Compensation and Government Claims Board, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

b. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3-7.10. **Permit Not Required.** If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3-7.11 **Exemptions and Exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which

the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(3) The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

(4) A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

(3) If the purchaser is obligated to purchase the property for a fixed amount pursuant to a contract entered into prior to the operative date of this ordinance.

(4) If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

(5) For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

(7) "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3-7.12 **Amendments.** All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3-7.13 **Enjoining Collection Forbidden.** No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3-7.14 **Citizen Oversight Committee.** The City Council, by resolution, shall establish a five member Citizen Oversight Committee to meet annually to review expenditures and appropriations of the tax revenues to ensure that all such revenues are spent or appropriated for the purposes and uses set forth in the Expenditure Plan. Each member of the City Council shall appoint one member of the Committee who shall have a term coinciding with the term of the appointing Council member. Each Committee member shall be a resident of the City at the time of appointment and shall remain a resident of the City while serving on the Committee. The Mayor shall appoint the chairperson of the Committee subject to the approval of the majority of the Council. The Committee shall receive the assistance of City staff and shall undertake such additional duties as the Council may designate.

3-7.15 **Sunset.** The authority to levy the tax imposed by this Chapter 3-7 shall expire twenty years from the date of its Effective Date.

**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, if approved by the electorate of the City of Clearlake at the General Municipal Election of November 8, 2016 shall become effective immediately upon the declaration of the results of that election by the City Council of the City of Clearlake.

**INTRODUCED** by the City Council of the City of Clearlake at a regular meeting of the City Council held on the 26<sup>th</sup> day of May, 2016 and **PASSED AND ADOPTED** by the City Council at a regular meeting of the City Council on the 23<sup>rd</sup> day of June, 2016 by the following vote:

AYES: Mayor Perdock, Vice Mayor Fortino Dickson, Council Members Overton, Sabatier and Bennett  
NOES: None  
ABSENT OR NOT VOTING: None



Russell Perdock, Mayor

ATTEST:  
  
Melissa Swanson, City Clerk



# CITY OF CLEARLAKE

## Road Maintenance and Improvement Transactions and Use Tax Expenditure Plan FOR Anticipated One (1%) Percent Transactions and use tax Revenue

The one (1%) percent transactions and use tax passed by the City of Clearlake voters will be dedicated to specific uses: road maintenance and improvement. The funds cannot, and will not, be used for any other purpose. One hundred percent (100%) of the revenues generated by the new tax will be allocated to road maintenance and improvement.

### ROAD MAINTENANCE AND IMPROVEMENT

The City of Clearlake’s street system consists of approximately 112 miles of streets and is composed of:

Asphalt Paved Streets	63 Miles
Unpaved Gravel or Dirt Streets	49 Miles

The majority of the street system was constructed to the standards and conditions of the 1930’s and 40’s and is unable to meet today’s traffic demands. A pavement management study was completed for the City of Clearlake by Nichols Consulting Engineers in 2008 and updated in 2015. The report called the Pavement Management Program (PMP) indicates that Clearlake’s streets have one of the lowest pavement condition index (PCI) rating of any city that they had evaluated. The average PCI for City streets was 38 on a 100-point scale. That is well below an F grade which is unacceptable.

The report further indicates that the City currently has a total deferred maintenance need of \$15.2M. That means the City needs to spend \$15,200,000 for the reconstruction and rehabilitation of its streets system in 2016 alone to bring it up to acceptable standards. The City currently expends approximately \$50,000 annually for repair and maintenance of its streets. At that funding level, the City can only patch some potholes and minimally re-grade a few gravel roads. Current funding does not allow for any major street repair or reconstruction. If the City’s maintenance level remains at \$50,000, the PCI of 38 will drop even lower. In that case most of the City’s paved streets will completely fail and require total reconstruction.

The PMP recommends the City of Clearlake budget \$740,000 annually over the next ten (10) years for asphalt pavement work, it would improve the City’s overall PCI from 38 up to 60. In addition to improving the asphalt surfacing of the City’s streets, there is a need to maintain and improve drainage, and city owned sidewalks which are an integral part of the street system.

The Pavement Management Program addresses the paved streets only and not the unpaved roads. A PCI rating does not apply to gravel/dirt roads. Many of these roads are in residential areas and have not received any maintenance for several years. Some are nearly impassable. These

conditions cause significant wear and tear on safety vehicles (Police and Fire) as well as to anyone who drives these roads. Grading contracts for these roads will significantly smooth travel in these areas. Obviously the improvements and maintenance needed on City streets far exceed the available revenues for these activities. The City remains committed to continued efforts to obtain Federal and State funding for street improvements. Without the one percent (1%) transactions and use tax revenue the City will be unable to accomplish its task to maintain the streets at an adequate level to serve the traveling public. It is estimated that a one percent (1%) special road transactions and use tax will produce \$1,600,000 in revenues annually. State law requires the City to prepare and adopt an expenditure plan describing the specific projects for which the revenues from the tax may be expended.

The City of Clearlake has prepared a proposed Road Maintenance and Improvement Transactions and Use Tax Expenditure Plan for the next twenty (20) years beginning in 2016 and going through 2036. The expenditure plan will be annually reviewed by the oversight committee and updates to the expenditure plan will be recommended by the Oversight Committee (with input from Public Works and the City Engineer) to the City Council who will make the final annual allocations.

Annual Expenditure Program 2016-2036	
Activity	Estimated Expenditure (% of tax proceeds)
<p><b>Road Maintenance &amp; Improvements</b></p> <ul style="list-style-type: none"> <li>• Annual grading and associated graveling on existing unpaved roads maintained by the City</li> <li>• Pothole and surface repair</li> <li>• Pavement dig outs &amp; minor asphalt blankets</li> <li>• Drainage repairs/replacement</li> <li>• Minor chip seals</li> <li>• Crack filling</li> <li>• Shoulder restoration</li> <li>• Pavement grinding, removal &amp; replacement</li> <li>• Chip seals, Micro-seals and other surface treatments</li> <li>• Storm Drain System improvements</li> <li>• Re-striping, painting and installation of pavement reflector markings</li> <li>• Maintenance of street signs</li> <li>• Asphalt pavement overlay and rehabilitation projects</li> <li>• Rock rip-rap protection</li> <li>• Bridge deck and railing replacement</li> <li>• Sidewalk restoration</li> <li>• Maintenance equipment lease, rental, or purchase</li> <li>• Sidewalk and bicycle facilities</li> <li>• Bridge replacement/rehabilitation</li> <li>• Road construction equipment rental, lease, purchase</li> <li>• Road construction equipment repair</li> </ul>	<p><b>95%</b> <b>% equivalent in \$</b> <b>\$1,520,000</b></p>
<p><b>Matching Grant Funding</b></p> <ul style="list-style-type: none"> <li>• Grant matching funds for street improvement projects</li> </ul>	<p><b>5%</b> <b>% Equivalent in \$</b> <b>\$80,000</b></p>
<p><b>Total</b></p>	<p><b>100%</b> <b>(Approx. \$1,600,000)</b></p>



# CITY OF CLEARLAKE

## CITY COUNCIL NORMS AND PROCEDURES



# **COUNCIL NORMS AND PROCEDURES**

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# CITY OF CLEARLAKE

## CITY COUNCIL NORMS AND PROCEDURES

### SECTION 1. GENERAL

**1.1 Purpose.** The purpose of these Norms and Procedures is to promote communication, understanding, fairness, and trust among the members of the City Council and staff concerning their roles, responsibilities, and expectations for management of the business of the City of Clearlake.

