

Highlighted Text

Council Motions  
November 19, 2015

- b. In the event of a conflict between the General Plan and any applicable operative plan, the General Plan shall control. However, for areas within the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), or operative airport plan, the DNCP, FCSP, and airport plan shall govern.
- c. In the event of a conflict between a ~~Concept-Specific~~ Plan and a ~~Specific-Concept~~ Plan, Community Plan, or Neighborhood Plan, the ~~Concept-Specific~~ Plan shall control.
- d. In the event of a conflict between a ~~Specific-Concept~~ Plan and a Community Plan or Neighborhood Plan, the ~~Specific-Concept~~ Plan shall control.
- e. To maintain and improve the consistency between plans, the adoption or amendment of a plan shall be accompanied by corresponding amendments to the General Plan and other plans which affect the same geographic area.

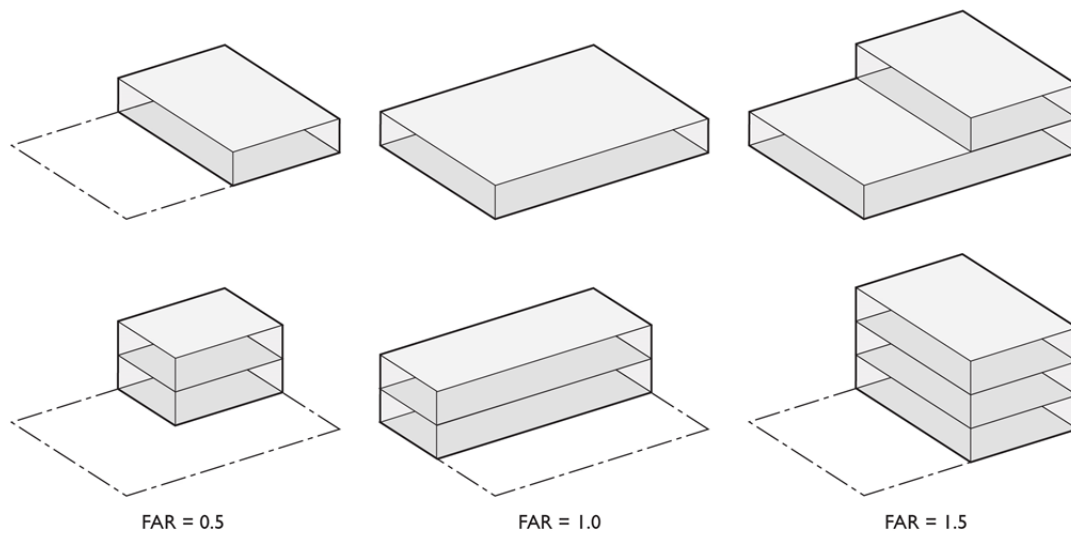
**C. Projects Approved Prior to the Adoption of this Code.**

- 1. Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued and completed within six months of permit issuance. No extensions of time except as provided for in the Building Code shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Development and Resource Management (DARM) Department.
- 2. Any previously approved permit, entitlement, or subdivision map shall be honored, unless it expires.

**D. Pending Projects.** Planning permit applications that are subject to the Permit Streamlining Act, that have been accepted by the City as complete within the meaning of the Permit Streamlining Act prior to the effective date of the Development Code, and which do not require a plan amendment, rezone, or other legislative decision, shall be subject to the Development Code requirements in effect as of the date the application was deemed complete, unless the applicant chooses to use the updated provisions of the Development Code in their entirety.

**E. Special Period for Text Amendments.** A member of the public, the administration, or a Councilmember may return to Council within a special 180 day period with a text amendment to address something that may have been missed or to address an unforeseen consequence of adoption of this Code, without payment of fee. The 180-day period shall commence from the effective date of 1-3-2016.

**F. Designated Historic Properties.** Any building or structure, including signs, that are identified and designated as a Historic Resource pursuant to the Historic Preservation Ordinance, may, at the discretion of the Review Authority and upon advice from the City Historic Preservation Specialist, be exempted from any and all property development standards of this Code, with the exception of those rules and regulations imposed in relation to an airport plan.



**FIGURE 15-309: DETERMINING FLOOR AREA RATIO**

### 15-310 Determining Residential Density

Residential density measures the number of dwellings on a given unit of land. Residential density shall be calculated as follows:

- A. **Residential Single-Family Districts.** In Residential Single-Family districts, residential density shall be measured in dwelling units per subdivided residential lot, regardless of lot size. Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters shall be excluded from this calculation.
- B. **All Other Districts.** In all other districts, residential density shall be measured in dwelling units per acre of the project's site area. For example, if a project proposes 15 dwellings on a three-acre site, it has a residential density of five dwelling units per acre (or five du/ac). Major utility easements (such as high-tension lines and trunk lines), trails, and natural features shall be excluded from this calculation. For mixed-use projects, the acreage of the entire project site shall be included in the calculation, including portions of the project site which feature only non-residential uses.
- ~~B.~~ C. **Density Transfers.** The number of units per acre prescribed in the applicable plans for an existing or proposed zone district shall not be transferred to another existing or proposed zone district, unless a transfer is approved through the processing of a Planned Development Permit which includes all zone districts involved in the proposed transfer.

### 15-311 Determining Lot Coverage

Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, and carports shall be included in the lot coverage calculation, unless otherwise noted. The following structures shall be excluded from the calculation:

2. ***Non-Residential Districts.*** A Legal Non-Conforming use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming use has ceased for a consecutive 12-month period: within five years of the effective date of this Code. Once the five year period from the effective date of this Code has passed, a Legal Non-Conforming Use shall not be re-established in any structure in a Non-Residential District if such Legal Non-Conforming Use has ceased for a consecutive period of 90 days or more.

