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Chapter 11-04 ADDITIONAL DEVELOPMENT STANDARDS

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Article 1. Development Standards

11-04-010 Residential districts.

The following development standards shall apply to residential districts, as specified herewith:

(A) For single-family residential lots, the maximum building coverage shall not exceed forty-five percent (45%) of the lot size as shown in SJBMC 11-03-010. The building area is calculated as the floor area of the house, garage and all areas within the walls of the structure. Roof overhang, eaves, cornices, architectural appendages and attached open spaced framing trellis are not included in the building area.

(B) For single-family residential lots, the maximum site coverage shall not exceed fifty-eight percent (58%) of the lot size. Calculation for site coverage shall include all accessory and out buildings on the lot, impermeable concrete walkways, driveways and patio areas. Not included in the calculations are permeable ground cover materials.

(C) Zoning district designated as single-family residential district (R-1) shall consist of R-1-7 (seven thousand (7,000) square feet), R-1-6 (six thousand (6,000) square feet) and R-1-5 (five thousand (5,000) square feet).

(D) For any subdivision of twenty (20) lots or more for single-family residential development, the size and standards of lots within the development for single-family residential may be as follows:

(1) Residential lots seven thousand (7,000) square feet in size shall be seventy-five percent (75%) or greater of the total lots. The percentage of seven thousand (7,000) square foot lots along the frontage of any streets, roads, drives, avenues, boulevards and cul-de-sacs within the development shall be seventy-five percent (75%) or greater of the total lots.

(2) Residential lots six thousand (6,000) square feet in size may be allowed in the single-family

residential development up to a maximum of twenty percent (20%) of the total lots. The percentage of six thousand (6,000) square foot lots along the frontage of any streets within the development shall not exceed twenty percent (20%).

(3) Residential lots five thousand (5,000) square feet in size may be allowed in single-family residential development up to a maximum of ten percent (10%) of the total lots. The percentage of five thousand (5,000) square foot lots along the frontage of any streets within the development shall not exceed ten percent (10%).

(4) In development of twenty (20) lots or more, the front building setback shall vary in distance from fifteen feet (15') to twenty-five feet (25') and the front setback of the garage shall be a minimum of twenty-five feet (25') or more.

(E) For developments of five (5) or more units on the R-3 districts, the following shall apply:

(1) Ratio of Units. New developments of five (5) or more units shall make available as rental units at least twenty percent (20%) of the total units. The minimum required rental units shall contain two (2) or more bedrooms.

(2) Useable Individual Common Open Space. Four hundred fifty (450) square feet per dwelling unit. If the development provides a common open space area available to all units, the individual common open space area can be reduced to three hundred sixty (360) square feet per dwelling unit.

(3) Secured Storage. One (1) individual secured and protected storage area per unit shall be provided for the purpose of storing items such as bicycles, barbecues, outdoor equipment, etc. The minimum size shall be six feet (6') high by eight feet (8') wide by five feet (5') deep. The development of five (5) or more units may incorporate a common secured and protected storage area for each unit with accessible access by each unit to the common storage area.

11-04-020 Mixed use district.

The following shall apply to projects within the MU district:

(A) Within the area of the MU district bounded by Second Street, Muckelemi Street, Fourth Street, and Franklin Street, upon the redevelopment of any existing site or upon the development of a vacant site, no parking shall be allowed between the front and/or streetside property line and the building.

(B) Within the MU district, new projects that are exclusively residential (i.e., that do not include a commercial component) shall not be allowed unless one hundred percent (100%) of the project meets an identified affordable or special housing need as defined by Chapter 11-09 SJBMC, Inclusionary Housing.

(C) Projects that are exclusively commercial are permitted in the mixed use district where it is infeasible to include a mix of uses.

(D) Residential units must not be located on street level, except when provided in the rear of a horizontally developed mixed use project.

(E) For building facades that face an abutting street, a minimum of fifty percent (50%) of the ground floor facade shall include windows and/or doors. The building facade shall be designed so a blank wall without a window or doorway is no greater than twenty feet (20') in length.

(F) A minimum of fifty percent (50%) of the lot frontage abutting a street shall be occupied by a building

facade. For lots with three (3) or more street frontages, this standard shall apply to two (2) lot frontages.

(G) In order to achieve the type and quality of development and revitalization envisioned by the General Plan for the MU districts, certain development incentive bonuses are established (see subsection (I) of this Section) to encourage developers and property owners to provide special needs housing and pedestrian amenities, as described in subsection (H) of this Section. Incentive bonuses may be granted at the discretion of the City Manager or designee and nothing contained herein shall obligate the City Manager or designee to provide any of the bonuses.

(H) Pedestrian Amenities. Within the MU districts, the City encourages developers to provide pedestrian amenities, which include linkages between adjacent uses, public plazas and other pedestrian-oriented areas that encourage interaction between people and create vitality through street “presence” in the City.