**1.2 Values.** Respect for each Council Member’s interpersonal style will be a standard of operation. Courtesy and respect for individual points of view will be practiced at all times. All Council Members shall respect each other’s right to disagree. All Council Members shall practice a high degree of decorum and courtesy. When addressing the public in any way, all Council Members shall make certain their opinions are expressed solely as their own, and do not in any way necessarily reflect the opinions of any other Council Member or the City.

**1.3 Overview of Council responsibilities.** The City of Clearlake is a General Law city of the State of California operating under the Council/Manager Plan and the City Manager’s duties shall define how the City Council and City Manager interact and perform their respective duties and responsibilities. The City Council has the following duties and responsibilities:

**(a) Appointment of the City Manager and City Attorney.** The City Council shall appoint the City Manager and the City Attorney. There should be an annual review for the City Manager and the City Attorney.

**(b) Establishment of boards and appointment of members.** The Council may appoint establish Boards, Commissions, and Committees, and by majority vote make appointments of members of all Boards, Commissions, and Committees.

**(c) Legislative decisions.** The Council is the legislative body; its members are the community’s decision makers. Power is centralized in the elected City Council collectively and not in individual members of the Council. The City Council approves the budget and determines the public services. It focuses on the community’s goals, major projects and such long term considerations as community growth, financing and strategic planning. The City Council hires a professional City Manager to carry out administrative responsibilities and supervises the City Manager’s performance.

**1.4 Overview of City Manager responsibilities.** The City Manager is hired to serve the City Council and the community and to bring the benefits of education, training and experience in administering the City’s projects, programs, and public services on behalf of the City Council. The City Manager has the following among his or her duties:

**(a) Preparation of a Recommended Budget.**

(b) Recruitment, Hiring, and Supervision of Personnel, Contractors, and Consultants

(c) Implementation of the Council’s policies and programs and public services in an effective and efficient manner, providing professional advice on policy matters, intergovernmental affairs, economic development and environmental issues.

The City Manager follows the direction of the entire City Council and not individual members of the Council or the public, and serves at the sole discretion of the Council.

**1.5 Review.** The City Council shall conduct a review of this document biennially, or whenever a new Council Member has been seated or Council deems necessary, to assist Council Members in being more productive in management of the business of the City. A new Council will consider the document within three months of its first regular meeting.

**1.6 Ralph M. Brown Act.** All conduct of the City Council, Commissions, Committees and Subcommittees shall be in full compliance with the Ralph M. Brown Act.

**SECTION 2. MAYOR AND VICE MAYOR SELECTION PROCESS**

**2.1 Reorganization.** In December of each year, the City Council shall select and appoint a Mayor and Vice Mayor by majority vote of the Council from among its members. Selection and appointment shall be at the first meeting of a new term following each General Municipal Election or at the first meeting in December during non-election years. The term of the Office of the Mayor and Vice Mayor shall be for a 12-month period commencing on January 1<sup>st</sup> of each year, unless otherwise provided for by majority vote of the Council. The Mayor remains as one member of the City Council and has no rights or authority different from any other member of the Council.

**2.2 Appointment of Vacancy.** In the event of a vacancy of office or the death or resignation of any Council Member, the Council shall appoint a new Council Member within sixty (60) days after a vacancy or death or resignation becomes effective in compliance with the California Elections Code, unless the Council, by resolution, decides to instead call a special election. In the event of appointment, the Council shall determine the process for appointment prior to the application process and in accordance with State law.

**SECTION 3. ADMINISTRATIVE MATTERS**

**3.1 Attendance.** City Council Members acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Council Members shall make a good faith effort to attend all such meetings unless unable. Council Members will notify the City Manager or the City Clerk, and, if possible, the Mayor as a courtesy, if they will be absent from a meeting. Failure to attend regular City Council meetings for sixty (60) consecutive days from the last regular meeting can result in your seat becoming vacant and filled accordingly. (Gov’t Code § 36513.)

**3.2 Correspondence.** With some exceptions, proposed correspondence (including electronic) from individual Council Members/Mayor on City stationery shall be reviewed by the Council in

draft form prior to release. On occasion, there are urgent requests from the League of California Cities for correspondence concerning legislation directly affecting municipalities. Assuming there is agreement between the Mayor and City Manager that the League's position corresponds with that of the Council, the Mayor may send a letter without first obtaining Council review.

City letterhead will be made available for routine, discretionary correspondence (e.g., thank you notes, etc.), or such correspondence will be prepared by staff for signature, without prior consent of the Council. E-mails from Council Members should be respectful and professional.

**3.3 Regional Boards.** The role of the Council on regional boards will vary depending on the nature of the appointment. Representing the interests of Clearlake is appropriate on some boards; this is generally the case when other local governments have their own representation. The positions taken by the appointed representatives are to be in alignment with the positions that the Council has taken on issues that directly impact the City of Clearlake. If an issue should arise that is specific to Clearlake and the Council has not taken a position, the issue should be discussed by the Council prior to taking a formal position at a regional board meeting, to assure that it is in alignment with a majority of the Council's position.

Council representatives to such various boards shall keep the Council informed of ongoing business through brief oral or written reports to the Council during properly posted Council meetings.

Council Members shall make a good faith effort to attend all regional meetings that require a quorum of the appointed members to convene a meeting. Attendance should not be less than 75% of all scheduled meetings. If a Council Member is unable to attend, he/she should notify his/her alternate as far in advance of the meeting as possible so as to allow the alternate to attend.

**3.4 Distribution of Information.** It is essential that every member of the City Council have the same information from which to form decisions and actions. Any information distributed to one Council Member shall also be distributed to all Council Members.

