

**CITY OF ESCALON
CITY COUNCIL
ORDINANCE NO. 606**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCALON AMENDING
TITLE 17 OF THE CITY OF ESCALON MUNICIPAL CODE TO IMPLEMENT THE
ESCALON HOUSING ELEMENT INCLUDING ADOPTION OF AN OVERLAY ZONE
TO ALLOW HOUSING ON RELIGIOUS INSTITUTION SITES, AND TO MAKE
CHANGES TO THE ACCESSORY DWELLING UNIT SECTION, THE DENSITY
BONUS SECTION, THE LIST OF PERMITTED USES, THE DEFINITIONS, AND THE
PARKING SECTION TO IMPLEMENT STATE LAWS**

WHEREAS, the City of Escalon, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City’s regional housing need allocation (“RHNA”); and

WHEREAS, to comply with State Housing Element Law, the City of Escalon is pursuing adoption of its 2023-2031 Housing Element Update; and

WHEREAS, the Housing Element includes a schedule of actions to implement adopted policies and programs to address the City’s housing needs; and

WHEREAS, the proposed amendments would implement the schedule of actions included in the Housing Element and amend the municipal code to comply with State Housing Law, including compliance with Accessory Dwelling Unit (ADU) law, State Density Bonus Law (SDBL), and allowing by-right development on certain identified Housing Element sites; and

WHEREAS, the statutory deadline for the City to adopt its 2023-2031 Housing Element Update was December 31, 2023; and

WHEREAS, the City did not adopt a compliant Housing Element within 120 days of the statutory deadline, therefore, pursuant to Assembly Bill 1398, the deadline for the City to complete any rezoning to accommodate the regional housing needs allocation (RHNA) was one year after the statutory deadline to adopt a compliant Housing Element; and

WHEREAS, pursuant to State Housing Element Law (Government Code Sections 65580 et seq.) the City’s Housing Element will remain out of compliance until all necessary rezoning has been completed; and

WHEREAS, facilitating housing development and supporting affordable and accessible housing are identified as goals of the City of Escalon in the 2023-2031 Housing Element; and

WHEREAS, Programs 2-1 and 4-3 of the 2023-2031 Housing Element identify code amendments intended to support the aforementioned goals; and

WHEREAS, on July 14, 2026, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, on August 10, 2026, the City Council held a duly-noticed public hearing to consider the Ordinance, including: (1) the public testimony and agenda reports prepared in connection with the Ordinance, (2) the policy considerations discussed therein, and (3) the consideration and recommendation by the City's Planning Commission; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Escalon does ordain as follows:

SECTION 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Under the California Environmental Quality Act ("CEQA"), further review is not required for adoption of an ordinance by a city implementing a schedule of actions contained within a certified housing element. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements State Housing Element Law.

SECTION 3. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code Section 66314(c).

SECTION 4. Code Amendments. Title 17 of the Escalon Municipal Code is hereby amended as follows:

1. The Land Use Table in Section 17.11.040 (List of Permitted Uses and Uses Permitted by Conditional Use Permit) is amended to add "Supportive housing" and "Low Barrier Navigation Centers" as permitted uses in the R-3, C-2, and C-M zones; "Emergency shelters" as a permitted use in the R-3 zone, as provided in the attached **Exhibit A**.
2. Title 17 (Zoning) is amended to add a new Chapter 17.33 to establish the Religious Institution Overlay (RIO) District and establish standards for residential projects proposed within the district, and the Zoning Map is amended to apply the RIO District designation to three identified sites, as provided in the attached **Exhibit G**.

3. Section 17.41.140 (Accessory Dwelling Units) is amended to allow JADUs within all single-family dwellings and ensure ADU/JADU requirements comply with State law, as provided in the attached **Exhibit C**.
4. Chapter 17.43 (Parking) is amended to use the maximum parking requirements established in Government Code Section 65915 for all multifamily projects and create a parking requirements table; establish parking requirements for emergency shelters in compliance with Government Code Section 65583; allow separate rental or sale of parking spaces and residential units (unbundled parking); and establish parking standards for residential developments subject to the provisions of the Religious Institution Overlay District, as provided in the attached **Exhibit E**.
5. Chapter 17.48 (Density Bonus) is amended to reflect updates to State law, as provided in the attached **Exhibit D**.
6. Chapter 17.81 (Definitions) is amended to add or amend the following definitions in their alphabetical orders, as provided in the attached **Exhibit B**:
 - a. Employee Housing
 - b. Family
 - c. Low Barrier Navigation Center
 - d. Supportive Housing
7. Section 17.11.040 (List of Permitted Uses and Uses Permitted by Conditional Use Permit) is amended to add “Personal Use Residential Food Gardening” as a permitted accessory use in zoning districts, as provided in the attached **Exhibit A**. “Personal use residential food gardening, including in-ground gardens, raised beds, planter boxes, and edible landscaping, is permitted as an accessory use to any lawful development.”

SECTION 5. Effective Date. This Ordinance takes effect 30 days after its adoption.

SECTION 6. Publication. The City Clerk is directed to certify the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 7. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at Escalon City Hall.

SECTION 8. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Escalon, California, at a meeting of the City Council held on the 17th day of August, 2026 by the following vote:

AYES: MAYOR ANDREW HAGAN, MAYOR PRO TEM MALINDA WALKER, COUNCILMEMBERS JEREMY ENGLE, SHAWN STROHMAN AND JEFF KAY

NOES:

ABSENT:

ABSTAIN:



ANDREW HAGAN, Mayor

ATTEST:



DIANA TREJO, Deputy City Clerk

Chapter 17.11 is amended to read as follows:

LIST OF PERMITTED USES

AND USES PERMITTED BY CONDITIONAL USE PERMIT

Sections:

17.11.010 Purpose.

17.11.020 Clarification of ambiguity.

17.11.030 Other uses.

17.11.040 List of permitted uses and uses permitted by conditional use permit by zoning district.

17.11.010 Purpose.

The chart incorporated into this chapter is to be used in determining what uses are permitted and what uses are permitted only upon approval of a conditional use permit. (Ord. 571 § 3, 2018; Ord. 495 § 1, 2005)

17.11.020 Clarification of ambiguity.

If ambiguity arises concerning the compatibility of a particular use within the meaning and purpose of this title, it shall be the duty of the city planner to interpret this title in light of all pertinent facts. (Ord. 571 § 3, 2018; Ord. 495 § 1, 2005)

17.11.030 Other uses.

The planning commission shall have the authority to determine other uses to be similar in nature to the permitted or conditional uses specified in EMC 17.11.040 when requested by the city planner. (Ord. 571 § 3, 2018; Ord. 495 § 1, 2005)

17.11.040 List of permitted uses and uses permitted by conditional use permit by zoning district.

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Residential Uses											
Accessory buildings and uses	P	P	P	P	N	N	N	N	N	N	N
Boardinghouse	N	N	N	C	C	C	N	N	N	N	N
Home occupation/business/office	P	P	P	P	P	P	P	P	P	N	N
Manufactured structure (residential)	P1	P1	P1	P6	P2	P2	P2	N	N	N	N
Mobile home park	N	N	N	C	C	N	N	N	N	N	N
Multiple-family dwellings	N	N	N	P	C2, 4	P5	C2, 4	N	N	N	N

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Residential condominium	N	N	P	P	C2, 4	P5	C2, 4	N	N	N	N
Accessory dwelling unit	P	P	P	P	P	P	P	N	N	N	N
Single-family dwellings on existing lots less than 6,000 square feet	N	P	P	P	N	N	N	N	N	N	N
Single-family dwelling	P	P	P	P6	P2	P2	P2	N	N	N	N
Two-family dwellings	N	N	P	P	P2	P2	P2	N	N	N	N
Two-family dwelling on corner lot where entrances front on opposite streets	P	P	P	P	N	N	N	N	N	N	N
Supportive housing	N	N	N	P	N	P	P	N	N	N	N
Low Barrier Navigation Centers	N	N	N	P	N	P	P	N	N	N	N
Model home centers	C	C	C	C	C	C	C	N	N	N	N
Garage sales	P	P	P	P	T	T	T	T	T	N	N
Emergency shelters	N	N	N	EP	N	N	C	P7	P7	N	N
Personal Use Residential Food Gardening	P	P	P	P	P	P	P	P	P	P	P
Employee housing	P	P	P	P6	P2	P2	P2	N	N	N	N
Supportive housing	Permitted subject to the same requirements and standards as residential uses of the same type (e.g., single-family dwelling, multiple-family dwellings, etc.).										
Transitional housing	Permitted subject to the same requirements and standards as residential uses of the same type (e.g., single-family dwelling, multiple-family dwellings, etc.).										
Community Service											
Art, dance, music or craft studios/school	N	N	N	N	P	P	P	C	C	N	N

[illegible]

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Antiques	N	N	N	N	P	P	P	N	N	N	N
Commercial recreation and amusement establishment	N	N	N	N	C	C	C	C	C	C	N
Christmas tree lots/pumpkin sales	N	N	N	N	T	T	T	T	T	C	N
Financial institutions	N	N	N	N	P	P	P	N	N	N	N
Hotel	N	N	N	N	N	C	C	N	N	N	N
Motel	N	N	N	N	N	C	C	N	N	N	N
Outdoor entertainment, only in conjunction with another approved use	N	N	N	N	N	C	C	N	N	P	P
Personal service	N	N	N	N	P	P	P	P	N	N	N
Restaurant, 41 seats or more	N	N	N	N	C	C	C	C	C	N	N
Restaurant, limited to up to 40 seats	N	N	N	N	P	P	P	P	P	N	N
Restaurant, fast food	N	N	N	N	C	C	C	C	C	N	N
Retail sales, new	N	N	N	N	P	P	P	N	N	N	N
Retail sales, used	N	N	N	N	N	P	P	N	N	N	N
Sale of alcoholic beverages for consumption off premises	N	N	N	N	P	P	P	N	N	N	N
Sale of alcoholic beverages for consumption on premises as part of restaurant	N	N	N	N	P	P	P	C	C	N	N
Sale of alcoholic beverages for consumption on premises without food service (bar/nightclub)	N	N	N	N	N	C	C	C	N	N	N
Shopping center	N	N	N	N	C	C	C	N	N	N	N
Supermarket/grocery	N	N	N	N	P	P	C	C	N	N	N

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Theater	N	N	N	N	C	C	C	C	N	N	N
Video/movie/music rental	N	N	N	N	P	P	P	P	N	N	N
Services											
Ambulance	N	N	N	N	N	C	C	P	P	N	N
Appliance repair, small	N	N	N	N	N	P	P	P	P	N	N
Carpet, furniture cleaning	N	N	N	N	N	P	P	P	P	N	N
Equipment, vehicle, light/heavy, truck or trailer rental	N	N	N	N	N	C11	P	P	P	N	N
Laundromat, self-service for public	N	N	N	N	P	P	P	P	P	N	N
Laundry/dry cleaning	N	N	N	N	N	P	P	P	P	N	N
Mini-storage	N	N	N	N	N	C	C	P	P	N	N
Photography studio	N	N	N	N	P	P	P	N	N	N	N
Temporary structures for use during construction	P	P	P	P	P	P	P	P	P	N	N
Office Uses											
Business or professional	N	N	C	C	P	P	P	P	P	N	N
Medical, etc.	N	N	C	C	P	P	P	N	N	N	N
Industrial Uses											
Agricultural services, except those that produce noxious odors	N	N	N	N	N	N	P	P	P	N	N