## 15-405 Legal Non-Conforming Structures and Site Features

- A. **Applicability.** This section shall apply to all Legal Non-Conforming buildings, fences, parking, landscaping, and other such physical improvements to a lot, with the exception of non-conforming signs, which are regulated by Article 26.
- B. **Continuation of Existing Structures and Site Features.** Except as otherwise stated in this article, any Legal Non-Conforming structure or site feature may be continued indefinitely. Any Illegal Non-Conforming structure or site feature shall be removed or modified to conform to the provisions of this Code.
- C. **Completion of Structures or Site Features.** The provisions of this article shall not be construed to preclude the completion of any structure or site feature upon which lawful construction has begun prior to the time of enactment of this Code or any amendment thereto, or prior to the time of inclusion in the city.
- D. **Repair and Maintenance of Non-Conforming Structures or Site Features.**
  1. ***Maintenance.*** A Legal Non-Conforming structure or site feature may be maintained as necessary to keep it in good working order.
  2. ***Repairs and Alterations.*** Notwithstanding the provisions of Section 15-404-B, any Legal Non-Conforming structure or site feature may be repaired and/or altered, provided that such repairs and alterations do not increase any non-conformity.
  3. ***Repair of Unsafe Structures or Site Feature.*** The provisions of this article shall not be construed to preclude the repair or alteration of any part of any structure or site feature declared to be unsafe by the Building Official when such repairs or alterations are for the purpose of restoring the structure or site feature to a safe condition.
- E. **Enlargement of Non-Conforming Structures.**
  1. ***Enlargement of Single-Family Residential Structures.*** A legal non-conforming single-family use or structure in a Non-Residential District may be enlarged, provided the addition does not alter-reduce the number of parking spaces, alter the location and size of parking spaces, or the location and size of driveways; and the addition does not change the structure from single-family use to multi-family use.
  2. ***Enlargement of Other Legal Non-Conforming Structures.*** A legal non-conforming structure being used for a conforming use may be enlarged or structurally altered if the

primary façade of the living area, then swing garages shall be subject to the minimum front setback and shall not be subject to garage setbacks.

B. **Enhanced Streetscape.** When an Enhanced Streetscape is provided, the minimum lot size and minimum front setback shall be reduced as shown on Tables 15-903-1 and 15-903-2. Enhanced Streetscape shall mean that no fewer than five of the following qualities are present on the site or the adjacent public street:

1. A landscaped parkway strip of no less than four feet in width; or
2. An elevated first floor which is at no less than three feet above the grade of the adjacent sidewalk or curb; or
3. A front porch with a depth of no less than five feet and a width equal to no less than 20 percent of the building frontage; or
4. A street-facing balcony with a depth of no less than five feet and a width equal to no less than 30 percent of the building frontage; or
5. A bay window with a depth of no less than two feet; or
6. An alley-loaded garage; or
7. A front-loaded garage door, the width of which occupies less than 50 percent of the width-area of the front façade; or
8. A design in which no exterior front street-facing wall has a continuous plane of more than eight feet without an opening such as a window or door or a projection, offset, or recess at least one foot in depth; or
9. Stone or brick cladding covering-accounts for no less than 50-25 [C4] percent of the cladding of ground floor [C5] front street-facing facades, excluding windows, doors, and garages; or
10. A two-story front elevation; or
11. Shutters, lintels, sills, awnings, decorative trim or similar architectural treatments on all front street-facing windows and doors; or
12. Ornamental architectural elements such as medallions, keystones, or quatrefoils, Juliet balconies, [C6] and decorative vent covers; or
13. Decorative eave treatments such as cornice moldings, modillions, corbels, and outlookers; or;
14. 8-foot tall front door; or
15. Juliet balcony [C7].

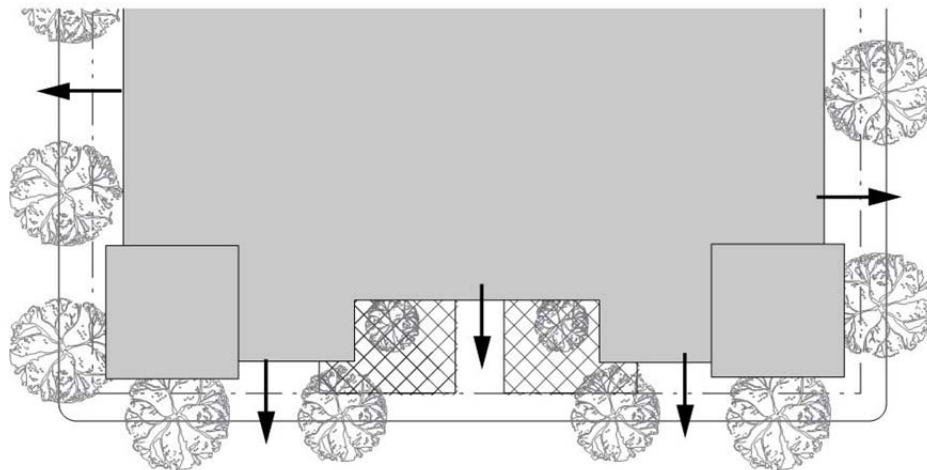
C. **Pedestrian Access.** Where 50 percent or more of the single-family homes on the same blockface have a direct path from the main pedestrian entrance to the public sidewalk, new homes shall also provide such a path. In such circumstances the driveway shall not satisfy this requirement.

- ii. The public park is across a local street and the site provides an improved pedestrian path to and from the site.
- c. The parcel is 15,000 square feet or less in area.