**3.5 Reimbursement.** Every effort shall be made to limit the need to reimburse Council Members for expenses. City Council Members may be reimbursed for personal expenses for travel to and lodging at conferences or meetings related to their role as a Council Member. The reimbursement of expenses is limited in the following manner: Members shall be reimbursed at rates established by the Internal Revenue Service unless discounted or group rates are offered by the conference or activity sponsor. Any additional expenses that fall outside the scope of this policy may be reimbursed only if approved by the City Council, at a public meeting, before the expenses are incurred. Any request for reimbursement of expenses shall be accompanied by an expense form and receipts to document the expenditure. These documents are public records subject to disclosure under the California Public Records Act.

Brief reports must be given on any outside meeting attended at the expense of the City at the next regular Council meeting. Reimbursement is conditioned on the submission of this report to the legislative body.

**3.6 Ethics, Sexual Harassment Prevention, and Anti-Bullying Training.** Any member City Council and commissions, or advisory committees formed by the City Council, shall receive at least two hours of ethics training in general ethics principles and ethics laws (as mandated by AB 1234), two hours of sexual harassment prevention training (*as mandated by AB 1825*) and two hours of abusive conduct prevention training (*as mandated by AB 2053*) all relevant to his/her public service every two years.. New members must receive this training within their first year of service and file a certificate of completion with the City Clerk. Members shall attend training sessions that are offered locally in the immediate vicinity of Lake County or by completing online a state-approved public service ethics education program.

An individual who serves on multiple legislative bodies need only receive two hours of each of these trainings every two years to satisfy this requirement for all applicable public service positions. The City will use training courses that have been reviewed and approved by the Fair Political Practices Commission and the California Secretary of State.

The City Clerk is required to keep training records for five years to document and prove that these continuing education requirements have been satisfied. These documents are public records subject to disclosure under the California Public Records Act.

**3.7 City Mission and City Seal.** The Mission of the City of Clearlake is a strategic document that reflects the values of our residents. The City Seal is an important symbol of the City of Clearlake. No change to the City Mission and/or City Seal shall be made without Council approval. Individual council members shall be careful in use of the City Seal so as not to create an appearance that the council member is acting on behalf of or with official endorsement of the City of Clearlake.

**3.8 Use of Email and Social Media Accounts.** Except for emergencies, public officials who are not City employees (“public officials”) conducting City business should not create any “public record” [as that term is defined in California Government Code § 7920.530 (a)] by using any email account that is not a City email account, or by using any non-City-controlled social media account. Instead, public officials should use a City email or City-controlled social media account.

In an emergency, a public official may send an email on a non-City email account, but only if a copy of any public record that is created as a result is contemporaneously copied to the City email account of that same public official, or a hard copy is provided to the City for retention in City records.

Practically speaking, this means that public officials should rarely, if ever, use a personal email account to conduct City business, and should never use personal social media accounts to conduct City business. Nothing in this policy is intended to limit a public official’s use of private email and social media accounts for non-City business such as personal communications and campaign related activities. Nor is this policy intended to require public officials to provide privileged communications or documents to the City, or to waive any applicable privileges which may apply to documents purely because they have been turned over to the City in compliance with his policy.

For purposes of this policy “City-controlled social media account” is an account on a social media platform (e.g. Facebook, Instagram, Twitter) that is created and used by the City (e.g. the City’s official Facebook page, if any).

In addition to the requirements set out here, Council Members are required to comply with the City’s policy on City-controlled social media accounts.

**3.9 Use of City Electronic Devices.** In general, when creating or modifying public records in the conduct of City business on an electronic device that can create and modify public records (e.g. computers, mobile phones, tablets), public officials should only use City-issued devices. There are two exceptions:

Exception: Using City Accounts. Public officials may use non-City electronic devices when accessing an official City account (e.g. City email address, City-controlled social media account).

Exception: Contemporaneous Copying. If, in a given situation, using a City electronic device is clearly impractical or if a public official has not been issued or does not have in the public official’s possession a City electronic device, a public official may use a non-City device, but only if a copy of each affected public record is contemporaneously copied to a City account of that same public official, or to the related City-controlled social media account, or a hard copy is provided to the City for retention in City records.

Texting Only on City Devices. Except for emergencies or when communicating with the City Attorney’s Office, public officials conducting City business shall not send or receive texts on any device other than a City owned device. In an emergency, a public official may use a non-City device to text, but only if a copy of any public record that is created as a result is contemporaneously copied to a City account of that same public official, or a hard copy is provided to the City for retention in City records. Practically speaking, this means that public officials should rarely, if ever, use a non-City owned device to text in the conduct of City business.

Provide Copies to City. If a public official has possession of a public record that is not in the possession of the City, the public official shall promptly provide a copy of the record to the City, and take reasonable precautions to prevent this from occurring again. For example, if a public official receives an email regarding City business on a non-City email account, and the email was not sent to or from a City email account (i.e. the City doesn’t already have a copy), the public official shall promptly forward a copy of the email to the public official’s City email account, or provide a hard copy to the City for retention in City records, and should request that the sender send future correspondence to a City controlled email account.

In addition to the requirements set out here, Council Members are required to comply with the City's policy on City computer and electronic mail usage.

**SECTION 4. COUNCIL RELATIONSHIP WITH STAFF**

**4.1 City Manager.** City Council Members are always free to go to the City Manager to discuss City business. Issues concerning the performance of a Department or any employee must be directed to the City Manager. Direction to City employees, other than the City Manager or City Attorney, is the prerogative of the City Manager. In passing along critical information, the City



Manager will be responsible for contacting all Council Members. The City Manager may delegate this responsibility to Department Heads.

**4.2 Agenda Item Questions.** If a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed. This does not restrict Council Members from asking questions during a Council meeting.

**4.3 Interaction of City Council with Staff.** The Council shall treat staff with respect and shall not abuse staff, nor embarrass staff in public. The City Council Members are to work through the City Manager or City Attorney on all issues, concerns and questions. This is to allow the senior professional staff, with the proper education, training, experience and knowledge of issues, laws and City Council’s policies to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts. Council Members may ask Department Heads for information. This informal system of direct communication is not to be abused. City Council Members shall not meet with groups of management employees for the purpose of discussing terms of employment or establishing employee policy.

**4.4 Individual Council Member’s Requests.** Council Members shall make their requests for information to the City Manager or City Clerk and not directly to individual members of staff. The use of City staff, including the City Manager, to respond to an individual Council Member’s request for any purpose that exceeds more than one hour of total staff time must be approved by the majority vote of the full Council. The individual City Council Member may make his/her request orally or in writing to the City Manager or City Clerk. The City Manager shall provide an estimate of the cost and how the request affects the Council’s Goals and Objectives. This request will then be considered by the City Council at the next possible City Council meeting. Irrespective of the amount of staff time required to respond to each Council Member’s request, individual Council Member’s requests should be limited to three to five requests per week.