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Building material sales and/or storage	N	N	N	N	N	N	C	P	P	N	N
Contracting	N	N	N	N	N	C10	P	P	P	N	N
Food processing, including dairy products, poultry and small game	N	N	N	N	N	N	N	C	P	N	N
Industry, general: uses such as major manufacturing, major assembly	N	N	N	N	N	N	N	N	P	N	N
Industry, limited: uses such as equipment repair, limited manufacturing, machinery repair, paint supplies, janitorial services	N	N	N	N	N	C	P	P	P	N	N
Laboratory, research facility	N	N	N	N	N	N	P	P	P	N	N
Maintenance and repair facility	N	N	N	N	N	N	N	P	P	N	P
Outdoor storage	N	N	N	N	N	N	C	P	P	N	N
Plant nurseries	N	N	N	N	P	P	P	P	P	N	N
Warehousing	N	N	N	N	N	N	P	P	P	N	N
Wholesale activities	N	N	N	N	N	N	P	P	P	N	N
Automobile Related											
Alternating use of off-street parking spaces	N	N	N	N	C	C	C	C	C	N	N
Car wash	N	N	N	N	N	C	P	P	P	N	N
Farm equipment sales and service	N	N	N	N	N	C	P	P	P	N	N
Marine and boat sales and service	N	N	N	N	N	C	C	P	P	N	N
Motor vehicle body repair and painting	N	N	N	N	N	C	C	C	N	N	N
Motor vehicle repair and service (garage), major	N	N	N	N	N	C	N	P	P	N	N

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Motor vehicle repair and service (garage), minor	N	N	N	N	N	C	P	P	P	N	N
Motor vehicle sales, service and related activities	N	N	N	N	N	C	C	C	N	N	N
Motor vehicle tires and accessories	N	N	N	N	N	C	P	P	N	N	N
Recreational vehicle and equipment storage yard	N	N	N	N	N	C	P	P	P	N	P
Recreational vehicle sales and service	N	N	N	N	N	C	P	P	P	N	N
Recycling facility, light, drop-off	N	N	N	N	N	C	P	P	P	N	C
Recycling facility, processing, drop-off	N	N	N	N	N	N	N	N	P	N	C
Service station	N	N	N	N	P	P	P	P	P	N	N
Truck terminal	N	N	N	N	N	N	N	P	P	N	N
Other											
Adult entertainment facility	N	N	N	N	N	N	N	C	N	N	N
Artisan beverage maker	N	N	N	N	N	C	C	P	P	N	N
Brewery, large	N	N	N	N	N	C	C	P	P	N	N
Brewery, micro	N	N	N	N	N	C	C	P	P	N	N
Brewery, small	N	N	N	N	N	C	C	P	P	N	N
Brewery, tap or tasting room	N	N	N	N	N	C	C	P	P	N	N
Brewpub	N	N	N	N	N	C	C	P	P	N	N
Cemeteries, columbarium, mausoleum	C	N	N	N	N	C	C	N	N	N	N
Craft distiller	N	N	N	N	N	C	C	P	P	N	N

	R-E	R-1	R-2	R-3	C-1	C-2	C-M	M-1	M-2	O	PF
Kennel, overnight, vacation boarding – Animals	N	N	N	N	N	C	C	C	C	N	N
Mortuary and funeral services	C	N	N	N	N	C	C	C	N	N	N
Off-site directional sign	N	N	N	N	P8	P8	P8	P	P	N	N
Parking structures or facilities	N	N	N	N	C	C	C	C	C	N	N
Pet grooming	N	N	N	N	P	P	P	P	N	N	N
Printing, photocopying, lithographic	N	N	N	N	P	P	P	P	P	N	N
Shipping/cargo/metal storage containers	P9	P9	P9	P9	T	T	T	T	T	T	T
Temporary residence during construction of permanent residence	C	C	C	C	N	N	N	N	N	N	N
Veterinary hospital without overnight boarding	N	N	N	N	C	C	C	P	P	N	N
Winery	N	N	N	N	N	C	C	P	P	N	N
Winery, micro	N	N	N	N	N	C	C	P	P	N	N
Winery, tasting room	N	N	N	N	N	C	C	P	P	N	N

C – Requires approval of a conditional use permit

P – Permitted (other planning approvals may be required)

T – Temporary use land permit required

N – Entry in a column means that the listed use is not permitted

Special Conditions. The following special conditions apply to the uses indicated by the corresponding number on the above table.

1. Manufactured homes must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 ([42 USC 5401](#) et seq.) on a permanent foundation. Manufactured homes shall be permitted in the same manner, in the same zones, and subject to the same development standards as other single-family residential uses, consistent with Government Code Section 65852.3.
2. Residences in Non-R District. Residential uses in any commercial zoning district shall comply with the development regulations applicable in the R-3 district; no residential use is allowed on the ground floor of any

commercial building in any non-R district unless the project is approved under the planned development zoning district process.

3. Small family day care homes must meet requirements of the Health and Safety Code Section 1597.45; large family day care homes must meet requirements of Health and Safety Code Section 1597.46.

4. Condominium and townhouse developments can be approved only under the planned development zoning district process in the C-1 and C-M zones.

5. Multifamily residential allowed as a permitted use with a preliminary development plan.

6. Single-family units in the R-3 zoning district are limited to a single-family unit that is: (a) replacing an existing single-family unit on a one-for-one basis; (b) on an existing lot of 6,000 square feet or less; or (c) part of a housing development with the majority of units affordable to extremely low-, very low-, and/or low-income households.

7. Emergency shelters are a permitted use subject to the standards established under Chapter 17.50A EMC.

8. Subject to sign permit approval.

9. Permitted up to 30 days in residential zoning districts.

10. May be approved by the city planner if operating indoors only; if operation of business is proposed outside of building, conditional use permit is required.

11. The business location shall have direct access for commercial vehicles onto a street identified as a designated truck route, in accordance with EMC 10.08.020.

12. The permitting requirements and development standards applicable to residential care facilities (7 or more persons) shall apply when located within a residential structure where the use is permitted by right in the underlying zone district.

(Ord. 582 § 3, 2020; Ord. 580 § 1 (Exh. A), 2019; Ord. 577 § 5, 2019; Ord. 575 § 3, 2019; Ord. 571 § 3, 2018; Ord. 557 § 1 (Att. A), 2016; Ord. 530 Att. A, 2011; Ord. 527 § 7, 2010)

Chapter 17.81.060 is amended to read as follows:

17.81.070 "E" definitions.

"Eaves" means roof projections, which extend beyond the exterior wall plane of a building.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Employee housing" means housing providing accommodations for six or fewer employees a dwelling, structure, portion of a structure, or other premises, including any accommodations or facilities used in connection with the housing, that is maintained, operated, or used as living quarters for the housing of five (5) or more employees, whether provided by an employer, labor contractor, or other person, including housing provided with or without charge, rent, or other compensation. Employee housing includes, but is not limited to, permanent, temporary, seasonal, or migrant employee housing accommodations, as defined and regulated by applicable provisions of the California Health and Safety Code. Employee housing providing

accommodations for six (6) or fewer employees shall be treated as a single-family home and shall be permitted in all zones that allow single-family residences, subject to the same standards and permit requirements as a single-family residence.

"Entrance, primary" means the primary entrance to a building.

"Equipment rental" means a business whose primary activity is the renting of tools, equipment, and other devices.

Exterior Sign. See EMC § 17.42.020.

Chapter 17.81.070 is amended to read as follows:

17.81.070 "F" definitions.

"Family" means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related by blood or marriage., as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants.

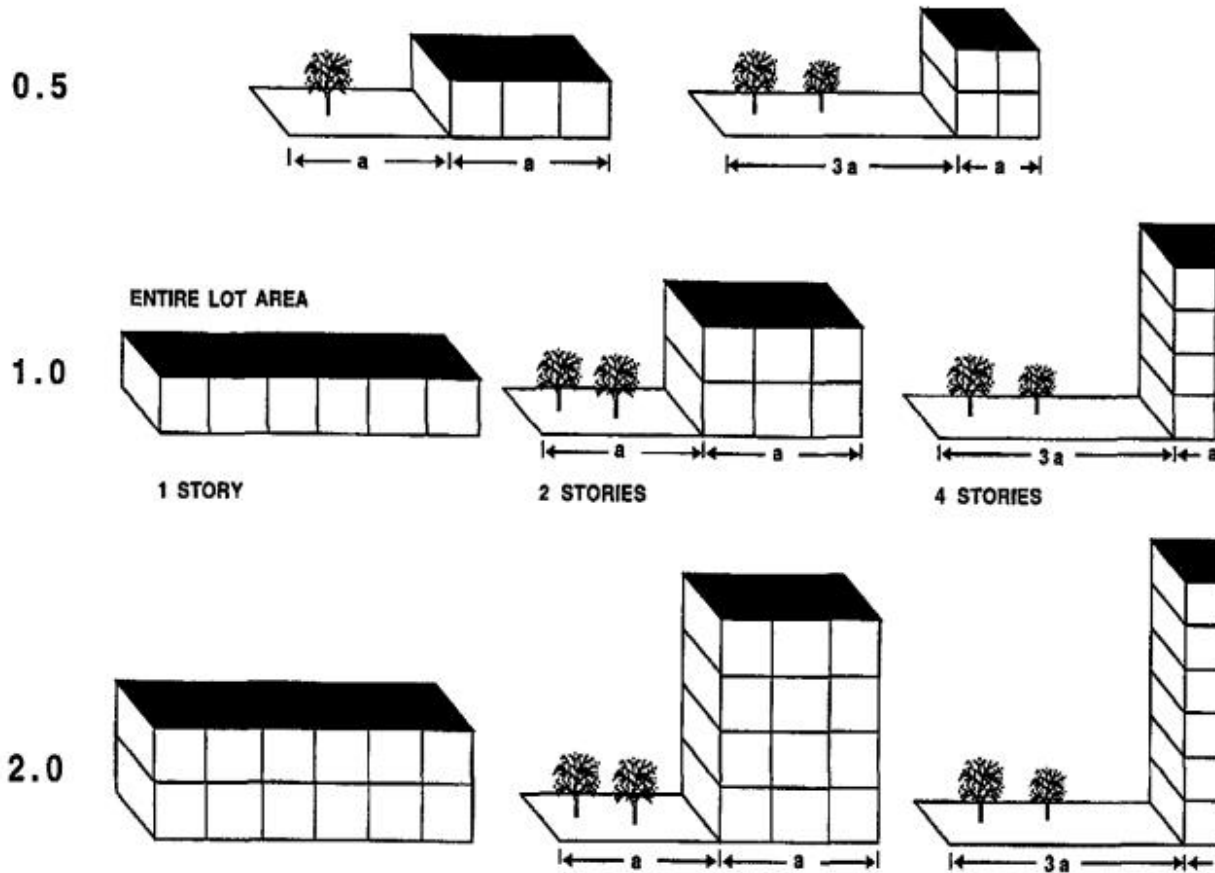
"Farm equipment/marine sales and services" means an establishment providing farm or marine supplies, equipment, and minor service.

"Fence" means a vertical barrier of any material, or combination of materials, constructed to enclose or screen a lot or a portion of a lot. Also includes "wall or solid hedge or landscaping screen."

"Financial/real estate services" means a category of businesses and services including banks, savings and loan associations, thrifts, real estate brokerages, land title companies, escrow companies, and stock and bond offices.

"Floor area ratio (FAR)" means the ratio between the total floor area of a building or buildings located on a lot and the area of that lot in gross square feet. (See illustration.)

FLOOR AREA RATIO EXAMPLES



"Floor area, total" means the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or perimeters of horizontal surfaces if such horizontal areas are partially or wholly unenclosed.