(1) Pedestrian Linkages. In order to qualify for pedestrian linkage bonuses, a project must include pedestrian linkages that meet all of the following requirements, unless otherwise determined by the City Manager or designee.

(a) Pedestrian linkages and pathways that run between buildings shall be a minimum of eight feet (8') in width.

(b) Pedestrian linkages shall be designed to be an integral part of the overall project and shall be configured to provide straightforward access from the development to adjacent land uses. The incorporation of plazas into the design of pedestrian linkages is highly encouraged.

(c) Business entrances are encouraged to front onto a pedestrian linkage or pathway. If a business entrance cannot front onto a pedestrian linkage or pathway, a minimum of one (1) display window per business shall be provided facing onto the pathway or linkage.

(d) The pedestrian linkage or pathway shall incorporate landscape features, lighting, shade, textured paving, or other design elements to enhance the overall pedestrian environment and provide a high level of security, natural surveillance, and convenience.

(e) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the pedestrian linkages.

(2) Public Plazas. In order to qualify for the public plaza incentive bonus, a proposed project must include a public plaza that meets all of the following requirements. Where inconsistent setbacks occur along the street, plazas shall be considered to compensate for the broken building edge.

(a) Plazas shall be designed with unimpeded lines-of-sight to and from the public sidewalk and pedestrian linkages.

(b) Physical access shall be provided from the public sidewalk to plazas, via pedestrian linkages.

(c) Visual features, such as public art or a fountain, shall be incorporated in plazas to attract pedestrians.

(d) Shade trees or other elements providing relief from the sun, rain, and wind shall be incorporated within plazas. Landscaping shall provide special interest through unique foliage, color, seasonal changes in plant habit, scent, or floral display.

(e) Special paving and street furniture consistent with the historic character of San Juan Bautista

shall be used in plazas to complement the streetscape elements in the public right-of-way, consistent with the City's design guidelines, when adopted.

(f) Unless otherwise determined, the property owner shall be responsible for maintenance and other liabilities of the public plazas.

(l) Development Bonuses. For mixed use projects with a residential component that is one hundred percent (100%) affordable or restricted to a special needs group as defined by Chapter 11-09 SJBMC, Inclusionary Housing, or for projects meeting the above requirements for pedestrian linkage or public plazas, the following development bonuses may be available:

(1) Required parking may be reduced by ten percent (10%); provided, that a finding can be made that the reduced number of parking spaces will be available to the project.

(2) Area of permitted signs may be increased by a maximum of ten percent (10%); provided, that a finding can be made that the increased sign area does not detract from the City's historic preservation, beautification, or pedestrian-oriented objectives.

(3) Up to fifty percent (50%) increase in residential density. This cannot be combined with California Government Code Section 65915, Density Bonuses.

(4) Through the development agreement process, the City may consider other incentive bonuses, such as reductions in processing fees, in-lieu fees, utility connection fees or low interest loans. The extent of such bonuses may vary on a case-by-case basis, per agreement by the project applicant and the City.

11-04-030 Commercial and industrial districts.

The performance standards established in this Section apply to the mixed use, commercial and industrial zoning districts. These standards are intended to assure that all commercial and industrial operations carried out in the City are conducted in such a manner to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety, and general welfare.

(A) Prohibition of Dangerous or Objectionable Elements. No land or building shall be used or occupied in any manner that would create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.

(B) All uses shall be conducted entirely within an enclosed building with the exception of outdoor dining as an accessory to a restaurant use and outdoor sales display of merchandise in conjunction with antique shops, flower shops, art galleries and similar specialty and craft businesses subject to the following provisions:

(1) Outdoor sales displays may be allowed upon the public sidewalk; provided, that a minimum width of four feet (4') from street curb is maintained clear of any obstructions.

(2) No additional signs or other advertising devices (temporary or permanent) shall be used in conjunction with outdoor sales displays except those allowed in compliance with this Title.

(3) The outdoor sales display of merchandise shall only occur during times when the associated establishment is also open for business.

(4) Only merchandise normally available at the associated business may be displayed outdoors.

(C) Fire and Explosive Hazards. All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes.

(D) Radioactive or Electrical Disturbance. No activities shall be permitted which will cause physical hazard by reason of radiation or similar cause to property in the same or adjacent zones or that emit electrical disturbance or affect the operation of any equipment other than that of the creator of such disturbance.

(E) Noise. All commercial and industrial uses shall not cause noise levels in excess of the values listed in Table 1.