**SECTION 5. PROCEDURES FOR APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES**

**5.1 Definitions.**

- (a) **Task Force:** A temporary grouping of individuals and resources for the accomplishment of a specific objective.
- (b) **Committee:** A group of people officially delegated to perform a function, such as investigating, considering reporting, or acting on a matter.
- (c) **Ad Hoc:** Committees established for a specific purpose. Formed for or concerned with one specific purpose (e.g. ad hoc compensation committee); for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than carefully planned in advance.

**(d) Commission:** A group of people officially authorized to perform certain du functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty; the rank and powers so conferred.

**(e) Board:** A group of persons having managerial, supervisory, or advisory powers. In parliamentary law, a board is a form of deliberative assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly – in having greater autonomy and authority.

## 5.2 Recruitment Process.

On or before December 31<sup>st</sup> of each year, the City Clerk shall prepare and post a list of all Council-appointed board, commission and committee terms that expire during the next calendar year in compliance with the Maddy Act (Government Code Section 54972).

The City Clerk shall annually advertise in a newspaper and on the City’s website for applicants wishing to be considered for appointment to boards, commissions and committees.

Although there may be multiple applicants, Council Members are not required to choose from the pool of applicants and may nominate their own appointee, provided the appointee qualifies.

All persons seeking appointment to a City board, commission or committee shall complete and submit an application form to the City Clerk as set forth in Section 5.6. Applications shall be kept on file for two years in the City Clerk’s office and vacancies may be considered from applications on file, as well as new applications.

Appointments made by individual Council Members are official only after the Council Member has submitted a completed application and appointment form to the City Clerk, the City Clerk has determined that the individual is eligible to serve and the City Clerk has provided proper notification to the appointed board, commission or committee member, and chair of the board, commission or committee. Council Members may announce an appointment at a City Council meeting; however, such an announcement is not required for the appointment to become effective. The City Clerk shall notify the full City Council of any appointments made by individual Council Members.

If an unscheduled board or commission vacancy occurs during the term of the appointing Council Member and the Council Member so requests, the following steps should be taken to publicize vacancies on boards, commissions and committees:

1. Public announcement of the vacancy at a Council meeting.
2. A newspaper advertisement announcing the vacancy.
3. A recruitment period of at least ten (10) days.
4. A vacancy notice posted at City Hall, Redbud Library, and on the City’s website for at least 20 days.
5. Announcements in the local media, such as press releases, online news outlets and free weekly sales papers.

- 6. Distribution to appropriate professional and community organizations groups that have requested notification.

**5.3 Requirement for Appointment.**

All persons appointed to City boards, commissions and committees shall be residents of the City of Clearlake at the time of their appointment and shall remain so throughout their term of appointment. Should any person so appointed move from the City during their term of office, such office shall be forfeited. The Council shall, upon forfeiture, make a new appointment to fill the unexpired term.

All persons appointed to City boards, commissions and committees shall complete and submit an application form to the City Clerk as set forth in Section 5.6.

Except as provided by state or local statute, the appointee shall not be a current City employee or currently appointed to another City board, committee or commission.

**5.4 Council Notification.** By September 1 of each year, the City Clerk will notify the Council of expiring terms for members of those City boards, commissions, and committees appointed by the full Council.

**5.5 Incumbents.**

At the end of the first term, the incumbent board, commission or committee member may, at the discretion of the Council or appointing Council Member, be reappointed for an additional term without the need to apply or interview for re-appointment. In lieu of an application, the board, commission or committee member shall submit to the City Clerk a letter of interest in re-appointment 30 days prior to the expiration of the member’s first term.

Any incumbent interested in re-appointment who has served two or more terms must apply for re-appointment as set forth in Section 5.6.

**5.6 Application.** Except as set forth in Section 5.5, all persons considered for appointment or re-appointment shall complete an application form. This application form must be received by the City Clerk by the required deadline.

**5.7 Appointment Procedure for Planning Commission Members.** This portion of the policy sets forth the procedure for appointments of Planning Commission Members.

Applications shall be taken for Planning Commission as set forth in 5.2 through 5.6.

If fewer than ten applications are received, applicants will be interviewed by the full Council at an open meeting. Each applicant will be asked the same questions, with varying related follow up questions allowed.

If more than ten applications are received, the Mayor will appoint an ad hoc committee with the applicants prior to appointment and recommend a number of applicants as determined by the Mayor for interview by the Council.

Following the interview, Council deliberation, and public comment, the Mayor shall call for a motion and a second for each separate vacant seat. Motions shall be as according to the Council Norms and Procedures.

All newly appointed and re-appointed Planning Commission Members shall take and subscribe to the Constitutional oath of office prior to or during the Member’s first Planning Commission meeting.

An orientation and training program will be made to all new Planning Commission Members in March of each odd-numbered year. All board, commission and committee members are strongly encouraged to attend.

**5.8 Appointment Procedure for Board and Committee Members Appointed by the Full Council.** This portion of the policy sets forth the procedure for appointments made by the full Council for boards and committees appointed by the full Council.

Subject to review of the Council, the Mayor may establish a procedure for review of applications and selection of applicants for interview, for those board and committee members appointed by the full Council. Such selection and interview may be conducted by an ad hoc committee of the Council or full Council.

If an unscheduled board or committee vacancy occurs prior to the expiration of the member’s term, the vacancy shall be noticed in compliance with the Maddy Act (Government Code Section 54974).

All persons appointed by the full Council to boards and committees serve at the pleasure of the Council and shall serve for the term indicated or until a successor has been appointed, unless removed by a majority vote of the appointing body.

Members of boards and committees appointed by the full Council shall be interviewed at a duly noticed open Council meeting and shall be selected by motion and majority vote of the Council.

**5.9 Attendance.**

Board, commission and committee members are expected to regularly attend and participate on their respective boards, committees and commissions.

A board, commission or committee member whose attendance is less than seventy five (75%) of the required meetings over a period of a year may be subject to removal by the Council Member who appointed the person or the full Council if appointed by the Council.

The Council may grant an approved leave of absence for a board, commission or committee member for such reasons as the Council determines appropriate. During the approved leave of

absence, the Council Member who appointed the person, or full Council, depending on how the person was appointed, may appoint a temporary person to fill the position.

**5.10 Norms and Procedures and Conflicts of Interest.**

Board, committee and commission members shall be expected to adhere to the Council Norms and Procedures.

Board, committee and commission members shall comply with all state and local laws with respect to ethics and conflicts of interests to the extent that such laws apply to their position, including state and local requirements to timely file Statements of Economic Disclosure if the member is designated as a filer by state law or by the City’s Conflict of Interest Code.

Members of City boards, commissions or committees may not use their board, commission or committee position title for political endorsements.

**5.11 Conflicts with Federal, State or Local Law.** In case of a conflict between this section of the Norms and Procedure policy with federal, state or local law, such federal, state or local law shall be the controlling factor.