"Foster family home" means a state-licensed residential facility providing 24-hour care for six or fewer foster children, which is zoned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the children have been placed.

"Front wall" means the wall of the building nearest the street upon which the building faces, but excluding certain architectural features as specified in this title.

"Funeral and interment services" means a building or part thereof used for human funeral services. Such building may contain space and facilities for: a chapel; embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. (Ord. 495 § 1, 2005)

Chapter 17.81.130 is amended to read as follows:

17.81.130 “L” definitions.

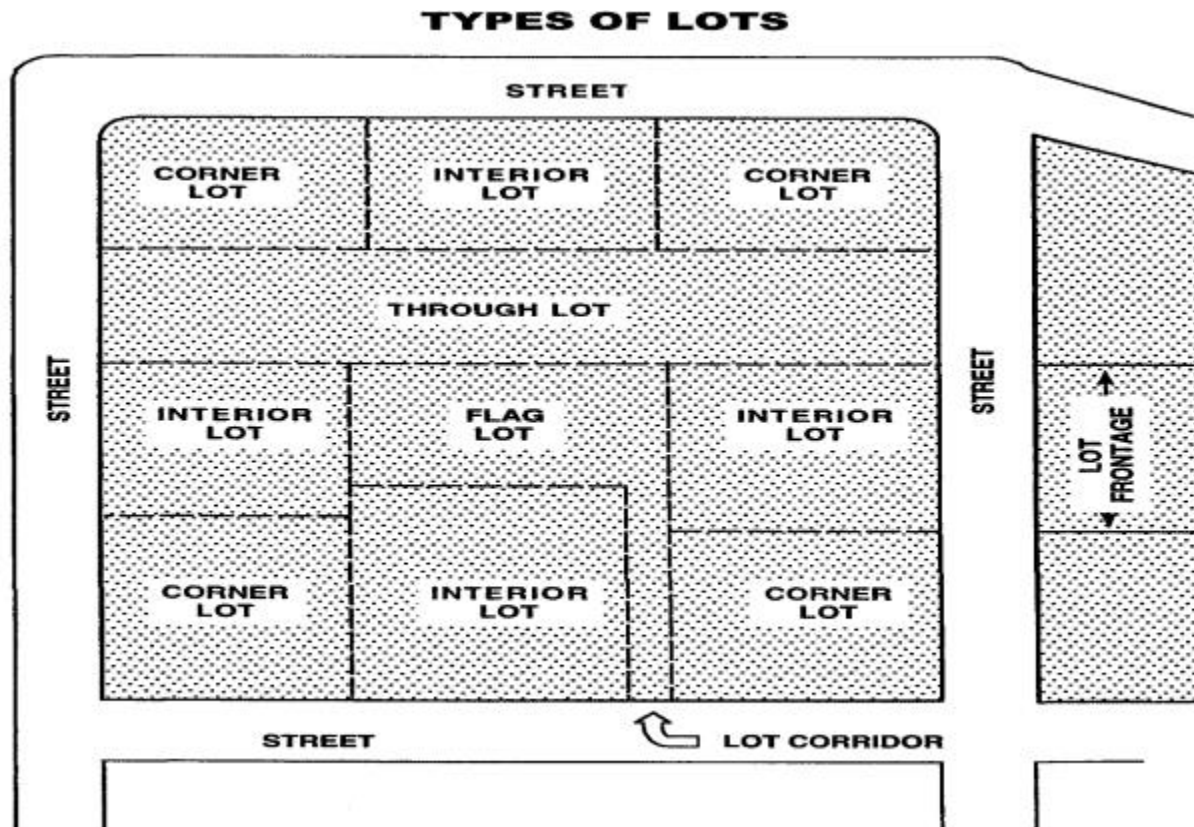
“Laboratories” means establishments providing medical or dental laboratory services or establishments providing photographic, analytical or testing services.

“Landscaping” means the planting and maintenance of trees, shrubs, lawns, and other ground cover or material, including inorganic accessory materials utilized to access or complement the vegetation.

“Livestock farming” means keeping of farm animals for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, mink and rabbits.

“Lot” means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title and having its principal frontage on a street. “Lot” includes the word “plot.”

“Lot area” means the total horizontal area included within lot lines.



“Lot, corner” means a lot abutting on and at the intersection of two or more streets. (See illustration.)

Lot Corridor. See “Lot, flag.”

Lot Coverage. See “Coverage” in EMC [17.81.040](#).

“Lot depth” means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines. (See illustration.)

“Lot, flag” means a lot so shaped that it does not meet minimum lot frontage requirements with the main building site area set back from the street on which it fronts and which includes an access strip connecting the main building site with the frontage street. (See illustration.)

“Lot frontage” means that dimension of a lot or portion of a lot abutting on a street, except the side of a corner lot. (See illustration.)

“Lot, interior” means a lot other than a corner lot. (See illustration.)

“Lot lines” means lines bounding a lot.

“Lot, through” means a lot bounded on two opposite sides by streets; provided, however, that if any lot qualifies as being both a corner lot and a through lot as defined below, such lot shall be deemed a corner for the purpose of this title. (See illustration.)

“Lot width” means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point 20 feet from the front property line. (Ord. 495 § 1, 2005)

“Low-barrier navigation center means a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

“Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

Section 17.81.170 is amended to read as follows:

17.81.170 “P” definitions.

Parcel. See “Lot” in EMC [17.81.130](#).

“Parking garage, commercial” means a public or private parking garage used for the commercial business of parking motor vehicles on a temporary basis normally for not over 24 hours. Also includes “parking garage.”

“Parking lot” means a lot or portion of a lot designed exclusively for the parking of motor vehicles and paved with a permanent all weather surface as may be approved by the public works director.

“Parking lot, commercial” means a public or private parking lot used for the commercial business of parking motor vehicles for periods not exceeding 22 hours during any one day.

“Parking space” means an area designed for the parking of motor vehicles having unobstructed access to a public street, way, or access easement at all times, and either within a garage or carport, or uncovered, and paved with a permanent all weather surface as may be approved by the city engineer.

“Pawnshop” means an establishment engaged in retail sales of new or secondhand merchandise and offering loans secured by personal property.

Permanent supportive housing. See “supportive housing” in EMC 17.81.200.

“Permitted use” means a use by right which is specifically authorized in a particular zoning district.

“Personal improvement services” means services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, diet centers, and the like.

“Personal services” means establishments providing recurrently needed services of a personal nature, generally including barber and beauty shops, seamstresses, tailors, shoe repair shop, dry cleaning (except bulk processing plants), photocopying, and self-service laundries.

“Pharmacy” means a business whose primary activity is the preparing and dispensing of prescription drugs.

“Planning commission” means the planning commission of the City of Escalon.

“Porch” means a roof structure, raised above grade, attached to a building, not more than 75 percent enclosed by walls, which is not heated or cooled, and is at least 48 inches wide. The floor of the porch shall not be dirt, but shall be of a constructed material acceptable to the city planner.

Preschool. See “Day care facility, large” or “Day care facility, small” in EMC 17.81.050.

“Primary building” means a building which houses the primary use of the lot.

Private Club. See “Club” in EMC 17.81.040.

“Projections” means portions of buildings and architectural features on a building which extend beyond the primary exterior building wall plane.

“Property line, front” means the property line generally extending across the full street frontage of a lot between the side property lines and typically defined as the narrower of the lot’s dimensions.

“Property line, rear” means the property line generally extending across a lot’s rear between the side property lines and parallel to the lot’s front property line.

“Property line, side” means the property lines generally extending along the entire length of a lot between the front and rear property lines and typically defined as the longer of the lot’s dimensions.

“Public works director” means the public works director of the City of Escalon. (Ord. 495 § 1, 2005)

Chapter 17.81.200 is amended to read as follows:

17.81.200 “S” definitions.

“Salvage and wrecking yard” means the use of a lot or contiguous lots or any portion thereof for the storage of junk, including scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles, machinery, and the like.

School, Preschool. See “Day care facility, large” or “Day care facility, small” in EMC 17.81.050.

“School, private” means a school operated by a private agency or organization which serves as an alternative to public education or as a technical training school.

“School, public” means a school operated by a public agency under provisions of the California Education Code.

“School, religious” means a school whose curriculum focuses on religious or spiritual teachings associated with texts recognized as sacred by the congregation of the religious organization operating the school.

Secondary Dwelling Unit. See “Residential secondary dwelling unit” in EMC 17.81.190.

“Secondhand store” means an establishment engaged in the sale or trade of used clothing, furniture, appliances, and other goods.

Service Station. See “Automobile service station” and “Automobile self-service station” in EMC 17.81.020.

“Setback” means a distance established by the provisions of this title to govern the placement of buildings and other improvements on lots with respect to property lines, streets, ways, or access easements.

“Shared parking concept” means a parking concept that uses the same parking lot or parking space(s) to satisfy parking requirements for more than one use. Uses that share the same parking space must operate at different times of the day so that the parking space serves only one business at a time.

Shopping Center. See “Commercial center” in EMC 17.81.040.

Sign. See EMC 17.42.020.

Sign Area. See EMC 17.42.020.

Sign, Exterior. See EMC 17.42.020.

Sign, Pole. See EMC 17.42.020.

Sign, Political. See EMC 17.42.020.

Sign, Portable. See EMC 17.42.020.

Sign Program. See “Comprehensive sign program.”

Sign, Real Estate. See EMC 17.42.020.

Sign, Wall. See EMC 17.42.020.

Sign, Window. See EMC 17.42.020.

Site Design. The design of a site refers to:

1. Street alignments, grades and widths;
2. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
3. Location and size of all required easements and rights-of-way;
4. Fire roads and firebreaks;

5. Lot size and configuration;
6. Traffic access;
7. Grading;
8. Land to be dedicated for park or recreational purposes; and
9. Such other specific requirements in the plan and configuration of site development as may be necessary or convenient to ensure conformity to or implementation of the general plan.

Slope, Average. See “Grade” in EMC 17.81.080.

“Small storage/utility building” means a building designed to permit the storage of personal goods and incidental household items for property no greater than 120 square feet in size and no greater than nine feet in total height or less.

Special Event Sign. See EMC 17.42.020.

“Story” means that portion of a building between any floor and the floor, ceiling or roof next above; provided, that the cellar or basement of a building shall not be deemed a story; and provided also, that any portion of a story exceeding 13 feet in height shall be deemed an additional story. (See illustration.)

“Story, half” means a story with at least two opposite exterior sides meeting a sloping roof not more than five feet above the floor of such a story.

“Storage” means the use of a site or structure, or portion thereof, for the keeping of materials, supplies, inventory, equipment, or other items of personal property and kept in connection with the use of the premises. “Storage” does not include any area where merchandise offered for sale is on display or where retail services are otherwise being rendered, nor does the term include any area generally accessible to persons other than the occupants who may lawfully come upon the premises.

“Street” means a public or private thoroughfare which affords principal means of access onto abutting property including avenue, place, way, drive, boulevard, highway, road, and any other thoroughfare except an alley as defined herein.

“Street frontage” means that portion of a lot or parcel, typically a property line, which is parallel to and adjoining a public street or way or access easement.

“Street line” means the boundary between a street and abutting property.

“Structure” means any improvement constructed or erected so as to project 30 inches or more above the level of the adjoining grade, including, but not limited to, buildings, retaining walls, and decks. Fences shall also be considered structures if the height of the fence is greater than six feet above the level of the adjoining existing grade. Patios, walls, and similar improvements which have a finished height less than 30 inches above the existing grade shall not be considered structures. For the purposes of computing the heights of structures and fences, the existing grade shall be the lower of:

1. The existing ground surface; or
2. The elevation of the existing grade at the time the application for construction of the structure is made.