Table 1 – Maximum Allowed Noise Levels, dB (Ldn)

Land Use	Interior	Normally Acceptable ¹	Conditionally Acceptable ²	Normally Unacceptable ³
Residential				
Low Density	45	<60	55 – 70	70 – 75
Medium/High Density		<65	60 – 70	70 – 75
Commercial				
Motel	50	<65	60 – 70	70 – 80
Office	55	<70	67 – 77	>75
Restaurant/Retail	60	<70	67 – 77	>75
Industrial	55	<75	70 – 80	>75
Public/Quasi-Public				
School, Library	45	<70	60 – 70	70 – 80
Church, Theater	45		<70	
Open Space				
Playgrounds/Parks	NA	<70	NA	>65 – 75
Golf Courses		<75		70 – 80
Cemeteries				

Notes:

1. Normally acceptable noise levels are those which pose no threat to the specified use. Standard construction would reduce external noise so that the interior noise level would not disrupt activities.
2. Conditionally acceptable noise levels are those in which standard building construction would not be adequate to protect the use. However, standard mitigation measures such as noise barriers, site design, architectural design to protect noise-sensitive activities, or acoustical insulation could be easily employed to achieve acceptable sound levels. Based on the noise levels along Highway 156 projected by Caltrans, some of the properties with highway frontage would fall into this category. The City will require mitigation for new projects proposed in these areas to

ensure that noise levels are reduced to acceptable standards.

3. Normally unacceptable noise levels are those for which simple mitigation measures would not be adequate. The specified land uses would not be appropriate in these areas unless major noise attenuation measures have been designed into the projects by a professional who is competent in sound reduction and unless a detailed noise study has been conducted to assure the performance of the design. Construction of the specified use should be strongly discouraged in areas with these levels.

(F) Vibration. No vibration shall be permitted which is discernible without instruments at the lot line of the establishment or use.

(G) Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringelmann Chart, published by McGraw-Hill, Inc.

(H) Odors, Flying Ash, Dust, Fumes, Vapors, Gasses and Other Forms of Air Pollution. All uses shall conform to applicable standards established by the Monterey Bay Air Pollution Control District (MBAPCD) adopted herein by reference.

(I) Glare. No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at a distance of two hundred feet (200') from said establishment or use.

(J) Liquid or Solid Wastes. All liquid and solid waste discharge shall be in compliance with Chapter 5-4 SJBMC, Refuse Collection and Recycling.

11-04-040 Mobile home park standards.

(A) Minimum Mobile Home Park Site. No mobile home park shall contain less than five (5) acres of usable land, including all private streets and accessways but not including any part of any public street.

(B) Density. No mobile home park shall be developed to a residential density in excess of the zoning district in which it is located.

(C) Roadways and Drainage. Park roadways shall be paved and equipped with gutters and other drainage facilities as required by the City Engineer. Such roadways shall be not less than twenty feet (20') wide. Park roadways and pedestrian walkways, where provided, shall be lighted from dark to dawn.

(D) Setbacks.

(1) Every mobile home shall have a minimum ten-foot (10') clearance in all directions from other structures, excluding storage cabinets, except that when awnings, porches, or cabanas are attached, the minimum clearance shall be six feet (6').

(2) All structures and mobile homes shall have a setback of at least fifteen feet (15') from all property lines. All structures and mobile homes shall have a setback of at least twenty feet (20') from the ultimate right-of-way of any public street adjoining the mobile home park. The setback area shall be landscaped and continually maintained.

(E) Utilities. All utility service lines on a mobile home park shall be installed underground. It shall be the responsibility of the owner of such mobile home park to comply with this Section by making arrangements satisfactory to the serving utilities.

(F) Accessory Uses. Uses accessory to the mobile home units shall be allowed in mobile home parks such as awnings, portable demountable or permanent cabanas; ramadas, storage cabinets, fences or windbreakers; carports, garages and porches; parks, playgrounds, riding and hiking trails, golf courses, lakes, stables and riding rings; other similar recreational buildings, structures and facilities, clubhouses, laundries, community centers and similar uses; provided, that all such uses are designed for and limited to use by residents of the mobile home park and their guests; further provided, that such uses are not authorized on the individual mobile home lots within mobile home parks.

11-04-050 Secondary dwelling units.

The owner of an existing single-family dwelling may construct a second dwelling unit on the same legal lot of record in the R-1, R-2 and R-3 zoning districts according to the following conditions and processes:

(A) "Second dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. It shall be of minimum size required for health and safety.

(B) A second dwelling unit may be permitted in a residential zoning district when:

- (1) The second dwelling unit is not under separate ownership as the primary dwelling unit;
- (2) The second dwelling unit maintains the scale and design of the primary dwelling unit in terms of building materials, colors and exterior finishes;
- (3) The primary dwelling unit meets parking requirements and standards;
- (4) Public and utility services including emergency access are adequate to serve both primary and secondary dwellings;
- (5) The second dwelling unit conforms to all height, setback, lot coverage, and other zoning requirements applicable to a primary main dwelling in the zone in which the property is located, except:
 - (a) One (1) off-street parking space shall be provided for a second unit in addition to the required spaces for the primary dwelling; and
 - (b) A second unit shall be limited to one (1) story and a maximum of fifteen feet (15') in height if the primary dwelling is one (1) story;
- (6) The second dwelling unit meets all site plan and design review requirements, historic review requirements, permits, mitigation fees, and other charges applicable to primary dwellings in the zone in which the property is located;
- (7) The second dwelling unit meets all City building code requirements that apply to single-family residences;
- (8) The second dwelling unit is separately metered and has separate shutoffs for all utilities;
- (9) Second dwelling units shall be not more than thirty-five percent (35%) of the floor area of the existing primary dwelling and shall not exceed six hundred (600) square feet; and
- (10) The applicant is the owner and occupant of the existing primary unit.