**SECTION 6. MEETINGS**

**6.1 Open to Public.** All meetings of the City Council whether regular, special, or study sessions, shall be open to the public, unless a closed session is held as authorized by law. All meetings shall be noticed as required to allow action to be taken by the Council.

**6.2 Broadcasting of City Council Meetings.** All regular Council meetings shall be scheduled in the Council Chambers to allow for web streaming and simulcast on the City’s Public Education Government Access Channel, unless the number of participants exceeds room capacity. The final decision shall be the responsibility of the Mayor.

**6.3 Teleconferencing.** Teleconferencing into a City Council meeting allows City Council Members to join a City Council meeting while out of the area or ill. However, the use of teleconferencing requires compliance with specific requirements set out in the Brown Act. In the event a Council Member wishes to use teleconferencing, check with the City Manager and City Attorney well in advance of the meeting.

**6.4 Regular Meetings.** At the first regular meeting in January, the City Council will approve the schedule of meetings for the calendar year, which in addition to the regular meeting schedule, may include the cancellation of regular meetings and the addition of special meetings and study sessions. This practice does not, however, preclude the Mayor or a majority of the members of the City Council from calling additional meetings pursuant to Section 6.5, if necessary.

The City Council shall convene its regular City Council meetings at 6:00 p.m. on the first and third Thursday of each month. The City Council may, as the Council deems necessary, cancel regular meetings provided that the City Council shall hold a regular meeting at least once each month

pursuant to Government Code Section 56803. The regular 6:00 p.m. starting time of a meeting can be varied by the City Manager with the concurrence of the Mayor to commence earlier or later (but in no event past 7:00 p.m.) depending upon the volume or nature of business for the council to consider at any given meeting, provided the City Clerk gives appropriate prior written notice of the adjusted starting time to the press and public.

Regular Meetings shall be terminated at 10:00 P.M.; however, the Mayor may, by majority vote of the Council, extend the meeting past 10:00 P.M. whenever the Council deems such extension necessary.

**6.5 Cancelling Meetings.** Any meeting of the City Council may be cancelled in advance by majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed their unavailability to attend a meeting. The City Council may, as the Council deems necessary, cancel no more than four (4) Regular Meetings per calendar year, by majority vote, provided, however, that the City Council shall hold a Regular Meeting at least once each month pursuant to Government Code Section 36805.

**6.6 Special Meetings.** A special meeting may be called at any time by the Mayor or by a majority of the City Council in accordance with the Brown Act. Written notice of any such meeting must specify the purpose of the meeting. Notice of the meeting must be given in accordance with law. Public comments at special meetings shall be limited to only those items described on the special meeting notice/agenda.

The City Council may hold study sessions or joint meetings with other boards, commissions, committees, or agencies as deemed necessary to resolve City business. These meetings will be coordinated by the City Clerk. Study sessions are scheduled to provide Council Members the opportunity to better understand a particular item. While Council may legally take action at any noticed meeting, generally no formal action is taken at study sessions. If action is to be taken at a study session, then the agenda will state that action may be taken.

**6.7 Closed Sessions.** The City Council may hold closed sessions at any time authorized by law (and in consultation with the City Attorney), to consider or hear any matter, which is authorized by law. The Mayor or any three Council Members may call closed session meetings at any time.

**6.8 Quorum.** Three (3) members of the City Council shall constitute a quorum and shall be sufficient to transact business. If fewer than three Council Members appear at a regular meeting, the Mayor, Vice Mayor in the absence of the Mayor, any Council Member in the absence of the Mayor and Vice Mayor, or in the absence of all Council Members, the City Clerk or Deputy City Clerk, shall adjourn the meeting to a stated day and hour.

Business of the City Council may be conducted with a minimum of three members being present; however, pursuant to the California Government Code, matters requiring the expenditure of City funds and all resolutions and non-urgency ordinances must receive three affirmative votes for approval.

**6.9 Minutes.** The City Clerk shall prepare minutes of all public meetings of the City Council. Copies shall be distributed to each Council Member.

**6.10 Adjourned Meetings.** The City Council may adjourn any regular, adjourned regular, special, or closed session meeting to a time and place specified in the order of adjournment and permitted by law.

**SECTION 7. POSTING NOTICE AND AGENDA**

**7.1 Posting of Notice and Agenda.** For every regular, special, or study session meeting, the City Clerk or other authorized person shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. This notice and agenda may be combined in a single document. Posting is to be according to law.

**7.2 Location of Posting.** The notice and agenda shall be posted at City Hall in a place to which the public has unrestricted access and where the notice and agenda are not likely to be removed or obscured by other posted material, and to the City website.

**SECTION 8. AGENDA CONTENTS**

**8.1 Mayor’s Responsibility.** The Mayor is responsible for running a timely and orderly meeting. If the Mayor is unavailable to run a Council meeting, the Vice Mayor shall run the meeting. If the Mayor and the Vice Mayor are both unavailable to run a Council meeting, the Mayor shall, before the meeting, designate another councilmember to run the meeting. If the Mayor is unavailable to make this designation, the Vice Mayor shall do so. If the designation is not made before the meeting, the City Clerk shall, by lot, designate a council member to run a meeting. The Mayor, in consultation with the City Manager and his/her designee, and the City Clerk shall organize the agenda.

**8.2 Description of Matters.** All items of business to be discussed at a meeting of the City Council shall be briefly described on the agenda. The description should set forth the proposed action to be considered so that members of the public will know the nature of the action under review and consideration. As stated in Section 4.2, if a Council Member has a question on a subject, the Council Member should contact the City Manager prior to any meeting at which the subject may be discussed.

**8.3 Availability to the Public.** The agenda for any regular, special, or study session meeting, shall be made available to the general public as required by law.

**8.4 Limitation to Act Only on Items on the Agenda.** No action shall be taken by the City Council on any item not on the posted agenda, subject only to the exceptions listed below:

(a) Upon a majority determination that an “emergency situation” (as defined by State Law) exists; or

(b) Upon determination by a 4/5 vote of the full City Council, or a unanimous vote if less than a full Council, that there is a need to take immediate action and that the need to take the action came to the attention of the City Council subsequent to posting of the agenda.

**8.5 "Timing" of Agenda.** Staff and/or the Mayor may "time" the agenda as a way for the Council to maintain a sense of how much time can be committed to any one item without going past an established ending time for the meeting.

**8.6 Order of Agenda.** The prescribed order of the agenda for Regular Meetings of the Council will be as follows: Roll Call, Pledge of Allegiance, Invocation/Moment of Silence, Adoption of the Agenda, Closed Session Announcement (if needed), Presentations, Public Comments on Items not on the Agenda, Consent Calendar, Public Hearings, Business Items, City Manager and City Council Reports, Future Agenda Items, and Adjournment.