**E. Pedestrian Access.** On-site pedestrian circulation and access must be provided according to the California Building Code and the following standards:

1. **~~Sidewalk Connections.~~** Along all public streets, pedestrian entrances from the public sidewalk into structures and/or the site shall be provided as follows:

- a. ~~Entrances into lobbies or the internal pedestrian circulation system shall be provided at a rate of no less than one per 400 feet of linear street frontage. When providing access to a structure, such entrances shall be protected by a portico, canopy, or alcove of no less than four feet in depth. When providing access to a structure such entrances shall also feature an architectural element which clearly distinguishes them from entrances into individual dwellings, such as distinctive lighting, decorative columns, color changes, material changes, or an increase in building height above the entrance. Emergency exits, entrances into utility rooms, and other such features shall not count toward to the satisfaction of this requirement.~~



**FIGURE 15-1004-~~EF.1:~~ SIDEWALK CONNECTIONS**

- b. ~~Direct entrances into individual ground floor dwelling units which are adjacent to streets shall be provided at a rate of no less than one per 75 feet of linear street frontage. Such entrances shall be protected by a portico, canopy, or alcove of no less than four feet in depth. Projects may be excepted from this requirement at the discretion of the Review Authority if both of the following conditions apply:~~

- i. ~~The current and planned condition of the roadway is such that noise standards and other goals would be better addressed by facing units away from the street.~~

~~i.ii. Allowing the units to face away from the street would not be inconsistent with the pattern established by nearby existing uses.~~

2. ***Internal Connections.*** A system of pedestrian walkways shall connect buildings, parking areas, and on-site open space areas.

3. ***External Connections.*** A system of pedestrian walkways shall connect the project site to adjacent Commercial, Mixed-Use, and Office districts as follows:

a. If the adjacent Commercial, Mixed-Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of ~~no less than~~ one per 600 feet. ~~The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience.~~ Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.

b. If the adjacent Commercial, Mixed-Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence, then the project shall provide pedestrian walkway connections at those locations.

c. If the adjacent Commercial, Mixed-Use, and Office districts are developed ~~and~~ there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.

4. ***Pedestrian Walkway Design.***

a. Walkways shall be a minimum of four feet wide, hard surfaced, and paved with concrete, stone, tile, brick, or comparable material.

b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable.

c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high or other physical barrier.

~~d. Lighting shall be provided per Section 15-2015, Outdoor Lighting and Illumination.~~

~~15-1005 Pedestrian access as described above shall only be required along the front façade of the building. [C10]~~

~~5.~~

## ~~15-1006~~ **15-1005 Façade Design Development Standards**

A. ***Building Articulation.*** All street-facing façades must include at least one projection or recess at least two feet in depth for every 25 horizontal feet of exterior wall. Such projections and recesses may be grouped rather than evenly spaced in 25 foot modules.

B. ***Building Materials and Finishes.***

1. Each side of a building that is visible from a street or passenger rail line shall be designed with a complementary level of detailing and quality of materials.

2. A minimum of two exterior wall finish materials shall be used.
3. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane.
4. Trim materials and finishes shall be differentiated from adjacent wall cladding materials and finishes. Acceptable trim materials shall be wood, precast concrete, stone, tile, or similar materials. Stucco trim shall be permitted at the discretion of the Review Authority, and in such instances it shall feature a smooth finish that contrasts significantly from adjacent stucco wall cladding. Differentiating trim from adjacent wall cladding solely through color is discouraged, but may be permitted at the discretion of the Review Authority.
5. Windows shall be of the same material on all elevations facing a street.
6. Building entrances and common areas shall include finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.
7. Parking areas and structures shall be designed to match and be compatible with the architectural character, materials, and colors of the overall development. Multi-story parking structures should be reviewed on a case-by-case basis.

#### C. **Window Design.**

1. **Glazing Ratio.** Street-facing facades shall have an overall wall composition of at least 20 percent glazing, but not more than 60 percent glazing.
2. **Vertical Proportion.** At least 70 percent of all window openings shall have a vertical proportion, in which their height exceeds their width by 25 percent or more. Openings divided by muntins of four inches or more in width shall constitute separate openings.
3. **Window Depth.** Trim at least one inch in depth must be provided around all windows, or windows must be recessed at least two inches from the plane of the surrounding exterior wall. For double-hung and horizontal-sliding windows, at least one sash shall achieve the two-inch recess.

#### D. **Façade Alignment.**

1. **Vertical Alignment.** With the exception of mansard roofs, cornices, and other such features, facades shall be oriented vertically and shall have no slope.
2. **Horizontal Alignment.** With the exception of bay windows and similar features, facades that are located within 30 feet of a public street shall run parallel or perpendicular to said street.

#### E. **External Pedestrian Access.**

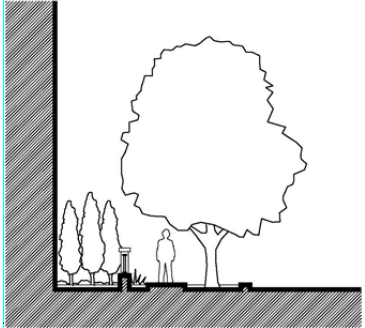
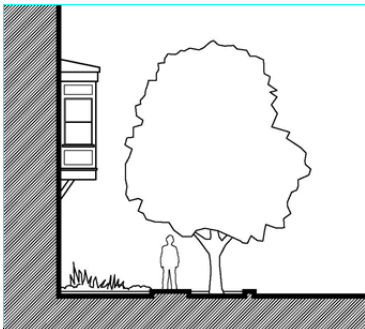
1. **External Stairways.** With the exception of stoops and similar steps intended for access for ground-floor spaces, external stairways shall not be located within 30 feet of a public street. Within 30 feet of a public street, stairs shall be fully enclosed within the building.