Structure Height. See “Building height” in EMC 17.81.030.

“Studio” means a business whose activity includes the creation, display, or sale of items of art.

Subdivision Sign. See EMC 17.42.020.

“Substandard lot” means a lot existing lawfully at the time of the adoption of this title or amendment, but which does not conform to the lot area, width, access or other development standards of the applicable zoning district.

“Supportive housing” means 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 may be developed as a variety of housing types, including a single-family unit, multifamily development, or community care facility, and is subject to the same regulations as that housing type. For example, a supportive housing project of one single-family unit would be subject to the same standards as a single-family home. Supportive housing may also be referred to as “permanent supportive housing.”

“Supportive services” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

“Swap meet” means temporary retail sale or exchange of new, handcrafted or secondhand merchandise.

“Swimming pool” means any constructed or prefabricated pool used for swimming or bathing, 24 inches or more in depth.

Section 17.81.220 is added to Section 17.81 to read as follows:

17.81.220 “U” definitions.

Unbundled Parking. Unbundled parking spaces are those spaces that are separated from the cost of housing, meaning that residents with no vehicles would realize a cost savings by not leasing a parking space. Correspondingly, residents may pay more to lease more than one parking space.

Section 17.41.140, Subsection G, is amended to read as follows:

G. Fees. The following requirements apply to all ADUs that are approved under subsection (D)(1) or (D)(2) of this section.

1. Impact Fees.

- a. No impact fee is required for an ADU that is less than 750 square feet in size, including all JADUs. For purposes of this subsection (G)(1), “impact fee” means a “fee” under the Mitigation Fee Act (Government Code Section 66000(b)) and a fee under the Quimby Act

(Government Code Section [66477](#)). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

b. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

2. Utility Fees.

a. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.

b. Except as described in subsection (G)(2)(a) of this section, converted ADUs on a single-family lot that are created under subsection (D)(1)(a) of this section are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.

c. Except as described in subsection (G)(2)(a) of this section, all ADUs that are not covered by subsection (G)(2)(b) of this section require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.

i. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

ii. The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

Section 17.48 is amended to read as follows:

§ 17.48.010 Purpose.

§ 17.48.020 Responsibility for review and approval of density bonuses.

§ 17.48.030 Definitions.

§ 17.48.040 Applicability.

§ 17.48.050 Incentives and parking ratios.

§ 17.48.060 Waivers or reductions.

§ 17.48.070 General requirements.

§ 17.48.080 Requirements for rental housing projects.

§ 17.48.090 Requirements for owner-occupied housing.

§ 17.48.100 Resale restrictions.

§ 17.48.110 Application procedure.

§ 17.48.120 Action.

§ 17.48.130 Hold harmless.

§ 17.48.140 Conflict with Government Code Section 65915.

§ 17.48.010 Purpose.

The housing element of the city general plan includes goals towards meeting existing and projected housing needs for all economic segments of the community. The density bonus ordinance is intended to implement these goals by complying with the State Density Bonus Law, Government Code Section 65915 et seq. This law provides that a local government shall grant a density bonus and additional incentives, or financially equivalent incentive(s), to a developer of a housing development agreeing to construct a specified percentage of housing for lower income households, very low-income households, moderate income households or senior citizens. It is the intent of this chapter that the density bonus or other incentives offered by the city pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. It is also the purpose of this chapter to implement those programs and policies with the purpose of accomplishing the identified goals, including the requirement for inclusionary housing units under this title.

§ 17.48.020 Responsibility for review and approval of density bonuses.

An application for a density bonus shall be reviewed and acted upon by the city council for the project for which the density bonus is being requested, and in accordance with the standards and procedures set out in this chapter and Government Code Section 65915.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.030 Definitions.

As used in this chapter, the following terms shall have the following meanings unless otherwise indicated from the context:

A. "Below market rate units" or "BMR units" means units to be sold or rented at below market rate prices.

B. "Density bonus,"

as defined in Government Code Section 65915, means an increase in the number of dwelling units authorized for a particular parcel of land beyond the maximum allowable residential density specified on the land use map of the city general plan, **specific plan, or zoning ordinance, whichever is greater.**

C. "Density bonus units" means those residential units granted pursuant to the provisions of **this chapter Government Code Section 65915** which exceed the maximum allowable residential density for the development site.

D. "Development standard" includes **objective** site or construction conditions that apply to a residential development pursuant to any ordinance, general plan element, specific plan or other city condition, law, policy, resolution or regulation.

E. "Extremely low-income" means a household whose gross income does not exceed the qualifying limits for extremely low-income households established pursuant to Health and Safety Code Section 50106, as amended, or any successor statute.

~~E-F.~~ "Household type" means the population group identified by Government Code Section 65915 to qualify for a density bonus.

~~F-G.~~ "Incentive" or "concession" means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
2. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.
3. Other regulatory incentives or concessions proposed by the developer or the city that result in identifiable, financially sufficient and actual cost reductions.

~~G-H.~~ "Lower income household" means a household whose gross income is as established by Health and Safety Code Section 50079.5 as amended, or any successor statute.

~~H-I.~~ "Maximum allowable residential density" means the density allowed under this title, or if a range of density is permitted, means the maximum allowable density for the specific zoning range applicable to the project.

J. "Moderate income household" means a household whose gross income does not exceed the qualifying limits for moderate-income households established pursuant to Health and Safety Code Section 50093, as amended, or any successor statute.

~~I-K.~~ "Resale controls" means a resale restriction placed on BMR units by which the price of such units and income of the purchaser will be restricted in order to ensure the affordability and occupancy by lower, very low or moderate income households or senior citizens.

~~J-L.~~ "Senior citizen" means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

~~K-M.~~ "Senior citizen unit" means a unit in which one of the household members is a senior citizen.

~~L-N.~~ "Senior citizen housing development" means a residential development that is restricted to occupancy by senior citizens, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits

residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

~~M-O.~~ "Very low-income household" means a household whose gross income is as established by Health and Safety Code Section 50105 as amended, ~~or any successor statute.~~

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.040 Applicability.

A. All housing developments containing five or more units (excluding density bonus units) are eligible for a density bonus ~~of up to 35 percent as specified in Government Code § 65915(f)~~, and one or more additional incentives upon the developers agreeing to construct the percentage of dwelling units or donate land as specified in Government Code Section 65915 as amended.

B. Projects which meet the requirements set forth in this chapter shall qualify for a density bonus and an applicable number of concessions or incentives unless the city council adopts a written finding, based upon substantial evidence, of either of the following:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915, subdivision (c).

2. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

C. In addition to projects that may receive a density bonus, incentives, and/or concessions pursuant to Government Code Section 65915, as amended, the following types of projects are also eligible for up to two incentives, subject to the findings identified in subsection B of this section and the finding that incentive(s) will not result in an adverse impact on the character of the surrounding neighborhood.

1. A multifamily project of 15 or more units that requests consolidation of two or more small, contiguous lots. For the purposes of this chapter, a "small lot" is considered a lot of two acres or less and the request may include consolidation of a minimum of two small lots with a larger lot.

2. A housing project of 10 or more units restricted to occupancy by persons with a disability and their caretaker(s).

3. A multifamily housing project of 15 or more units that provides a minimum of 20 percent of the units as large units with three or more bedrooms.

(Ord. 527 § 9, 2010; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.050 Incentives and parking ratios.

Any incentives or concessions available under Section 65915 of the Government Code may be selected from the following list under subsections A and B of this section:

A. A reduction in site development standards or a modification of the requirements of this title. Permissible incentives include, but are not limited to:

1. Reduction of parking requirements;
2. Reduction of open space requirements;
3. Reduction of setback requirements.

B. Other regulatory incentive(s) or concession(s) proposed by the developer or the city, which result in identifiable cost reductions. Permissible incentives include, but are not limited to:

1. Reduction of park dedication fees;
2. Reduction of application or construction permit fees;
3. Provision of tax-exempt financing or other financial assistance as approved by the city council or redevelopment agency board should one be formed;
4. Assistance in applying for state, federal, or local funds (HOME, CDBG, CalHOME, BEGIN, etc.). This shall be limited to staff assistance in answering application questions related to the city's requirements for development that are associated with the proposed project.

C. Incentives or concessions must directly affect the financial feasibility of including the BMR units in the project without adversely affecting the health, safety and welfare of city residents.

D. A developer may request a reduction in parking ratios for individual units or for an entire project consistent with the ratios identified under Section 65915(p) of the Government Code.

(Ord. 527 § 9, 2010; Ord. 557 § 1 (Att. A), 2016; Ord. 580 § 1 (Exh. A), 2019)

§ 17.48.060 Waivers or reductions.

A. An applicant may submit to the city council a proposal for the waiver or reduction of development standards and may request a meeting with the city council. The applicant shall show that the waiver or modification is necessary to make the housing units economically feasible.

B. The waiver or reduction will be granted unless the city council adopts a written finding, based on substantial evidence, of either of the following:

1. The waiver or reduction of development standards would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; or
2. The waiver or reduction of development standards would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.070 General requirements.

A. BMR units shall remain affordable for at least 55 years **for rental projects, or 45 years for ownership projects.**

B. A master regulatory agreement shall be made between the developer and the city which indicates the household type, number, type, location, size and construction scheduling of all BMR units and such information as shall be required by the city for the purpose of determining the developer's compliance with this chapter. The master regulatory agreement will be required in a form acceptable to the city.

C. BMR units in a project and phases of a project shall be constructed concurrently with or prior to the construction of non-BMR units.

D. The city may request documentation necessary to evaluate a requested incentive or concession pursuant to Government Code § 65915(k). ~~The developer shall submit a project financial report (pro forma) to allow the city to evaluate the financial need for the state-mandated additional incentives. The city may retain a consultant to review the financial report. The cost of the consultant shall be borne by the developer with the following exceptions:~~

~~1. If the applicant is a nonprofit organization, the cost of the consultant may be paid in whole or in part by the city upon approval of the city council.~~

~~2. If the proposal is in a redevelopment area, the redevelopment agency may pay in whole or in part the cost of the consultant, at the discretion of the agency director or the board.~~

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.080 Requirements for rental housing projects.

A. All BMR units shall be occupied by the household type specified in the master regulatory agreement required under EMC § 17.48.070(B). The developer's obligation to maintain BMR units as affordable housing shall be evidenced by the master regulatory agreement that shall be recorded as a deed restriction running with the land.

B. Rents for the **extremely low**, very low and lower income BMR units shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

C. Prior to the rental of any BMR unit, the city or its designee shall verify the eligibility of the prospective tenant. The owner shall obtain and maintain on file certifications by each household. Certification shall be obtained immediately prior to initial occupancy by each household and annually thereafter, in the form titled "Household Certification" provided by the city. The owner shall obtain updated forms for each household on request by the city, but in no event less frequently than once a year. The owner shall maintain complete, accurate and current records pertaining to the property and will permit any duly authorized representative of the city to inspect the records pertaining to the BMR units and occupants of said units.

D. The city may establish fees associated with the setting up and monitoring of BMR units.

E. The owner shall submit a quarterly report to the city, on a form provided by the city. The report shall include for each BMR unit the rent, income and family size of the household occupying the unit.

F. The owner shall provide to the city any additional information required by the city to ensure the long-term affordability of the BMR units by eligible households.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.090 Requirements for owner-occupied housing.

A. All purchasers of BMR units shall be senior citizens or very low, low, or moderate income households required in the master regulatory agreement specified in EMC § 17.48.070.