(C) Other than subsection (B)(9) of this Section, the Planning Commission may consider granting a use permit for exceptions for a second dwelling unit that does not meet up to two (2) of the standards set forth above when:

- (1) The applicant is the owner and occupant of the existing primary unit;
- (2) The second dwelling unit is rented as a low or very low-income unit only;
- (3) The second dwelling unit will not detrimentally affect the noise, traffic, light access, privacy, parking, and character of the neighboring dwellings or the neighborhood; and
- (4) Public and utility services including emergency access are adequate to serve both dwellings.

11-04-060 Accessory structures and uses.

(A) Noncommercial horticulture and private outdoor recreational facilities are permitted accessory uses in all districts. The operation of necessary facilities and equipment in connection with any public park, playground or institutional use shall be deemed to be an accessory use.

(B) The City Manager or designee has the authority to issue a home occupation permit, appealable to the Planning Commission, that allows residents to operate a business from their home, provided the operation of said business does not impact, disrupt or change the character of the residential district in which it is located and is consistent with the following:

- (1) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, with the exception of the allowed business identification sign.
- (3) No home occupation shall be conducted in or make use of any accessory building.
- (4) There shall be no sales in connection with such home occupation other than sales of merchandise produced on the premises or directly related to the services offered.
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- (6) No commercial vehicle shall be used by the occupant for transportation of materials to or from the premises.
- (7) No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the lot to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television, computer, telephone, fax machine or other receiving devices or electronic or electrical equipment off the premises, or causes fluctuations in line voltage off the premises.
- (8) No employees other than residents of the household conducting the home occupation shall be associated with the home occupation.

(9) No home occupation shall involve the teaching of music or dancing to more than one (1) pupil at a time.

(10) The nature or type of occupation for which a home occupation permit may be granted shall be a material part of granting such permit.

(C) Any structure used for an accessory use shall meet all requirements for a main structure, except as indicated below.

(D) Any garage, carport, or other accessory building that shares a common wall with the main building shall meet all the requirements of this Title applicable to the main building.

(E) Except as allowed by the provisions of this Section, a detached garage or accessory building not exceeding fifteen feet (15') in height may occupy not more than thirty percent (30%), or collective accessory buildings not more than forty percent (40%), of the area of a rear yard. Such a structure shall not contain cooking or sleeping facilities or be used for such purposes.

(F) A garage, carport or other accessory building not having a common wall with the main building shall not be placed closer than five feet (5') from the main building and any property line.

(G) A breezeway may be permitted to provide shelter between an accessory building and a main building. Such a breezeway is a covered passageway that does not exceed ten feet (10') in width and that has at least one (1) side open, except for necessary supporting columns.

(H) No detached accessory building shall be placed on a corner lot so as to occupy any part of one-half (1/2) of the lot measured from any street side.

11-04-070 Required yards.

(A) Except as otherwise provided in this Chapter, required yards are to be unobstructed by any building structure or other improvement constructed on, over, or under the ground. No part of a yard required by this Title shall be included as part of a yard required for any other lot.

(B) Cornices, eaves, canopies, fireplaces, oriel windows and other similar architectural features, but not including any flat wall, bay window, or other window surface, may extend into any yard a distance not exceeding eighteen inches (18").

(C) Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not exceeding six feet (6') and into any required side yard a distance not exceeding one-half (1/2) the width of the required side yard.

(D) Decks and patios structurally supported entirely by earth at no higher than natural grade may extend into a side or rear yard to within one foot (1') of any property line.

(E) Detached accessory structures shall be allowed in rear and side yards if not less than five feet (5') away from any property line.

(F) Swimming pools, spas, trellises, arbors and gazebos shall be allowed in rear and side yards if not less than five feet (5') away from any property line.

(G) Private driveways that do not provide necessary access to any other lot shall be permitted within setbacks.

(H) Ramps for access by handicapped persons from grade to a raised ground floor structural entry shall be

allowed in setbacks.