2. ~~**External Corridors and Hallways.**~~ External corridors and hallways shall not be located within 30 feet of a public street. Within 30 feet of a public street, corridors and hallways shall be fully enclosed within the building.

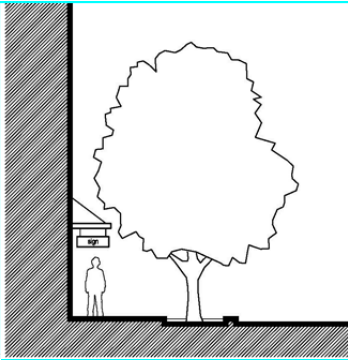
F. ~~**Facade Elements.**~~ Development shall incorporate a minimum of one of the following Facade Elements into front and street side building façades.

**TABLE 15-10705-F: FACADE ELEMENTS—RESIDENTIAL MULTI-FAMILY DISTRICTS**


A. Yard, Forecourt, Planter	Basic Standards		Supplemental Standards
	Depth	5 ft. min.	<ul style="list-style-type: none"> <li>Planters, garden walls, fences, and hedges are permitted at the sidewalk per Section 15-2006.</li> <li>Water features, shade structures, seating, and gardens are encouraged in this area</li> <li>Vehicular parking, trash collection and storage are not permitted in this area</li> </ul>
	Length	15 ft. min.	
	Height	Open to the sky	
	Encroachment into Required Setbacks	Not Permitted	
B. Bay Window	Basic Standards		Supplemental Standards
	Depth	2 ft. min.	<ul style="list-style-type: none"> <li>Bay windows are permitted on the ground floor</li> <li>Provide landscape in front and around bay windows on the ground floor</li> <li>Bay windows should have a minimum 25% glazing</li> </ul>
	Length	15 ft. min.	
	Height	2 <sup>nd</sup> fl.: 10 ft. min. clear from the ground	
	Encroachment into Required Setbacks	Section 15-2014, Projections/Encroachments into Yards	
C. Balcony	Basic Standards		Supplemental Standards
	Depth	5 ft. min., 10 ft. max.	<ul style="list-style-type: none"> <li>Balcony may be covered, but should be a minimum 50% open to the air on three sides</li> </ul>
	Length	8 ft. min.	
	Height	10 ft. min. clear from the ground	
	Encroachment into Required Setbacks	Section 15-2014, Projections/Encroachments into Yards	

**TABLE 15-10705 F: FACADE ELEMENTS—RESIDENTIAL MULTI-FAMILY DISTRICTS**

D. Porch	Basic Standards		Supplemental Standards
	Depth	5 ft. min., 15 ft. max.	<ul style="list-style-type: none"> <li>Provide landscaping in front of and around porch</li> <li>Porches should be a minimum 50% open to the sky on three sides and shall not be enclosed by a fence</li> <li>Railings should be no higher than required by the building code</li> </ul>
	Length	8 ft. min.	
	Height	8 ft. min. clear from the finish floor	
	Encroachment into Required Setbacks	Section 15-2014, Projections/Encroachments into Yards	
E. Stoop	Basic Standards		Supplemental Standards
	Depth	6 ft. min., 15 ft. max.	<ul style="list-style-type: none"> <li>Landscaping encouraged in front, around and within walls of stoop</li> <li>Minimum 3 ft. to maximum 4 ft. high garden wall and gate to be provided at entry to stoop</li> <li>Entry gates to swing in a direction away from sidewalk</li> <li>Use of other frontage types is encouraged at entry stoop (e.g., awning, bay window, arcade)</li> </ul>
	Length	4 ft. min., 10 ft. max.	
	Height	Max. 4 ft. elevation above finish sidewalk grade	
	Encroachment into Required Setbacks	Section 15-2014, Projections/Encroachments into Yards	
F. Arcade, Colonnade, Gallery	Basic Standards		Supplemental Standards
	Depth	5 ft. min., 10 ft. max.	<ul style="list-style-type: none"> <li>Provide landscaping in front of arcade, colonnade, or gallery</li> <li>Arcade, colonnade, or gallery to be a minimum 50% open on three sides</li> <li>Balconies, awnings, bay windows, verandas, or other structures are allowed above an arcade, colonnade, or gallery</li> </ul>
	Length	25% to 100% of building frontage	
	Height	8 ft. min. clear from the finish floor	
	Encroachment into Required Setbacks	Permitted for 50% of setback frontage	

TABLE 15-10705 F: FACADE ELEMENTS—RESIDENTIAL MULTI-FAMILY DISTRICTS			
G. Awning, Canopy, Marquee, Sun Shade, Trellis	Basic Standards		Supplemental Standards
	Depth	2 ft. min., 10 ft. max.	• Avoid the use of highly reflective materials
	Length	25% to 75% of building frontage	
	Height	8 ft. min. clear, 12 ft. max. clear from the finish floor	
	Encroachment into Required Setbacks	Section 15-2014, Projections/Encroachments into Yards	