B. Purchasers shall be required to occupy the unit except with approval from the city. Evidence must be presented to the city that the owner is unable to occupy the unit due to illness or incapacity. In such cases, the unit shall be rented at an affordable rent pursuant to EMC § 17.48.080 to the same household type as the owner.

C. For-sale BMR units shall be offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code.

(Ord. 495 § 1, 2005; Ord. 530 Att. A, 2011; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.100 Resale restrictions.

To ensure the continued affordability of BMR units, a regulatory agreement shall be recorded against all units, shall run with the land and shall be binding on future owners and/or renters of the BMR units. This agreement and required deed restrictions shall be recorded at the time of a final map for subdivision projects, or prior to issuance of the first building permit for nonsubdivision projects. The agreement shall include restrictions on the resale of BMR units that require equity sharing provisions consistent with Government Code Section 65915(c)(2).

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.110 Application procedure.

A. A developer of a development project with a minimum of five dwelling units desiring to participate in the program established by this chapter shall, ~~prior to or~~ at the time of submittal of any formal requests for general plan amendment, zoning amendment or subdivision map approval, submit a proposal for such participation.

B. The formal application shall provide the following information:

1. A written statement specifying the desired density increase, incentive(s) and/or waiver(s) requested and the number, type, location, size and construction scheduling of all dwelling units.
2. A project financial report (pro forma), as required.
3. Any other information requested by the city planner to assist in the evaluation of the project.

C. Within 90 days of receipt of a preliminary ~~proposal~~ application, the city shall provide the housing developer written comments and a preliminary evaluation of the project and notify the developer that either:

1. The proposal fails to qualify for the program and the reasons for such determinations; or
2. The proposal qualifies, and that as a part of any project approval, the city will grant a density bonus, incentives and/or waivers, as required.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.120 Action.

The city may grant, modify or deny the requested density bonus, incentives and/or waivers in accordance with the provisions of this chapter and Government Code Section 65915. Any approval must be consistent with ~~Government Code Section 65915 and shall not require compliance with development standards for which a waiver or concession has been granted. the city's general plan and any applicable zoning, subdivision or other development regulations.~~ A master regulatory agreement shall be entered into to reflect such approval under this chapter.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.130 Hold harmless.

The developer of a qualifying project shall defend, indemnify and hold harmless the city, its elected officials, officers, and employees from any and all claims of damages or injuries arising from developer's obtaining entitlements and permits, developer's construction, maintenance, operation, use or sale of the project, or any act or omission of developer, its officers, employees or agents, and from any and all expenses, liabilities, costs and reasonable attorneys' fees incurred on account of any claims, actions or proceeding brought against the city, its elected officials, officers, and employees in connection with the project.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

§ 17.48.140 Conflict with ~~State Density Bonus Law~~ Government Code Section 65915.

In the event any provision of this chapter conflicts with Government Code Sections ~~65915 through 65918~~ or any ~~successor statutes other state law~~, state law shall control.

(Ord. 495 § 1, 2005; Ord. 557 § 1 (Att. A), 2016)

Chapter 17.43 is amended to read as follows:

PARKING

Sections:

- 17.43.010 General requirements.
- 17.43.020 Number of off-street spaces required.
- 17.43.030 Alternating use of parking spaces.
- 17.43.040 Modification of off-street parking requirements.
- 17.43.050 Development standards.
- 17.43.060 Temporary parking lots.
- 17.43.070 Loading spaces.
- 17.43.080 Requirements of downtown parking district.

17.43.010 General requirements.

A. Purpose. This chapter regulates the number and standards for off-street parking spaces required by this chapter and the number of off-street parking spaces in order to reduce street and traffic congestion and to provide safely and attractively designed parking facilities that are compatible with the surrounding land uses.

B. Use of Land and Buildings. No use of land shall be commenced, no building or structure shall hereafter be erected, constructed or moved within or onto any lot or parcel of land for any use or purpose, and no existing land or building use other than a lawful nonconforming use as to the requirements of this chapter shall continue unless off-street parking spaces are provided and maintained in accordance with the requirements of this chapter are shown on the plans and application submitted for such permit, and no final inspection or authorization for utility service shall be given until the requirements of this chapter for the use requested have been met.

C. Authorization of Buildings or Uses. No building or use that is lawful nonconforming use as to the requirements of this chapter shall be expanded through an increase in the number of living units or gross floor area, or modified or changed through an increase in seating capacity, number of persons employed or otherwise, unless the number of additional off-street parking spaces necessitated by such remodeling, expansion, modification or change under the provisions of this chapter are provided.

D. Fractions. If the number of required off-street parking spaces contains a fraction, such number shall be changed to the nearest higher whole number.

E. Mixed Uses. When mixed uses are located on the same lot or parcel, or within the same building, the sum total of the required parking for the individual use shall apply, except as otherwise provided for in this chapter.

F. Spaces for One Use Only. An off-street parking space for one use shall not be considered to provide a required off-street parking space for any other use, except in the case of an alternating use approved by the deciding body as hereinafter provided.

G. Commercial Operation of Parking Spaces. All privately owned off-street parking spaces required to be provided by this chapter, or required by any administrative approval authorized by this chapter, shall be operated without charge to the users thereof. No privately owned parking lot that contains such spaces shall be operated commercially or under a validation system whereby parkers patronizing business for which the spaces are provided are admitted to the lot free of charge or at reduced charges and other parkers are charged a fee, and the admission of vehicles to such lots shall not be restricted by gates or other physical means during periods when the use or uses for which the spaces are required are in operation. The provisions of this section shall not be deemed to prohibit the posting of signs at entrances to such parking lots identifying the businesses or uses for whose benefit the lots are operated and prohibiting other parking under threat of tow-away.

H. Permit Required for Parking Lot Improvements. No person shall erect, construct, relocate, enlarge, alter, repair, move, improve, remove, or convert any parking lot without a permit therefor except:

1. When repainting the existing lines in the same configuration without any resurface or top coat;
2. When included as part of a zoning approval; or
3. Normal maintenance that does not involve extensive structural repairs when necessary to provide for health or safety.

I. Work on Vehicles in Off-Street Parking Spaces. No vehicle repair work of any kind shall be performed on any vehicle in a required off-street parking space. (Ord. 495 § 1, 2005)

17.43.020 Number of off-street spaces required.

A. Purpose. The regulations contained in this section are intended to ensure the provision of a sufficient number of off-street parking spaces privately and publicly owned and operated to satisfy needs generated by permissible uses. The provision and maintenance of off-street parking spaces as required by these standards, except for those properties in the downtown parking district, shall be a continuing obligation so long as the use continues.

B. Minimum Parking Requirements. The number of off-street parking spaces required is set in this subsection. When a use is not listed in this subsection, the city planner shall determine the parking requirements by analogy to the requirements for the listed uses.

<u>Land Use Type:</u>	<u>Vehicle Spaces Required:</u>
<u>Residential</u>	
<u>Accessory dwelling unit or junior accessory dwelling unit</u>	<u>See Section 17.41.140 (Accessory dwelling units)</u>
<u>Emergency shelters</u>	<u>1 space for each employee on maximum shift</u>
<u>Mobile home parks</u>	<u>2 spaces per mobile home space, plus 1 space for every six mobile home spaces for visitor parking, plus bicycle racks or storage lockers to accommodate 1 bicycle per five mobile homes</u>
<u>Multiple-unit dwellings</u>	
<u>Studio and one-bedroom units</u>	<u>1 space per unit</u>
<u>Two- and three-bedroom units</u>	<u>1.5 spaces per unit</u>
<u>Four-bedroom units and above</u>	<u>2.5 spaces per unit</u>
<u>Guest parking</u>	<u>0.5 spaces per unit</u>
<u>Senior housing</u>	<u>1 space per unit</u>
<u>Guest parking</u>	<u>1 space for every four units</u>
<u>Single-family residential</u>	<u>2 covered spaces per unit</u>
<u>Supportive Housing</u>	<u>0 spaces per unit</u>
<u>Retail Trade</u>	
<u>Mini-storage warehouse</u>	<u>1.5 spaces per employee on the largest shift, 2 spaces for each residential unit, and 1 space per 250sf of office/administrative space. Where there is no residential unit on site, a minimum of 5 spaces shall be provided regardless of the size of the office/administrative space</u>
<u>Retail and commercial stores and shops</u>	<u>1 space for every 250sf of gross floor area</u>
<u>Subdivision sales office</u>	<u>1 space per employee on the largest shift and a minimum of 4 visitor spaces.</u>
<u>Services</u>	

Animal hospital	1 space for every 250sf of gross floor area
Business and professional offices, banks, financial institutions, insurance companies, social service agencies and studios	1 space for every 250sf of gross floor area
Day care centers or nursery schools	1 space per employee on the largest shift, 1 space per ten children, and 1 space for each center vehicle.
Funeral homes and mortuaries	1 space for every 700sf of gross floor area, 1 space for each employee, and 1 space for each company vehicle.
Hospitals	1.5 spaces for each bed
Hotels, motels, and auto courts	1 space for each guest room or suite, and 1 space for each employee
Household furniture, appliances and furniture repair shops	1 space for every 250sf of gross floor area
Laundromat	1 space for every 250sf of gross floor area
Lodging houses, boardinghouses	1 space for every two beds, and 1 space for each employee
Medical/dental clinic or office	1 space for every 200sf of gross floor area or 6 spaces per doctor, whichever is more restrictive, and bicycle racks or storage to accommodate 1 bicycle per two employees on maximum shift.
Post offices	1 space for every 250sf of gross floor area, 1 space for each employee, 1 space for each official vehicle, and bicycle racks or storage to accommodate 1 bicycle per two employees on maximum shift.
Sanitariums, convalescent homes, and rest homes	1 space for every two and one-half beds
Service stations, auto repair, and auto service businesses	2 spaces for every grease rack or working bay, and 1 space for each employee
Recreation, Education, and Public Assembly	
Auditoriums, theaters, sports arenas, stadiums, and assembly halls, with or without fixed seats	1 space for every three and one-half fixed seats, 1 space for every six linear feet of fixed benches, or 1 space for every 35sf of gross floor area.
Bowling lanes	5 spaces for every lane
Churches/religious institutions	1 space for every four seats in each building used for worship, and bicycle racks or storage to accommodate 1 bicycle per ten seats of maximum capacity. Where capacity cannot be determined, 1 space for every 250sf, and racks or storage to accommodate 1 bicycle per 500sf. For religious institutions within the RIO District, 1 space per residential unit.
Colleges	1 space for each employee, and 1 space for every three students. If there is an auditorium, see auditorium requirements above, in addition to these requirements.
Elementary schools	1 space for each employee. If there is an auditorium, see auditorium requirements above, in addition to these requirements.