(I) In any district where fifty percent (50%) or more of the lots on one (1) side of any block have been improved with buildings other than accessory structures, the required front yard for lots located on that side of the block shall be a depth equal to the average of the actual unobstructed front yards of the lots so improved, but not more than the minimum front yard specified for the district. When computing the average depth of the lots, the actual unobstructed front yard of each lot shall be deemed to be equal to the minimum front yard specified for the zoning district unless a lesser depth has been recognized as lawful by the Planning Commission. This subsection shall have control over any other front yard requirements set forth in this code to the extent such other requirements are inconsistent with this subsection.

(J) Fences, Walls, and Hedges.

(1) In residential zones, fences, hedges, and walls may not exceed three feet (3') in the required front yard setback or six feet (6') in the required side or rear yard setbacks. The following exceptions shall apply:

(a) Properties sites within the historic overlay district shall not have fences, hedges, and walls higher than three feet (3') in a front yard except as provided in subsection (J)(1)(b) of this Section.

(b) Boundary line fences or walls adjacent to commercial property may be eight feet (8') high if requested or agreed upon by a majority of the adjacent residential property owners.

(2) In the A, C, MU or I district, fencing shall be permitted in required yards as necessary to provide effective screening and security for permitted uses.

(3) For the purposes of this Section, fence and wall heights shall be measured from grade from the lower side of the structure.

11-04-080 Storage.

(A) Vacant Parcels. No person shall store any commercial or construction equipment or materials or store or park any boat, house trailer, camper trailer, detached camper trailer, detached camper trailer top, motor vehicle, or dismantled motor vehicle on vacant lots or vacant parcels in any zoning district of the City.

(B) Outdoor Storage. Outdoor storage buildings, containers and enclosures in commercial and industrial zoning districts are permitted only when screened from view of any public right-of-way, less than three hundred (300) square feet in size, and located in rear or side yard areas.

11-04-090 Utility stations.

The following special requirements shall apply if the proposed use is a utility service center that includes equipment yard functions:

(A) Equipment yard activities shall be screened from all streets and to the extent possible from adjacent uses, and may involve any combination of structures and landscaping acceptable to the City Manager or designee.

(B) Notwithstanding SJBMC 11-04-070(J)(1), any screening must include a twenty-foot (20') setback that is covered with a dense landscaping screen on the side and rear property lines of any utility service center.

(C) Notwithstanding SJBMC 11-04-070(J)(I), screening must incorporate required landscaping if the utility service center is located in an industrial district.

(D) Noise barriers shall be constructed of an effective masonry or other high-mass noise barrier within the setback between the property line and the equipment yard component of the facility.

11-04-100 Wireless communication facilities.

(A) Purpose and Intent. The purpose of this Section is to establish a comprehensive set of zoning requirements for antennas and wireless communication facilities. These regulations are intended to provide for the managed development of antennas and wireless communications facilities in a manner that recognizes and enhances the community benefits of wireless communication technology and reasonably accommodates the needs of citizens and wireless communication service providers in accordance with Federal and State rules and regulations, while at the same time protects the neighbors from potential adverse impacts of such facilities; preserves the visual and historic character of the established community and the natural beauty of hillsides and ridgelines.

(B) Exemptions. The requirements imposed by this Section shall not apply to antennas or antenna structures set forth in this subsection, unless noted otherwise below. Each such exempt facility above shall fully comply with any other applicable requirements of the Municipal Code to the extent not specially exempted in this Section, including but not limited to the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, and California Fire Code.

(1) Direct broadcast satellite (DBS) antennas and multipoint distribution services (MDS) antennas measuring one (1) meter or less in diameter (or diagonal measurement); and television broadcast system (TVBS) antennas, provided: (a) the antenna is located entirely on and/or above the subject property, (b) no antenna is more than twelve feet (12') in height, and (c) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street.

(2) Satellite earth station (SES) antennas measuring two (2) meters or less in diameter (or diagonal measurement) located on a property within any commercial or industrial zoning district, provided: (a) the antenna is located entirely on and/or above the subject property; and (b) no portion of any ground-mounted antenna is within a required front yard setback for the main building, in front of the main building, within a required side yard setback of a corner lot or adjacent to a street. All SES antennas shall require a building permit and Planning Commission review of placement to ensure that maximum safety is maintained.

(3) Antennas and antenna structures constructed by or for FCC licensed amateur radio operators that comply with the following provisions shall require a building permit and Planning Commission review of placement to ensure that maximum safety is maintained:

(a) The antenna structure, when fully extended, measures forty-five feet (45') or less in height, and measures twenty-four inches (24") or less in diameter or width;

(b) The antenna boom measures twenty feet (20') or less in length and is three inches (3") or less in diameter;

(c) No antenna element exceeds thirty-two feet (32') in length or two inches (2") in diameter or width, with the exception of mid-element tuning devices which shall not exceed six inches (6") in diameter or width;

(d) The turning radius of any antenna does not exceed twenty-six feet (26'); and

(e) All antennas and antenna structures shall comply with the applicable provisions of Chapter 11-03 SJBMC, Development Standards, and this Chapter and any other applicable provisions of the San Juan Bautista Municipal Code.