**8.7 Change in Order of Business.** The Mayor, or the majority of the Council, may decide to take matters listed on the agenda out of the prescribed order. Council Members shall be given the opportunity to ask questions about Consent Items for clarification without having them removed.

**8.8 Agenda Request Policy.** Requests for placement of items on the agenda can be submitted to the City Clerk using the Agenda Request Form available by request. Also, a majority of the Council may direct staff to place an item on a future agenda by indicating their desire to do so under that portion of the City Council agenda designated, "Future City Council Agenda Items." Additionally, the City Manager may place items on the agenda.

**8.9 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. Council Members or the City Manager may remove items from the Consent Agenda for separate discussion and action by City Council. Any item removed for separate discussion and action will be taken up following the motion to approve the Consent Agenda.

**SECTION 9. PROCEDURES FOR THE CONDUCT OF PUBLIC MEETINGS**

**9.1 Role of Mayor.** The Mayor shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the Mayor to ensure that the rules of operation and decorum contained herein are observed. The Mayor shall maintain control of communication between Council Members and among Council, staff and public. The Mayor shall intervene when a Council Member, staff or other meeting participant is being verbally or otherwise attacked by a member of the public.

**9.2 Communication with Council Members.** Council Members shall request the floor from the Mayor before speaking. When one member of the Council has the floor and is speaking, other Council Members shall not interrupt or otherwise disturb the speaker.

**9.3 Communication with members of the public addressing the Council on agendized items.**

- 1. The Mayor shall open the floor for public comment as appropriate.



2. Council Members may question a person addressing the Council conclusion of the person’s comments or upon expiration of the person’s time to speak.

3. Any staff member with an item on the agenda will be available to the City Council to answer questions arising during discussions between Council Members and among Council Members and members of the public.

4. Members of the public shall direct their questions and comments to the Council.

**9.2 Rules of Order.** The City Council shall refer to *Rosenberg’s Rules of Order*, as a guide for the conduct of meetings, with the following modifications:

(a) A motion is not required prior to a general discussion on an agenda item. A pre-motion discussion allows the members to share their thoughts on the agendized item so that a motion can more easily be made that takes into account what appears to be the majority position.

(b) All motions require a second.

(c) A motion may be amended at the request of the maker and the consent of the person who seconded the motion. Such a procedure is often used to accommodate concerns expressed by other members.

(d) A motion to amend may still be used.

The Mayor has the discretion to impose reasonable rules at any particular meeting based upon facts and circumstances found at any particular meeting. These latter rules will be followed unless objected to by a majority of the City Council Members present.

**9.3 Appeal Procedures.** Appellants shall be given the opportunity to speak first. Appellants and applicants responding to appeals may be given a total of up to 10 minutes each to present their positions to the City Council prior to hearing public comments. Appellants shall be given up to 5 minutes of rebuttal time after public comments are heard.

**9.4 Applicants.** Persons bringing to the City Council a request for approval shall be given a total of up to 10 minutes to present their positions/input prior to hearing public comments. An extension can only be granted by consent of a majority of the Council Members. Applicants shall be given up to 5 minutes of rebuttal time after public comments are heard.

**9.5 Staff and Consultant Reports.** In general, staff and consultant reports should be clear, brief and concise. Staff is to assume that the Council has read all materials submitted. Council shall be given an opportunity to ask questions of staff prior to hearing public comments.

**9.6 Public Comment.**

Persons present at meetings of the City Council may comment on individual items on the agenda at the time the items are scheduled to be heard. During Regular City Council meetings, comments

may be offered on items not on the agenda under that portion of the agenda identified for Comment.

The limit for speakers will be 1 to 3 minutes, depending on the number of speakers. If there are 10 or fewer requests to speak on any agenda item, the limit for each speaker will be 3 minutes. Speakers are not allowed to delegate their time to another speaker. The Mayor may limit the time to be spent on an item and may continue the item, with the approval of the majority of the Council, to a future meeting at his/her discretion.

Upon addressing the Council, each speaker is requested, but not required, to first state his/her name, whom they represent and/or city of residence.

After the speaker has completed their remarks, the Mayor may direct the City Manager or City Attorney to briefly address the issues brought forth by the speaker. Council Members shall be respectful of the speakers and shall not enter into a debate with any member of the public nor discuss amongst themselves.

All Council Members shall listen to all public discussion as part of the Council’s community responsibility. Individual Council Members should remain open-minded to informational comments made by the public.

The Mayor has the right to ask a member of the public to step down if over the allotted time or if the speaker’s comments are not within the city’s jurisdiction.

**9.7 Motions.** It will be the practice of the City Council for the Mayor to provide Council Members an opportunity to ask questions of staff, comment on, and discuss any agenda item in order to help form a consensus before a motion is offered. After such discussion, the Mayor or any Council Member may make a motion. Before the motion can be considered or discussed, it must be seconded. Once a motion has been properly made and seconded, the Mayor shall open the matter to full discussion offering the first opportunity to speak to the moving party, and thereafter, to any Council Member recognized by the Mayor. Customarily, the Mayor will take the floor after all other Council Members have been given the opportunity to speak.

If a motion clearly contains divisible parts, any Council Member may request the Mayor or moving party divide the motion into separate motions to provide Council Members an opportunity for more specific consideration.

Tie Votes: Tie votes shall be lost motions. When all Council Members are present, a tie vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless the Council takes other action to further consider the matter. If a tie vote results at a time when fewer than all members of the Council, who may legally participate in the matter are present, the matter shall be automatically continued to the agenda of the next regular meeting of the Council, unless otherwise ordered by the Council.

**9.8 Reconsideration.** Requests for reconsideration.

- 1. Request by a member of the public.

Notwithstanding *Rosenberg’s Rules of Order*, a request for reconsideration may be made by a member of the public to the City Council at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

**2. Request by a member of the City Council.**

Only a member of the City Council who voted on the prevailing side may request reconsideration. The request may be made at the same meeting or at the next regular meeting of the City Council or at any intervening special meeting of the City Council.

**3.** The member of the public or City Council Member making the request should state orally or in writing the reason for the request, without dwelling on the specific details or setting forth various arguments.

**Reconsideration at the same meeting.**

A motion to reconsider an action taken by the City Council may be made at the same meeting at which the action was taken (including an adjourned or continued meeting).

A motion to reconsider an action taken by the City Council may be made only by a Council Member who voted on the prevailing side, but may be seconded by any Council Member and is debatable. The motion must be approved by a majority of the entire City Council.