<u>High schools</u>	<u>1 space for each employee, and 1 space for every seven students. If there is an auditorium, see auditorium requirements above, in addition to these requirements.</u>
<u>Intermediate or junior high schools</u>	<u>1 space for each employees. If there is an auditorium, see auditorium requirements above, in addition to these requirements.</u>
<u>Libraries and community centers</u>	<u>For libraries – 1 space for every 590sf of gross floor area, 1 space for each employee, and bicycle racks or storage lockers to accommodate 1 bicycle per ten seats of maximum capacity. For community centers – 1 space for every 250sf, and bicycle racks or storage lockers to accommodate 1 bicycle per 500sf.</u>
<u>Private clubs and lodges</u>	<u>1 space for every 350sf of gross floor area, 1 space for every 350sf of outside areas employed for purposes of assembly, and 1 space for every 590sf of outside areas developed for recreational purposes, excepting golf course playing area and similar field sports.</u>
<u>Public eating establishments, taverns, bars, and nightclubs</u>	<u>1 space for every three seats, and bicycle racks or storage lockers to accommodate 1 bicycle per 10 seats of maximum capacity. Where capacity cannot be determined, 1 space for every 250sf of gross floor area, and bicycle racks or storage lockers to accommodate 1 bicycle per 500sf.</u>
<u>Retail</u>	
<u>Enclosed automobile or machinery sales</u>	<u>1 space for every 470sf of gross floor area.</u>
<u>Open sales areas</u>	<u>2 spaces for each employee.</u>
<u>Retail, commercial stores, and shops</u>	<u>1 space for every 250sf of gross floor area, and bicycle racks or storage lockers to accommodate 1 bicycle per 500sf up to 5,000sf and 1 per 1,000sf above 5,000.</u>
<u>Manufacturing, processing, and wholesaling</u>	
<u>Manufacturing plants, machine shops, research or testing (laboratories, bottling plants), and printing plants</u>	<u>1 parking space for every one and one-half employees, 1 space for each company vehicle, and bicycle racks or storage to accommodate 1 bicycle per ten employees on maximum shift</u>
<u>Wholesale establishments and warehouses</u>	<u>1 space for every 2,350sf of gross floor area, 1 space for each company vehicle, and bicycle racks or storage lockers to accommodate 1 bicycle per ten employees on maximum shift.</u>

~~1. Single-family residential, condominiums, townhouses and two-family dwellings: Two covered parking spaces for each living unit:~~

~~2. Secondary dwelling units: One parking space in addition to the required minimum number of parking spaces for the primary dwelling unit:~~

~~3. Housing for senior citizens, if development deed restricted: One parking space per unit, plus one visitor parking space for every four units:~~

4. Multiple-unit dwellings: One and one-half times the number of living units in such dwellings, plus one-half visitor parking space per unit. Bicycle racks or storage lockers to accommodate one bicycle per three units.

5. Hotels, motels and auto courts: One parking space for each guest room or suite, plus one parking space for each employee.

6. Lodging houses, boardinghouses: One parking space for each two beds in such building, plus one parking space for each employee.

7. Hospitals: One and one-half parking spaces for each bed.

8. Sanitariums, convalescent homes and rest homes: One parking space per two and one-half beds.

9. Medical or dental clinic or office: One parking space for each 200 square feet of gross floor area or six spaces per doctor, whichever is more restrictive, plus bicycle racks or storage lockers to accommodate one bicycle per two employees on maximum shift.

10. Retail and commercial stores and shops: One parking space for each 250 square feet of gross floor area, plus bicycle racks or storage lockers to accommodate one bicycle per 500 square feet up to 5,000 and one per 1,000 square feet above 5,000.

11. Business and professional offices, banks, financial institutions, insurance companies, social service agencies and studios: One parking space for each 250 square feet of gross floor area.

12. Laundromat: One parking space for each 250 square feet of gross floor area.

13. Animal hospital: One parking space for each 250 square feet of gross floor area.

14. Household furniture, appliances and furniture repair shops: One parking space for each 250 square feet of gross floor area.

15. Enclosed automobile or machinery sales: One parking space for each 470 feet of gross floor area.

16. Open sales areas: Two parking spaces for each employee.

17. Service stations and auto repair and auto service businesses: Two parking spaces for each grease rack or working bay, plus one parking space for each employee.

18. Public eating establishments, taverns, bars and nightclubs: One parking space for each three seats in such public eating establishments, taverns or nightclubs, plus bicycle racks or storage lockers to accommodate one bicycle per 10 seats of maximum capacity. Where capacity cannot be determined, one space per 250 square feet plus bicycle racks or storage lockers to accommodate one bicycle per 500 feet.

19. Wholesale establishments and warehouses: One parking space for each 2,350 square feet of gross floor area, plus one parking space for each company vehicle used in the operation of such establishment or warehouse, plus bicycle racks or storage lockers to accommodate one bicycle per 10 employees on maximum shift.

20. Manufacturing plants, machine shops, research or testing (laboratories, bottling plants) and printing plants: One parking space for each one and one-half employees, plus one parking space for each company vehicle used in the operation of such plant, shop or laboratory, plus bicycle racks or storage lockers to accommodate one bicycle per 10 employees on maximum shift.

21. Funeral homes and mortuaries: One parking space for each 700 square feet of gross floor area, plus one space for each employee and one parking space for each company vehicle used in the operation of such home or mortuary.

22. Libraries and community centers: For libraries, one parking space for each 500 square feet of gross floor area, plus one parking space for each employee, plus bicycle racks or storage lockers to accommodate one bicycle per 10 seats of maximum capacity. For community centers, one space per 250 square feet plus bicycle racks or storage lockers to accommodate one bicycle per 500 feet.

23. Post offices: One parking space for each 250 square feet of gross floor area, plus one parking space for each employee, and one for each official vehicle, plus bicycle racks or storage lockers to accommodate one bicycle per two employees on maximum shift.

24. Private clubs and lodges: One parking space for each 350 square feet of gross floor area, plus one parking space for each 350 square feet of outside areas employed for purposes of assembly and meeting by the members and guests of such clubs and lodges, plus one parking space for each 500 square feet of outside areas developed for recreational purposes, such as gardens, swimming pools, park areas and assembly areas, excepting golf course playing area and similar field sports.

25. Elementary schools: One parking space for each employee, and if such school has an auditorium there shall be one parking space for each three and one-half fixed seats in such auditorium, plus one parking space for each six linear feet of fixed benches therein, or one parking space for each 35 square feet of gross floor area in such auditorium.

26. Intermediate or junior high schools: One parking space for each employee, and if such school has an auditorium there shall be one parking space for each three and one-half fixed seats in such auditorium, plus one parking space for each six linear feet of fixed benches therein, or one parking space for each 35 square feet of gross floor area in such auditorium.

27. High schools: One parking space for each employee, plus one parking space for each seven students in such high school and if such school has an auditorium there shall be one parking space for each three and one-half fixed seats in such auditorium plus one parking space for each six linear feet of fixed benches therein, or one parking space for each 35 square feet of gross floor area in such auditorium.

28. Colleges: One parking space for each employee, plus one parking space for each three students in such college, and if such college has an auditorium, there shall be one parking space for each three and one-half fixed seats in such auditorium, plus one parking space for each six linear feet of fixed benches therein, or one parking space for each 35 feet of gross floor area in such auditorium.

29. Churches: One parking space for each four seats in each building used separately, or together with any other building, for worship, plus bicycle racks or storage lockers to accommodate one bicycle per 10 seats of maximum capacity. Where capacity cannot be determined, one space per 250 square feet plus bicycle racks or storage lockers to accommodate one bicycle per 500 feet.

30. Bowling lanes: Five parking spaces for each lane in each establishment.

31. Auditoriums, theaters, sports arenas, stadiums and assembly halls, with or without fixed seats: One parking space for each three and one-half fixed seats on such premises, plus one parking space for each six linear feet of fixed benches on the premises, or one parking space for each 35 square feet of gross floor area.

~~32. Mobile home parks: Two spaces per mobile home space, plus one space for every six mobile home spaces for visitor parking, plus bicycle racks or storage lockers to accommodate one bicycle per five mobile homes.~~

~~33. Day care centers or nursery schools: One per employee on the largest shift, plus one per 10 children, plus one for each center vehicle.~~

~~34. Subdivision sales office: One space for each employee in the sales office on the largest shift and a minimum of four visitor spaces.~~

~~35. Mini-storage warehouse: One and one-half spaces per employee on the largest shift, two spaces for each residential unit, and one space per 250 square feet of office/administrative space. Where there is no residential unit on site, a minimum of five spaces shall be provided regardless of the size of the office/administrative space.~~

C. Bicycle Parking. Where bicycle parking is required, the planning commission shall have the authority to add or reduce the requirement if it makes a finding that more or less bicycle parking is necessary due to the type of development and the age of the population to use the facility.

D. Handicapped Spaces. Handicapped spaces provided in compliance with state or local regulation shall be counted in determining the number of spaces provided in meeting the requirements of this chapter. (Ord. 530 Att. A, 2011; Ord. 495 § 1, 2005)

17.43.030 Alternating use of parking spaces.

Where uses are required by this chapter to be served by off-street parking spaces, and where some of the uses generate parking demands primarily during hours when the remaining uses are closed but parking reductions are not authorized under the modification provisions in this chapter, alternating use of the space is allowed if approved by conditional use permit by the planning commission, but only if specifically authorized by conditional use permit. Issuance of the permit must be supported by findings that the alternating use of such spaces will not result in the effective provisions of fewer off-street parking spaces than required by this chapter. Required parking spaces shall normally be on the same lot as the main building. For required parking not located on the same lot, a properly drawn legal instrument shall be prepared, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the city attorney and recorded with the county recorder. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required by this chapter. In no case shall required parking not located on the same property be more than 300 feet from the subject parcel.

The permit may contain such conditions as are necessary to assure the facts found to support the alternate use of parking spaces will continue to exist, including:

A. Submission of satisfactory statements by the party or parties providing the proposed alternating parking, describing the users and their times of operation, and showing the absence of conflict between them;

B. Written agreements between the parties setting forth the terms and conditions under which the off-street parking spaces will be operated;

C. Documents showing maintenance provisions; and

D. Other documents or commitments deemed necessary. (Ord. 495 § 1, 2005)

17.43.040 Modification of off-street parking requirements.

The commercially zoned areas of the City of Escalon are intended to serve the various needs of residents, businesses, tourists, and other visitors to the city. The City of Escalon desires to create public parking, bikeways, sidewalks, pedestrian landings, etc., in order to better facilitate more and safer pedestrian and bicycle movement from residential development to the various retail and commercial uses. Also, the City of Escalon recognizes the pedestrian and bicycle modes of traffic that utilize the various retail and commercial uses within the city add to the economic viability of the city. Therefore, the planning commission may reduce off-street parking for all permitted commercial uses except motels and hotels under any one of the following determinations:

A. When a finding can be made that the reduction is consistent with and will further the goals described above.

B. When a common off-street public parking facility located within 300 feet of the uses served will provide 20 or more parking spaces, up to 10 required on-site parking spaces may be deleted from the project.

C. When a project contains more than one user on the same or contiguous sites, the total gross floor area is 5,000 square feet or greater, and unassigned off-street parking is provided, the total number of parking spaces required for all uses served may be reduced up to 25 percent upon a finding by the planning commission that the typical use of the off-street parking facility would be staggered to such an extent that the reduced number of spaces would be adequate to serve all uses sharing the facility. An example of such usage would be parking within a shopping center where such parking is not assigned to a specific use.

D. The planning commission may authorize a maximum 25 percent of the required parking for a use to be located on a site not more than 300 feet from the site of the use for which such parking is required, where such off-site parking will serve the use equally as effectively and conveniently as providing such parking on the same site as the use for which it is required. As part of the planning commission action in granting such an exception, it shall require such assurance as recommended by the city attorney that the remote parking site will always be available for parking unless such required parking can be provided on an alternate site.

E. The planning commission may authorize a maximum 10 percent reduction in the required on-site parking requirements where such reduction will not result in a traffic hazard, impact the necessary parking for the use, and will not impact abutting uses.

F. The required number of off-street spaces may be modified for uses such as mixed use elderly housing (where both elderly and nonelderly housing is provided), housing for persons with disabilities, or retirement homes where it can be demonstrated that automobile use or ownership is significantly lower than for other dwellings or lodging houses.

G. When establishments serving food and beverages occupy a mixed use development such as a hotel or conference center where joint use of facilities can be expected, the total number of parking spaces required for the food and beverage use may be reduced up to 25 percent.