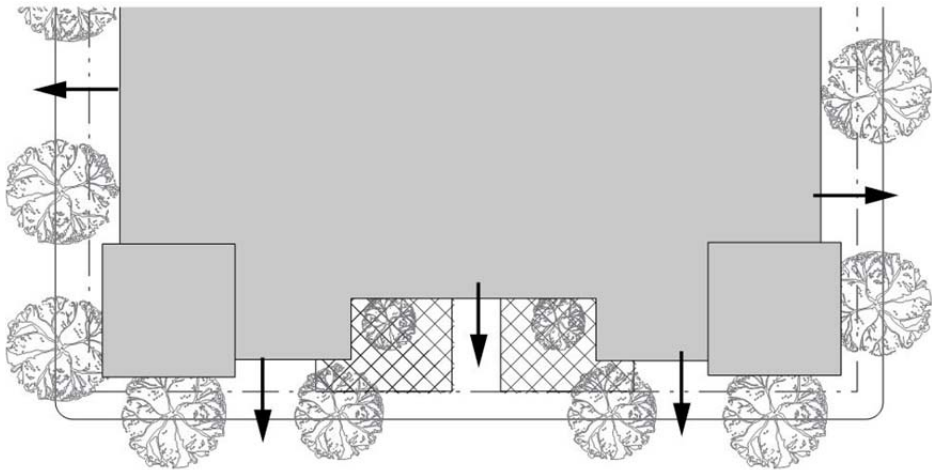
**TABLE 15-81102: USE REGULATIONS—MIXED-USE DISTRICTS**

<i>Use Classifications</i>	<i>NMX</i>	<i>CMX</i>	<i>RMX</i>	<i>Additional Regulations</i>
Park and Recreation Facilities, Public	–	P	P	
Parking, Public or Private	–	C(6)	C(6)	
Public Safety Facilities	C	C	C	
Schools, Public or Private	–	–	C	
Social Service Facilities	C	P(1)		
<b>Commercial Use Classifications</b>				
Animal Care, Sales and Services				
<i>Grooming and Pet Stores</i>	P	P	P	
<i>Veterinary Services</i>	–	C(7)	C(7)	
Artist's Studio	P	P	P	
Automobile/Vehicle Sales and Services				
<i>Automobile/Vehicle Sales and Leasing</i>	–	C(13)	C(13)	§15-2709, Automobile and Motorcycle Retail Sales and Leasing
<i>Service Station</i>	<del>C(12)</del>	<del>C(12)</del>	<del>C(12)</del>	§15-2755, Service Stations
Banks and Financial Institutions				
<i>Banks and Credit Unions</i>	P(5)	P	P	
<i>Check Cashing Businesses and Payday Lenders</i>	–	–	–	§15-2715, Check Cashing Businesses, Payday Lenders, and Similar Financial Services
Banquet Hall	C	C	C	§15-2712, Banquet Hall
Business Services	P	P	P	
Eating and Drinking Establishments				
<i>Bars/Nightclubs/Lounges</i>	C(16)	C(16)	C(16)	§15-2743, Outdoor Cooking for Commercial Purposes; §15-2744, Outdoor Dining and Patio Areas; §15-2751, Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges
<i>Restaurant with Alcohol Sales</i>	C(16)	C(16)	C(16)	
<i>Restaurant without Alcohol Sales</i>	P	P	P	
Entertainment and Recreation				
<i>Cinema/Theaters</i>	C	C	P	
<i>Cyber/Internet Café</i>	C	C	C	§15-2724, Cyber/Internet Cafes
<i>Small-Scale</i>	P(17)	P	P	§15-2708, Arcades, Video Games, and Family Entertainment Centers <b>§9-1801. Billiard Rooms</b>
Food and Beverage Sales				
<i>Farmer's Markets</i>	P	P	P	§15-2730, Farmer's Markets
<i>General Market</i>	P	P	P	§15-2744, Outdoor Dining and Patio Areas; §15-2745, Outdoor Retail Sales
<i>Healthy Food Grocer</i>	P	P	P	
<i>Liquor Stores</i>	C(12)	C(12)	C(12)	§15-2707, Alcohol Sales; §15-2745, Outdoor Retail Sales
Funeral Parlors and Internment Services	–	–	C	§15-2714, Body Preparation and Funeral Services
Live/Work	P(1)	P(1)	P(1)	
Lodging				
<i>Hotels and Motels</i>	P (8)	P(8)	P	
Maintenance and Repair Services	P(9)	P(9)	P(5)	
Offices				

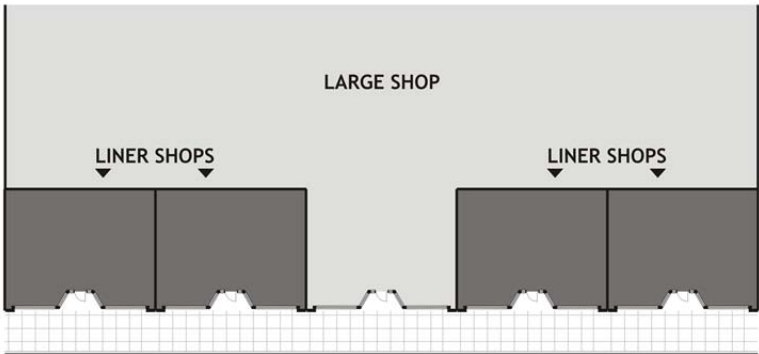
- i. Said park is located on the same side of the street and provides an improved pedestrian path to and from the site; or
- ii. The public park is across a local street and the site provides an improved pedestrian path to and from the site.
- c. The parcel is 15,000 square feet or less in area.