**Reconsideration at a subsequent meeting.**

If an intent to request a motion for reconsideration is communicated to the City Council prior to the deadline for posting the City Council meeting agenda, then the request for reconsideration may be agendaized if support for said action exists in accordance with the *Council Norms* Section 10.8. Otherwise, no City Council discussion or action on a possible reconsideration may occur unless the item is appropriately added to the agenda pursuant to Government Code section 54954.2(b), which addresses adding items that are not listed on a posted agenda (urgency agenda item). At the time such motion for reconsideration is heard, testimony shall be limited to the facts giving rise to the motion.

**Effect of approval of motion.**

Upon approval of a motion to reconsider, and at such time as the matter is heard, the City Council shall only consider any new evidence or facts not presented previously with regard to the item or a claim of error in applying the facts.

If the motion to reconsider is made and approved at the same meeting at which the initial action was taken and all interested persons (including applicants, owners, supporters and opponents) are still present, the matter may be reconsidered at that meeting or at the next regular meeting or intervening special meeting (subject to the discretion of the maker of the motion) and no further public notice is required.

If the motion to reconsider is made and approved at the same meeting at which the initial motion was taken but all interested persons are not still present, or if the motion is made and approved at the next regular meeting or intervening special meeting, the item shall be scheduled for consideration at the earliest feasible City Council meeting and shall be re-noticed in accordance with the Government Code, the City Municipal Code and the *Council Norms and Procedures*. The Clerk shall provide notice to all interested parties as soon as possible when a matter becomes the subject of a motion to reconsider.

**9.9 Discussion.**

The discussion and deliberations at meetings of the City Council are to secure the mature judgment of Council Members on proposals submitted for decision. This purpose is best served by the exchange of thought through discussion and debate.

To the extent possible, Council Members should disclose any ex parte communication prior to discussion on an item. Ex parte communications are those made in private between an interested party and an official in a decision-making process.

Discussion and deliberation are regulated by these rules in order to assure every member a reasonable and equal opportunity to be heard.

After the Council has commented on an issue, and a motion has been stated to the Council and seconded, any member of the Council has a right to discuss it after obtaining the floor. The member obtains the floor by seeking recognition from the Mayor. A member who has been recognized should make their comments clear, brief and concise.

To encourage the full participation of all members of the Council, no member or members shall be permitted to monopolize the discussion of the question. If a Council Member has already spoken, other Council Members wishing to speak shall then be recognized. No Council Member shall be allowed to speak a second time until after all other Council Members have had an opportunity to speak.

All discussion must be relevant to the issue before the City Council. A Council Member is given the floor only for the purpose of discussing the pending question; discussion which departs is out of order. Council Members shall avoid repetition and strive to move the discussion along.

A motion, its nature, or consequences, may be attacked vigorously. It is never permissible to attack the motives, character, or personality of a member either directly or by innuendo or implication. It is the duty of the Mayor to instantly rule out of order any Council Member who engages in personal attacks. It is the motion, not its proposer, that is subject to debate.

Arguments for or against a measure, should be stated as concisely as possible. It is the responsibility of each Council Member to maintain an open mind on all issues during discussion and deliberation.

It is not necessary for all City Council Members to speak or give their viewpoints if another Member has already addressed their concerns. However, issues with potential to be litigated or otherwise appealed should have comments by each Council Member on the record.

The Mayor has the responsibility of controlling and expediting the discussion. A Council Member who has been recognized to speak on a question has a right to the undivided attention of the Council.

It is the duty of the Mayor to keep the subject clearly before the members, to rule out irrelevant discussion, and to restate the question whenever necessary.

**9.10 Council Member Respect.** At all times, Council Members in the minority on an issue shall respect the decision and authority of the majority.

**9.11 Council and Staff Reports and Directions on Future Agenda Items.** Council and staff reports at the end of Council meetings shall be limited to announcing Mayor-appointed Regional Board activities on which Council Members serve, City and City-sponsored activities and items which directly affect the City. Community groups may announce their activities during Public Comments at the beginning of Council meetings. Council Members should refrain from making personal comments, stating personal activities, or items that do not impact their role as a Council Member.

**SECTION 10. CLOSED SESSIONS**

**10.1 Purpose.** It is the policy of the City Council to conduct its business in public to the greatest extent possible. However, state law recognizes that, in certain circumstances, public discussion could potentially jeopardize the public interest, compromise the City’s position, and could cost the taxpayers of Clearlake financially. Therefore, closed sessions shall be held from time to time as allowed by law. The procedures for the conduct of these meetings shall be the same as for public meetings, except that the public will be excluded.

Prior to convening the closed session meeting, the Mayor shall publicly announce the closed session items and ask for public input regarding any items on the closed session agenda.

City Council Members shall keep all written materials and verbal information provided to them in closed session in complete confidence to insure that the City’s position is not compromised. No mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager, except where authorized by a majority of the City Council. All written materials provided to Council Members during closed session shall be returned to the City Manager at the conclusion of each closed session.

**10.2 Rule of Confidentiality.** The City Council recognizes that breaches in confidentiality can severely prejudice the City’s position in litigation, labor relations and real estate negotiations. Further, breaches of confidentiality can create a climate of distrust among Council Members and can harm the Council’s ability to communicate openly in closed sessions, thereby impairing the Council’s ability to perform its official duties.

The City Council further recognizes that confidentiality of discussions and documents are core of a closed session. Confidentiality is essential if the closed session is to serve its purpose. Therefore, the City Council will adhere to a strict policy of confidentiality for closed sessions.

**10.3 Breach of Rule of Confidentiality.** No person who attends a closed session may disclose any statements, discussions, or documents used in a closed session except where specifically authorized by State law. Any authorized disclosure shall be in strict compliance with these rules and the Ralph M. Brown Act. Violation of this rule shall be considered a breach of this rule of confidentiality.

**10.4 Agenda.** The City Council agenda will contain a brief general description of the items to be discussed at the closed session, as required by law.

**10.5 Permissible Topics.** All closed sessions will be held in strict compliance with the Ralph M. Brown Act. The City Attorney, or his/her designee, will advise in advance on topics that may be discussed in a closed session.

**10.6 Rules of Decorum.**

The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be courtesy, respect and tolerance for all viewpoints and for the right of Council Members to disagree. Council Members shall strive to make each other feel comfortable and safe to express their points of view. All Council Members have the right to insist upon strict adherence to this rule.

Prior to a vote, the Mayor shall ensure that the motion is clearly stated and clearly understood by all Council Members.

The Mayor shall keep the discussion moving forward so that debate and a vote can occur in the time allotted for the closed session. The Mayor will determine the order of debate in a fair manner.