H. The parking reductions provided for above may be allowed only if it is demonstrated to the satisfaction of the planning commission and/or city council that a combination of the following vehicular, pedestrian, bicycle and parking measures are proposed by the development plan, including but not limited to:

1. There are no material adverse impacts on parking conditions in the immediate vicinity.
2. The development plan mitigates vehicular traffic impacts by proposing limited access to and from public roadways.
3. The development plan proposes the creation of new or upgraded sidewalks or bikeways to help foster nonvehicular movement within, around and to the site.
4. Public/private open spaces are created to help foster pedestrian and bikeway attractions (i.e., bicycle racks, benches, open and landscaped areas, pedestrian landings, lighting, etc.).
5. Additional landscape measures are taken beyond minimum city requirements so as to help foster the identity of the city.
6. Safety signs, traffic signals, and crosswalks are implemented to help reduce any potential conflicts between pedestrians and vehicles.

I. The city may place conditions of approval on any development plan that the developer/builder pays to the City of Escalon a per-parking-space fee (rate determined on a per project basis) to help fund and facilitate other public parking, sidewalks, crosswalks, lighting, pedestrian landings, bicycle lanes, bicycle paths, benches, signs, traffic signals, etc., for commercial areas within the city where it can be determined that there is a nexus between the increased traffic of the proposed development and the improvements being requested.

J. There shall be no reduction in off-street parking requirements for motels/hotels or residential uses, other than as provided for above. (Ord. 495 § 1, 2005)

17.43.050 Development standards.

A. Generally. All permanent off-street parking lots and parking garages shall be constructed as provided in this section. Where the rules of a zone pertaining to yards, landscaping, fencing, or lighting are stricter than those contained in this section, the rules of the zone apply.

B. Location of Required Off-Street Parking Spaces. All off-street parking spaces shall be on the same lot as the use for which they are provided, except as may otherwise be provided for in this chapter. Required parking spaces shall not be in a required front yard or side yard adjacent to a street.

C. Driveways. Off-street parking lots and parking garages must be connected to streets or alleys by driveways that comply with the following requirements:

1. Driveways that serve not more than two parking spaces shall be at least 10 feet wide if they provide either ingress or egress only, and not less than 18 feet wide if they provide both ingress and egress. The planning commission may authorize a reduction in width of two-way driveways for a portion of the driveway if the planning commission finds that conditions make the 18-foot requirement impractical.

2. Driveways that serve more than two and not more than 10 parking spaces shall be at least 10 feet wide if they provide either ingress or egress only, and not less than 18 feet wide if they provide both ingress and egress.
 3. Driveways that serve more than 10 and not more than 25 parking spaces shall be at least 11 feet wide if they provide either ingress or egress only, and not less than 20 feet wide if they provide both ingress and egress.
 4. Driveways that serve more than 25 parking spaces shall be at least 12 feet wide if they provide either ingress or egress only, and not less than 22 feet wide if they provide both ingress and egress.
 5. The minimum distance from a wall, fence or similar obstacle to the edge of any driveway shall be two feet except for single- and two-family dwellings where no minimum distance is required.
 6. All driveways less than 18 feet in width and more than 150 feet in length shall be developed with turn-out areas to prevent the obstruction of access to emergency vehicles in such numbers, at such locations and designed and constructed to such standards as the city engineer prescribes.
 7. When a garage or carport opens onto a street (excluding alleys) the length of the driveway shall not be less than 25 feet.
 8. Unless otherwise authorized by the fire chief, a vertical clearance of at least 12 feet shall be maintained above all driveways.
 9. Unless otherwise authorized by the fire chief, curves in a driveway more than 150 feet long shall have at least a 45-foot outside radius.
- D. Size and Location of Spaces and Aisles. All parking spaces and aisles shall conform to the following standards:
1. For the purpose of determining parking space dimensions, the front limit of the space shall be the face of any wall or barrier (bumper height or higher). If no such wall or barrier exists, the front limit shall be a line perpendicular to the sideline of the space, two feet forward of the face of the curb or wheel stop.
 2. Standard spaces shall be at least 19 feet long and nine feet wide.
 3. Space width shall be increased by one foot to 10 feet if adjacent on one side to a wall, fence, hedge or structure; and by two feet to 11 feet if adjacent on both sides to such walls, fences, hedges, or structures. Garages that are required parking for one- and two-family dwellings shall have at least 20 feet by 20 feet clear inside dimension for two-car garages and 11 feet by 20 feet for one-car garages.
 4. Off-street spaces parallel with the aisle shall be at least 20 feet long for standard spaces.
 5. Aisle widths for two-way aisles shall be a minimum of 25 feet.
 6. Aisle widths and stall sizes are described in the following table:

Angle of Stall (Degrees)	Depth of Stall Perpendicular to Aisle (Feet)	Minimum Width of One-Way Aisle (Feet)
Parallel	9.0	12
30	17.8	12
45	20.5	13
60	21.8	15
90	19.0	25

7. When the configuration of the property or the location of existing structures constrict design of parking areas, the deciding body may modify parking stall and aisle width dimensions; provided, that the applicant can demonstrate the modification would not impair the function of the parking area.

8. Parking space boundaries shall be delineated by double striping. Each double stripe shall consist of two four-inch lines, separated by an 18-inch space.

9. Diagonal parking is encouraged wherever possible but shall be discouraged from having two-way aisles.

10. One-way aisles shall not dead-end. Dead-ends on two-way aisles are permissible if turnaround space is provided.

11. The minimum inside turning radius for aisles and islands shall be 20 feet.

12. Off-street parking shall have maneuvering areas adequate to eliminate aisle-to-aisle circulation via the street.

13. Off-street parking areas shall be designed so that automobiles will not be backed onto a street, except for parking areas that are not on an arterial street serving single-family dwellings.

14. No required off-street parking spaces shall be allowed in tandem unless specified in conditions of approval, development agreements or PD site plan.

E. Surfacing. All outdoor off-street parking spaces, driveways and maneuvering areas shall be paved with a compacted base not less than four inches thick, surfaced with asphalt concrete or Portland cement concrete pavement or other surfacing approved by the city engineer. The paved area shall be provided with drainage facilities subject to the approval of the city engineer, adequate to dispose of all accumulated surface water. Special paving may be required within the drip line of existing trees subject to the recommendation of the city planner.

F. Lighting. All parking lot and parking garage lighting facilities shall conform to the following standards:

1. The location, design, intensity, light hue and shielding of lighting fixtures shall be subject to approval by the city planner.

2. Lighting used in connection with off-street parking spaces located in, or adjacent to, any residential zone shall be arranged and shielded so that the light will not shine directly on land in such residential zone.

G. Screening and Landscaping. Parking lots and spaces shall be screened and landscaped as follows:

1. Except for those which serve single- or two-family dwellings, all outdoor off-street parking spaces shall be screened on all sides that adjoin, face, or are across the street from either properties situated in a residential zone or properties developed with a residential use. The design of all screening is subject to approval by the city planner.

2. Wherever a parking lot is adjacent to a street, a landscaped buffer at least 10 feet wide is required. Where the parking lot is adjacent to a side or rear property line or to an alley, a landscaped buffer at least five feet wide is required. The required width of landscaped buffers is exclusive of curbing or allowance for vehicle overhang, and is measured from the property line or street or alley right-of-way line.

3. All landscaped areas shall be completely enclosed by a six-inch continuous concrete curb. At any point where a curb around a landscaped area serves as a wheel stop, a vehicle overhang allowance of two feet including the width of the curb shall be added to the landscaped area.

4. All portions of the parking area not used for automobile maneuvering and parking or for pedestrian walkways shall be landscaped.

5. All landscaped areas shall be provided with complete irrigation facilities.

6. At least five percent of the interior of all parking areas shall be landscaped. In order to be included in the calculation of the amount of interior landscaping, all landscaped areas must be at least five feet in any dimension exclusive of curbing and vehicle overhang allowances, except that landscaped areas separating side by side parking spaces are included in the calculation if they are at least three feet wide exclusive of curbs. (Ord. 495 § 1, 2005)

17.43.060 Temporary parking lots.

A. When this chapter requires that parking be provided to serve a building which is being remodeled or a building which occupies the site of an approved parking lot intended to serve a building which is under construction, or to support a temporary use as determined by the city planner, temporary parking may be provided. Temporary parking lots shall be surfaced, lighted, landscaped and otherwise improved, consistent with the purpose of such lots as temporary facilities, to be safe and present an acceptable appearance. Site and architecture approval, with an expiration date, is required for all temporary parking lots.

B. The city may construct temporary parking lots to alleviate parking shortages. The standards and procedures are the same as provided in subsection A of this section. (Ord. 495 § 1, 2005)

17.43.070 Loading spaces.

A. Required. Any structure having a floor area of 10,000 square feet or more, which is to be occupied by a manufacturing plant, storage facility, warehouse facility, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of materials or merchandise, shall provide on the same lot or parcel at least one off-street loading space, plus one additional such loading space for each 20,000 square feet of floor area. Such off-street loading spaces shall be maintained during the existence of the building or use they are required to serve. A required loading space may occupy a required rear yard or any part thereof.

B. Improvement Standards. Loading spaces required by this subsection shall be developed to the following standards, to the extent other more rigid standards prescribed elsewhere in this chapter do not apply:

1. Size of Off-Street Loading Spaces. Each off-street loading space required by subsection A of this section shall be not less than 10 feet wide, 30 feet long, and 15 feet high, exclusive of driveways for ingress and egress and maneuvering areas.
2. Driveways for Ingress and Egress and Maneuvering Areas. Each off-street loading space required by subsection A of this section shall be provided with driveways for ingress and egress and maneuvering space of the same type which is required for off-street parking spaces.
3. Location of Off-Street Loading Spaces. No off-street loading space required by subsection A of this section shall be located closer than 40 feet to any street.
4. Screening. All loading spaces shall be screened so as not to be visible from any adjacent residential properties, and shall be designed so that noise from loading operations or equipment is sufficiently buffered from adjacent residential properties. Such screen may include sound walls and landscaping. (Ord. 495 § 1, 2005)

17.43.080 Requirements of downtown parking district.

A. The ability of property owners to provide the parking spaces required under this chapter is usually not feasible in the downtown area due to the lack of vacant land. In order to provide for the orderly and viable transition of property uses in the area described as the downtown parking district, existing uses are exempt from the requirements of EMC [17.43.020](#).

B. Where there is a change in use within an existing building or property and no additional floor area or additional dwelling units are proposed, no additional parking spaces are required.

C. Where additional floor area or additional dwelling units are created or new buildings constructed, the parking requirements of this chapter shall be met for the new construction. No existing parking spaces shall be removed in order to accommodate additional or new construction and/or uses.

D. For purposes of this parking exemption section, the downtown parking district is described as follows: properties within the area and on both sides of these district boundary streets: Main Street, Third Street, and State Route 120. (Ord. 530 Att. A, 2011; Ord. 495 § 1, 2005)

17.43.090 Unbundled parking. The following rules shall apply to the sale or rental of parking spaces in new Multifamily Residential buildings with ten or more units:

A. All off-street parking spaces shall be leased or sold separately from the rental or purchase fees for dwelling units for the life of the dwelling units, such that potential renters or buyers have the option of renting or buying a residential unit at a price lower than would be the case if there were a single price for both the residential unit and the parking space(s).

B. In cases where there are fewer parking spaces than dwelling units, the parking spaces shall be offered first to the potential buyers or renters of three bedroom or more units, second to potential buyers or renters of two bedroom units, and then to potential buyers and renters of other units.