F. **Pedestrian Access.** On-site pedestrian circulation and access must be provided according to the California Building Code and the following standards:

- 1. ***Sidewalk Connections.*** Along all public streets, pedestrian entrances from the public sidewalk into structures and/or the site shall be provided as follows:
  - a. Entrances into lobbies or the internal pedestrian circulation system shall be provided at a rate of no less than one per 400 feet of linear street frontage. When providing access to a structure, such entrances shall be protected by a portico, canopy, or alcove of no less than four feet in depth. When providing access to a structure such entrances shall also feature an architectural element which clearly distinguishes them from entrances into individual dwellings, such as distinctive lighting, decorative columns, color changes, material changes, or an increase in building height above the entrance. Emergency exits, entrances into utility rooms, and other such features shall not count toward to the satisfaction of this requirement.
  - b. Direct entrances into individual ground floor dwelling units which are adjacent to streets shall be provided at a rate of no less than one per 75 feet of linear street frontage. Such entrances shall be protected by a portico, canopy, or alcove of no less than four feet in depth.
  - c. Direct entrances into ground floor commercial establishments which are adjacent to streets shall be provided at a rate of no less than one per 100 feet of linear street frontage. When establishments with dimensions greater than 100 feet occupy a site, they should be set back and wrapped with smaller spaces that will satisfy this requirement. See Figure 15-1104-G.1.e.



**FIGURE 15-1104-GE.1: SIDEWALK CONNECTIONS**



**FIGURE 15-1104-EG.1.C: WRAPPING OF LARGE USES**

2. ***Internal Connections.*** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
3. ***External Connections.*** A system of pedestrian walkways shall connect the project site to adjacent Residential, Commercial, Mixed Use, Office districts as follows:
  - a. If the adjacent Residential, Commercial, Mixed Use, and Office districts are undeveloped, stub connections shall be provided at a frequency of no less than one per 600 feet. The exact locations may be adjusted at the discretion of the Review Authority based on site conditions, safety, and pedestrian convenience. Upon the development of the adjacent parcels, any fencing or gates at the stubs shall be opened.
  - b. If the adjacent Residential, Commercial, Mixed Use, and Office districts are developed and provide connection points via breaks in the perimeter wall/fence or stub streets, then the project shall provide pedestrian walkway connections at those locations.
  - c. If the adjacent Residential, Commercial, Mixed Use, and Office districts are developed and there are no possible connection points via breaks in the perimeter wall/fence, then the project shall not be required to provide connections.
4. ***Pedestrian Walkway Design.***
  - a. Walkways shall be a minimum of four feet wide, be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
  - b. Where a required walkway crosses driveways, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
  - c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least six inches high, bollards, or other physical barrier.
  - d. Lighting shall be provided per 15-2015, Outdoor Lighting and Illumination.
- ~~5. Pedestrian access as described above shall only be required along the front façade of the building.~~ ~~[C12]~~

G. **Sidewalk Standards.**

1. **Applicability.** All projects shall be required to bring adjacent sidewalk conditions into conformance with the standards of this ~~s~~Section, subject to the following exceptions:
  - a. Applications for signs only.
  - b. Tenant improvements for new establishments occupying 20,000 square feet of gross floor area or less.
  - c. Building expansions of 2,000 square feet of net new floor area or less.



species requiring more space. ~~The property owner shall assume maintenance responsibilities for the tree grates. Tree grates may be allowed where the property owner assumes maintenance responsibilities for the tree grates.~~

- d. **Species.** Street trees should be deciduous, fast growing, drought tolerant, and should eventually form a tall canopy. Not more than one species should be planted per block. Whenever nearby pre-existing trees are in good condition and meet the intent of this section, new trees should be of the same species.
5. **Lighting.** Pedestrian-scaled street lights shall be provided with sidewalk improvements. Exact design and location shall be determined by the Director. Preferred designs and locations shall be as follows:
  - a. **Alignment.** Street lights should be located no more than three feet from the curb, and whenever possible should be aligned with street trees, as well as other lights on the block.
  - b. **Spacing.** Street lights should be generally evenly spaced, no less than 30 feet apart, and not more than 80 feet apart. Whenever possible, street lights should be no less than 15 feet from nearby street trees.
  - c. **Design.** Street lights should not be of the type commonly known as Cobra Heads or other types which are intended primarily for the illumination of the vehicular roadway. Lights should be ornamental and designed primarily for the illumination of the sidewalk. Whenever nearby pre-existing lights are in good condition and meet the intent of this section, new lights should be of the same type. Intersection safety lights shall be typical cobra-head design, while mid-block lighting should be ornamental and scaled for the pedestrian environment. Lighting shall meet Public Works standards.
6. **Maintenance.** If a Community Facilities District is not established to maintain sidewalks, street trees, and lighting, the applicant shall enter into a maintenance agreement to ensure the maintenance of said facilities.
- H. **Service Areas and Loading.** Service and loading areas should be integrated with the design of the building and shall be screened from residential areas. Special attention shall be given when designing loading facilities in a location that is proximate to residential uses. Techniques such as block walls, enhanced setbacks, or enclosed loading shall be used to minimize adverse impacts to residents.

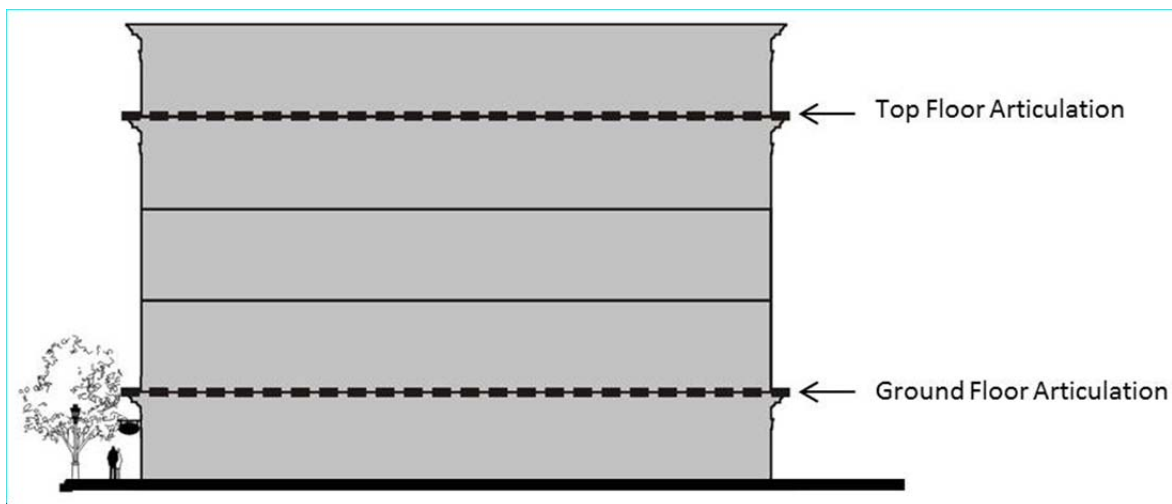
## 15-1105 Façade Design Development Standards

A. ~~**Building Articulation.** All street-facing façades must include the following articulations:~~

1. ~~**Length Articulation.** At least one projection or recess at least two feet in depth shall be provided for every 25 horizontal feet of wall.~~
2. ~~**Height Articulation.** In order to maintain a human scale for multi-story buildings, the height of façades shall be broken into smaller increments as follows:~~
  - a. ~~**Ground Floor.** A substantial horizontal articulation of the façade shall be applied at the top of the first story. This element shall be no less than 18 inches tall, and~~

shall project no less than four inches from the adjacent wall plane. It shall be designed as a cornice, belt course, or other such architectural element which is appropriate to the style of the building.

- b. *Top Floor.* Buildings or portions of buildings which are four stories in height or taller shall also provide articulation for the top story of the building. This can be accomplished by a color change, material change, a cornice/belt course at the bottom of the uppermost story, or by stepping the uppermost story back at least five feet.



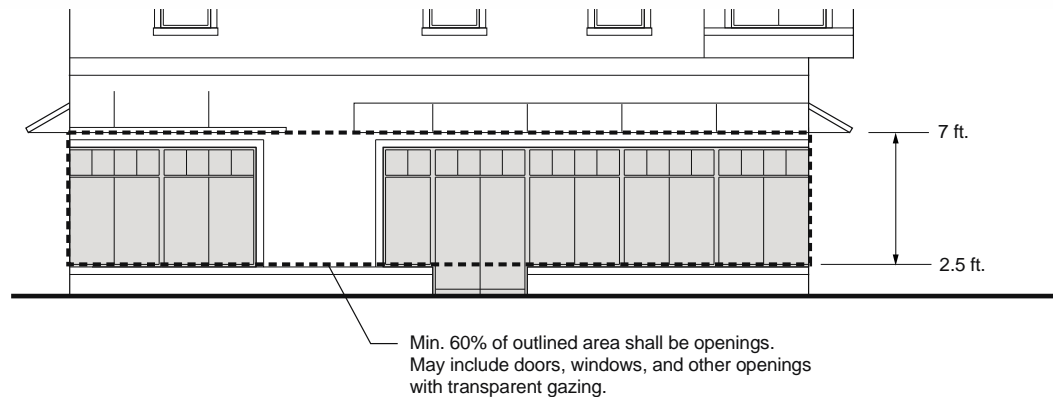
**FIGURE 15-1105-A.2: BUILDING HEIGHT ARTICULATION**

**B. Building Materials and Finishes.**

1. Each side of a building that is visible from a street or passenger railway shall be designed with a complementary level of detailing and quality of materials.
2. A minimum of two exterior wall finish materials shall be used.
3. Veneers should turn corners, avoiding exposed edges and continue down the side of a building to a logical break, such as a change in wall plane.
4. Trim materials and finishes shall be differentiated from adjacent wall cladding materials and finishes. Acceptable trim materials shall be wood, precast concrete, stone, tile, or similar materials. Stucco trim shall be permitted at the discretion of the Review Authority, and in such instances it shall feature a smooth finish that contrasts significantly from adjacent stucco wall cladding.
5. Building entrances and common areas shall include finishes and materials that are durable and high quality and distinguish these spaces from other elements of the building.
6. Parking areas and structures shall be designed to be compatible with the architectural character, materials, and colors of the overall development.

## C. Window Design

1. **Glazing Ratio.** Upper floor street facing facades, and residential portions of ground floor street facing facades, shall have an overall wall composition of at least 20 percent glazing, but not more than 60 percent glazing.
2. **Ground Floor Commercial Transparency.** For ground floor street facing facades on portions of a structure occupied by commercial uses, exterior walls facing a front or street-side lot line shall include windows, doors, or other openings with transparent glazing for at least 60 percent of the building wall area located between 2.5 and seven feet above the level of the sidewalk. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least two feet deep.



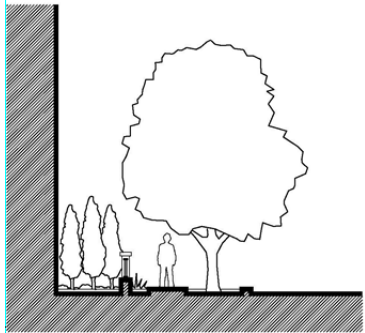
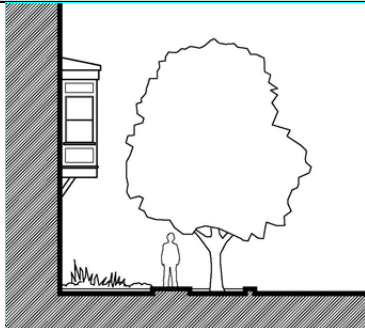
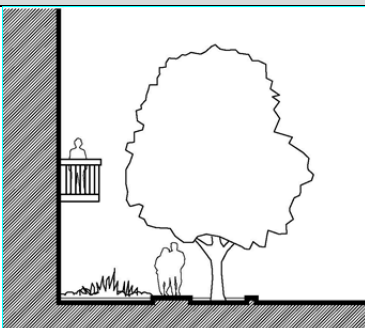
**FIGURE 15-1105-C.2: GROUND FLOOR COMMERCIAL TRANSPARENCY**