(4) A proposed facility shall be exempt if, and to the extent that, rules and regulations of the Federal Communication Commission (FCC) or the provisions of a permit issued by the California Public Utilities Commission (CPUC) specifically provide that the facility is exempt from City regulation.

(C) Review and Approval. Any person who proposes to install or operate a wireless communication facility shall first obtain approval of a conditional use permit and/or design review approval, as set forth in this subsection, unless the facility is exempt under subsection (B) of this Section.

(1) Required Permits. Requests for approval of wireless communication facilities shall be reviewed as follows:

(a) Conditional Use Permit. Antennas and antenna structures set forth in this subsection shall require a conditional use permit pursuant to the provisions of Chapter 11-20 SJBMC and subsections (C)(2) and (3) of this Section:

(i) An amateur radio antenna or antenna structure which, when fully extended, exceeds sixty feet (60') in height;

(ii) A service provider facility located in or within three hundred feet (300') of a residential zoning district (as defined in Chapter 11-02 SJBMC); and

(iii) A monopole antenna structure constructed by or for a service provider.

(b) Design Review Application. Antennas and antenna structures set forth in this subsection shall require a design review application pursuant to Chapter 11-18 SJBMC and subsections (C)(2) and (3) of this Section. The Planning Commission may delegate its authority under this subsection to the City Manager, in which case approval may still only be granted after providing ten (10) days' notice to property owners within a three-hundred-foot (300') radius of the proposed antenna location.

(i) A monopole antenna structure constructed by or for an FCC licensed amateur radio operator which, when fully extended, is between forty-five feet (45') and sixty feet (60') in height, and/or has a turning radius exceeding twenty-six feet (26') (i.e., when the antennas are rotated);

(ii) A service provider facility located anywhere other than in or within three hundred feet (300') of a residential zoning district (as defined in Chapter 11-02 SJBMC); and

(iii) A monopole antenna structure constructed by or for a service provider.

(c) Building Permit. All antennas and antenna structures, unless specifically exempted under subsection (B) of this Section, shall require a building permit.

(2) Findings. The Planning Commission may approve a conditional use permit or design review application for a wireless communication facility only upon making the findings set forth in Chapter 11-18 SJBMC, Site Plan and Design Review, or Chapter 11-20 SJBMC, Use Permits, as well as the following finding: Every applicable requirement set forth in subsections (D), (E) and (F) of this Section is satisfied, or an exception has been granted pursuant to subsection (C)(3) of this Section.

(3) Exceptions. The Planning Commission may grant an exception to any requirement of this Section that

is not met upon finding that (a) strict compliance precludes the reasonable accommodation of the communication needs of the operator as set forth in Federal and/or State rules and regulations; and (b) there are no other feasible alternatives. In order to grant an exception for a wireless communication facility located within a vertical distance of one hundred feet (100') of a major ridge, the Planning Commission must also make one (1) of the following findings: (a) due to the proposed location and/or design of the facility, it will not be readily visible from surrounding properties, right-of-way or public property; or (b) due to existing structures and/or landscaping, the facility will be substantially screened from view and will not have significant adverse visual impacts.

(4) Length of Permit. A conditional use permit or design review approval for a wireless communication facility shall be valid for an initial maximum period of ten (10) years, unless a shorter period of time is required as a condition of approval by the Planning Commission. The permit may be administratively extended for a period no longer than the initial maximum period by the City Manager upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in the Municipal Code which are in effect at the time of permit renewal.

(5) Submittal Requirements. In addition to the general requirements set forth in other subsections of this Section, each application shall include the following information:

(a) Documentation demonstrating that the facility will comply with applicable radio frequency (RF) emission standards as set forth in subsection (D)(1)(j) of this Section. Such documentation may be satisfied by a written demonstration of compliance with FCC Bulletin OET-65, as amended.

(b) Written description of the proposed method(s) of correcting any potential interference with consumer electronic products that may result from the operation of the facility as set forth in subsection (D)(2)(i) of this Section.

(c) Written description of any noise generated by the facility, including but not limited to retractable monopole motors, antenna rotators, power generation and related equipment. Such information shall include the estimated times, frequency, duration and decibel levels of the noise.

(d) Any application for a facility that does not comply with all applicable standards in subsections (D), (E) and (F) of this Section shall include a written statement explaining why strict compliance with the standard would not reasonably accommodate the communication needs of the operator, any alternatives that were considered, and the reasons why there are no feasible alternatives that would meet the standard.

(e) Based on the reasonable discretion of the City Manager, the City, at the applicant's sole expense, may also require the applicant to provide:

(i) Visual impact analysis showing a silhouette or other visualization(s) of the proposed facility within the context of its surroundings; and/or

(ii) Written authorization for the City to hire an independent, qualified consultant to evaluate technical and other aspects of the proposal, including, but not limited to, compliance with applicable emission standards, potential for interference with consumer electronic products and/or public safety communications and the appropriateness of granting any requested exceptions. Such authorization shall include a written agreement by the applicant to advance or promptly reimburse the City for all reasonable costs associated with the consultation.