C. Potential buyers and renters of affordable units shall have an equal opportunity to buy or rent a parking space on the same terms and conditions as offered to potential buyers and renters of market-rate units, at a price proportional to the sale or rental price of their units as compared to comparable market-rate units. This stipulation shall be included in any agreement recorded between the City and developer pertaining to the affordable housing units pursuant to Chapter 17.50 (Affordable Housing).

D. Parking spaces shall be offered only to residents of the dwelling units served by the off-street parking, except that any surplus spaces may be rented out to non-residents, or otherwise made available for public use, with the provision that such spaces must be vacated on 30 days' notice if they are needed by residents. Required visitor spaces shall not be rented out, but may be made available for public use.

E. The City Planner may grant an exception from the requirements of this subsection for affordable units that include financing for affordable housing that requires that costs for parking and housing be bundled together.

Section 17.16 is amended to read as follows:

Chapter 17.16 R-3 OR MULTIPLE-FAMILY RESIDENTIAL DISTRICT

§ 17.16.010 Purpose.

§ 17.16.020 Permitted uses.

§ 17.16.030 Conditional uses.

§ 17.16.040 Development standards.

§ 17.16.050 Secured storage.

§ 17.16.010 Purpose.

The R-3 multiple-family residential district is intended to:

A. Provide appropriately located areas for multiple-family dwelling units consistent with the general plan and with standards of public health and safety established by this code;

B. Provide adequate light, air, privacy, and open space for each dwelling unit and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse land use and environmental impacts;

C. Achieve design compatibility through the use of property development regulations;

D. Protect adjoining lower density residential districts from excessive noise or loss of sun, light, quiet, and privacy resulting from proximity to multiple-family dwellings;

E. Provide sites for public and quasi-public land uses needed to compliment residential development or requiring a residential setting.

(Ord. 495 § 1, 2005)

§ 17.16.020 Permitted uses.

The uses listed in the table in EMC § 17.11.040 as permitted uses are allowed.

(Ord. 495 § 1, 2005)

§ 17.16.030 Conditional uses.

In addition to the uses authorized by EMC § 17.16.020, the uses listed in the table in EMC § 17.11.040 as requiring a conditional use permit are allowed if a conditional use permit is issued.

(Ord. 495 § 1, 2005)

§ 17.16.040 Development standards.

The following regulations shall apply in all R-3 districts:

A. Minimum lot area: 7,500 square feet for the first two dwelling units, with 1,500 square feet for each additional dwelling unit.

B. Density standard: Minimum of 15, maximum of 29 dwelling units per net acre.

C. Maximum building coverage: 70 percent.

D. Minimum lot width: 60 feet at a distance of 20 feet from the front lot line, 70 feet for corner lots.

E. Maximum height: Two stories, but not exceeding 35 feet.

F. Minimum Setbacks.

1. Dwelling groups shall be considered as one building for the purpose of front, side and rear yard requirements.

2. Front: 15 feet when a front porch is provided; 20 feet when no porch is provided, and the minimum depth of a front porch shall be six feet and a minimum of 60 square feet. When the garage door is facing the street, the garage shall be set back a minimum of 25 feet from the front property line, and a minimum of five feet back from the closest front wall of the structure to the front property line, or as otherwise approved by the approving authority. The minimum setback from the garage to the front property line shall be 20 feet.

3. Side: Five feet.

4. Rear: 20 feet. On corner lots, the rear yard for any building shall be not less than 10 feet in depth.

G. Courts. Each single-story dwelling group shall have a minimum court of 30 feet in length and width; two-story dwelling groups shall have a minimum court of 40 feet in length and width. Required courts shall be in addition to yard requirements. Courts may not be occupied by buildings or other structures and shall have an unobstructed opening at least 30 feet in width. Swimming pools may be placed in courts if approved under the site plan approval process.

H. Building Separation. Each dwelling building shall be separated by at least 15 feet.

I. Open Space. There shall be a total open space area of 200 square feet for each dwelling unit, usable for outdoor activities. This area is in addition to required yards, is a minimum requirement, shall be composed of private area, community areas or both, and may be in the form of balconies or decks, all as determined by the deciding body. Any areas intended to serve as private open space shall be screened for privacy of the occupant as required by the deciding body.

(Ord. 495 § 1, 2005; Ord. 530 Att. A, 2011)

§ 17.16.050 Secured storage.

One individual secured and protected storage area per unit shall be provided for the purpose of storage of items such as bicycles, barbecues, outdoor equipment, etc. The minimum size shall be six feet high by eight feet wide by five feet deep.

(Ord. 495 § 1, 2005)

§ 17.16.050 Housing Element reuse sites.

Notwithstanding any other provision of this Code, properties identified in the adopted Housing Element pursuant to Government Code Section 65583.2 as reuse sites shall allow qualifying housing development projects by right. A qualifying housing development project shall consist of owner-occupied or rental multifamily residential development that includes at least 20 percent of the total dwelling units affordable to lower-income households and complies with the applicable objective development and design standards of the R-3 zoning district. Such projects shall be subject only to ministerial review and shall not require discretionary review or approval, including a conditional use permit, planned development permit, variance, or other discretionary entitlement. Objective standards shall not be applied in a manner that physically precludes the development of the density identified in the Housing Element site inventory or otherwise conflicts with Government Code Section 65583.2. The following properties are identified as Housing Element reuse sites pursuant to Government Code Section 65583.2 and are subject to the provisions of this section: 1124 E. California Street (APN 225-100-08).

Chapter 17.33 is added in its entirety:

Chapter 17.33 RIO RELIGIOUS INSTITUTION DISTRICT

17.33.010 Purpose and intent.

The Religious Institution Overlay District ("RIO") is established to:

- A. Provide religious institutions with the ability to utilize their land in a manner consistent with their institutional objectives, including the provision of housing for disadvantaged populations;
- B. Expand opportunities for affordable housing with access to amenities offered by community institutions;
- C. Enable better utilization of land resources which are often unused, such as parking lots used for infrequent (e.g., once-weekly) services; and
- D. Provide religious institutions with greater certainty regarding their land use rights for affordable housing development and incentives for religious organizations to develop their land with housing.

17.33.020 Definitions.

As is used in this chapter, the following terms shall have the following meanings unless otherwise indicated from the context:

- A. "Project" means a housing development consisting of residential units only, or mixed-use developments where at least fifty percent of the new or converted square footage is designated for residential use.
- B. "Religious institution" means an institution owned, controlled, or operated and maintained by a church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation or as a corporation sole.
- C. "Use by right" means a development project that does not require a conditional use permit, planned unit development permit, or discretionary review, and is not a "project" for the purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

17.33.030 Applicability.

The Religious Institution Overlay District may apply city-wide to any property owned on or before January 1, 2024, by a religious institution, as defined in Section 17.33.020 of this chapter.

17.33.040 Permitted uses and other provisions.

In addition to any uses permitted in the base zone, the following uses shall be permitted in the RIO District:

- A. Dwelling units (attached or detached), shall be allowed as a use by right at a minimum density of twenty dwelling units per acre and maximum density of twenty-nine units per acre, when 20% of units are provided as affordable to low-income households. Housing development projects proposed to utilize the provisions of the RIO at a lower density or not meeting the affordability requirement do not qualify as a use by right under this chapter. For the purpose of determining density, the size of the lot shall be calculated as the portion of the site being developed for housing and the accessory uses that serve the housing development.
- B. Accessory buildings and uses customarily incidental to multifamily residential uses allowed, such as parking garages for residents, recreational facilities, day care, guest houses, laundry-rooms, storage sheds, gazebos, etc.
- C. Permitted uses in this zone include those that are listed as permitted in the R3 zone, as detailed in Section 17.11.040.
- D. All housing development projects processed under the standards of this overlay zone shall be subject to a housing agreement that includes all of the elements required for a density bonus housing agreement in Section 17.48.110.
- E. For projects developing under the provisions of Government Code 65583.2, one hundred percent of the units, exclusive of manager units, shall be developed, offered to, and sold or rented to households of lower income at an affordable housing cost, as these terms are defined in Section 17.50.030. Up to a maximum of twenty percent of units may be sold or rented to households of moderate income at an affordable housing cost, as these terms are defined in Section 17.50.030. Developments that include at least 20% of units affordable to lower-income households are allowed by-right, consistent with Government Code 65583.2(i). Up to five percent of units may be made available for staff of the religious institution that owns the land, provided that the units affordable to lower income households are offered at an affordable rent, as defined in Section 17.50.030.
- F. Affordable units are subject to the size, quality and standards defined in Section 17.50.060.

17.33.050 Exemption from amendments to existing entitlements.

When a property has received an existing discretionary entitlement including, but not limited to, a conditional use permit or master plan approval, development subject to the standards of this overlay zone may be approved without an amendment to the original entitlement, provided that the proposed development complies with all use and development regulations of the RIO District, and either of the following:

- A. The proposed development lies entirely within portions of the site which are not developed with institutional buildings. For example, the proposed development is located on land which is currently used as church parking, open space, or residential buildings; and/or
- B. The proposed development consists of the adaptive reuse of existing buildings on the site.

17.33.060 Preliminary review.

- A. All applicants for residential development within the RIO District are encouraged to meet with the director and submit a preliminary application for the purposes of receiving City input on the proposed project, as well as information regarding City requirements, the approval process, and any other information relevant to the proposed project.

17.33.070 Development standards and special incentives.

- A. Development standards. Residential developments within the RIO District shall utilize the R3 residential development standards, except as provided by special incentives below.
- B. Special incentives:
 - a. Reutilization of Church Parking. Reductions in parking for church uses below the minimum required by Section 17.43.020 of this Chapter is permitted as needed to allow development that conform to the standards of this chapter. The reduction in parking allowed shall be limited to the footprint of the residential structures and accessory structures, open space or landscaping serving the residential development.
 - b. Residential Parking Standards. Upon request, residential developments within the RIO overlay are eligible for a parking allowance of 1 space per unit is maintained. Spaces need not be covered, and no parking is required if the project is located within ½ mile of a major transit stop.
 - c. Height. No building on overlay sites within residential zoning districts or adjacent to a single-family zoning district shall exceed either forty-six feet in height or three stories above grade, as calculated in the manner illustrated in Section 17.16.040. Development on overlay sites within a C-2 base zoning district, or along Yosemite Avenue, Jackson Avenue, or Escalon Avenue shall not exceed seventy-five feet in height.
 - d. Height Adjacent to R-1 Zone. For yards abutting an R-1 zoned lot, a setback shall be established which is determined at the point where the wall height is twenty feet and using a forty-five-degree angle inwards toward the property to create additional setback. (See illustration in Section 17.28.080.F.7).
 - e. Front Setback. The minimum front setback shall be fifteen feet for all floors of the building, except along Yosemite Avenue, Jackson Avenue, and Escalon Avenue, where no minimum front setback shall be required per EMC 17.19.040.
 - f. Open Space Required. Two hundred square feet per dwelling unit of on-site open space shall be provided for use by residents. This requirement may be met with a combination of common open space and private open space. In order to be counted toward the open space requirement, the minimum width and length of each space shall be ten feet for common spaces and five feet

for private spaces. Driveways and other vehicular access areas shall not count toward the open space requirement.

- C. All other development standards shall conform to the requirements of Section 17.16.040, with the exception of lot coverage, floor area ratio standards, court requirements and building separation requirements, which shall not apply in the RIO.

17.33.080 Conformance with State Laws

In the event any provision of this chapter conflicts with development rights afforded by state law, the state law shall control.

The Zoning Map is amended to add the following three sites in the RIO:

