

LAND USE

9 Attachment 2

APPENDIX A

Definitions.

For the purposes of the Land Use Code adopted by the City Council of the City of San Juan Capistrano, certain items are hereby defined. Words used in the present tense shall include the past and future tense, and vice versa; words in the singular form shall include the plural form and vice versa; any gender includes the other gender. The word “shall” is mandatory and the word “may” is permissive.

In case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control. Unless the text clearly indicates to the contrary, the following conjunctions shall be interpreted as follows: “and” indicates that all concerned items or provisions shall apply; “or” indicates that the connected items or provisions may apply singly or in any combination; “either...or” indicates that the connected items or provisions shall apply singly but not in combination.

Words and phrases used in the Land Use Code and not specifically defined shall be construed according to the context and approved usage of the language. (Ord. No. 802, § 2; Ord. No. 839, § 2; Ord. No. 869, § 2; Ord. No. 938, § 2, 2008)

— A —

Abandon or abandonment: To cease or discontinue a use or activity without intent to resume for a period of one year or more, but excluding temporary short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving a facility.

Abut or abutting: The same as “adjacent.”

Access: The place or way by which pedestrians and/or vehicles shall have safe, adequate and suitable ingress and egress to a property or use as required by this Land Use Code.

Accessibility: The ability to physically reach desired destinations, services and activities.

Accessory dwelling unit: A residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation, for one or more persons. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code Section 17958.1, and a manufactured home, as defined in California Health and Safety Code Section 18007.

Accessory structure/building: Anything constructed or erected on the same lot or parcel as the principal use or approved conditional use that requires a building permit and has a permanent fixed location on the ground or is attached to something having a permanent fixed location on the ground which is incidental and subordinate to the main building or structure.

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Accessory use: A use customarily incidental to the primary use or approved conditional use on the same building site or lot, such as a permanent caretaker residence, accessory dwelling unit, and home business.

Adapted (or introduced) plants: Those plants that reliably grow well in a given habitat with minimal attention from humans in the form of winter protection, pest protection, water irrigation, or fertilization once root systems are established in the soil. Adapted plants are considered to be low maintenance but not invasive.

Addition: Any construction that increases the size of a structure in terms of site coverage, height, length, width, or gross floor area, occurring after completion of the original structure.

Adjacent: Two or more lots or parcels of land sharing a common boundary of at least one point, or separated only by an alley, street, highway, stream, or recorded easement; or two or more objects in contact with each other. Synonyms are “contiguous,” “abutting,” or “adjoining.”

Adjoining: The same as “adjacent.”

Adult arcade: An establishment where for any form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depicting, describing or relating to specified sexual activities or specified anatomical parts.

Adult bookstore: Any establishment which, as a regular and substantial course of conduct, displays and/or distributes adult merchandise, books, periodicals, magazines, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on a matter depicting, describing or relating to specified sexual activities or specified anatomical parts. (See “adult-oriented business” for definition of regular and substantial portion of its business.)

Adult cabaret: A nightclub, bar, lounge, restaurant or similar establishment or concern which features as a regular and substantial course of conduct, any type of live entertainment, films, motion pictures, videos, slides, or other photographic reproductions, or oral, written, or visual representations which are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

Adult hotel: A hotel, which as a regular and substantial course of conduct provides to its patrons, through the provision of rooms equipped with closed-circuit television or other medium, material which is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts and/or which rents, leases, or lets any room for less than a twelve (12) hour period and/or rents, leases or lets any room more than once in a twenty-four (24) hour period and/or which advertises the availability of any of the above.

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Adult model studio: Any premises where there is furnished, provided or procured a figure model or models who pose in any manner which is characterized by its emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts where such model(s) is being observed or viewed by any person for the purpose of being sketched, painted, drawn, sculptured, photographed, filmed, or videotaped for a fee, or any other thing of value, as a consideration, compensation, or gratuity for the right or opportunity to so observe the model or remain on the premises.

“Adult model studio” shall not include any live art class or any studio or classroom which is operated by any public agency, or any private educational institution authorized to issue and confer a diploma or degree under provisions of the Education Code.

Adult motion picture arcade: Any business establishment or concern containing coin or slug operated or manually or electronically controlled still, motion picture or video machines, projectors, or other image producing devices that are maintained to display images to an individual in individual viewing areas when those images are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

Adult mini-motion picture theater: An adult motion picture theater, as defined below, with a capacity for fifty (50) persons or fewer.

Adult motion picture theater: A business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depicting, describing or relating to specified sexual activities or specified anatomical parts.

Adult-oriented business: Any business establishment or concern which, as a regular and substantial course of conduct, performs as an adult bookstore, adult theater, adult motion picture arcade, adult cabaret, stripper, adult model studio or adult hotel (but not clothing optional hotel); any business establishment or concern which as a regular and substantial course of conduct sells or distributes sexually oriented merchandise or sexually oriented material; or any other business establishment or concern which as a regular and substantial course of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts. “Adult-oriented business” does not include those uses or activities, the regulation of which is preempted by State law. “Adult-oriented business” shall also include any business establishment or concern which, as a regular and substantial course of conduct provides or allows performers, models, actors, actresses, or employees to appear in any place in attire which does not opaquely cover specified anatomical parts. For the purposes of the Municipal Code, a business establishment or concern has established the provision of products, merchandise, services or entertainment characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical parts as a regular and substantial course of conduct when one or more of the following conditions exist:

- (1) The area devoted to adult merchandise and/or sexually oriented material exceeds more than twenty-five (25) percent of the total display or floor space area open to the public;

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- (2) The business establishment or concern presents any type of live entertainment which is characterized by an emphasis on specified sexual activities or specified anatomical parts at least six (6) times in any month of any given year;
- (3) The regular and substantial course of conduct of the business consists of or involves the sale, trade, display or presentation of services, products, or entertainment which are characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical parts.

Adult-oriented business applicant: A person who is required to file an application for a permit in accordance with the applicable provisions of the Municipal Code, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an adult-oriented business.

Adult-oriented business operator: A person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult-oriented business or the conduct of activities occurring on the premises thereof.

Adult theater: A business establishment or concern, including a theater, concert hall, auditorium, or similar establishment which, as a regular and substantial course of conduct, presents live entertainment, motion pictures, videos, slide photographs, or other pictures or visual reproductions which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical parts.

Affordable housing project: Residential project within which not less than ten (10) percent of the units are affordable by income-qualified households. (See Income-qualified household)

Affordable rent: Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low, low, or moderate income households as set forth by State Law. (See Income-qualified household)

Affordable sales price: A sales price at which low or very low income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

Agent: Any person showing written verification that he or she is acting for, and with the knowledge and consent of, a property owner.

Agriculture: The cultivation of row, field, or tree crops, horticulture, floricultural specialties, or the raising of animals for commercial purposes, excluding stockyards, slaughtering, or commercial food processing.

Air Quality Management District (local air district): A regional agency with authority to regulate stationary and area sources of air pollution within the region, governed by an Air Quality Management board consisting of appointed or elected members from the public or private sector.

Aisle, parking: The traveled way by which vehicles enter and exit parking spaces.

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Alcoholism or drug abuse recovery or treatment residential facility: As defined by California Health and Safety Code Section 11834.02, “[A]ny premises, place, or building that provides twenty-four (24) hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.” See also “Boarding or rooming house, long-term” and “Boarding or rooming house, short-term.”

Alcohol-related establishment: Establishment which is required to obtain a State Alcoholic Beverage Control License and/or which sells or serves alcoholic beverages for on-site or off-site consumption as a regular and ongoing component of the business.

Allocation: The number of dwelling units in a residential development project for which building permits may be issued in a specified calendar year. The total allocation shall be less than or equal to the numerical limits set by resolution of the City Council for the same calendar year.

Allowed: Permitted.

Alley: A public or private way permanently reserved as a side or rear entrance to abutting property, and which generally serves as the secondary access to such property.

Alteration: Any construction or physical changes in the internal arrangement of rooms or the supporting members of a building, structure, historical object, or change in the appearance of any building, structure, or object having a historical or cultural significance or designation.

Alternative fuel vehicles: Vehicles that use low-polluting, non-gasoline fuels such as electricity, hydrogen, propane or compressed natural gas, liquid natural gas, methanol, and ethanol. Efficient gas-electric hybrid vehicles are included in this group for LEED purposes.

Amateur radio antenna: Any antenna used for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission (FCC).

Anchor tenant: A business occupying a shopping center or multi-tenant business complex having at least thirty thousand (30,000) square feet of gross leasable floor area. See also Major tenant.

Animal, domestic: Any domesticated animal or household pet commonly maintained in a household that has been adapted to live in a tame condition.

Animal enclosure: Any structure, including but not limited to a barn, stable, pen, corral, dog run, or fenced area, intended for confinement of animals.

Animal, farm: Any animal customarily raised for agricultural purposes, not including wild or exotic animals or domestic animals.

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Animal, wild or exotic: Any warm-blooded or cold-blooded animal not normally maintained in a dwelling unit with people, not considered domesticated within California, and the keeping of which requires a permit from the State of California Department of Fish and Game.

Annexation: the inclusion of land area into an existing city or special district with a resulting change in the boundaries of that local agency.

Antenna: Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission, reception or both of electromagnetic radiation waves, including devices having active elements extending in any direction and directional parasitic arrays having elements attached to a generally horizontal boom which may be mounted upon a vertical support structure. Any such system is further defined to be external to or attached to the exterior of any building.

Antenna array: A group of antenna elements on the same geometric plane.

Antenna, conventional: An individual element or system of conducting elements, as opposed to a single disk or sphere, used for the transmission or reception of electromagnetic waves.

Antenna, dish: A system of wires, poles and reflecting disk used for the transmission or reception of electromagnetic waves. A dish antenna is to be distinguished from a “conventional” antenna by the use of a parabolic or spherical disk.

Antenna, ground-mounted: Any freestanding antenna, the entire weight of which is supported by an approved platform, framework, or other structural system, which system is affixed directly on or in the ground by a foundation and which system is freestanding, excluding lateral bracing to a building.

Antenna height: The overall vertical length of the antenna above grade. If the antenna system is located on a building, the overall vertical length also includes the height of the building above grade level at the point upon which the antenna system is mounted. If the antenna system includes a collapsible support structure, the overall vertical length is measured with the antenna support structure fully extended.

Antenna mast: The pole or tower of metal or wood used to support an amateur radio antenna.

Antenna radius: The distance from the antenna support structure to the furthest possible extension of any horizontal element of an antenna.

Antenna, roof-mounted: An antenna, the entire weight of which is supported by a building through the use of an approved framework or other structural system, which system is affixed to one or more structural members of the roof of the building or to any structural portion of the building above the roof line.

Antenna support structure: Any structure, mast, pole, tripod, or tower utilized for the purpose of supporting an antenna.

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Antenna support structure, freestanding: An antenna structure that is not attached to a building, fence or other such structure.

Antenna system: The combination of the antenna and any antenna support structure.

Antenna, whip: An antenna consisting of a single, slender, rod-like element, less than one wavelength long, which is supported only at or near its base.

Antique shop: A place used for the sale or trading of articles which, because of age, rarity, or historical significance, have a monetary value greater than the original value or which, because of age, are recognized by the United States government as entitled to import duties less than those prescribed for similar new merchandise. Antique shop does not include “second hand store.”

Apartment: A room or suite of rooms constructed, designed, intended for, or actually used by a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer, which is located within a building that contains separate living facilities for three (3) or more families.

Apartment house: Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three (3) or more households living independently of each other and containing three (3) or more dwelling units.

Apiary: A place or structure in which bees and beehives are kept and maintained, as for production of honey.

Appeal: An application requesting that the designated appeal body review the decision of a reviewing authority on a land use application, pursuant to Section 9-2.311 of this Land Use Code.

Appellant: The person who has filed an appeal pursuant to Section 9-2.311 of this Land Use Code.

Applicant: (1) Owner(s) or lessee(s) of property or their agent(s), or person(s) who have submitted an application for approval of a permit or development proposal as allowed under this Land Use Code, or the agent(s) of such persons. (2) For the purposes of Section 9-3.521 Hazardous Waste Facilities, applicant means any person applying to the City for a conditional use permit or a land use decision concerning a specified hazardous waste facility, as defined under the term proponent of State Health and Safety Code Section 25199.1(i).

Application: The form and information submitted by an applicant that is used by the City to determine whether to approve or deny permits or other entitlements for use pursuant to this Land Use Code.

Approval: The action taken by the reviewing authority pursuant to this Land Use Code to approve or conditionally approve an application for a land use entitlement and related permits.

Arcade, architectural: An architectural feature consisting of a continuous passageway attached to a structure, parallel to and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public.

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Architectural projection: Any portion of a structure attached to and extended outside the outer face of the exterior wall or roof of the structure including but not limited to tower elements, chimneys, steeples, awnings, eaves, or bay windows. Architectural projections may project into required setbacks or height limits as specified in the applicable provisions of this Land Use Code.

Area: As used in this Land Use Code, area shall mean net area unless otherwise specified.

Area, building: The total area in square feet of all rooms including corridors, elevators, stairwells, shaft spaces, bathrooms, closets, storage areas, and garages.

Area, gross: That area of a lot or parcel of land inclusive of the following, except as otherwise provided herein (see Figure 1):

- (1) The underlying fee ownership within public alleys, highways or streets abutting the lot or parcel of land; or
- (2) Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or
- (3) Other public or private easements on the lot or parcel where the owner of the property does not have the right to use the entire surface of the land.

Area, net: That area of a lot or parcel of land exclusive of the following, except as otherwise provided herein (see Figure 1):

- (1) Public alleys, highways or streets adjacent to the lot or parcel of land; or
- (2) Proposed public facilities such as alleys, highways, streets or other necessary public sites when included within a proposed development project; or
- (3) Other public or private easements on the lot or parcel of land where the owner of the property does not have the right to use the entire surface of the land.

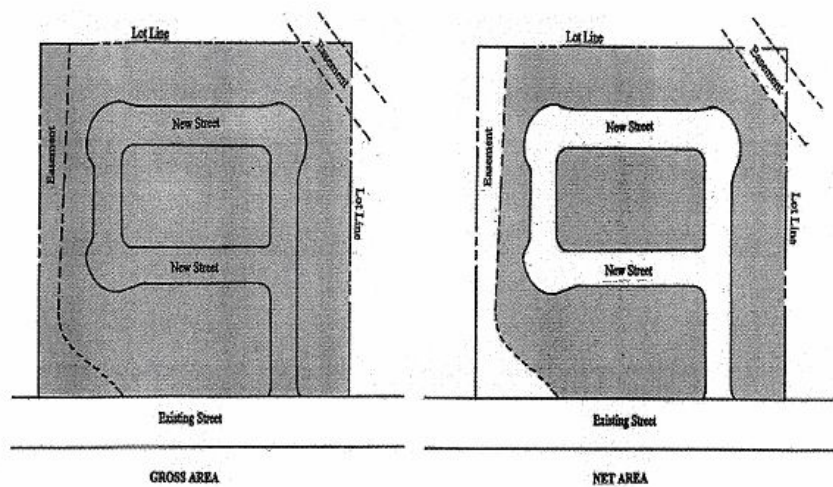


Figure 1: Gross Area and Net Area

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Article: An article of this Land Use Code unless some other ordinance, code, or statute is indicated.

Assembly building: A building or portion of a building used for the gathering together of fifty (50) or more persons for such purposes as meetings, conferences, education, training, worship, or other similar purposes.

Attached: Any structure that has an interior wall or roof in common with another structure.

Attic: The uninhabitable space between the upper surface of the top floor and the roof above, as shown in Figure 2. An attic is not considered a story.

Auto parts and supply store: An establishment that offers for sale auto parts and supply where twenty-five (25) percent of the available retail area is devoted to the storage, display and sale of such products.

Automated car wash: An enclosed building/facility designed for self-service wash and/or wash of motor vehicles by mechanical means only. Such facilities shall not include any interior cleaning, detailing, prepping, hand washing, or hand wiping by any employees.

Automobile dismantling yard: Any premises used for the dismantling or wrecking of vehicles required to be registered under the Vehicle Code of the State of California, including the buying, selling, or dealing in such vehicles or the integral parts or component materials thereof, and the storage, sale, or dumping of dismantled, partially dismantled, or wrecked inoperative vehicles.

Automobile impound yard: Facilities designated or maintained for the temporary storage of vehicles legally removed or impounded from public or private property.

Automobile service station: An establishment primarily engaged in selling gasoline and other automotive fuels, lubricating oils, and performing minor automobile repair work, and which does not fall within the definition of a convenience store as defined in this Appendix.

Average daily traffic (ADT): The average number of vehicles using a traveled way for a twenty-four (24) hour period determined by dividing the total number of vehicles for a stated period by the number of days in that time period. In calculating vehicle trips, trucks with trailers shall be adjusted to a passenger car equivalent.

Average vehicle ridership (AVR): A measure of the average number of employees who carpool or vanpool to a work site, calculated by dividing the number of employees who report to the work site or another job-related activity between 6:00 a.m. and 10:00 a.m. inclusive Monday through Friday by the number of vehicles used by these employees. The AVR calculation requires that a five (5) consecutive weekday average be used and cannot include a holiday.

Aviary: An enclosure for used or designed for the keeping or holding of birds.

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Awning: An architectural feature that projects from, and is totally supported by, the exterior wall of a building, is usually positioned above a window or a door, and is temporary in that whether stationary or retractable, it can be removed from the building without altering the building structure.

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Balcony: An architectural feature consisting of an elevated platform located above the ground level of a building, which may be projecting from or recessed into the adjacent wall plane, is accessible from the building to which it is attached, is enclosed by a railing or parapet, is integrated into the architectural design of the building, and receives its structural support from the wall of the building.

Banner: A visual display device, with or without copy, usually rectangular in shape made of flexible material, usually cloth, paper, or plastic.

Bar: A commercial establishment in which the primary use is the sale of alcoholic beverages for on-site consumption. Such establishments shall include cocktail lounges, taverns, pubs and any other similar uses where food service is secondary or incidental to the sale of alcoholic beverages. The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Base district or base zoning district: A portion of the City within which only certain land uses and structures are permitted and certain standards are established for development of land, as designated on the Official Zoning Map adopted in conjunction with this Land Use Code.

Basement: Any floor level below the first story in a building (see Figure 2).

Bed and breakfast establishment: A lodging use that complies with all the provisions of Section 9-3.509 of this Code.

Berm: A mound or embankment of earth.

Bike lane: A designated area within a street roadway reserved for bicycle travel and separated from the rest of the roadway by painted lines or other pavement markings.

Bike route: A bicycle pathway within a street roadway identified only by bikeway signs without any special pavement markings.

Bike trail: A right-of-way reserved exclusively for bicycle travel and separated from public or private travel ways.

Bikeway: A bicycle pathway; either a bike lane, bike trail, or bike route.

Billboard: An off-premises sign with changing advertising copy.

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Bioswale: A landscape element consisting of a drainage course with gently sloped slides (less than six (6) percent), filled with vegetation and/or riprap, and designed to remove silt and pollution from surface water. Bioswales are typically designed adjacent to paved areas such as parking lots, to collect surface water flows and treat the runoff before releasing it to the watershed or storm sewer.

Boarding or rooming house, long-term: A residential building, other than a rest home, containing a single dwelling unit and up to five (5) guest rooms or suites of rooms where lodging is provided on a by-room or by-guest basis for thirty (30) or more days for compensation.

Boarding or rooming house, short-term: Any building, other than a hotel or bed and breakfast establishment, that is used in whole or in part to provide lodging for fewer than thirty (30) days in exchange for compensation.

Bond, development obligation: A document obligating funds for the purpose of insuring the performance of a developer in fulfilling an obligation required by the City.

Bond, labor and materials: A document obligating funds for the purpose of insuring the payment of the contractors and material purveyors involved in constructing improvements.

Bond, monumentation: A document obligating funds for the purpose of insuring the payment of a civil engineer or land surveyor for placing property monuments.

Bond, performance: A document obligating funds for the purpose of insuring the faithful performance of the construction of improvements.

Box stall: An enclosed, walled stall used for housing one or more horses.

Boundary closure: The complete closing of a property's boundaries. The maximum permissible error of closure shall be no greater than 0.017 feet for Final Maps or Parcel Maps.

Brewpub: A commercial establishment that conducts the retail sale of beer (with alcohol content as defined by State or Federal law) that is brewed on the premises for on-site or off-site consumption in compliance with applicable State and Federal laws, in conjunction with a restaurant use. The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Brownfield site: Real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.

Buffer area: An area containing landscaping, open space and/or a visual barrier, intended to separate and partially obstruct the view of adjacent land uses or properties from one another or from a public right-of-way so as to block noise, lights, activities, or other potential impacts or nuisances.

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Buildable area: The portion of the lot remaining after deducting all required setbacks and easements from the net area of the lot.

Building: Any structure for the shelter, housing, or enclosure of any person, animal, article, chattel, or property of any kind; when any portion thereof is completely separated from every other portion thereof by a division wall or firewall, without openings, each such portion shall be considered a separate building.

Building, accessory: The same as “accessory structure.”

Building density: A measure of the ratio of building area to site area. Building density is calculated by dividing the floor area of the building by the total area of the site (square feet of building per acre of land).

Building distance, minimum: The shortest distance measured from any point between buildings, exclusive of any permitted architectural projections that are regulated separately.

Building exposure: A building wall that is parallel to a public or private street, highway, or designated parking area.

Building footprint: The area on a project site that is used by the building structure as is defined by the perimeter of the building plan. Parking lots, landscaping and other non-building facilities are not included in the building footprint.

Building front: The exterior building wall (excluding eaves and roof overhangs) of a structure on the side or sides of the structure fronting and oriented toward a street or highway, or for a flag lot, the side of the building oriented toward the front lot line.

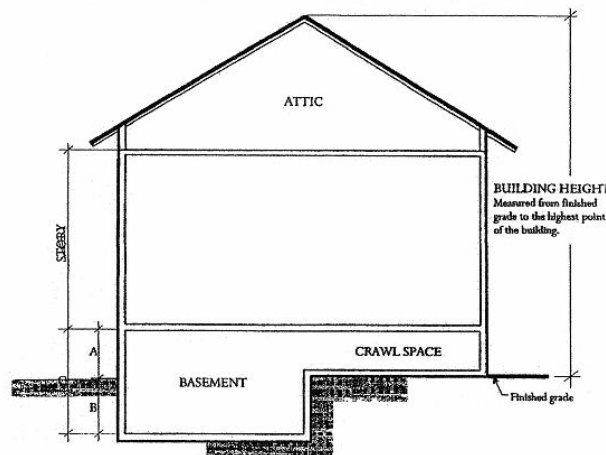


Figure 2: Building Height on Level Lot

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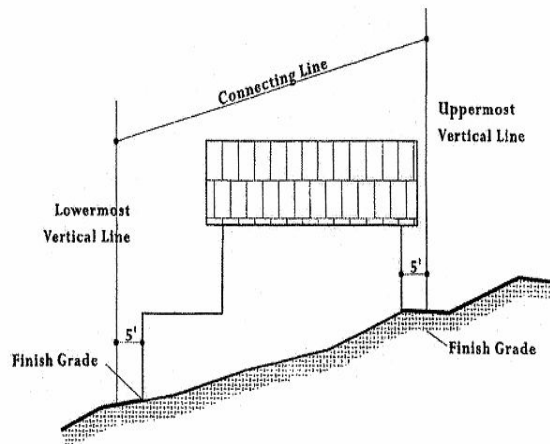


Figure 3: Building Height on Hillside

Building height: The vertical distance from finished grade or flood protection elevation to the topmost point of the roof of a building or to the highest point of a structure other than a building, as shown in Figure 2. Chimneys, finials, tower elements, steeples, and other architectural projections (rooftop or otherwise) are not included in determining building height.

For structures in hillside areas, allowable building height shall be determined by connecting an imaginary line, at the applicable building height standard, between a series of vertical lines drawn at the uppermost and the lowermost finish grades of a building (typically measured at a point five (5) feet away from the vertical building wall), as shown in Figure 3. For purposes of this definition, “hillside area” means an area in which the average slope of the building footprint area is ten (10) percent or more. For structures in hillside areas that are constructed on a foundation system that include one or more retaining walls or other retaining system, the measurement to establish allowable building height shall be measured from five (5) feet outside of the retaining wall or system used to support the building.

Building line: The exterior wall surface of a building, exclusive of architectural projections or eaves.

Building, principal: One or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Building of distinction: A building listed on the City’s Buildings of Distinction List as adopted by the City Council.

Building site: A lot, or contiguous lots of land in single, multiple or joint ownership, which provides the area and open spaces required by this Land Use Code for construction of a building or buildings within one development project, or for establishment of a use.

Business: A commercial establishment, office, institutional, or industrial use that produces goods or distributes goods and services.

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Business office: An office that has as its main function the arrangement of business transactions, the holding of meetings and administrative conferences, the receiving of client payments, and the keeping of records and accounts pertaining to a business.

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California Clean Air Act (CCAA): A California law passed in 1988 (Stats. 1988, Ch. 1568), which provides the basis for air quality planning and regulation in the State, independent of Federal regulations.

California Environmental Quality Act (CEQA): A California law (Public Resources Code Sections 21000-21178 and California Code of Regulations Sections 15000-15387) that sets forth a process for public agencies to make informed decisions on discretionary project approvals. The process helps decision-makers determine whether any potential, significant, adverse environmental impacts are associated with a proposed project and to identify alternatives and mitigation measures that will eliminate or reduce such adverse impacts.

Capital improvement program: A budgeted multi-year schedule of physical improvements to streets and other public facilities planned and carried out by the City.

Car/van pool: An arrangement in which two (2) or more people share a vehicle for transportation.

Care facility, residential: A residential facility that provides care, supervision, and/or rehabilitation services to no more than six (6) residents on up to a twenty-four (24) hour per day basis for compensation, except that registered non-profit agencies may provide these services to income-qualified residents without compensation. This term may include residential care facilities for the elderly, mentally disabled, physically disabled, dependent children, or alcoholism or drug abuse recovery facilities.

Care facility, social: A public, private, or institutional facility that is licensed to serve seven (7) or more persons, who may be unrelated or related, and which provides lodging, meals, care, supervision, and/or rehabilitation services on up to a twenty-four (24) hour per day basis for compensation. This term may include transitional housing, congregate living facility, intermediate care facility, pediatric health and respite care facilities, and alcoholism or drug abuse recovery facility for seven (7) or more persons, but excludes cases of contagious or communicable diseases, and surgery or primary treatments such as are customarily provided in sanitariums and hospitals.

Caretaker's residence (permanent): A dwelling unit accessory to a principal commercial or multiple family residential use on a site, intended and used for occupancy on the same site by a caretaker, manager, security guard, or similar position requiring residence on the site, which may include residence by the occupant's family.

Caretaker's residence (temporary): A temporary accessory structure containing living quarters and kitchen facilities for housing persons responsible for administering, overseeing, or maintaining security for the main use on the site during the construction period.

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Carport: A permanent roofed structure not completely enclosed, used or intended to be used for vehicle parking.

Cat: A feline of either sex, altered or unaltered, that has reached the age of four (4) months.

CC&R: See “Conditions, covenants and restrictions.”

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Centerline: The right-of-way centerline as determined by the City Engineer or by the State Division of Highways of the State of California.

CEQA: See California Environmental Quality Act.

CEQA Guidelines, City: Guidelines adopted by the City of San Juan Capistrano to implement the California Environmental Quality Act and State CEQA Guidelines, as may be amended from time to time.

Certificate of use and occupancy: A document issued by the Department of Building and Engineering Services allowing the occupancy or use of a building and certifying that the structure, building, or development conforms to all the applicable municipal codes, building codes, and conditions of approval.

Channel: A watercourse with a definite bed and banks that confine and conduct the normal continuous or intermittent flow of water.

Change of use: Any use that substantially differs from the previous use of a building or land, including a change in type or intensity of use.

Check cashing facility: A person or business that for compensation engages in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. Check cashing facility does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. Check cashing facility also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders for minimum flat fee not exceeding two dollars (\$2.00) as a service that is incidental to its main purpose or business.

Child day care facility: As defined by California Health and Safety Code Section 1596.750, “[A] facility that provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. Child day care facility includes day care centers, employer-sponsored child care centers, and family day care homes.” Rooms accessory to a church and used for religious education on not more than two (2) days a week are not considered child day care facilities. See “Day care home, family.”

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Church: A use provided by a legally constituted religious organization for public and family worship of a deity or deities, together with buildings and uses that are accessory thereto, and used for the teaching of religious dogma, accessory social functions, and one single-family dwelling for use as a minister or caretaker residence. This definition includes synagogues, temples, mosques, and other buildings used for the purposes stated herein.

City: The City of San Juan Capistrano, California.

City Council: The City Council of the City of San Juan Capistrano.

City Engineer: That person, or designated representative, assigned to the position of City Engineer by the City Council, or an authorized designee.

City standards: All those ordinances, standards, regulations, policies, resolutions and procedures that the City of San Juan Capistrano uses to review, process, approve, or inspect applications for development, including, but not limited to, public improvements, grading, and landscaping.

Client intake area: Designated areas identified to gather or process information from clients for the specified use or operation of the business or organization.

Clinic: Any facility used for the care, diagnosis and treatment of sick, active, infirm or injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with board or room or kept overnight on the premises. "Clinic" includes dental clinic, health clinic, medical clinic and doctors' offices and may include laboratory facilities in conjunction with normal clinic services.

Clubs and lodges (private): Buildings and facilities, owned or operated by a for-profit or non-profit corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation.

Club, country: A private club organized and operated for social purposes and possessing outdoor recreational facilities, such as golf courses, tennis courts, and/or swimming facilities.

Code: The Land Use Code (Ordinance No. 869) of the City of San Juan Capistrano as amended from time to time, unless some other code, ordinance, or statute is indicated.

Collection facility: A center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Collection facilities may include reverse vending machines, small collection facilities and large collection facilities.

Collection facility, large: A collection facility that may occupy an area of more than five hundred (500) square feet and may include permanent structures.

Collection facility, small: A collection facility which occupies an area of not more than five hundred (500) square feet and may include:

- (1) A mobile unit;

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- (2) Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet;
- (3) Kiosk-type units which may include permanent structures; or
- (4) Unattended containers placed for the donation of recyclable materials.

Collector: A street that typically balances traffic mobility and access to land. Collector streets provide both land access service and traffic circulation within residential neighborhoods, commercial and industrial areas. Collector streets pass through residential neighborhoods, distributing trips from the arterials through the area to the ultimate destination. Collector streets also collect traffic from local streets in residential neighborhoods and channel it into the arterial system.

Commercial district: A zoning district allowing specified commercial activities including Town Center (TC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), and Office Commercial (OC).

Commercially or industrially zoned land: Any land shown on the most current Official Zoning Map within any of the following zoning designations: Town Center (TC), Town Center Edge (TCE), Neighborhood Commercial (NC), General Commercial (GC), Office Commercial (OC), Commercial Manufacturing (CM), Industrial Park (IP), Agri-Business (A), Public and Institutional (P&I), Farm Market (FM), or any specific plan area for which the underlying General Plan designation or allowed uses are commercial or industrial.

Commercial marijuana activity: Includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.

Commercial stable: See Stable, commercial.

Commercial use: A land use or other activity involving the sale of goods or services for financial gain.

Commission: The Planning Commission of the City of San Juan Capistrano, unless some other commission, board or committee is indicated.

Communication facility: A building or structure constructed for the purpose of relaying or conveying information transmitted via microwave, fiber optic or electronic equipment, including but not limited to cellular telephone antennae, microwave repeater towers and antennae, radio and television towers, and their accessory structures and uses. This term does not include noncommercial communication facilities such as licensed amateur radio stations and standard radio and television receive-only antennas. Communication facilities are further classified as a communication facility, major or communication facility, minor.

Communication facility, major: A communication facility that, due to size, scale, location, or other characteristics, is likely to have some detectable impact on adjacent uses or on the environment, including aesthetic or visual impacts, or that may have a cumulative impact on the

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community due to the number of sites included or in combination with other projects. This definition includes freestanding antenna structures, including monopoles and towers, or the placement of a network of wireless communication facilities throughout an area, whether onto existing structures or other facilities, as determined applicable by the Planning Director.

Communication facility, minor: A communication facility which by its size, scale, location, design, or combination of such measures allows the facility to be aesthetically integrated into the surrounding environment so as not to be readily seen or recognized as a communication facility, and which is not likely to have some detectable impact on adjacent uses or on the environment, as determined by the Planning Director.

Community: A group of people living within a defined geographic area or political boundary such as a neighborhood district, town, city, or region. It is both a physical place of streets, buildings, schools and parks, and a socio-economic structure, often defined by qualities including social traits, values, beliefs, culture, history, government structure, issues of concern and type of leadership.

Community apartment project: A project in which an undivided interest in land is coupled with the right of exclusive occupancy of any apartment located thereon.

Community care facility: As defined by California Health and Safety Code Section 1502(a), “any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.” (See California Health and Safety Code Section 1502(a)(1)–(18) for types of community care facilities; Section 1505 for uses that are not community care facilities.)

Community livability: Refers to the environmental and social quality of an area as perceived by residents, employees, customers and visitors, including safety and health, local environmental conditions, quality of social interactions, opportunities for recreation and entertainment, aesthetics and existence of unique cultural and environmental resources.

Comparable housing: Housing that meets the minimum standards of the Uniform Housing Code and which is comparable in: (1) rent; (2) amenities; (3) availability of and proximity to public transportation; (4) availability of and proximity to personal and public service facilities, including medical services; (5) availability and proximity to schools; (6) rules and regulations regarding tenancy; (7) square footage; (8) number of bedrooms; and (9) number of bathrooms.

Comparable mobilehome park: See Mobilehome park, comparable.

Competitive evaluation: The process of comparing the project rating scale point rating of projects approved in concept in order to determine priorities in receiving the yearly allocation of dwelling units.

Comprehensive Development Plan (CDP) or Specific Plan: A plan, adopted by City ordinance, which shows the future physical development to be implemented within a specifically defined area of the City. The CDP or Specific Plan shall show the type and distribution of land uses to be

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developed, and uses which are permitted or conditionally permitted; a plan for circulation in and adjacent to the precise plan area; and plans for development or extension of infrastructure needed to support the proposed land uses; written standards, regulations and policies for development of the area addressing such design features as building placement, height and massing; architectural design; open spaces; preservation of existing structures; preservation of existing trees and proposed landscaping; pedestrian walkways and accessible access; and other relevant factors which may be required by State law or as determined necessary by the City to ensure appropriate development of the property.

Concept review: The review of residential projects subject to Section 9-3.505 Affordable housing requirements to determine if such projects may proceed to the competitive evaluation, unit allocation, and, if applicable, tentative map review stages. Projects may be denied or approved in concept at the concept stage of the review.

Conceptual development plan: A site plan that indicates conceptual ideas for development and represents general aspects of a development project such as building placement, circulation, access, drainage, grading, buffers, utilities, phased improvements, and landscaping.

Conditional use: Only those uses listed in the District Regulations of Chapter 3 Zoning Districts and Standards of this title as permitted conditional uses or those uses added by such listing by “determining of use” may be approved within a given district by means of a CUP.

Conditions, covenants and restrictions (CC&R): The limitations and/or provisions pertaining to a development project which have been agreed to by the parties holding interest in such project, and which are recorded against the title to the property.

Condominium: An estate in real property consisting of an undivided interest, in common, in a portion of a parcel of real property together with a separate interest in air space within a building on such real property. Such separate interest may also include outdoor areas for patios, atriums, or courtyards.

Condominium conversion: The conversion or division of a single-ownership parcel of existing improved residential real property, such as an apartment project, into a condominium, community apartment project, stock cooperative or townhouse form of ownership involving separate ownership or permanent right of exclusive use of individual units.

Condominium conversion project: The entire parcel of real property to be converted or which is proposed for a change of use, including all structures thereon or appurtenant thereto.

Congregate meal facility: a facility that provides scheduled meals on a daily basis for families or individuals who are homeless or income-restricted. This term does not include homeless shelters or transitional housing.

Conservation easement: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or vegetated condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing open space uses.

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Consistency or General Plan consistency: Conformity of the Official Zoning Map or other elements of this Land Use Code, or a proposed land use or development project, to the provisions of the City's adopted General Plan.

Construction: Any site preparation, assembly, erection, substantial repair, alteration, or similar action conducted on public or private property.

Contiguous: The same as "adjacent."

Context: The nature of the natural or built environment created by the land, topography, natural features, buildings, and associated features; land use types; and activities on property adjacent to streets and on sidewalks and a broader area created by the surrounding neighborhood, district, or community. Context also refers to the diversity of users of the environment.

Contractor's yard: A use providing for the distribution or storage of supplies, equipment, or materials related to construction activities, or the recycling and stockpiling of construction related materials (including paving materials).

Contour grading: A grading technique that utilizes curvilinear undulations, both horizontal and vertical, in order to simulate the characteristics of natural topography.

Convenience store: A retail establishment that contains less than five thousand (5,000) square feet of gross floor area utilized in whole or in part for the retail sale of a variety of frequently needed personal convenience items such as groceries, delicatessen items, staples, dairy products, pre-packaged foods, beverages, and sundries. Convenience stores shall not be permitted to sell alcoholic beverages and automotive gasoline on the same premises; if a convenience store sells one of these items, then it shall not be allowed to sell the other.

Conventional antenna: See "Antenna, conventional."

County: The County of Orange, California.

Courtyard: An area open or partially open to the sky and mostly or entirely surrounded by walls or buildings. An inner courtyard is a courtyard entirely enclosed within the exterior walls of a building. For purposes of calculating floor area ratio or lot coverage, a courtyard shall be considered part of the building.

Covenant: A private legal restriction on the use of land contained in the deed to the property or otherwise formally recorded.

Critical root zone: A circular region measured outward from the base of a tree representing the essential area of the roots that must be maintained or protected for the tree's survival. The circumference of the critical root zone is established by drawing a circle around the base of the tree with one foot of radial distance for every inch of tree diameter at breast height (DBH), except that the minimum critical root zone shall be no less than an eight (8) foot radius. The critical root zone shall extend to a depth of five (5) feet beneath the surface ground level.

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Cross-lot drainage: A drainage system that conveys surface water run-off towards the rear or side lot line where it is captured in a drainage channel, pipe, or similar structure and directed across lot lines to an approved point of discharge.

Cul-de-sac: A local street, one end of which is closed and consists of a circular turnaround.

Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Custom house: A house designed especially for construction on a particular residential lot.

Cyber café: An establishment that provides computers and/or other electronic devices, for access to that system commonly referred to as the “Internet,” e-mail, playing electronic games over the Internet, and/or access to other computer software programs, to the public for compensation and/or for public access. Cyber café is also synonymous with PC café, Internet café, and cyber center.

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Daily trip: Travel from an origin to a destination by a vehicle during a twenty-four (24) hour period.

Day care center: As defined by California Health and Safety Code Section 1596.76, “[A]ny child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and schoolage child care centers.”

Day care home, family: As defined by California Health and Safety Code Section 1596.78(a), “[A] home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider’s own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.”

Day care home, large family: As defined by California Health and Safety Code Section 1596.78(b), A family day care home “for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside in the home, as set forth in Section 1597.465 [of the California Health and Safety Code] and as defined in [Department of Social Services] regulations.”

Day care home, small family: As defined by California Health and Safety Code Section 1596.78(c), A family day care home for up to six (6) (and in certain cases, up to eight (8)) “children, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.44 [of the California Health and Safety Code] and as defined in [Department of Social Services] regulations.”

Daylight grading: A grading technique that designates an existing natural contour as the transition line between a manufactured pad for development and an adjacent natural slope face, and that eliminates the need for fill slopes along the exposed edges of the development pad.

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Days: Consecutive calendar days unless otherwise stated.

Decision, discretionary: Decision on a development application that requires the exercise of judgment, deliberation, or decision on the part of the reviewing authority in the process of approving or disapproving a particular activity.

Decision, ministerial: Decision on a permit application that is approved by a reviewing authority based upon a given set of facts in a prescribed manner in obedience to the mandate of legal authority, in which the decision is limited to finding whether the permit application complies with applicable statutes, codes, or regulations.

Deck: An accessory structure consisting of an open, unroofed porch or platform extending from a house or other building, which receives its structural support by its attachment directly or through piers or posts to the ground surface below.

Dedicate: To convey to a public agency an interest in land for a specific public purpose.

Dedication, offered: That portion of land that is irrevocably offered to the City for future public right-of-way that has no prospective future date for acceptance, construction to City standards, and/or notice of completion.

Delivery: The commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

Density: The range of the number of dwelling units permitted per gross acre of land pursuant to the applicable General Plan Land Use Designation. Within a development project, the density is calculated by dividing the number of dwelling units by the gross area of the project site. The permitted dwelling unit density range shall apply only provided that compliance with all applicable development standards can be met on the site.

Density bonus: A density increase over the otherwise maximum allowable residential density under the applicable land use designation of the General Plan, as of the date of application by the developer to the City, as an incentive for inclusion of affordable housing within the project.

Density bonus housing agreement: A legally binding agreement between a developer and the City to ensure that the requirements of Section 9-3.505 Affordable housing requirements are satisfied. The agreement, among other things, shall establish: the number of target units, their size, location, terms and conditions of affordability, and production schedule.

Density bonus units: Those residential units granted pursuant to the provisions of Section 9-3.505 Affordable housing requirements which exceed the otherwise maximum residential density for the development site.

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Density transfer: An increase of density on one portion of a property to a level that may exceed the underlying General Plan designation of that portion of the property, while maintaining a gross density over the entire property that is consistent with the General Plan designation through a decrease in density on the remaining portion of the property.

Deposit, street cut: A cash deposit insuring the repair of public rights-of-way altered during construction.

Deposit, swimming pool: A cash deposit insuring the repair and cleaning of public rights-of-way altered during swimming pool construction.

Design: The physical aspects of a development, road improvement, or other construction project. Design includes, but is not limited to, the planning and engineering of the following: street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignment and grades thereof; location and size of all required easements and rights-of-way; fire roads and fire breaks; lot size and configuration; traffic access; grading; land to be dedicated for park or recreational purposes; location and size of all proposed buildings and structures; provision of landscaping and open space; pedestrian and bicycle facilities; architectural style; colors and materials; and any other such specific physical improvements.

Design Review Committee: A standing committee appointed by the City Council comprised of representatives from the Planning Commission and general public with expertise in urban planning, architecture, landscape architecture, or related fields, and which is charged with reviewing development project proposals for conformance with the City's adopted Design Guidelines, General Plan design policies and objectives, and accepted design principles. The DRC provides recommendations on design issues to the Planning Commission and to staff, and may take final action on landscaping, architecture, lighting, signage, and other design plans as authorized by the Planning Commission through conditions of approval on development projects.

Detached: Any building or structure that does not have a wall or roof in common with any other building or structure.

Development: Includes the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous liquid, solid or thermal waste; grading, removing, dredging, mining, or extraction of any soil or materials; change in the density or intensity of use of land, including, but not limited to, subdivisions pursuant to the Subdivision Map Act (commencing with Section 66410 of the California Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure including any facility of any private, public, or municipal utility; and the removal of any major vegetation. This term also incorporates the definition of a "project," as defined in Government Code Section 65931.

Development Advisory Board: Those representatives of the City of San Juan Capistrano departments of Planning, Services, Engineering and Building Services, Public Works, and those representatives of other public agencies, who confer from time to time to review development

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applications and preliminary development proposals for conformance with City regulations, policies and standards.

Development agreement: A contract between a developer and the City establishing the conditions under which a particular development project may occur, pursuant to State law and local ordinance.

Development application: An application for approval of a land subdivision, conditional use permit, architectural control, variance, or any other development approval or entitlement that has been filed with and is pending for consideration by the City pursuant to this Land Use Code.

Development footprint: The area on the project site that has been impacted by any development activity. Hardscape, access roads, parking lots, non-building facilities and building structures are all included in the development footprint.

Development plan: A plan created to describe a proposed development on a specific building site.

Development project: A public or private-sector venture involving the development, construction, structural or site modification, or redevelopment of commercial, industrial, residential, or other properties.

Development site: All the parcels, lots, or unsubdivided land encompassed within a development project.

Development standard: A numerical maximum or minimum requirement set for each zoning district and regulating the development of building sites. Such standards include, but are not limited to, building setbacks, street frontage, and lot sizes.

Diameter at breast height (dbh): The diameter of a tree measured in inches at four and one-half (4.5) feet above existing grade. If a tree splits into multiple trunks below four and one-half (4.5) feet, the trunk is measured at its most narrow point beneath the split. The diameter may be calculated by use of the following formula: $dbh = \text{circumference at four and one-half (4.5) feet above grade} \div 3.14$.

Director of Planning Services or Planning Director: The Planning Director for the City of San Juan Capistrano, or his or her duly authorized agent. Shall also be known as the Community Development Director.

Discontinue (Discontinuance): The cessation or removal of a use for a specified period of time or permanently.

Discretionary decision: See Decision.

Dish antenna: See Antenna, dish.

Distillery: A commercial establishment that conducts the retail sale of distilled spirits (with alcohol content as defined by State or Federal law) that are distilled on the premises for on-site or

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off-site consumption in compliance with applicable State and Federal laws, with no food service or food service as a secondary or incidental use. The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Distribution: The procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.

District or zoning district: A Base District or Environmental Overlay District.

District, Base: See Base district.

District, Environmental Overlay: See Environmental Overlay District.

District, Historic: See Historic District.

Dog: A canine of either sex, altered or unaltered, that has reached the age of four (4) months.

Domestic water use: The use of water for direct human consumption, human contact, or in the preparation of foods for human consumption.

Domicile: The legal residence and permanent home of an individual or family. A domicile is not lodging, which is only a temporary residence. (See “Lodging or lodgings.”) A dwelling unit that is rented by a person on a month-to-month, or longer, basis is presumed to be the renter’s domicile if the renter has no other legal residence or permanent home. Indicia of legal residency include, but are not limited to, evidence that the resident uses the street address for government identification purposes, such as a driver’s license, and for tax-filing purposes.

Dormitory: A structure intended principally for sleeping accommodations, and where no individual kitchen facilities are provided, when such structure is related to an educational or religious institution.

Drainage facilities: Improvements constructed for the storage or conveyance of storm water runoff, including swales, culverts, ponds, storm drains, drop-inlets, outfalls, basins, pumps, gutter inlets, manholes, and conduits.

Drive-through facility: Any land, establishment, facility, building, structure or parts thereof, that provides or dispenses products or services, either wholly or in part, through an attendant or convenience window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane, within the City.

Driveway: A permanently surfaced area providing direct access for vehicles between a right-of-way and a permitted off-street parking or loading area. For purposes of this definition, “permanently surfaced” shall mean covered with an approved all-weather material, which may include asphalt, concrete, pavers, hardscape, or other material approved by the City.

Drought-resistant landscaping: Plant material that is able to thrive with minimal watering.

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Duplex: See Dwelling, two-family.

Dwelling: A building or portion thereof used exclusively for residential purposes, including one-family, two-family and multiple-family dwellings,

but not including lodging uses or nursing homes, rest homes, children's homes, or hospitals.

Dwelling, multiple family: A dwelling within a building on one lot, containing separate living units for three (3) or more households, having separate or joint entrances, and including apartments, condominiums, and townhomes.

Dwelling, single-family attached: A residential building designed for, and used for, the separate homes or residences of two (2) or more separate and distinct households living independently of each other living in separate ownership units (such as condominiums or townhomes).

Dwelling, single-family detached: A detached building designed or used exclusively for occupancy by one household and containing one dwelling unit.

Dwelling, two-family: A building designed or used exclusively for occupancy by two (2) households and containing two (2) dwelling units.

Dwelling unit: One or more rooms, one of which is a kitchen, in a building or portion thereof, designed, intended to be used, or used for occupancy by one family for living and sleeping purposes, not including hotels.

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EA: The Environmental Administrator for the City of San Juan Capistrano.

Early California style: An architectural style characterized by the use of light-colored stucco or masonry walls, exposed wooden beams, tile or shake roofs and wrought iron details. May include Monterey, Mediterranean, Mission Revival, and Spanish Colonial features.

Earth tone or Mission colors: Muted colors such as browns, tans, beige, pale yellows, and similar shades, but excluding bright or obtrusive colors.

Easement: A recorded right or interest in the land of another, which entitles the holder thereof to some use, privilege, or benefit out of or over said land.

Eating and drinking establishment: See Restaurant or Bar.

Ecosystem: A basic unit of nature that includes a community of organisms and their nonliving environment linked by biological, chemical, and physical process.

Eave: The projecting lower edge of a roof overhanging the wall of a building. See also Architectural projections.

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Educational facility, commercial: A school, institute, or training facility operated for profit, which may include but not be limited to trade or vocational schools, traffic schools, business schools, computer training facilities, beauty schools, and similar establishments.

Educational institution: A public, private, parochial, or other non-profit institution conducting regular academic instruction at the elementary, secondary, collegiate levels and university or graduate level as qualified by the State Department of Education.

Electrolier: A total street light assembly.

Electric distribution substation: An assembly of equipment that is part of a system for the distribution of electric power where electric energy is received at a sub-transmission voltage and transformed to a lower voltage for distribution to the general consumer.

Elevation: The vertical distance above or below a fixed reference level.

Elevation drawing: A flat scale drawing of the front, rear, or sides of a building or structure, drawn to scale and showing architectural details, colors, and materials.

Emergency: A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of or damage to life, health, property, or public services.

Emergency homeless shelter: Defined as “emergency shelter” in subdivision (e) of Section 50801 of the California Health and Safety Code: Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Employee: Any person employed by a firm, business, educational institution, nonprofit agency, corporation, government agency, or other entity.

Employer-sponsored child care center: As defined by California Health and Safety Code Section 1596.771, “[A]ny child day care facility at the employer’s site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer.”

Employment generation factors: Factors used to calculate the total potential employment of a particular project for determining the applicability of the provisions of this chapter.

Enclosed: A covered space fully surrounded by walls, which may include windows, doors, and similar openings or architectural features.

Encounter Center: A business establishment wherein the patrons are invited to discuss sexual matters and who pay a fee for such discussion. This definition does not include therapy sessions conducted by physicians, therapists, and counselors licensed and regulated by the State.

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Encroachment: Any projection into a delineated setback, right-of-way, adjacent property, easement, or delineated floodway.

Endangered species: A plant or animal species that is in danger of becoming extinct throughout all or a significant portion of its range, as defined by the Federal Endangered Species Act or California Endangered Species Act.

Entertainment, live: Any act, play, revue, pantomime, scene, dance act, musical performance, performance act, or song, storytelling, or poetry reading, or any combination thereof, performed by one or more persons, either employees or patrons of a business establishment, whether or not they are compensated for the performance.

Entitlements: Land use approvals granted for a development project.

Environment: The natural and built places within or surrounding a community. The natural environment includes the topography, natural landscape, flora and fauna, streams, lakes, and watersheds, and other natural resources, while the human/built environment includes the physical infrastructure of the community, as well as its institutions, neighborhoods, districts and historical and cultural resources.

Environmental Impact Report (EIR): The public document used by a governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible negative environmental impacts pursuant to the California Environmental Quality Act.

Environmental justice: The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies, as defined by State law.

Environmental Management Agency: The Environmental Management Agency of the County of Orange.

Environmental Overlay District: A certain portion of the City wherein regulations relating to a specific environmental or physical characteristic (such as vulnerability to flooding) are imposed in addition to those of the Base District covering the land in question.

Environmental review: The process of determining the impact of proposed projects on the environment, pursuant to the provisions of the California Environmental Quality Act (CEQA) and the City's adopted CEQA Guidelines.

Equestrian trail: See Trail, equestrian.

Equestrian trail access: See Trail access, equestrian.

Equine: A category of domestic animal that includes horses, ponies, donkeys, or mules.

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Erosion: A combination of processes in which materials of the earth's surface are loosened, dissolved, or worn away, and transported from one place to another by natural agents (such as water, wind, or gravity).

Exception: Minor modification(s) to restrictions or requirements set forth in this title, and which has no potential for adversely impacting adjacent property.

Explosives: Any explosive substance, having a power equal to or greater than that of ordinary black powder, including but not limited to blasting caps, detonating, fulminating or electric caps, gunpowder and dynamite, but shall not include fixed ammunition for small arms.

Extraction: The removal from the earth of oil, water, gas, gravel, mineral or geothermal resources by drilling, pumping or other means, whether for exploration or production purposes.

Extraction operation, commercial: The removal or displacement of sand, gravel, rock, aggregate, clay, or similar materials conducted for financial gain.

— F —

Façade: The exterior walls of a building exposed to public view, or those walls viewed by persons not within the building.

Facility standards: Site or building improvements required by Section 9-3.555 Transportation Demand Management which provide opportunities for trip reduction.

Family: A group of individuals that live together as a single housekeeping unit.

Family care home: A home licensed by the State providing twenty-four (24) hour, nonmedical care for six (6) or fewer persons. This may include mentally or physically handicapped persons.

Family child day care home: See Day care, family.

Family entertainment center: An establishment engaged in providing a range of entertainment activities to a variety of age groups including children. Such activities may include, but not be limited to, batting cages, go-cart tracks, miniature golf courses, water slides, play areas, amusement machines, and limited food service.

Fee: A payment of funds to the City for any of the applications or other entitlements set forth in Section 9-5.101 Fees, deposits, and bonds or elsewhere in the Municipal Code.

Feeder trail: See Trail, feeder.

Fence: A freestanding device, structural or natural, forming a physical barrier by means of hedge, wood, mesh, metal, chain, masonry, brick, slate, plastic or other similar material, intended to enclose or screen areas of land.

Fence, open: A fence that permits at least fifty (50) percent open visibility through the fence.

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File: To formally submit plans, applications, appeals, complaints, requests or other documents with the City or another governmental agency, private firm, or individual.

Fill: Any material or substance that is deposited, placed, pushed, dumped, pulled, or transported or moved to a new location and the conditions resulting therefrom. Fill also includes pilings placed for the purpose of erecting structures thereon when located in a submerged area. Examples of fill material include, but are not limited to, earth, excavated or dredged materials, sand, gravel, rock, riprap, and concrete.

Final map: A subdivision map prepared by or under the direction of a licensed land surveyor or registered civil engineer in accordance with the California Subdivision Map Act and this Land Use Code, and which is intended to be placed on record in the office of the County Recorder.

Final maps, multiple or phased: Any aggregation of final maps that are filed on property included in a single tentative map.

Finding: A determination or conclusion based on the evidence presented to the reviewing authority, in support of its decision on a land use application.

Finished grade measurement: See Grade, finished.

Fire flow: The flow of water required to extinguish a largest probable fire served by a water facility.

Flag: A visual display device, with or without copy, usually rectangular in shape made of flexible material, usually cloth, that is attached to a support structure usually on one side such that display does not easily maintain its shape without wind.

Flood, flooding, or flood water: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; mudslides or mudflows; and the condition resulting from flood-related erosion.

Flood hazard: A hazard to land or improvements due to overflow water having sufficient depth or velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of watercourses.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood protection elevation: That elevation not less than one foot above the water surface profile associated with the 100-year flood, plus any increases in flood heights attributable to encroachments on the floodplain.

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Flood, standard project: The largest flood that can be expected from the most severe combination of meteorological and hydrological conditions considered reasonably characteristic of the geographical region involved.

Flood, 100-year: A flood that has a one percent chance of being equaled or exceeded in any given year (also called the “Base Flood”).

Flood, 25-year: Flooding from that storm that has a probability of occurring once in twenty-five (25) years.

Floodplain administrator: The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source. See Flood.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodway, regulatory: For purposes of enforcing floodplain management regulations, the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor area, gross: The sum of the gross horizontal areas of all floors of a building, measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking space, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Floor area, habitable: The total horizontal area of all the floors of a building measured from the exterior surface of the outside walls including all floors below ground level, but exclusive of vent shafts, courtyards and garages.

Floor area ratio (FAR): The numerical value obtained through dividing the total gross floor area of all buildings on a lot and the total area of that lot, as shown in Figure 4.

Following: A reference to a subsequent sentence or paragraph within the same section of the Land Use Code. For example, “as set forth in Paragraph D4, following.”

Foot-candle: A unit of illumination equal to one lumen of light falling on a one-square-foot area from a one candela light source at a distance of one foot.

Frontage, street or highway: That portion of a lot or parcel of land which abuts a public or private street or highway, as measured along the common lot line separating said lot or parcel of land from the street or highway.

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Front wall: The nearest wall of a structure to the street upon which the structure faces, excluding awnings, canopies, eaves, and any other architectural embellishments.

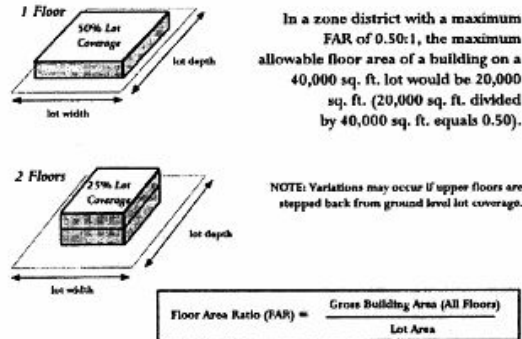


Figure 4: Floor Area Ratio

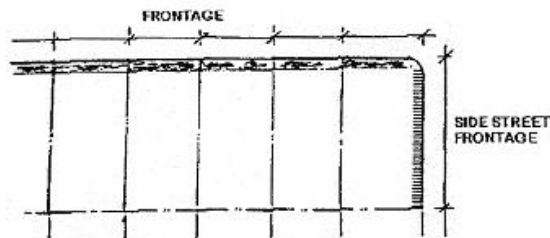


Figure 5: Street Frontage

— G —

Gable: The vertical triangular end of a building from cornice or eaves to ridge.

Game machine: Any electric or electronic machine (e.g., pinball, video games) which provides amusement, enjoyment or entertainment and which may be operated upon the insertion of a coin or token. This term shall not include jukeboxes, children's mechanical rides (e.g., horses, rocket ships), or machines that sell merchandise.

Game machine center or arcade: A place of business or establishment in which the operation of game machines is the primary use. See also Cyber café.

Garage: A building or a portion of a building used primarily for the parking of vehicles belonging to the occupants of the property.

Garage, private: An accessory building or an accessory portion of the main building, designed and used primarily for the shelter or storage of vehicles owned or operated by the occupants of the main building.

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Garage, public: A building other than a private garage used for the parking and storage of vehicles that is available to the general public.

Garage sale: The sale from the residence or residential lot of a vendor of his or her personal property which has been used in his or her home and which personal property was not purchased, acquired, or solicited by the vendor for the purpose of resale. This term also includes residential yard sales and patio sales.

General Fund: For the purposes of Section 9-3.521 Hazardous waste facilities, the State of California General Fund.

General Plan: A statement of policies developed by local governments, including text and diagrams, setting forth objectives, principles, standards, and plan proposals for the future physical development of the city. When used in the land use code, the term refers to the General Plan of the City of San Juan Capistrano adopted by the City Council, as amended from time to time.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and ability.

Government Code: The State of California Government Code.

Governor's Appeal Board: For the purposes of Section 9-3.521 Hazardous waste facilities, a board formed to review the appeal by an applicant, as defined above, of a specified hazardous waste facility land use decisions disapproved by the City or of one or more conditions of approval placed on an approved specified hazardous waste facility or an appeal by an interested person, as defined herein, based solely on the ground that the conditions imposed do not adequately protect the public health, safety or welfare. The Governor's Appeal Board's membership, purpose and procedures are defined by State Health and Safety Code Sections 25199.9 through 25199.9.14.

Grade: The degree of inclination of the ground surface. See Slope.

Grade, finished: The final grade of the site after development, which conforms to approved final or precise grading plans.

Grade, natural: The elevation of the ground surface in its natural state, before manmade alterations.

Gradient: The rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance. (Also see Slope and Slope steepness.)

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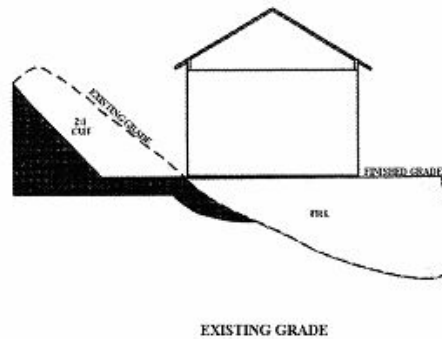


Figure 6: Natural and Finished Grade

Grading: An excavation, filling in, spreading, or moving of earth, sand, gravel, rock, or other material on a lot, building site, street right-of-way or other land area by mechanical means, including but not limited to rock processing, dredging, blasting, bulldozing, and digging. Grading also includes “grubbing,” which is the clearing of land by digging up roots and stumps, thereby disturbing all vegetation on a site. Grading does not include “disking,” which is the cultivation of soil with an implement that turns and loosens the soil with a series of discs, such as for weed abatement.

Grading, mass: A grading technique in which all lots, building pads and streets are graded over the entire site area resulting in the disruption of the majority of the on-site natural grade and vegetation, and often resulting in, but not require to result in, a successive pad/terrace configuration.

Green building: The practice of increasing the efficiency of buildings and their use of energy, water, and materials, and reducing building impacts on human health and the environment, through improved methods of siting, design, construction, operation, maintenance, and removal that encompass the complete building life cycle.

Greenfields: Sites that have not been previously developed or built on, and which could support open space, habitat or agriculture.

Gross leasable area (GLA): The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Groundcover: Low-growing plants used to prevent soil erosion.

Ground water quality: The quality of subterranean waters in terms of their chemical, physical, biological, and radiological characteristics as related to possible domestic water use.

G-string: An article of clothing that opaquely covers the buttocks at least one inch on either side of the natal cleft and covers the entirety of the genitalia and pubis.

Guest house: An accessory use to a primary single-family residential dwelling, which is located on the same building site and may be attached to or detached from the primary dwelling unit, and

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which contains living quarters occupied solely by members of the family, temporary guests, or persons regularly employed on the premises. A guest house shall not contain kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

— H —

Habitable structure: A structure that is suitable for human occupancy for purposes of employment, habitation, or other purpose.

Hardscape: Impermeable areas within a developed site not included in building areas, including patios, decks, driveways, loading areas, pathways, and sidewalks, along with incidental structures and equipment such as benches and lighting.

Hazardous material: Any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential threat to public safety if released into the workplace or the environment.

Hazardous waste: A waste, or combination of wastes, which because of its quality, concentration, toxicity, corrosiveness, mutagenicity or flammability, or physical, chemical, or infectious characteristics may: (1) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Hazardous waste facility, specified: An off-site facility project proposal.

Health club: An establishment providing exercise and other health fitness conditioning, including gymnasiums, aerobic dance and exercise classes, reducing salons, spas, and similar fitness facilities.

Health Department: The County of Orange Department of Environmental Health.

Health officer: A health officer or inspector for the County of Orange or duly authorized representative.

Health and Safety Assessment: For the purposes of Section 9-3.521 Hazardous Waste Facilities, a technical and environmental evaluation of a proposed facility, site, and surrounding area prior to approval of a conditional use permit. The assessment will consider the qualities and the physical and chemical characteristics of the specific types of waste that would be handled. The assessment will include a hydraulic evaluation as well as risks due to flooding, earthquakes and potential water or air pollution. It is not intended that the Health and Safety Assessment duplicate information developed for environmental impact reports or risk assessments required under local, State or federal regulations.

Heat island effect: Micro-climate that occurs when warmer temperatures are experienced in urban landscapes compared to adjacent rural areas as a result of solar energy retention on constructed surfaces. Principal surfaces that contribute to the heat island effect include streets, sidewalks, parking lots, and buildings.

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Height: See Building height.

Heliport: An area of land or a structural surface which is used or intended for use for the landing and takeoff of helicopters; including any appurtenant areas which are used or intended for use for heliport buildings and other heliport facilities.

High water-use plants: Plants characterized by high transpiration rates, shallow rooting, the need for frequent watering during summer months, or with exposure to hot and drying climatic conditions, which may include annuals, plants in containers, and non-native and non-xeriscape plants.

Historic District: A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development whose identity results from the interrelationship of its resources that can convey a visual sense of the overall historic environment; or be an arrangement of historically or functionally related properties; or be a grouping of archeological sites related primarily by their common components.

Home business: A business conducted with a home business permit as a secondary use incidental to and entirely within a residential dwelling in a residential district and Agribusiness District, by the occupant of the dwelling in connection with which there is no display, no stock in trade or commodity sold on the premises; and which is conducted in such a manner that the outward appearance of the premises gives no indication of other than residential use, and which is not detrimental to the residential character of the neighborhood by virtue of traffic flow, noise, odor or other adverse characteristics, subject to the provisions of Section 9-3.523 of the Land Use Code.

Homeless shelter: A facility that provides sleeping accommodations and restroom facilities to homeless persons for less than a twenty-four (24) hour stay. This term does not include congregate meal facilities or transitional housing.

Hospital: An establishment, licensed by the State Department of Health Services, which provides accommodations, facilities and services over a continuous period of twenty-four (24) hours or more, for observation, diagnosis, treatment or care of human patients who are suffering from illness, injury, deformity, or abnormality, or from any condition requiring obstetrical, medical, or surgical services.

Hotel: A building with six (6) or more guest rooms or suites of rooms that is designed or used to be rented for occupancy by guests for lodging purposes for a period of thirty (30) or fewer consecutive calendar days. Incidental uses may be allowed, such as meeting rooms, restaurants, and recreation facilities to serve hotel guests.

Housing cost, owner occupied: The sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance property maintenance and repairs, homeowner association fees and a reasonable allowance for utilities.

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Housing cost, rental occupied: The sum of actual or projected monthly payments for all of the following associated with rental target units: rent and a reasonable allowance for utilities.

Human scale: How humans perceive the size of their surroundings and their comfort with the elements of the natural and built environment relative to their own size. In urban areas, human scale represents buildings that can be observed within a short distance and at the speed of a pedestrian, and sites and districts that are walkable. In contrast, automobile scale represents a built environment where buildings, sites, signs, etc. are designed to be observed and reached at the speed of an automobile.

Hydrozones: A portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated.

— I —

Illegal structure, use, or lot: A structure, use, or lot that did not conform to applicable laws when constructed or initiated and which has not been granted legal nonconforming status by a categorical provision of this Land Use Code, or has not been brought into full conformity by a specific remedy provided in this Code.

Illumination intensity: An expression, in wattage, lumens, or foot-candles, of visually perceived brightness from an artificial light source.

Immobile populations: Schools, hospitals, convalescent homes, prisons, facilities for the mentally ill, and other similar facilities.

Impervious surface: Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Improvement: Any building, structure, feature, or object constituting a physical addition to real property or a structure on real property, or any part of such addition. Improvements include the construction of streets and all related appurtenances, bridges, utilities, pedestrian ways, bikeways, equestrian trails, or landscaping and irrigation in connection with an approved development or public works project, whether involving the subdivision of land or not.

Improvement plans: Engineering drawings intended to be used in the construction of street, trail, water, sewer, drainage, drainage facilities, landscape facilities, and appurtenances.

Inauguration of use: The commencement of construction activities pursuant to an approved development plan, meaning that applicable grading and building permits have been issued, and that substantial work has been performed on the project site and substantial liabilities have been incurred in good faith reliance on such permits, such that the use shall be considered to be established on the project site pursuant to the applicable land use approval.

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Income-qualified households: Households which are eligible for affordable housing units based on annual income of the household in comparison with Orange County median household incomes, as follows:

“Very low” income household: income is less than fifty (50) percent of the Orange County median income;

“Low” income household: income is between fifty (50) to seventy-nine (79) percent of the Orange County median household income;

“Moderate” income household: income is eighty (80) to one hundred nineteen (119) percent of the Orange County median household income. (See Affordable housing.)

Industrial district: Industrial Park (IP), Commercial Manufacturing (CM), or Agricultural (A) Districts.

Infrastructure: Permanent, physical improvements, whether public or private, required to support development, including, but not limited to, streets, sewer, water, utilities, drainage facilities, and public facilities.

Inoperative vehicle: Any vehicle which is not currently registered or which is not capable of self-propulsion, as defined by State law.

Interested person: Any person who has been determined to have an interest in a pending land use decision, including persons who have requested to be notified of such decisions. For the purposes of Section 9-3.521 Hazardous waste facilities, “interested person” shall mean a person who participated in one or more public meetings or hearings held to consider an application for a land use decision for a specified hazardous waste facility project. Participation as defined by State Health and Safety Code Section 25199.1(c) includes, but is not limited to, the giving of oral or written testimony at a meeting or hearing, submission of questions at a meeting or hearing, or attendance at the meeting or hearing.

Intermodal: Refers to the connections between transportation modes.

Internet café: See Cyber café.

Intersection: Where two (2) or more roads connect at grade, often characterized by a high level of activity and shared use, multi-modal conflicts, complex movements, and special design treatments.

Institutional use: A non-profit or quasi-public use or institution such as a church, library, post office, public or private school, hospital, or city building, or land or structures used for public purposes.

Invasive plants: Both indigenous and non-indigenous species or strains that are characteristically adaptable, aggressive, and have a high reproductive capacity and tend to overrun the ecosystems which they inhabit.

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Inventory of Historic and Cultural Landmarks (IHCL): A listing of locally culturally and historically significant sites, buildings, objects, and districts based on the criteria of Section 15064.5 of the Guidelines for the California Environmental Quality Act.

Irrevocable offer of dedication: An offer made to the City of San Juan Capistrano for the dedication of land or facilities which, at any time, may be accepted by resolution of the City Council. A rejection of the offer, at any time, shall not cancel the offer of dedication. Cancellation is only by City Council upon conducting of a public hearing.

Irrigation, drip: High-efficiency irrigation method in which water is delivered at low pressure through buried mains and sub-mains, and water is distributed to the soil from a network of perforated tubes or emitters.

Irrigation, spray: Irrigation system used for landscaping using pressure to deliver water that is distributed through sprinkler heads above the ground.

— J —

Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition. This term may include but is not limited to used 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. Materials or equipment kept on any premises for use in the construction of any building on such premises in conjunction with an active building permit shall not be deemed “junk” within the meaning of this section.

Junk or salvage yard: Any premises used for the keeping or storage of junk, including but not limited to iron and scrap metals, paper, rags, glass, wood, and similar materials, and shall include the dismantling of machinery or the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking operations on said property or elsewhere.

— K —

Kennel: Any place where four (4) or more dogs, four (4) months of age or older, are kept or maintained.

Kennel, commercial: Any kennel where four (4) or more dogs four (4) or more months of age or older are maintained for the purpose of boarding, breeding, raising, or training dogs for a fee or for sale.

Kitchen: Any room or portion of a room used, intended, and designed to be used for cooking or the preparation of food, including storage and refrigeration.

— L —

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Lake: An inland water body, either natural or manmade, fed by springs, surrounding drainage, or artificial means.

Land use: The way in which property is or will be utilized or occupied.

Land Use Code (LUC): Title 9 of the City of San Juan Capistrano Municipal Code, including all text and maps, as it may be amended from time to time.

Land use decision: A decision by the reviewing authority on an application for a permit or other entitlement for use, pursuant to this Code. For the purposes of Section 9-3.521 Hazardous waste facilities, a discretionary decision of the City concerning a specified hazardous waste facility including the issuance of land use permit, a conditional use permit, the granting of a variance, the subdivision of property and the modification of existing property lines pursuant to Title 7 (commencing with Section 65000) of the Government Code.

Landmark, historical: Any historic site, building, structure or object (listed either individually, as a group or as a Historic District) on the City of San Juan Capistrano's Inventory of Historic and Cultural Landmarks. May also refer to properties listed on the National Register of Historic Places or the California Register of Historical Resources.

Landscape area: Those portions of a building site or development site that are set aside to remain in permanent open space, excluding driveways, parking paving, loading, or storage areas, or portions of structures, and in which landscaping exists or is planned to be installed. Landscape areas may also include accessory structures such as fountains, benches, art works and similar features designed to enhance the landscaping.

Landscape area, water-dependent: All outdoor areas under irrigation or using water, including swimming pools and water features, but excluding hardscape areas.

Landscape plans: Plans prepared to depict proposed landscaping and irrigation on a development site, which include a planting plan and an irrigation plan drawn to the same scale as the grading plan, that clearly and accurately identify specified plants, irrigation layout, equipment, finish grades and drainage, specifications and construction details, plan sheet numbers, and drawing date of plans.

Landscape structures: Accessory structures that are designed and constructed as an integral part of the landscaping, which may include waterfalls, grottos, faux rocks, or other similar materials manufactured to resemble natural materials. Landscape structures require no additional discretionary review unless they are over thirty-six (36) inches in height above the adjacent grade, in which case they are treated as accessory structures subject to applicable setback and design requirements of the Land Use Code.

Landscaping: The planting and maintenance of some combination of trees, groundcover, shrubs, vines, flowers, lawns, or other plant materials. In addition, landscaping may include natural features such as rock and stone, and landscape structures.

Law: Includes the United States Constitution, federal law and statues, the Constitution and statutes of the State of California, and the codes and ordinances of the City of San Juan

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Capistrano, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

LEED: Leadership in Energy and Environmental Design, a nationally accepted benchmark for the design, construction, and operation of high performance green buildings, as established by the U.S. Green Building Council. LEED promotes sustainability through site development, water savings, energy efficiency, materials selection, and indoor environmental quality.

LEED Certification: Recognition awarded pursuant to the LEED standards certifying that a building meets all prerequisites and achieves the minimum number of points to earn certification at one of four (4) levels (Certified, Silver, Gold, or Platinum), depending on the number of credits achieved.

Legislative body: The City Council of the City of San Juan Capistrano.

Level of service (LOS): A measure of the operational performance of a road link or intersection based on a ratio of volume to capacity (V/C) of the facility as determined by the Intersection Capacity Utilization (ICU) method or seconds of delay determined by the Highway Capacity Manual.

Licensee: The holder of any State issued license related to marijuana activities, including, but not limited to, licenses issued under Division 10 of the Business and Professions Code.

Light pollution: Waste light from building sites that produces glare, is directed upward to the sky, or is directed off the site.

Light source: A device that produces illumination, including incandescent light bulbs, fluorescent and neon tubes, halogen and other vapor lights and reflecting surfaces or refractors incorporated into a lighting fixture. Any translucent enclosure of a light source or reflective surface is considered to be part of the light source.

Liquor store: An establishment in which the primary use is the sale of alcoholic beverages for consumption off-site which requires a license from the State Department of Alcohol Beverage Control.

Live art class: Any premises on which all of the following occur: there is conducted a program of instruction involving the drawing, photographing, or sculpturing of live models exposing specified anatomical parts; instruction is offered in a series of at least two (2) classes; the instruction is offered indoors; an instructor is present in the classroom while any participants are present; and pre-registration is required at least twenty-four (24) hours in advance of participation in the class.

Loading space, zone: An off-street space or berth used exclusively for loading or unloading of goods from a vehicle in connection with the use of the site.

Local streets: Streets designed to provide a low level of traffic mobility and a high level of land access, serving residential, commercial and industrial areas.

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Lodging or lodgings: A temporary residence or place to live, which includes sleeping accommodations. Lodging is not a domicile because the former is a temporary residence and the latter is a permanent one. (See “Domicile.”)

Logo: A trademark, copyright, or symbol of an organization that is consistently used within the conducting of the business activity.

Lot: A piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership, and which may be used, developed, or built upon as otherwise permitted by law. A lot may be created by: (1) a recorded tract map, (2) a record of survey map recorded pursuant to an approved division of land, or (3) a parcel map.

Lot area: The total area (measured in a horizontal plane) included within the boundary lines of a lot minus any area taken up by surface easements over the lot, such as for equestrian trail, streets, bikeways, open channel storm drains, etc.

Lot cluster: Any single lot, or a group of adjacent lots having a single uninterrupted perimeter boundary enclosing all of the lots.

Lot, corner: A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees, as shown in Figure 9.

Lot coverage: The total horizontal area of a lot, parcel or building site covered by any building that extends more than three (3) feet above the surface of the ground level, including any covered car parking spaces, excluding projecting roof eaves, as shown in Figure 7, except as otherwise provided in this Land Use Code.

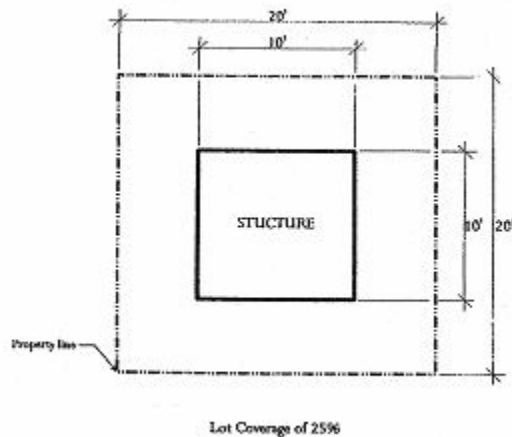


Figure 7: Lot Coverage

Lot depth: The horizontal length of a lot, which shall be measured as follows (See Figure 8):

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- (1) For lots having straight front and rear lot lines, lot depth shall be measured as the distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- (2) For lots having irregular front or rear lot lines, lot depth shall be measured as an average of the length of the side lot lines and an imaginary line connecting the bisecting points of the front and rear lot lines.

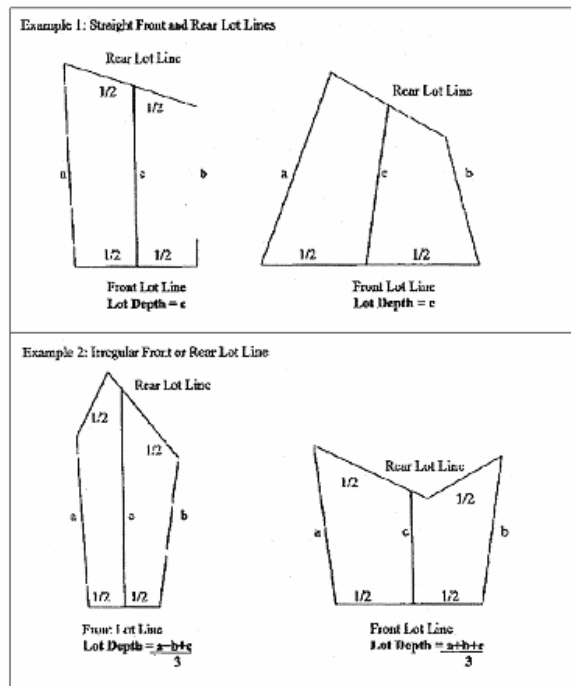
Lot, flag: A lot not fronting on or abutting a street right-of-way, and where a narrow portion of the lot provides access to the right-of-way.

Lot frontage: That portion of the lot abutting a street, or the length of that portion of the lot abutting the street as measured at the front property line.

Lot, interior: A lot other than a corner lot, which abuts only one street, as shown in Figure 9.

Lot, key: A lot with a side lot line that abuts the rear lot line of one or more adjoining lots.

Lot line: A line separating one lot from another or from a public right-of-way, as shown in Figure 10.



Lot line adjustment: The reconfiguration of lot lines where an equal number of lots are created. Said lots shall conform to all zoning and land use standards of Title 9, the General Plan, and the Subdivision Map Act.

Lot line, front:

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- (1) For an interior lot, the line separating the lot from a street or highway;
- (2) For a corner lot, the line separating the narrower street frontage from a street or highway, unless otherwise specified by deed restriction;
- (3) In the case of lots set back from the street, with long narrow portions for access (flag lot), the line, or series of lines, delimiting the front of the buildable portion of the lot shall be established as the front lot line;
- (4) For a through lot, the lot line abutting the street providing the primary access to the lot.

Lot line, interior: Any lot line not abutting a street.

Lot line, rear: A lot line, not intersecting a front lot line, which is most closely parallel to the front lot line. In the case of an irregularly shaped lot or a lot bounded by only three lot lines, rear lot line shall mean an imaginary line within the lot having a length of ten (10) feet, parallel to and most distant from the front lot line, which shall be interpreted as the rear lot line for the purpose of determining required yards, setbacks, and other provisions of this Land Use Code.

Lot line, side: Any lot boundary line that is not a front lot line or a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be the side lot line, unless otherwise specified by deed restriction.

Lot, reverse corner: A corner lot in which the rear lot line abuts the side lot line of the nearest lot to its rear.

Lot, substandard: A lot or parcel of land that has less than the required minimum area or dimensions as established by the zone in which it is located, provided that such lot or parcel was of record as a legally created lot on the effective date of this Land Use Code.

Lot, through: A lot having frontage on two (2) generally parallel streets, with only one primary access.

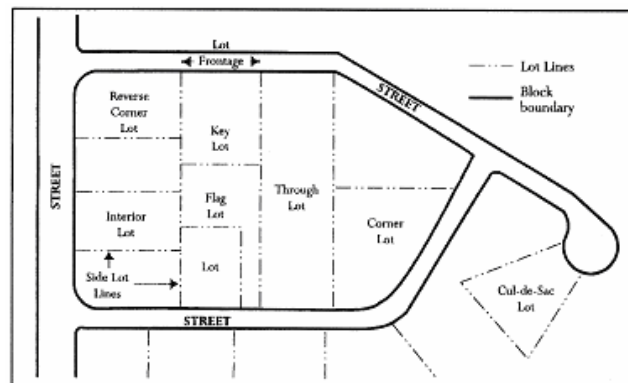


Figure 9: Lot Types

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Lot width: The minimum horizontal distance between the side lot lines measured at the front setback line.

Low-flow irrigation (drip irrigation): Irrigation applicators that apply water directly to soil in a plant's root zone.

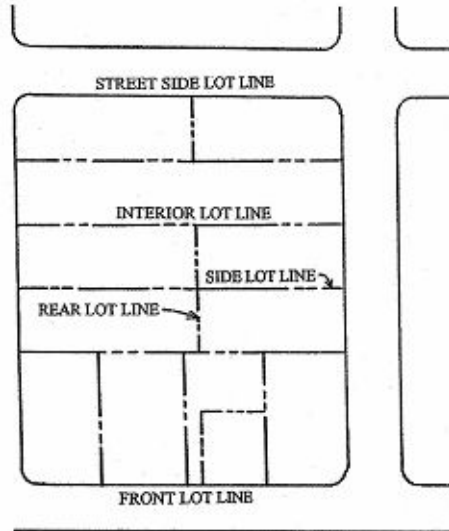


Figure 10: Lot Lines

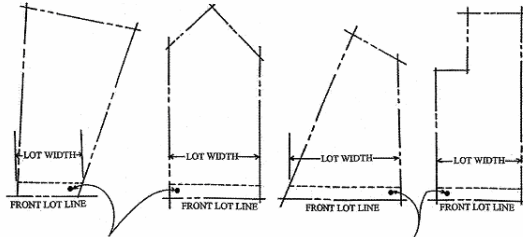


Figure 11: Lot Width

Low income household: Households whose income does not exceed the low income limits applicable to Orange County, as published and periodically updated by the State Department of Housing and Community Development pursuant to the California Health and Safety Code.

Low-water-use plants: Plants that, once established, can survive on two (2) irrigations per month during the summer months.

Lower slope: In relation to terraces on manufactured slopes, the lower slope shall be that portion of the slope below the terrace.

Lumen: A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

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Luminaire: The portion of a lighting fixture containing the bulb; the light source.

Lux: A unit of illumination equal to the direct illumination on a surface that is everywhere one meter from a uniform point source of one candle intensity or equal to one lumen per square meter.

— M —

Major tenant: For purposes of calculating signage area within an approved sign program, the major tenant is the business that occupies the greatest amount of leasable floor area in an office or commercial development, or as otherwise defined within the sign program. See also Anchor tenant.

Mail services: A commercial business that conducts the retail sale of stationery products, provides packaging and mail services (both US Postal and private service), and provides mailboxes for lease.

Main residential building: See “Building, main residential.”

Manufacture: To compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the construction of products, and the blending of materials such as plastics, resins, or oils.

Marijuana: All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

- (1) Industrial hemp, as defined in Section 11018.5 of the California Health and Safety Code; or
- (2) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

Marijuana accessories: Any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.

Marijuana products: Marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.

Mass transit: A publicly or privately operated transportation service that provides transportation, for the general public, to multiple fixed stops on a scheduled basis. Mass transit vehicles are typically capable of serving ten (10) or more occupants, with vehicles such as buses, trolleys, or light rail.

Massage therapy: Refer to Chapter 5-24 (Regulation of Massage Therapy).

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Maximum daily demand, water: The maximum demand for water from a water distribution system for a twenty-four (24) hour period.

Maximum hourly demand, water: The maximum demand for water from a water distribution system for any hourly period during a twenty-four (24) hour period.

Medical office: Any facility providing physical or mental health service, and medical or surgical care, of the sick or injured, but excluding in-patient or overnight accommodations. Medical offices also include medical clinics, health centers, health clinics, urgent care clinics, and offices of health providers.

Microbrewery: A commercial establishment that conducts the retail sale of beer (with alcohol content as defined by State or Federal law) that is brewed on the premises for on-site or off-site consumption in compliance with applicable state and federal laws, with no food service or food service as a secondary or incidental use. Such establishments shall include craft breweries and nano breweries. The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Microclimate: The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.

Mini-mart or food convenience store: See Convenience store.

Mining: The process of obtaining sand, gravel, rock, aggregate, clay, or similar materials, from an open excavation in the earth for financial gain, but not including the removal of minerals extracted by underground methods.

Ministerial decision: See Decision, ministerial.

Mission colors: Same as “earth tone colors.”

Mixed use: The combining of, or zoning for, retail/commercial and/or service uses with residential or office use in the same building or on the same site, either vertically (with different uses stacked upon each other in a building) or horizontally (with different uses adjacent to each other or within close proximity).

Mixed-use development: A project which integrates a variety of land uses including residential, office, commercial, and service uses, which are designed to ensure compatibility between uses and maximize efficiency of shared infrastructure such as parking, drive aisles, and utilities.

Mobile noise source: A fixed transportation route or facility which generates noise impinging on nearby areas due to vehicle travel on said route or facility.

Mobile source: Sources of air pollution such as automobiles, motorcycles, trucks, off-road vehicle, boats, and airplanes.

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Mobile recycling unit: 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.

Mobilehome or manufactured home: A home built on a permanent steel chassis in a factory to the specifications of the National Manufactured Housing Construction and Safety Standards Act of 1974 and installed either with or without a permanent foundation.

Mobilehome lot: Any area or tract of land, or portion thereof, occupied or held out for occupancy by one mobilehome that is not owned by the park owner.

Mobilehome park: Any area or tract of land where two (2) or more mobilehome lots are rented or leased, or held for rent or lease to accommodate mobilehomes used for human habitation.

Mobilehome park, comparable: Any other mobilehome park within a fifty (50) mile radius, substantially equal in terms of park amenities, rent, and proximity to services.

Mobility: The movement of people or goods within the transportation system.

Model home: A dwelling unit temporarily used for display purposes as an example of dwelling units available or to be available for sale or rental in a particular subdivision or other residential development approved by the city. Model homes may also incorporate temporary sales or rental offices for dwellings within the development, subject to approval of a Temporary Use Permit pursuant to Section 9-2.347 of this Land Use Code.

Moderate income household: Households whose income does not exceed the moderate income limits applicable to Orange County, as published and periodically updated by the State Department of Housing and Community Development pursuant to the California Health and Safety Code. See Income-qualified household.

Modular or factory built home: A home built in a factory to the California Factory Built Housing Code and installed on a permanent foundation.

Month: A calendar month.

Motel: One or more buildings containing individual sleeping units for the temporary occupancy of tourists or other transients traveling by automobile—with a garage attached or parking space conveniently located to each unit.

Motor vehicle: A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, excepting a device moved by human power or a device used exclusively upon stationary rails or tracks.

Mulch: Any material such as leaves, bark, straw, or other materials left loose and applied to the soil surface to reduce evaporation.

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Multimodal: Refers to the availability of transportation options within a system or corridor including walking, bicycling, driving, or transit.

Multi-tenant: Any building occupied by more than one business.

Municipal Code: City of San Juan Capistrano Municipal Code.

— N —

Native California (or Indigenous) plants: Plants that grew in California prior to European contact, and that are part of a native ecosystem.

Noise: Any undesirable audible sound. For purposes of this Code, noise exceeding the maximum decibel levels for various uses as established in the General Plan Noise Element may be deemed a nuisance and subject to legal means of abatement.

Noncommercial: A land use or other activity that does not involve the sale of goods or services for financial gain.

Nonconforming lot, legal: A lot, the area, dimensions, or location of which were lawfully created in compliance with all applicable ordinances and laws at the time the lot was created, but which, due to the application of this Land Use Code, or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the lot is located. The determination that a nonconforming lot is legal shall not relieve the property owner from compliance with all applicable development and building standards adopted by the City, and shall not be interpreted as approval to build on any such lot or parcel without first obtaining all required approvals and permits, and complying with all applicable code requirements.

Nonconforming structure, legal: Any structure or improvement that was lawfully established in compliance with all applicable ordinances and laws at the time it was erected, but which, due to the application of this Land Use Code or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

Nonconforming use, legal: Any use of land or property that was lawfully established in compliance with all applicable codes and laws at the time the use commenced, but which, due to the application of this Land Use Code or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the use is located.

Non-restricted units: All units within a housing development, including mobilehome parks, which are not subject to restrictions regarding affordability or age of residents.

NPDES: National Pollution Discharge Elimination Systems of the Clean Water Act.

Numerical limit: The total number of dwelling units for which building permits may be issued within the City during a given calendar year. The numerical limits shall be adopted by the City Council.

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Nuisance: The use of property in a manner that is not in compliance with the provisions of this Land Use Code.

— O —

Object, historic: In the context of historic and cultural resources, those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as distinguished from buildings and structures. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

Off-site hazardous waste facility: A hazardous waste facility including structures, other appurtenances, and improvements on the land, and all contiguous land serving more than one producer of hazardous waste and used for the treatment, transfer, storage, resource recovery, disposal, and/or recycling of hazardous waste including but not limited to:

- (1) Incineration facility;
- (2) Residual repository (hazardous waste only);
- (3) Stabilization/solidification facilities;
- (4) Chemical oxidation facilities;
- (5) Neutralization/precipitation facilities; or
- (6) Transfer/storage facilities.

Off-site: Located outside of the boundaries of the property that is the subject of a development application.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office of Permit Assistance (OPA): The State of California Office of Permit Assistance.

Office of Planning and Research (OPR): The State of California Office of Planning and Research.

Official Zoning Map: See Zoning Map, Official.

On-site: Located on the property that is the subject of an application for development.

On-site waiting area: Designated areas identified outside a building to contain patrons or clients to a specified area prior to entering a facility for gathering or processing information.

Open grid pavement: Pavement that is less than fifty (50) percent impervious and contains vegetation in the open cells.

Open space: An area of land which is unimproved except for landscaping or recreational facilities, and which is set aside, dedicated, designated, or reserved for public or private use or enjoyment for scenic, environmental, or recreational purposes. Open space does not include: area covered by

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buildings or accessory structures (except for recreational structures); paved areas (except for non-vehicular, pedestrian oriented hardscape spaces); proposed and existing public and private streets or driveways; or school sites.

Open space, common: Open space within a project owned, designed, and set aside for use by all occupants of the project or by occupants of a designated portion of the project. Common open space is not dedicated to the public and is owned and maintained by a private organization made up of the open space users. Common open space includes common recreation facilities, open landscaped areas, and greenbelts, but excludes pavement or driveway areas, or parkway landscaping within public or private street rights-of-way. (See Figure 12)

Open space, private: Open space directly adjoining the unit or building which is intended for the private enjoyment of the occupants of the unit or building. Private open space shall in some manner be defined such that its boundaries are evident. Private open space includes private patios or balconies, and front, rear, or side yards on a lot designed for single family detached or attached housing. (See Figure 12)

Open space, useable: Outdoor or unenclosed area on the ground or on a deck or terrace, designed and accessible for outdoor living space, recreation, pedestrian access, or landscaping but excluding streets, parking facilities, driveways, utility or service areas, or areas which due to their small size or location are not useable for open space purposes.

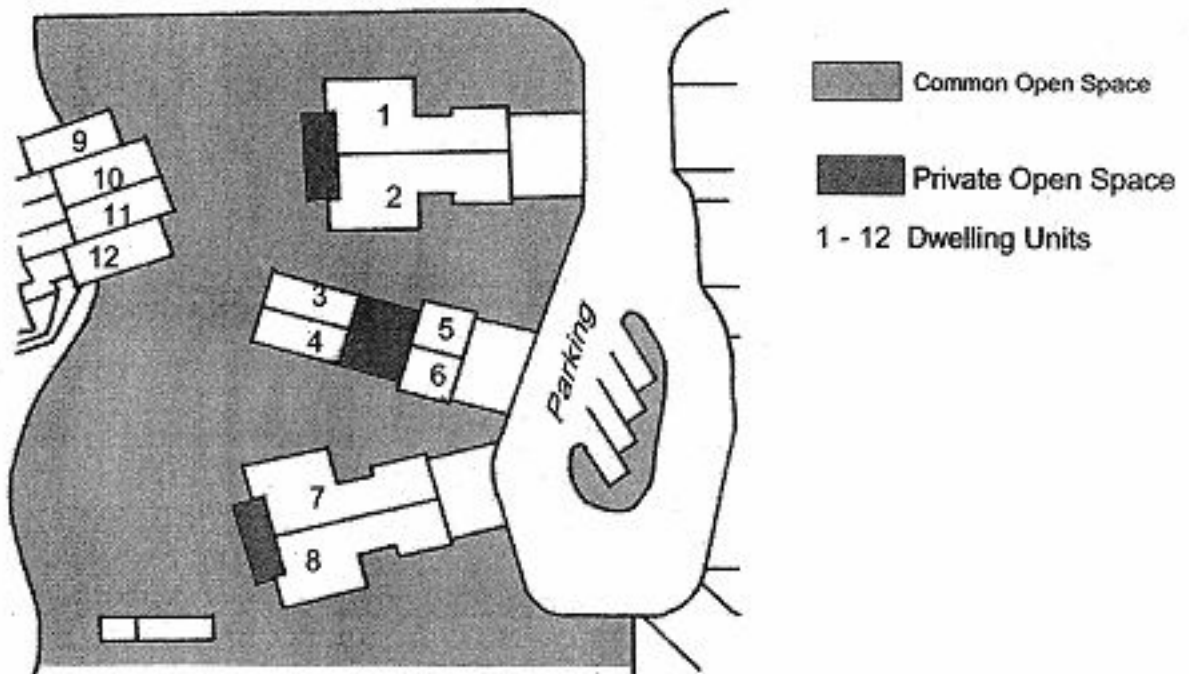


Figure 12: Types of Open Space

Ordinance: An ordinance of the City of San Juan Capistrano.

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Outbuildings: Detached accessory structures commonly developed on single family detached (SFD) lots including garages, tool sheds, cabanas, and similar types of structures. Outbuildings do not include detached secondary dwelling units, patio covers, tennis courts, or decks.

Outdoor recreational facilities: A private or public use providing facilities for outdoor recreation activities, including golf, tennis, swimming, or other outdoor sport or recreation, operated predominantly in the open but which may include clubhouses and incidental enclosed services or facilities.

Outdoor storage, permanent: The use of a premises or part of a premises not enclosed by a building that is designated and used for storage of materials or equipment on an on-going basis.

Outdoor storage, temporary: The use of a premises or part of a premises, not enclosed by a building, for the storage of materials or equipment for a designated period of time as authorized by approval of a Temporary Use Permit pursuant to Section 9-3.553 of this Land Use Code.

Overhang: The part of a roof or wall that extends beyond the façade of a lower wall.

Overhang, vehicle: The portion of a vehicle extending beyond the wheel stop or curb.

Overhead irrigation: An irrigation method that delivers water to the landscape in a spray or stream-like manner from above-ground irrigation nozzles.

Overriding Considerations: A ruling made by the lead agency in the CEQA process when the lead agency finds the importance of the project to the community outweighs potential adverse environmental impacts.

Overspray: Irrigation water that sprays beyond the area it is intended to service.

Owner: Any person appearing on the last equalized assessment roll of the County of Orange, including any part owner and joint owner.

— P —

Pad, building: That area of a lot graded relatively flat, or to a minimum slope, for the purpose of accommodating a building and related space.

Paddock: An open, fenced area with a portion of the enclosed area roofed to provide shade, used to house one or more horses.

Paragraph: A reference to a portion of a section of this Code having a separate letter or number heading. For example, “Paragraph A1 of Section 3.6.5” refers to material within the heading A1 in Section 3.6.5.

Parapet: The extension of the main wall of a building above the roof level.

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Parcel: A contiguous quantity of land in the possession of, owned by, or recorded as the property of the same person.

Parcel Map: A map, prepared by a registered civil engineer or licensed land surveyor, showing the subdivision of land into no more than four (4) lots or as otherwise allowed in accordance with the provisions of the California Subdivision Map Act and this Land Use Code, and which shows detailed information sufficient for recordation by the County Recorder.

Park: An open space area set aside and available for use by the public for recreational, educational, environmental, cultural, or scenic purposes. Parks may be public or private, with private parks set aside and available for the exclusive use by members of an association.

Parking area: Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways, and legally designated areas of streets.

Parking, covered: A permanent carport or garage that provides full overhead protection from the elements with roof coverings customarily used in building construction. Canvas, plastic, lath, and vegetation are not ordinary roof coverings and do not qualify a space, when used, as providing a covered parking space.

Parking facilities, off-site: Parking facilities, off-site, shall include any parking lot, area, or structure for the temporary storage (less than twenty-four (24) months) of motor vehicles which serve a use or uses which are located on a different legal lot of record from that of the parking facility and do not directly adjoin the lot served. Off-site parking facilities do not include parking lots or structures that are classified as “parking facilities, joint use” as provided by Section 9-3.535 Parking.

Parking facility: An area either open or enclosed within a structure or portion thereof, designed or used for the parking of motor vehicles.

Parking lot, public: An open parking facility which is not accessory to a structure or use on the same or another lot.

Parking management plan: A plan developed by a government agency, the principal aim of which is to reduce the total number of vehicles miles traveled within a region.

Parking, shared: The development and use of parking areas for joint use by more than one business.

Parking space or stall: A designated area within a parking facility designed and used for the temporary parking of one motor vehicle, not including driveways, ramps, loading or work areas.

Parkway: That portion of a street, highway, or alley right-of-way adjacent to but outside of and separate from the roadway proper, between the curb and the adjacent property line or physical boundary definition such as fences or walls, which is typically used for walkways, landscaping, and utilities. “Parkway area” shall not include median strips and shall not be designed or used for the movement of motor vehicles.

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Pasties: An article of clothing that opaquely covers every portion of the breast below the upper radius of the areola.

Patio: An open, unenclosed area, often paved, and serving as an outdoor living area, accessory to and in conjunction with a primary use, the floor of which is less than thirty (30) inches above the elevation of the adjacent ground level. A patio may be covered or uncovered but is unenclosed, meaning that at least two (2) sides of the patio are not bounded by a wall exceeding thirty-six (36) inches in height.

Patio cover: Any roof-like structure attached to another structure, or any extension of a roofline, constructed over a patio for the purpose of decoration or protection from the elements.

Patio cover, open: A patio cover which permits at least fifty (50) percent open visibility through the cover due to open construction, as with a trellis. For purposes of calculating lot coverage and floor area ratio, open patio covers are excluded from the calculation, and may encroach into the rear setback pursuant to Section 9-3.501 of this Land Use Code.

Patio sale: See Garage sale.

Peak flow, sewage: The maximum design flow to be carried by a sanitary sewer.

Peak period, traffic: 6:00 a.m. through 10:00 a.m. period of time, inclusive Monday through Friday.

Pedestrian access: A site condition that allows pedestrians to walk to buildings and services without being blocked by walls, freeways, or other barriers.

Pedestrian way: A paved right-of-way for pedestrians that is separate and protected from the traveled portion of the roadway, and free from vehicular traffic.

Permeable area: An area that allows the movement of water through the ground surface, including landscaped and open space areas as well as those areas surfaced with pervious paving materials. Permeable areas allow surface water to infiltrate into the underground water table, thereby reducing runoff, removing pollutants, and increasing groundwater recharge.

Perimeter: The boundaries or borders of a lot, tract, or parcel of land.

Permit: Any permit issued pursuant to the provisions of the Municipal Code, together with the application required for such permit, the conditions upon which such permit is issued, and the plans, specifications, reports, and approved modifications pertaining thereto.

Permittee: The person to whom a permit is issued pursuant to the provisions of the Municipal Code.

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Person: Includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Perviousness: As a measurement of paving material, the percent of the surface area of a paving material that is open and allows moisture to pass through the material and soak into the earth below the paving system.

Pet or domestic pet: See Animal, domestic.

Phase: Any continuous part or portion of a project that is developed in a sequential manner or as a unit within a specified time period.

Planning Commission: The Planning Commission of the City of San Juan Capistrano.

Pit: Any excavation, depression, or hole in the ground, natural or artificial, from which sand, gravel, rock, aggregate, clay, or similar materials are being or have been dug, mined, extracted, or quarried.

Play court: Any area having a paved or hard surface and used for recreational purposes, including but not limited to courts for tennis, racquetball, squash, badminton, or similar play. A basketball hoop adjacent to a driveway or attached to a structure is not a play court for purposes of this Land Use Code.

Preceding: A reference to a previous sentence or paragraph within the same section of this Code. For example: "...as set forth in Paragraph A, preceding."

Precise Plan or Specific Plan: A plan, adopted by City ordinance, which shows the future physical development to be implemented within a specifically defined and circumscribed area of the City. The Precise or Specific Plan will show the types of land uses to be developed on each parcel; a plan for circulation in and adjacent to the precise plan area; and written standards, regulations and policies for such items as architectural design, open spaces, preservation of existing structures, and other relevant factors. See also Comprehensive Development Plan.

Premises: A lot or building site, or a specified portion of a lot or building site, that contains the structures and the outside area necessary for the location, maintenance, and operation of the use on the property.

Previously developed sites: Sites that previously contained buildings, roadways, parking lots, or were graded or altered by direct human activities.

Pre-zoning: The process for designating, in advance of annexation, the zoning to be applicable to a site upon subsequent annexation of the site to the City of San Juan Capistrano.

Primary arterial highway: A highway that provides for through traffic circulation for a maximum capacity of 33,800 ADT. This category requires one hundred (100) feet of right-of-way.

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Primary use: The main purpose for which a structure or lot is designed, arranged, or intended, or for which either may be used, occupied, or maintained under this Land Use Code.

Principal use: A primary use that is permitted in a district without the requirement for approval of a Conditional Use Permit.

Private residence: A house, an apartment unit, a mobile home, or other similar dwelling.

Private sanitary sewer: A sanitary sewer maintained and operated by a nonpublic agency or persons joining a City (public) sanitary sewer.

Private sanitary system: A sewage disposal system that collects, treats, and disposes of sewage independent of any City (public) sewage facilities.

Processing facilities (recycling): A building or enclosed space for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, shredding, mechanical sorting, cleaning, and re-manufacturing. Processing facilities include light processing facilities and heavy processing facilities.

Processing facility, certified (recycling): A certified processing facility is a processing facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act.

Processing facility, heavy (recycling): A heavy processing facility is any processing facility other than a light processing facility.

Processing facility, light (recycling): A light processing facility is a processing facility which occupies an area of under forty-five thousand (45,000) square feet of gross collection, processing and storage area and has up to an average of two (2) outbound truck shipments per weekday. Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

Produce stand: A temporary, generally open-air, structure stationed for the sale of produce or related items.

Professional office: An office from which a lawyer, engineer, architect, or other similar professional may offer services within an approved building in a zone district allowing such uses (excluding home occupations and medical offices).

Prohibited use: A use that is not permitted in a zone district, either as a listed use or as determined to be consistent with the zoning by the Planning Director or Planning Commission.

Project: The total development within the boundaries as defined on the development plan or development application.

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Project inauguration: The point in time when construction or use of a project is deemed to have commenced, based on issuance of applicable grading and building permits, installation of internal infrastructure and foundations and the initiation of on-going ground construction. Any cessation of construction activity for over one hundred eighty (180) consecutive days shall nullify the inauguration of a project.

Project rating scale (PRS): A measuring device, composed of a number of general and specific rating criteria relating to project design, location and other characteristics, used in assigning point rating to proposed residential projects prior to the competitive evaluation of two (2) or more residential projects per the City's Residential Growth Management provisions in Section 9-2.325 Growth Management.

Projection, architectural: See Architectural projection.

Property line: A line separating parcels of real property having separate legal descriptions, or which separates a parcel from a public right-of-way.

Public buildings and facilities: Structures and uses principally of an institutional nature and serving a public need, which may include hospitals, schools, libraries, museums, post offices, police and fire stations, public utilities, municipal and special district offices, and other public services which are consistent with the General Plan land use designation for the property.

Public comment: An opportunity for the general public to comment on regulations and other proposals made by government agencies. All members of the public may submit written or oral comments at the public meeting or send your written comments to the agency prior to the decision date.

Public hearing: An open meeting for which public notice is given in advance as required by State law and this Land Use Code, and during which the public is given the opportunity to provide input for consideration by the decision maker and for the administrative record on the development proposal.

Public meeting: An open meeting for which an agenda is posted in advance, as required by State law, but for which additional notice and a public hearing are not required.

Public notice: The advertisement of a public hearing or public meeting, or of an intended action on a development proposal, in a newspaper of general circulation in the area, by posting, mailing, or otherwise as required by law, which notice indicates the time, place, project description, and name of the approval or advisory body considering the action.

Public transportation: Bus, rail, or other transportation service for the general public operating on a regular, continual basis that is publicly or privately owned.

— Q —

Qualified tree expert: A California Registered Professional Forester or an arborist certified by the Western Chapter of the International Society of Arboriculture (ISA), the California Arborist

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Association (CAA), or other nationally recognized tree research, care and preservation organization as approved by the Planning Director.

Qualifying resident (senior citizen housing): Senior citizens or other persons eligible to reside in a housing development based upon age criteria.

Quarrying: The process of removing or extracting stone, rock, or similar materials from an open excavation for financial gain.

— R —

Rain-sensing device: A system that automatically shuts off the irrigation system when it rains.

Rap studio: See “Encounter center.”

Rational method: A standard, accepted engineering procedure for determining the amount of stormwater runoff generated by a given storm over given types of land use.

R District: Generally, residential zoning districts, including the Residential/Agriculture (RA), Hillside Residential (HR), Single-Family-40,000 (RSE-40,000), Single-Family-20,000 (RSE-20,000), Single-Family-10,000 (RS-10,000), Single-Family-7,000 (RS-7,000), Single-Family-4,000 (RS-4,000), Residential Garden-7,000 (RG-7,000), Residential Garden (RG-4,000), Multiple-Family (RM), Affordable Family/Senior Housing (AF/SH), Mobilehome Park (MHP), and Mission Residential (MRD-4000) Districts.

Reciprocal parking: A parking area utilized by two (2) or more parties by mutual consent.

Reciprocal parking and access agreement: A contract between parties in which they enter into mutual agreement to provide parking and vehicular access between properties owned by each of the parties, typically used in commercial developments.

Reclaimed water: Tertiary treated effluent, suitable for use in landscaping or water features as determined by the presiding water district.

Recorder: Recorder’s office of the County of Orange.

Recreational area: Areas of active play or recreation such as sports fields, schoolyards, picnic grounds, or other areas with intense foot traffic.

Recreational vehicles: Recreational vehicles include the following:

Boat trailer: A vehicular portable structure built on a chassis designed to be used for transport of boats, floats, and rafts plus the normal equipment to transport the same on a street or highway;

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Camper: A structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping travel, recreational and vacation purposes;

Motor home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle for camping, travel, recreation, and vacation purposes;

Travel trailer: A vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses permanently identified as a travel trailer by the manufacturer.

Recreational vehicle park: Any area or tract of land, in an area zoned for recreational use, where one or more lots are rented or leased or held out for rent or

lease to owners or users of recreational vehicles, and which is occupied for a period of not more than thirty (30) days for each space.

Recyclable material: Reusable material including metals, glass, plastic, green wastes and paper, which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include toxic, noxious or hazardous materials. Recyclable material may include used motor oil.

Recycling area (areas for recycling): Space allocated for collecting and loading of recyclable materials.

Recycling facility: A center for the collection and/or the processing of recyclable materials. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or industrial use and used solely for the recycling of material generated by that tenant or owner.

Recycling facility, certified: A recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

Regularly features: As it relates to adult-oriented businesses, a regular and substantial course of conduct of the person, business or establishment making or presentations are made. This term refers to the fact that live performances which are distinguished or characterized by an emphasis upon the display of specified sexual activities or specified anatomical parts, occur six (6) times a month in any given year.

Reimbursement agreement: A legal agreement between a person and a government agency whereby the person will be repaid a certain portion of the fees paid in connection with a development or subdivision when further development occurs in the area or other specified events take place.

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Religious institution: Any building or structure, or group of buildings or structures, which are primarily used for the conducting of regular and organized religious services and church related activities, exclusive of educational institutions. See also Church.

Remediation: the process of cleaning up a contaminated site by physical, chemical or biological means. Remediation processes are typically applied to contaminated soil and groundwater.

Repair: The reconstruction, renewal, or rehabilitation of any part of an existing building, structure, or other improvement, for the purpose of its maintenance. For the purpose of defining “repair” with respect to designated historic buildings, the provisions of the Secretary of the Interior’s Standards shall apply.

Research and Development Business: A business that engages in research, or research and development, of innovative ideas in technology-intensive fields.

Residence: See dwelling.

Residential allocation schedule (RAS): The timetable used to specify the number of dwelling units in residential projects for which building permits may be issued during each of three (3) calendar years.

Residential use: The use of property or structures for human habitation, including the activities of cooking eating, sleeping, and living.

Residential care facility: See Care facility, residential and Care facility, social.

Residential density, maximum: The maximum number of residential units permitted by the City’s General Plan Land Use Element and Land Use Code at the time of application, excluding the provisions of Section 9-3.505 Affordable Housing Requirements. If the housing development is within a planned development or community overlay zone, the maximum residential density shall be determined on the basis of the General Plan and maximum density of the underlying zone.

Residential district: Generally, zoning districts for residential uses, including the Residential/Agriculture (RA), Hillside Residential (HR), Single-Family-40,000 (RSE-40,000), Single-Family-20,000 (RSE-20,000), Single-Family-10,000 (RS-10,000), Single-Family-7,000 (RS-7,000), Single-Family-4,000 (RS-4,000), Residential Garden-7,000 (RG-7,000), Residential Garden (RG-4,000), Mission District Residential-4000 (MRD-4000), Multiple-Family (RM), Affordable Family/Senior Housing (AF/SH), and Mobilehome Park (MHP) Districts, or any residential portion of a PC District as designated on an approved Comprehensive Development Plan.

Residential project: A development project that will result in the construction of new dwelling units in the City. Such projects may or may not involve the subdivision of land.

Residuals repository: A waste disposal facility specifically restricted to receiving only residuals from hazardous waste treatment facilities.

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Rest home: See Care facility, social.

Restaurant: A commercial establishment which is regularly used and open to the public for the serving of meals to guests for compensation as the primary use, and which has adequate kitchen facilities for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for the keeping of food on the premises and must comply with all applicable regulations of the Orange County Health Department. Such establishments shall include cafes, coffee shops and any other similar uses where food service is the primary use for on-site or off-site consumption. A restaurant may serve alcoholic beverages as an accessory or incidental use subject to obtaining required permits from the Department of Alcoholic Beverage Control; however, an establishment in which serving alcoholic beverages is the primary use, with service of food as a secondary or incidental use, is not considered a restaurant for zoning purposes (see Bar). The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Retail or retail sales: The sale of goods, merchandise, or commodities for consumption or use by the purchaser.

Reverse vending machine: 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 with a value not less than the containers redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three (3) container types in a portion commensurate with their relative redemption rates, and to meet the requirement of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Reverse vending machine, bulk: A reverse vending machine that is larger than fifty (50) square feet; is designed to accept more than one container at a time and pays by weight instead of container.

Reviewing authority: The person or decision-making body (Zoning Administrator, Planning Director or designee, Planning Commission, or City Council) responsible for the review and action on a development proposal or permit as authorized by this Code.

Rezone: To change the zoning classification of particular lots or parcels of land.

Right-of-way: An area or strip of land, either public or private on which a right of passage has been recorded. Thus, "right-of-way" shall include a public right-of-way, an easement, a common lot containing a private street, or other public or private right of passage consistent with this definition.

Riparian: Of, pertaining to, situated, or dwelling on the bank of a river, lake, pond, stream, or other body of water, which may be either permanent or intermittent.

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Roadway: That portion of a street, highway, or alley right-of-way designed or used for accommodating the movement of vehicles. The roadway may or may not accommodate vehicle parking.

Roofline: The top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

Room: An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways, and service porches.

Rooming house: See Boarding house.

Run with the land: A covenant restriction to the use of land contained in a deed and binding on the present and all future owners of the property.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

Rural (street): A designation placed upon public roads and arterials which requires street improvements that are commensurate with low density residential development. The rural designation may be used in combination with local, local arterial, secondary arterial, and primary arterial street classifications.

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Sale: Includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.

Sanitarium: See Care facility, social.

Sanitarium, mental: See Care facility, social.

Sanitary sewer: A conduit designed to carry sewage.

Sanitary sewer lateral: A conduit joining a sewage generating facility and a sanitary sewer.

Satellite dish: An apparatus capable of receiving communications from a transmitter relay located in planetary orbit.

Scenic highway: Any highway designated a scenic highway by an agency of the City, County, State or Federal Government.

School, public or private: Same as Educational institution.

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School, vocational, business, or trade: A facility primarily engaged in teaching useable skills that prepares students for jobs in a trade, and that meets state requirements as a vocational facility. See also educational facility, commercial.

Screening: A method of visually shielding or obscuring a structure or use, or portion thereof, from an abutting or nearby use, or from the general public, through use of solid walls, solid fences, dense living hedges, berms, or similar features, or a combination thereof.

Second hand merchandise/goods: Used common household items including clothing, personal effects, household furnishings, appliances, and office equipment and furnishings.

Second hand store: A profit or non-profit business or organization that engages in, or specializes in, the sale or resale of second hand merchandise or goods, and whose goods may be principally donated or sold on consignment. This classification does not include antique shops.

Secondary arterial highway: A highway that provides for through traffic circulation within the City. This category requires eighty-four (84) feet of right-of-way. Traffic volumes are limited to 22,500 ADT.

Secretary of the Interior's Standards: The Secretary of the Interior's Standards for the Treatment of Historic Properties (Title 36, Code of Federal Regulations, Chapter 1, Part 68, also known as 36 CFR 68).

Section: A section of this Land Use Code unless some other ordinance, code or statute is indicated.

Sedimentation: The addition of soils to water bodies by natural and human-related activities. Sedimentation decreases water quality and accelerates the aging process of lakes, rivers, and streams.

Senior citizen housing development: A housing development which has been designed to meet the physical and social needs of senior citizens as that phrase is used in California Civil Code Section 51.2 and which qualifies as housing for older persons as that phrase is used in the Federal Fair Housing Amendments Act of 1988 and implementing regulations.

Sensitive individuals: With respect to air quality, refers to those segments of the population most susceptible to poor air quality, including children, the elderly, and those with preexisting serious health problems affected by air quality.

Sensitive sites or sensitive land uses: With respect to air quality, refers to land uses where sensitive individuals are most likely to spend time, including schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities.

Service station: A structure or premises where gasoline, oil, grease, batteries, tires, automobile accessories and incidental items such as soft drinks or tobacco products are supplied and dispensed at retail. Service station activities do not include body work, straightening of frames or

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body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, nor the operation of a commercial garage as an accessory use.

Setback: The minimum required horizontal distance that a building, structure, or other designated feature must be located from the lot line; or when abutting a street, from the ultimate right-of-way; or when abutting a public or private trail or access easement, the ultimate edge of the surface easement, as shown in Figure 13.

Setback area: That area between a property line or surface easement and a line parallel thereto at a distance equal to the appropriate setback distance, as shown in Figure 13.

Setback line: That line parallel to a property line and at a distance equal to the appropriate setback distance, as shown in Figure 13, forming the boundary of a required yard and governing the placement of structures and uses on the lot.

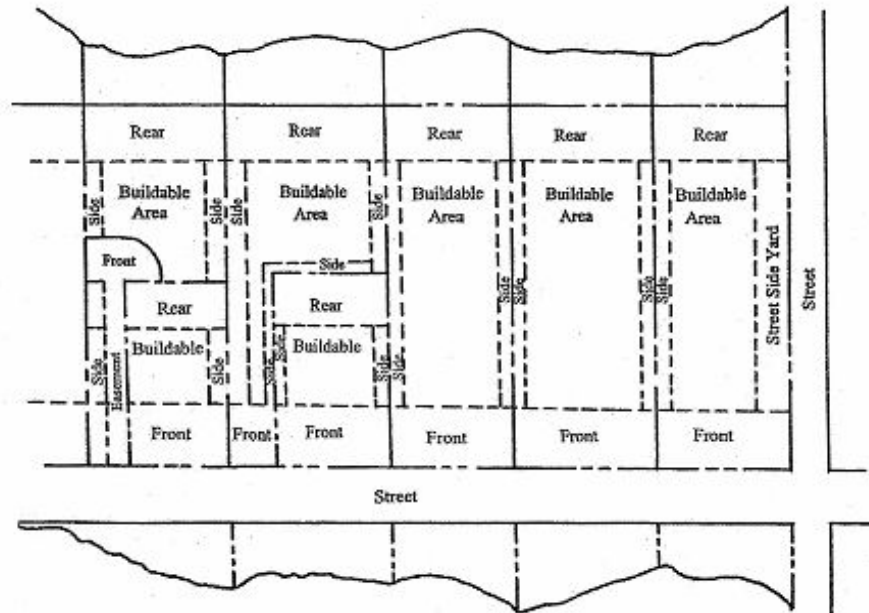


Figure 13: Setbacks and Yards

Settling basin: An area devoted to the storage of waste residue.

Sexually oriented business: See Adult-oriented business.

Sexually oriented material: Any element of sexually oriented merchandise, or any book, periodical, magazine, photograph, drawing, sculpture, motion picture film, video, or other written, oral, or visual representation or presentation which, for purposes of sexual arousal, provides depictions which are characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical parts.

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Sexually oriented merchandise: Sexually oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually oriented devices which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

Shopping center: A group of more than two (2) retail stores and service establishments designed to serve customers as a single unit with shared access and common parking.

Sidewalk: That portion of a vehicular thoroughfare not within the roadway and set apart by curbs, barriers, markings or other delineations for pedestrian travel.

Sign: Any medium of visual communication, including copy, structure, component parts, and humans which is used or intended to be used to attract attention to and identify an establishment, product, service, activity, location, convey a message, or to provide information.

Sign area: The area of the sign measured as set forth in Section 9-543(b)(7).

Sign, banner: A visual display device, with or without copy, usually rectangular in shape made of flexible material, usually cloth, paper, or plastic, that is attached to a support structure or building façade on at least two (2) sides such that display maintains its shape.

Sign, billboard: An off-site sign used for advertising purposes and whose copy or message is changed from time to time.

Sign, building-mounted: A sign affixed to or painted on a building, including awning, window, or canopy.

Sign, commercial: Any sign which is intended to attract attention to a commercial activity, business, commodity, service, entertainment or attraction sold or offered, and which is to be viewed from public streets or public parking areas.

Sign, construction: A sign containing information pertaining to a future development or ongoing construction on the site where the sign is located, including the name of the project, developer, contractor, architect, financing source, future occupant(s), and other information directly related to the development.

Sign copy: Any words, letters, numbers, designs, logos, or other symbolic representations incorporated into the face of a sign.

Sign, directional: A sign directing motorists or pedestrians to parking or building entrances or providing similar directional information.

Sign, externally illuminated: A sign which a source of light is used in order to make readable by projecting light onto or around the message or copy of the sign.

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Sign face: The exterior surface of sign, exclusive of structural supports, on which is placed the sign copy.

Sign, freestanding: A sign supported by a base, uprights, or braces placed upon or into the ground and detached from any building.

Sign, freestanding pole: A sign supported upon the ground and mounted on poles and not attached to any building.

Sign, freestanding monument: A sign that is supported by a solid base of masonry, brick, block, or wood.

Sign height: The height of a sign measured as set forth in Section 9-3.543(b)(7).

Sign, identification: A sign whose commercial copy is limited to the name, type of business, and address of the building, business, office, establishment, person, or activity.

Sign, internally illuminated: A sign that a source of light is projected through a transparent material that consists of the letters of the message or sign copy.

Sign, major tenant: A business in a multi-tenant center which occupies more than fifteen (15) percent of the net building square footage of a building or whose building area is designated as a major tenant suite by the Planning Commission as part of an approved sign program.

Sign, manipulated by an individual: A sign that is carried, spun, tossed, or otherwise handled or controlled by a person.

Sign, marquee: A building-mounted sign which is attached flush to or painted on the front of a marquee or similar architectural projection.

Sign, mobile billboard: An advertising display that is attached to a mobile, nonmotorized vehicle, device, or bicycle, that carries, pulls, or transports a sign or billboard, and is for the primary purpose of advertising.

Sign, multi-faced: A single sign having two (2) or more faces.

Sign, multiple: A sign structure to which are attached two (2) or more separate signs.

Sign, mural: An original work of art that is applied or attached to an exterior wall. A mural shall be considered a wall sign if it contains words, logos, trademarks or graphic representation of any person, product or service that identify a business.

Sign, neon: A sign of clear glass tubing to create sign copy using a neon gas as a visible illuminating light source.

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Sign, off-site: A sign referring to a person, establishment, merchandise, service, event, or entertainment which is not located, sold, produced, manufactured, provided, or furnished on the premises where the sign is located.

Sign, on-site: A sign referring to a person, establishment, merchandise, service, event, or entertainment which is located, sold, produced, manufactured, provided, or furnished on the premises where the sign is located.

Sign, pedestrian: A small sign readable primarily from the abutting sidewalk or other walkway, but generally not from the street.

Sign permit: An entitlement from the City to place or erect a sign.

Sign, portable: Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. Portable signs are designed to be moved easily and are not permanently affixed to the ground, a structure, or building, or vehicle.

Sign, projecting: A building-mounted sign where the face is not parallel to the building, but which projects out at an angle.

Sign, real estate: A sign indicating that the premises on which the sign is located are for sale, lease, or rent.

Sign, roof: A sign erected upon or above the roof eave of a building or other structure.

Sign, separated panel: A single sign composed of individual panels separated by air space between the panels.

Sign size: See definition for "Sign area."

Sign structure: The structural supports, uprights, and bracing for a sign.

Sign, temporary: A sign utilized to for an interim period.

Sign under canopy: A sign suspended beneath a projecting canopy, walkway cover, or awning ceiling; said signs are considered building-mounted.

Sign, valance: Cloth, vinyl, fabric or similar material that hangs from the edge of an awning or canopy.

Sign, wall: A sign attached to, erected against, or painted onto a wall of a building or other structure with the exposed face of the sign in a plane parallel to the wall.

Sign, window: Any written representation, emblem or other figure or similar character painted on or otherwise affixed to a window, excepting that portion of sign copy that identifies days and

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hours a business is open; any interior sign within five (5) feet of any window and visible from off the subject building site shall be considered a window sign.

Single housekeeping unit: The residents of a dwelling unit satisfy each of the following criteria:

1. The persons residing in the single housekeeping unit have established ties and familiarity and interact with each other.
2. Membership in the single housekeeping unit is fairly stable as opposed to transient or temporary.
3. The persons residing in the single housekeeping unit share meals, household activities, expenses, and responsibilities.
4. All adult residents have chosen to jointly occupy the entire premises of the dwelling unit, and they each have access to all common areas.
5. If the dwelling unit is rented, each adult resident is named on and is a party to a single written lease that gives each resident joint use and responsibility for the premises.
6. Membership of the household is determined by the residents of the unit, not by a landlord, property manager, or other third party.
7. The residential activities of the household are conducted on a nonprofit basis.
8. Residents do not have separate entrances or separate food-storage facilities, such as separate refrigerators, food-prep areas, or equipment.

Site plan: A plan, prepared to scale by a qualified professional, showing accurately and with complete dimensions the boundaries of a specific development site and the location of the improvements, existing and proposed on and off the property, that are affected by the development plan, including grading, streets, buildings and structures, uses, utilities, easements, parking, driveways, walkways, and landscaping, and the exact manner of development proposed on the site, along with information on adjacent streets and properties as may be required by the City in order to review the development plan.

Slope: An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance. See Gradient.

Slope, manufactured: A man-made slope created by grading that consists wholly of cut or filled material.

Slope steepness: The relationship (ratio) between the change in elevation (rise) and the horizontal distance (run) over which that change in elevation occurs. The percent of steepness of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by 100. (See Figure 14)

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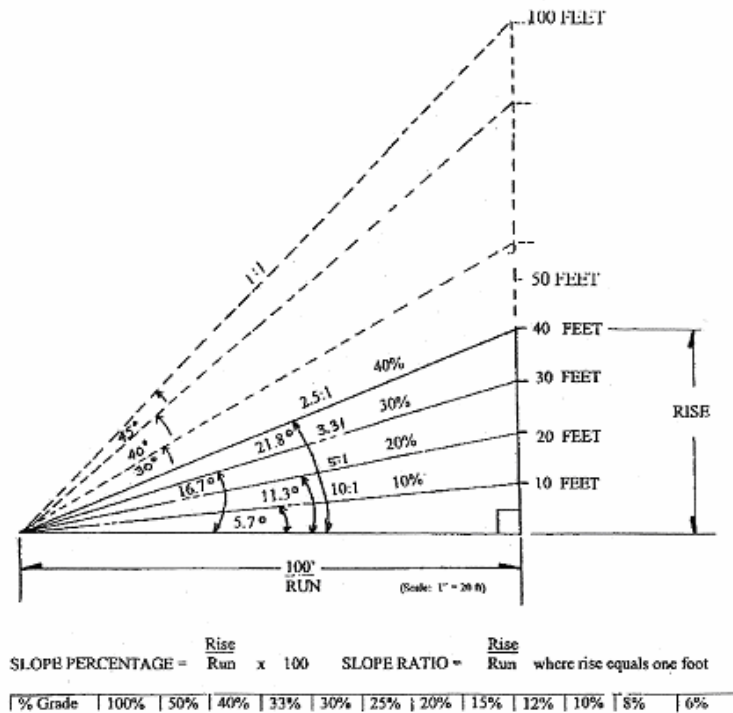


Figure 14: Slope Steepness

Social care facility: See Care facility, social.

Social or professional organization: A nonprofit association of persons, whether incorporated or unincorporated, organized for some common purpose including fraternities, sororities, lodges, political membership, veterans, civic, social, and similar organizations, but not including a group organized primarily to render a service customarily carried on as a business.

Solid fill: Any non-combustible materials, insoluble in water, such as soil, rock, sand, or gravel, which can be used for grading land or filling depressions.

Solid waste facility (SWF): A Class III sanitary public solid waste landfill designed and operated for the long-term disposal of solid waste which is subject to review and issuance of a solid waste facilities permit (SWFP) from the California Integrated Waste Management Board and which is operated pursuant to the California Code of Regulations (CCR). Solid waste facilities shall not include any facility designed and operated for the management or long-term disposal of any hazardous substances as defined in Section 25117 of the California Code of Regulation (CCR), Health and Safety Code.

Special activity: An outdoor temporary use or group of related outdoor temporary uses of limited duration that is not regularly conducted on a site as a normal, ongoing component of the primary land use occupying the site, as allowed by a special activities permit pursuant to Section 9-3.547 of this Code.

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Specialty food store: A retail establishment offering sale of packaged and prepared food products to a specific segment of consumers, including, but not limited to, meat markets, health food stores, or ethnic food stores carrying solely those items that are the customary fare of a particular culture. A specialty food store may also include a full service food market containing less than five thousand (5,000) square feet of gross floor area wherein at least ten (10) percent of the gross floor area is utilized for the sale of fresh meat, seafood, and fresh produce.

Specific Plan: A plan consisting of text, maps, and other documents and exhibits regulating development within a defined area of the City, consistent with the General Plan and the provisions of Government Code Section 65450 et seq. See “Comprehensive development plan.”

Specified anatomical parts: Any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities: Any of the following:

- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory function in the context of a sexual relationship, any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerastia;
- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
- (3) Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
- (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (6) Erotic or lewd touching, fondling or other sexually oriented contact with a human or an animal by a human being;
- (7) Human excretion, urination, menstruation, vaginal or anal irrigation; or
- (8) The removal of clothing to the point where specified anatomical parts are either not opaquely covered or minimally covered with devices commonly referred to as pasties and G-strings or equivalent clothing.

Sphere of influence: The ultimate physical boundary and service limits of the City as approved by the Orange County Local Agency Formation Commission.

Sprinkler head: A device that sprays water through a nozzle.

Stable, commercial: Any place where horses or other equine are kept, housed, boarded, lodged, fed, hired, trained, sold, rented, or bred for monetary compensation.

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Stable, noncommercial: Any place where horses or other equine are kept for the use and enjoyment of the occupants of the premises, or a noncommercial facility for the use of a private homeowner association.

State: The State of California.

Stationary sources: Non-mobile sources of air pollution, such as power plants, refineries, and manufacturing facilities.

Stock cooperative project: A project wherein a corporation is formed or utilized primarily for the purpose of holding title to an apartment project, if all or substantially all, of the shareholders of such corporation receive a right of exclusive occupancy in a dwelling unit in the apartment project, title to which is held by the corporation. The right of occupancy is transferable only concurrently with the transfer of shares of stock in the corporation held by the person having such right of occupancy. For the purpose of this Title, stock cooperative projects are subject to the same restrictions and conditions as condominium conversion projects.

Stockpile: The temporary placement or storage of inert materials, including, but not limited to, rock, sand, gravel, and soil. No stockpile shall contain biological material, such as green waste, trash, composted material, bio-solid material or sludge.

Storage facility, personal: A building or group of buildings in a controlled access compound that contains varying sizes of individual, departmentalized, and controlled access stalls or lockers for the storage of customers' goods.

Storm drain: A conduit designed to carry storm-water runoff.

Stormwater runoff: Water volumes that are created during precipitation events and flow over surfaces into sewer system or receiving waters. All precipitation waters that leave project site boundaries on the surface are considered to be stormwater runoff volumes.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the top floor and the ceiling or roof above, as shown in Figure 1. If the space between the upper surface of the top floor and the roof above is designed for habitation, then it is considered a story. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade, such usable or unused under-floor space shall be considered as a story.

Story, first: The lowest story in a building that qualifies as a story as defined herein, or as determined pursuant to the California Building Code.

Street: Any public or private highway, road, or thoroughfare that affords the primary means of access to abutting property, including all right-of-way.

Street frontage: See Frontage, street or highway.

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Street, private: A street that is not dedicated for public right-of-way.

Street, public: A street: (1) the right-of-way for which has been dedicated to and accepted by the City for public use; or (2) an easement for which has been granted to the City for public use.

Structure: Anything constructed or erected requiring a fixed location on the ground or attached to something having a fixed location on the ground, including an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision: The division of any improved or unimproved land, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease, or financing, whether immediate or future. Parcels of property shall be considered as contiguous units even if they are separated by roads, streets, utility easements, or railroad rights-of-way. "Subdivision" includes a condominium project as defined in Section 1350 of the Civil Code, a community apartment project as defined in Section 1351 of the Civil Code of the State, or the conversion of five (5) or more existing dwelling units to a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a subdivision for purposes of computing the number of parcels.

Subdivision, land sale: Subdivisions in which one or more residential lots are sold by the subdivider to another party prior to home construction on the lot.

Subdivision Map Act: The Subdivision Map Act of the State of California (California Government Code Sections 66510-66499.58, as may be amended from time to time).

Subsection: A portion of a Section of this Land Use Code designated by the Section number followed by the applicable Paragraph within the Section. For example: ".as set forth in Subsection 3.6.21-A1."

Supportive housing: Defined as "supportive housing" in subdivision (b)(2) of Section 50675.14 of the California Health and Safety Code: Housing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Supportive housing facility: Areas or facilities within the City that include supportive housing, transitional housing, emergency homeless shelters, and/or accommodate a year-round emergency homeless shelter.

Surety device: A financial obligation whereby the City has direct access to funds deposited by a developer to insure a specific action.

Swimming pool: A man-made body of water having a depth in excess of eighteen (18) inches, designed, constructed and used for swimming, dipping or immersion purposes by humans.

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Target unit: A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low or lower income households or qualifying residents so as to qualify for development incentives pursuant to Section 9-3.505 Affordable Housing Requirements.

Temporary structure: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary use: A use established for a specified period of time pursuant to Section 9-2.347 of this Code, with the intent to discontinue the use at the end of the designated time period.

Temporary Use Permit: A permit issued by the City authorizing a temporary use pursuant to Section 9-2.347 of this Code.

Tenant or occupant: when applied to a building or land, any person who occupies the whole or a part of such building or land, whether alone or with others.

Tentative Tract Map: A map, prepared by a registered civil engineer or licensed land surveyor, showing the subdivision of land into five (5) or more lots in accordance with the provisions of the California Subdivision Map Act and this Land Use Code, and which shows detailed information sufficient for recordation by the County Recorder.

Terrace, slope: That level portion of a manufactured slope.

Tertiary treatment: The highest form of wastewater treatment that includes the removal of nutrients, organic and solid material, along with biological or chemical polishing.

Theater: A premises used for giving dramatic performances or for showing motion pictures, with all functions and facilities contained within a building unless a drive-in theater is specified.

Threatened species: An animal or plant species that is likely to become endangered within the foreseeable future, as defined by the federal Endangered Species Act or California Endangered Species Act.

Thrift store: See Second hand store.

Topping: The practice of cutting back the uppermost portion of the canopy, main trunk or large diameter branches of a tree so as to substantially reduce the overall size of the tree area, in a manner that does not maintain the structural integrity or health of the tree.

Town Center (TC) District: Areas generally in the core of the former Historic Town Center for the purpose of being the cultural, shopping, entertainment and civic core of the City.

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Town Center Edge (TCE) District: Areas along Avenida Del Obispo and to the east boundary of the Historic Town Center area, which serves as the transition from the more intense Downtown to adjacent neighborhoods and corridor retail gaining access from Avenida Del Obispo.

Townhouse: A dwelling unit occupying its own lot but which is physically attached to at least one other dwelling unit, such that each owner owns the unit structure and the land on which the unit is located or an exclusive easement for it, plus a common interest in the land upon which the building is located.

Trail access, equestrian: Access to an equestrian trail from a given lot or other property either directly or by means of private streets or easements.

Trail, equestrian: A right-of-way or easement, public or private, designated for the riding of horses. Such trails may also include pedestrian use (hiking trails) and off-road non-motorized bicycle use.

Trail, feeder: An equestrian trail or bikeway not indicated on the City's General Plan, but which connects to, directly or indirectly, such a General Plan equestrian trail or bikeway.

Trailer: A vehicle designed for carrying persons or property on its own structure and capable of being drawn by a motor vehicle.

Trailer, miscellaneous: A trailer that is used for the transport of miscellaneous materials and vehicles.

Trailer, travel: See "recreation vehicle."

Transitional housing facility: A facility that provides temporary residential accommodations for a specified period of time, counseling services, and other support services for seven (7) or more individuals, in order to prepare families and individuals for independent living, and as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code: Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. This term does not include homeless shelters or congregate meal facilities.

Transportation Demand Management (TDM): Any technique or method that has been demonstrated as being successful in reducing the demand for travel or vehicle miles traveled (VMT). Recognized TDM methods include carpooling, transit (rail or bus), telecommuting, alternative work weeks, and similar techniques.

Transportation Management Association (TMA): A group of two (2) or more employers established under conditions, covenants, and restrictions provisions to provide a comprehensive and coordinated trip reduction program.

Tree: A self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated crown with many branches. For purposes of this

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Code, “tree” shall include only those trees with a trunk of six (6) inches or greater diameter at breast height (DBH) above existing grade. See also Diameter at breast height (DBH).

Tree, base of: The portion of the tree trunk that meets the ground.

Tree, coniferous: Any tree with needle leaves and a woody cone fruit.

Tree crown: The above-ground parts of a tree consisting of the branches, stems, buds, fruits, and leaves.

Tree, deciduous: A woody plant with broad flat leaves, as opposed to needles, which at its maturity is at least fifteen (15) feet in height, having a defined crown, and which sheds its leaves annually.

Tree, diseased: A tree that is irretrievably diseased or infested with insects or other organisms such that no available treatment can arrest or correct the disease or infestation, as determined by a qualified tree expert.

Tree dripline: An imaginary vertical line extending from the outermost portion of the tree crown to the ground. In cases of asymmetrical tree crowns, the widest portion of the crown shall be used as the radius extending the full circumference of the tree trunk.

Tree harvesting, beneficial: The removal, prior to development of a site, of those trees which have been determined by a qualified tree expert not to be viable over the long term because of over-maturity, insect or disease infestation, a need for thinning to enhance viability of remaining trees, structural defects, trees with dead tops and/or numerous dead limbs, trees that are leaning, trees with deformities such as major forking, swelling and crooks, and other similar conditions.

Tree, heritage: A tree that merits special protection measures due to its size and type. A tree shall be deemed a heritage tree and shall be protected from removal when such tree has a trunk diameter at breast height (dbh) of thirty-six (36) inches or greater, and is a specimen of the following species: *Schinus molle* (California pepper); *Quercus* spp. (oak); *Cedar* spp. (cedar); *Eucalyptus globulus* (blue gum eucalyptus); *Juglans* spp. (walnut); *Olea europaea* (olive); *Platanus* spp. (sycamore); *Populus* spp. (cottonwood); or as otherwise designated by the Planning Commission based on the tree’s unique and intrinsic value to the community because of its size, age, historic association or ecological value.

Tree protection devices, permanent: Permanent structures such as retaining walls or aeration devices that are designed to protect a tree and its root system throughout its lifetime.

Tree protection devices, temporary: Non-permanent measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.

Trees, significant stand of: A cluster of trees located on a property so as to create a visually prominent element on the site by virtue of the number, size, and type of trees in relation to the site and to the pattern of vegetation and development in the vicinity.

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Trimmed, severely: The cutting of the branches and/or trunk of a tree in a manner more extreme than allowed by Section 9-3.557 Tree Preservation which will substantially reduce the overall size of the tree area so as to destroy the existing symmetrical appearance or natural shape of the tree in a manner which results in the removal of main lateral branches leaving the trunk of the tree in a stub appearance.

Turf: A mat layer of monocotyledonous plants with shallow rooting structures requiring frequent watering during the growing season, including both cool and warm season grasses such as blue, rye, fescue, bent, bermuda, kikuyu, St. Augustine, zoysia, and buffalo.

— U —

Upper slope: In relation to terraces on manufactured slopes, the upper slope shall be that portion of the slope above the terrace.

Use: The purpose for which land or structures are arranged, designed or intended, or for which either land or structures are, or may be, utilized, occupied or maintained. "Use" includes construction, establishment, maintenance, alteration, moving onto, enlargement, operation, or occupancy.

Use, accessory: See "Accessory use."

Use, conditional: See "Conditional use."

Use, non-conforming: See "Nonconforming use."

Use permit, conditional: See "Conditional use permit."

Use, primary: See "Primary use."

Use, principal: See "Principal use."

Use, temporary: See "Temporary use."

Used: The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.

— V —

Value, building or improvement: The cash value of a building or improvement as determined by the Building Official or City Engineer in accordance with the building regulations adopted by the City.

Values: Attributes and characteristics regarded by a community as having ultimate importance, significance, or worth. Community values encompass the natural and built environment, its social structure, people and institutions. The term often refers to a set of principles, standards, or beliefs concerning the elements of the community that are of ultimate importance.

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Valve: A device used to control the flow of a liquid or product in a controlled system.

Variance: A modification of any specific provision of this Land Use Code, granted by the City, after a public hearing, in accordance with applicable Sections of this Land Use Code, for the purpose of assuring that no property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Vehicle: A device with wheels capable of moving or being moved along the ground or on pavement, except a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

Vehicle, commercial: A vehicle customarily used as part of a business for the transportation of goods or people.

Vehicle sight area: The area established at street intersections and driveways, in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Vehicle queuing area: An area for temporary stopping of motor vehicles in a line while awaiting service, such as provided at a drive-through business.

Very low income household: Households whose income does not exceed the very low income limits applicable to Orange County as published and periodically updated by the State Department of Housing and Community Development pursuant to the California Health and Safety Code. See also Income-qualified households.

Veterinary clinic, small animal: Any facility providing medical or surgical treatment, clipping, bathing, and similar services to dogs, cats, and other small animals, but excluding boarding or the keeping of animals on the premises other than those requiring emergency treatment or those recovering from medical procedures.

Vision: Part of the process of planning a community that involves residents looking into the future, thinking creatively and establishing what they want their community to be in a twenty (20) to fifty (50) year planning horizon. A vision describes an ideal picture and guides goal-setting, policies and actions by helping to understand community concerns, prioritize issues, determine necessary actions and identify indicators to measure progress.

— W —

Walkable: Streets and places designed or reconstructed to provide safe and comfortable facilities for pedestrians, which are accessible for people of all ages and abilities. An element of Smart Growth, walkable streets and neighborhoods are typically associated with mixed uses and pedestrian-scale street and building designs, including separation from passing traffic, pedestrian-scaled lighting, well-marked crossings, protection from the elements, direct connections to destinations in a relatively compact area, benches and seating areas, plazas and gathering places, and visually interesting design elements.

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Warehouse or storage and distribution building: A building primarily used for the storage of equipment, building materials, lumber, furniture, manufactured goods, wholesale products, and similar types of materials or finished products, including, but not limited to, wholesale distribution facilities, and moving and transfer storage; except that these terms do not include personal storage facilities or bulk storage of materials which are flammable, explosive, or which create hazardous or commonly recognized offensive conditions.

Water, non-potable: Water that is not suitable for human consumption without treatment that meets or exceeds EPA drinking water standards.

Water, potable: Water suitable for drinking and supplied from wells or municipal water systems.

Watercourse: As related to flood control, a river, creek, stream, wash, arroyo, channel, swale, or other topographic feature on or over which water flows at least periodically. This definition shall include specifically designated areas in which flooding may occur.

Way: Please refer to Figure 4-8.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by Federal and State statutes.

Wetland vegetation: Plants that require saturated soils to survive, as well as certain tree and other plant species that can tolerate prolonged wet soil conditions, as defined by Federal and State statutes.

Wholesale or wholesale business: The sale of goods, merchandise, or commodities to another individual or firm for the purpose of resale, usually in large quantities and at lower prices, rather than directly to the consumer; or a sale of product for which the purchaser pays no sales tax.

Winery: A commercial establishment that conducts the retail sale of wine (with alcohol content as defined by State or Federal law) that is manufactured on the premises for on-site or off-site consumption in compliance with applicable State and Federal laws, with no food service or food service as a secondary or incidental use. The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Winetasting room: A commercial establishment that conducts the tasting and retail sale of wine (with alcohol content as defined by State or Federal law) for on-site or off-site consumption in compliance with applicable State and Federal laws. Such establishments have no food service or food service as a secondary or incidental use. The inclusion of live entertainment is subject to the use requirements of the district in which the establishment is located.

Wireless communication facility: Any facility, other than a ham radio or satellite dish antennas, that contains one or more antennas that are components of a communications network that benefits the general public, government, and/or business community.

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Workforce housing: Housing that is affordable to persons in the labor force. See Income-qualified households and Affordable housing.

Worksite: A building, grouping of buildings, or property which are in actual physical contact or separated solely by a private or public roadway/right-of-way, and which are owned or operated by the same employer or by employers under common control.

— Y —

Yard: An open space on a lot or parcel of land, other than a courtyard, which is unoccupied and unobstructed from the ground upward except for permitted projections as otherwise provided in this Code. (See Figure 15)



Figure 15: Yards

Yard, front: A yard extending across the full width of any building site between the side lot lines, and measured between the front lot line and the nearest line of any building. However, if any road easement or official ultimate right-of-way line has been established for the street upon which the site fronts, the front yard shall be measured instead from such easement or ultimate right-of-way line to the nearest line of any building. On corner lots, the shortest street frontage shall be the front yard in residential land use districts, while the longest street frontage shall be the front yard in commercial/industrial land use districts, except as otherwise determined by the Planning Director based upon development patterns in the vicinity of the site or other site characteristics. (See Figure 15)

Yard, rear: A yard extending across the full width of any building site between the side lot lines, and measured between the rear lot line and the nearest line of any building. (See Figure 15)

Yard, side: A yard extending between the front yard and the rear yard of any lot and measured between the side lot line and the nearest line of any building opposite said lot line. (See Figure 15)

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Yard sale: See Garage sale.

Year: Three hundred sixty-five (365) days, or a calendar year.

— Z —

Zero lot line: The location of a structure on a lot in such a manner that one or more of the structure's sides rest directly on a lot line.

Zoning District: See Base district or base zoning district.

Zoning Map, Official: A map that graphically depicts all zoning district boundaries and classifications within the City of San Juan Capistrano, as adopted by ordinance by the City Council. Designated official map or maps which show the location and boundaries of the Districts established by this Code and are referred to as the "Official Zoning Map" are incorporated as a part of this Code. The said "Official Zoning Map" together with everything shown thereon and all amendments thereto, are as much a part of this Code as if fully set forth and described in context.

Zoning ordinance: See Land Use Code.

(Ord. No. 960, § 1, 2009; Ord. No. 971, § 7, 2010; Ord. No. 973, § 5, 2010; Ord. No. 994, § 1, 2012; Ord. No. 995, § 2.a., 2012; Ord. No. 1028, § 3, 2016; Ord. No. 1038, § 3, 2016; Ord. No. 1042, § 20, 2017; Ord. No. 1046, §§ 5—7, 2017; Ord. No. 1065, § 5, 2019; Ord. No. 1076, § 16, 2020; Ord. No. 1082, § 5, 2021)