(f) The type(s) of wireless communication service(s) to be provided by the facility.

(g) In addition to the information required in subsections (C)(5)(a) through (f) of this Section, applications for approval of a service provider facility shall include the following:

(i) Map showing all current and planned facility sites within and adjacent to the City that are owned and/or operated by the service operator;

(ii) Name(s), address(es) and telephone number(s) of the person(s) that own the facility and that will be responsible for its operation and maintenance;

(iii) Any proposed access roads or parking areas; and

(iv) Documentation that the operator has obtained any licenses and/or approvals that are required by Federal and/or State agencies.

(D) General Requirements. Unless specifically stated otherwise in this Section, all antennas and antenna structures shall be designed, installed and operated in compliance with the following provisions:

(1) Development Standards.

(a) All antennas, to the greatest degree possible, shall be located out of the public view and screened from public view.

(b) No portion of an antenna, support structure or any related equipment shall be located on or within a vertical distance of one hundred feet (100') of a major ridge.

(c) Unless otherwise required by City, County, State or Federal rules or regulations, wireless communication facilities shall have a nonreflective finish and shall be painted a neutral color consistent with the predominant background color, as determined by the Planning Commission.

(d) Unless otherwise required by applicable Federal rules or regulations, no wireless communications facility shall have artificial lighting.

(e) All facilities shall be designed so as to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions, which would result in hazardous conditions, visual blight, or attractive nuisances.

(f) No portion of any antenna, support structure or related equipment shall overhang a property line. This restriction shall apply to any portion of any antennas as they rotate or are in a fixed position.

(g) All wireless communication facilities shall comply with the applicable provisions of this Section and this Title as well as the California Building Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code and rules and regulations imposed by State and Federal agencies.

(h) No antenna or antenna structure shall be located within the required front yard setback for the main building, in front of the main building, within the required side yard setback of a corner lot or adjacent to any street frontage. This requirement shall also apply to antennas as they rotate.

(i) Not more than one (1) monopole antenna structure is permitted on any parcel in a residential zoning district.

(j) No wireless communication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to the public health. To that end, no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the City, County, State or Federal government. Absolute compliance with FCC Office of Engineering Technology (OET) Bulletin 65, as amended, is mandatory, and any violation of this Section shall be grounds for the City to immediately terminate any permit granted hereunder, or to order the immediate service termination of any nonpermitted, noncomplying facility constructed within the City.

(k) Existing and new landscaping materials, especially trees, shall be used where possible to screen antennas and antenna towers from off-site views.

(2) Design and Operational Standards.

(a) In order of preference, wireless communication facilities and ancillary equipment shall be located within a building, on a screened rooftop, on a building facade or within in a fenced yard area. Antennas, antenna structures and related equipment shall incorporate architectural, landscape, color and/or other treatments to minimize potential visual impacts to surrounding areas, including public property. Innovative design solutions that minimize visual impacts should be utilized. All hardware, such as brackets, turnbuckles, clips and similar items subject to rust or corrosion shall be protected by galvanizing or paint.

(b) Building-mounted antennas shall be in scale and architecturally integrated with the building design in such a manner as to be visually unobtrusive and to avoid blocking scenic resources. Facilities shall be as small as possible and the minimum height necessary without compromising reasonable reception or transmission. Screening may include locating the facility within attics, steeples, and towers or within a new architectural addition to a building or structure, which is architecturally compatible with the building.

(c) All wireless communication facilities shall be:

(i) Substantially screened from the view of surrounding properties, public right-of-way and other public property; or co-located with existing facilities or structures so as not to create substantial visual, noise or thermal impacts; or

(ii) Located in areas with substantial existing screening by structures and/or landscaping; or

(iii) Designed to appear as natural features found in the immediate area, such as trees or rocks, so as to be effectively unnoticeable.

(d) Whenever reasonably feasible as may be determined by the City Manager, all facilities shall avoid any unreasonable obstruction of views from neighboring properties.

(e) Whenever reasonably feasible as may be determined by the City Manager, wireless communication facilities shall be installed in a manner so as to preserve existing landscaping, whether or not it is utilized for screening. Additional landscaping may be required where such vegetation is deemed necessary and appropriate to provide screening.

(f) The smallest and least visible antennas possible should be installed which will reasonably accommodate the operator's communication needs. The applicant shall disclose what antennas and support structures were evaluated, and the selection process used to select the antenna and support structure consistent with this Section.

(g) The City shall retain the authority to limit the number of antennas and related equipment at any site in order to minimize potential visual impacts.

(h) Each facility shall be operated in such a manner so as to minimize any noise impacts.

(i) To the extent allowed under applicable Federal rules and regulations, the operator of a wireless communication facility shall correct interference problems experienced by any person or entity with respect to equipment such as television, radio, computer, and telephone reception or transmission that are caused by the facility. If a Federal agency with jurisdiction over such matters finds that a facility is operating in violation of Federal standards, the operator shall bring the facility into conformance with such standards within the conformance period established by the Federal agency. In the event that the Federal agency does not establish a conformance period, the operator shall bring the facility into conformance within thirty (30) days of notification by the Federal agency. The operator is under an affirmative duty to promptly provide the City Manager with a copy of any notice of such violation issued by any Federal agency. Any violation of the provisions of this Section shall be grounds for the City to terminate any permit granted hereunder and/or to order the immediate service termination of the facility. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference (including but not limited to filtering, installing radio frequency cavities, installing directional antennas, powering down systems and engineering analysis), and all costs arising from third-party claims against the City attributable to such interference.

(E) Special Provisions for Amateur Radio Antennas and Antenna Structures. In addition to the general requirements in subsection (D) of this Section, amateur radio antennas and antenna structures shall be the minimum height and size necessary to reasonably accommodate the operator's communication needs, in accordance with FCC regulations as set forth in FCC Order "PRB-1." Retractable monopoles may be required for antenna structures over forty-five feet (45') in height which are in or within three hundred feet (300') of any residential zoning district (as defined in Chapter 11-02 SJBMC). At times when not in operation, the monopole may be required to be retracted to the lowest elevation possible in order to maintain a safe clearance above any nearby building, accessory structure, overhead utility, landscaping and/or any other site improvements.

(F) Special Provisions for Service Provider Facilities. In addition to the general requirements in subsection (D) of this Section, service provider facilities shall comply with the following requirements:

(1) Whenever reasonably feasible, as determined by the City Manager, service provider facilities shall be encouraged to be located on City-owned property or public right-of-way.

(2) Any service provider facilities that are developed on vacant sites shall be temporary. When such sites are developed, these facilities shall be removed. Such facilities may be replaced with building-mounted antennas or other types of appropriate facilities, subject to review and approval by the City in accordance with subsection (C) of this Section, Review and Approval.

(3) Facilities shall be co-located with existing facilities, whenever reasonably feasible and aesthetically desirable. In order to facilitate future co-location of antennas for other service providers, the conditions of

approval shall prohibit the applicant from entering into an exclusive lease for the use of the site.

(4) Roof-mounted antennas and antenna structures shall not exceed a height of twelve feet (12') above the maximum allowed height limit for the main building in the zoning district in which the facility is located. If there is no height limit for the main building, the antennas and support structures shall not exceed sixty feet (60') in height.

(G) Discontinuance of Use. Antennas, support structures and related equipment shall be removed within thirty (30) calendar days of the discontinuation of the use of a wireless communication facility and the site shall be restored to its previous condition. The service provider shall provide the City Manager with a notice of intent to vacate the site a minimum of thirty (30) calendar days prior to vacation. For facilities located on City property, this requirement shall be included in the terms of the lease. For facilities located on other sites, the property owner shall be responsible for removal of all antennas, structures and related equipment within thirty (30) calendar days of the discontinuation of the use.

(H) Nonconforming Facilities. Any wireless communication facility in existence prior to the effective date of the ordinance codified in this Section which is nonconforming to the provisions of this Section may continue to be used. Such nonconforming facilities may be operated, repaired and maintained but shall not be enlarged, expanded, relocated or modified to increase the discrepancy between the existing conditions and the requirements of this Section.

11-04-110 Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations.

(A) The following findings shall be required:

- (1) The business offers merchandise and/or services that serve the unmet needs of the population.
- (2) Although the formula-based business may have other store locations throughout the country, State, or region, the business will compliment and enhance the character of the City.
- (3) Both exterior and interior appearance and presentation of the business are compatible with the existing scale of development, distinctive architecture and pedestrian orientation of the town character and result in an enhancement of the look and feel (i.e., character) of the surrounding area.
- (4) Signs shall conform to the City sign standards and design guidelines.
- (5) Drive-through food establishments shall be prohibited.

(B) Application Procedure. Large-scale retail business, formula retail or restaurant business, and formula visitor accommodations are subject to review by the Planning Commission so therefore the business/applicant shall fill out the application requirements for a conditional use permit and any other pertinent applications as specified therein, pay fees specified, and submit plans as set forth therein.

Legislative History: Ords. 2007-03 (2/20/07), 2007-04 (2/20/07), 2007-12 (3/20/07), 2014-03 (9/16/14), 2015-21 (9/15/15), 2017-01 (1/17/17).

The San Juan Bautista Municipal Code is current through Ordinance 2017-07, passed November 21, 2017.

Disclaimer: The City Clerk's Office has the official version of the San Juan Bautista Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.