**10.7 Conduct of Meeting.**

- (a) The Mayor will call the closed session to order promptly at its scheduled time.
- (b) The Mayor will keep discussion focused on the permissible topics.
- (c) The use of handouts and visual aids such as charts is encouraged to focus debate and promote understanding of the topic. All such materials are strictly confidential.
- (d) If the City Council in closed session has provided direction to City staff on proposed terms and conditions for any type of negotiations, whether it be related to property acquisitions or disposal, a proposed or pending claim or litigation, or employee negotiations, all contact with the other party will be through the designated City person(s) representing the City in the handling of the matter. A Council Member, not so designated by the Council, will not under any circumstances have any contact or discussion with the other party or its representative

concerning the matter which was discussed in the closed session, and will not communicate discussions conducted in closed session to such party.

**10.8 Public Disclosure After Final Action.**

The Ralph M. Brown Act requires that, as a body, the City Council make certain public disclosure of closed session decisions when those actions have become final. Accordingly, the City Council shall publicly report any final action taken in closed session, and the vote, including abstentions, at a publicly noticed meeting as follows:

- \* Real Estate negotiations: After the agreement is final and accepted by the other party;
- \* Litigation: After approval to defend or appeal a lawsuit or to initiate a lawsuit;
- \* Settlement: After final settlement of litigation or claims;
- \* Employees: Action taken to appoint or dismiss a Council-appointed employee;
- \* Labor relations: After the Memorandum of Understanding is final and has been accepted by both parties.

The report may be oral or written. The report will state only the action taken and the vote. Unless authorized by the majority of the City Council, the report will not state the debate or discussion that occurred. Except for the action taken and the vote, all closed session discussions will remain confidential.

**SECTION 11. DECORUM**

**11.1 Council Members.** Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Council Members shall accord the utmost courtesy to each other, City employees, and the public appearing before the City Council. The City Manager or his/her designee shall act as the sergeant-at-arms.

**11.2 City Employees.** Members of the City staff shall observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a businesslike and professional manner towards Council Members and members of the public.

**11.3 Public.** Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council. These Norms and Procedures shall apply to all City Council Meetings.

**11.4 Noise in the Chambers.** Noise emanating from the audience, whether expressing opposition or support within the Council Chambers or lobby area, which disrupts City Council meetings, shall not be permitted. All cell phones and other electronic devices shall be muted while in the chambers. Refusal is grounds for removal.

**11.5 Removal of Individuals or Groups Engaging in Disruptive Behavior.**

City staff shall post these standards at a public location in City Hall and at the dais.

**(a) Definition.** Disruptive behavior is any action that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. Verbal conduct is disruptive when it meets the standards described below.

**(b) Disruptive verbal conduct based on identity.** Continued use of loud, threatening, profane, or abusive language or verbal conduct that denigrates an individual because of race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category after a verbal warning from the presiding officer impedes the orderly conduct of the meeting. It interferes with the Council’s ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling other members of the public’s participation, interfering with the ability of those present to listen and understand the business and proceedings of the City or Council, and may constitute or contribute to employment or other types of discrimination.

**(c) Removal procedure (general).** The Mayor or presiding member of the Council has the authority to remove, or designate the sergeant-at-arms to remove, an individual or group for disrupting the Council meeting. Before taking this action, the Mayor/presiding member shall warn the individual or group that their behavior is disruptive and that failure to cease this behavior may result in their removal. If the behavior does not promptly cease, the individual may be removed.

No warning is required to precede removal if an individual engages in behavior that is a true threat of force. A true threat of force has sufficient indicia of intent and seriousness so that a reasonable observer would perceive it to be an actual threat to use force by the person who makes the threat.

**(d) Removal procedure (disruptive verbal conduct based on identity).** When a person engages in verbal conduct that denigrates an individual because of their race, color, gender, religion, sexual orientation, age, national origin, disability, or other protected category, the Mayor or presiding member of the Council shall take the following actions:

1. The Mayor/presiding member shall stop the speaker and read the relevant portions of the City’s Harassment-Free Workplace Policy. The Mayor/presiding member shall state that the City does not condone comments in violation of the City’s Policy and that the speaker’s harassment is unwanted and unwelcome and impedes the orderly conduct of the meeting by interfering with the Council’s ability to accomplish its functions in a reasonably efficient matter by causing a distraction from City business, chilling participation from other members of the public, interfering with the ability of those present to listen and understand the business and proceedings of the City, and may constitute or contribute to employment or other forms of discrimination.
2. The Mayor/presiding member shall state that any City employee present may be excused from attendance at the meeting during the speaker’s remarks.
3. The Mayor/presiding member shall hold the speaker’s time and the speaker may resume speaking after the Mayor/presiding member’s statement, unless the speaker’s comments continue to disrupt, disturb, or impede the orderly conduct of the meeting. If the speaker continues to disrupt, disturb, or impede the orderly conduct of the meeting, the Mayor/presiding member may prohibit the speaker from further commenting or may order the speaker to be removed from the meeting.



4. After the end of the speaker’s comments, any Councilmember may make response to such comments, if desired.

(e) Removal procedure (disruptive group). If a meeting is willfully disrupted by a group of people so as to render the orderly conduct of the meeting infeasible, the Mayor/presiding member shall first attempt to maintain order. If unsuccessful, the Mayor/presiding member may call a recess, adjourn the meeting to another date, or order the removal of the people disrupting the meeting. If order is not restored by removing the people disrupting the meeting, the Mayor/presiding member may order the meeting room cleared and continue holding the meeting. Representatives of the media, except those participating in the disturbance, shall be allowed to continue attending the meeting.

**11.6 Dangerous Instruments.** No person may enter the chambers of a legislative body as defined in Section 54852 of the Government Code of the State of California or any place where such legislative body is in session, with any firearm, weapon, or explosive device of any nature. The provisions of this section shall not apply to authorized peace officers or to those persons authorized by the Penal Code of the State to carry such weapons.

**11.7 Prosecution.** Aggravated cases shall be prosecuted on appropriate complaint signed by the Mayor/Presiding Officer.

**SECTION 12. VIOLATIONS OF PROCEDURES**

Nothing in these Norms and Procedures shall invalidate a properly noticed and acted upon action of the City Council in accordance with State Law.

This document shall remain in effect until modified by the City Council.

- APPROVED: November 12, 2015.
- Amended: March 10, 2016
- Amended: June 22, 2017
- Amended: April 12, 2018
- Amended: December 12, 2019
- Amended: February 16, 2023
- Amended: November 21, 2024



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California’s cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California’s incorporated cities. The League strives to protect the local authority and autonomy of city government and help California’s cities effectively serve their residents. In addition to advocating on cities’ behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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## INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert’s Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert’s Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg’s Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg’s Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg’s Rules* in lieu of *Robert’s Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body’s agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

### Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . . ”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

### The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

**Multiple Motions Before the Body**

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

*First*, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

*Second*, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

*Third*, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

**To Debate or Not to Debate**

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

**Majority and Super Majority Votes**

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

**Counting Votes**

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?  
Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

**The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

### Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

### Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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