3. **Vertical Proportion.** On upper stories, at least 70 percent of all window openings shall have a vertical proportion, in which their height exceeds their width by 25 percent or more. Openings divided by muntins of four inches or more in width shall constitute separate openings.
4. **Window Depth.** Trim at least one inch in depth must be provided around all upper story windows, or windows must be recessed at least two inches from the plane of the surrounding exterior wall. For double hung and horizontal sliding windows, at least one sash shall achieve the two-inch recess.

## D. Façade Alignment

1. **Vertical Alignment.** With the exception of mansard roofs, cornices, and other such features, facades shall be oriented vertically and shall have no slope.
2. **Horizontal Alignment.** With the exception of bay windows and similar features, facades that are located within 30 feet of a public street shall run parallel or perpendicular to said street.

- E. **Façade Elements.** Development shall incorporate a minimum of two of the following Façade Elements into front and street side building façades.

TABLE 15-1105-DE FAÇADE ELEMENTS — MIXED-USE DISTRICTS			
A. Yard, Forecourt, Planter	Basic Standards		Supplemental Standards
	Depth	5 ft. min.	<ul style="list-style-type: none"> <li>Planters, garden walls, fences and hedges are permitted at the sidewalk to a maximum height of 3 ft. per Section 15-2006</li> <li>Water features, shade structures, seating, and gardens are encouraged in this area</li> <li>Vehicular parking, trash collection and storage are not permitted in this area</li> </ul>
	Length	15 ft. min.	
	Height	Open to the sky	
B. Bay Window	Basic Standards		Supplemental Standards
	Depth	2 ft. min., 8 ft. max.	<ul style="list-style-type: none"> <li>Bay windows are permitted on the ground floor</li> <li>Provide landscape in front and around bay windows on the ground floor</li> <li>Bay windows to have a minimum 25% glazing</li> </ul>
	Length	15 ft. max.	
	Height	2 <sup>nd</sup> fl.: 10 ft. min. clear from the ground	
C. Balcony	Basic Standards		Supplemental Standards
	Depth	5 ft. min., 10 ft. max.	<ul style="list-style-type: none"> <li>Balcony may be covered but should be a minimum 50% open on three sides</li> </ul>
	Length	8 ft. min.	
	Height	10 ft. min. clear from the ground	

**TABLE 15-1105-DE: FAÇADE ELEMENTS—MIXED-USE DISTRICTS**

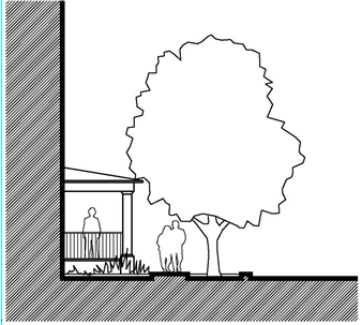
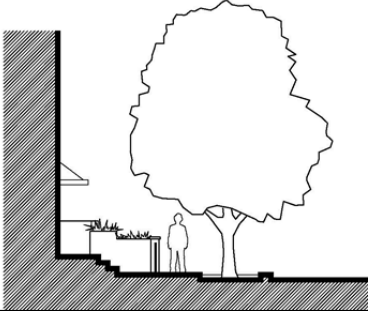

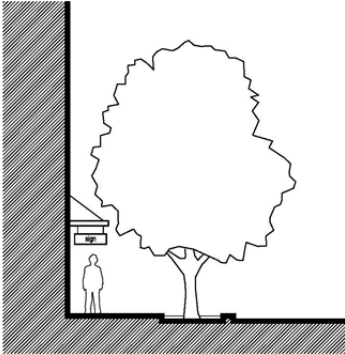
D. Porch	Basic Standards		Supplemental Standards
	Depth	5 ft. min., 15 ft. max.	<ul style="list-style-type: none"> <li>• Avoid the use of highly reflective materials</li> <li>• Provide landscaping in front of and around porch</li> <li>• Where the structure is set back 10 feet or more, porch to be a minimum 50% open to the air on three sides. Where the structure is set back less than 10 feet, porches may be recessed into the building. In no circumstances shall porches be enclosed by a fence</li> <li>• Required railing shall be no higher than required by the Building Code</li> <li>• Lower 3 ft. of porch to be screened from view, if feasible, with plant materials</li> </ul>
	Length	8 ft. min.	
	Height	8 ft. min. clear from the finish floor	
E. Stoop	Basic Standards		Supplemental Standards
	Depth	6 ft. min., 15 ft. max.	<ul style="list-style-type: none"> <li>• Landscaping encouraged in front, around and within walls of stoop</li> <li>• Minimum 2 ft. to maximum 4 ft. high garden wall and gate to be provided at entry to stoop</li> <li>• Entry gates to swing in a direction away from sidewalk</li> <li>• Use of other frontage types at entry stoop (e.g., awning, bay window, arcade) allowed</li> </ul>
	Length	4 ft. min., 10 ft. max.	
	Height	Max. 4 ft. elevation above finish sidewalk grade	
F. Arcade, Colonnade, Gallery	Basic Standards		Supplemental Standards
	Depth	10 ft. min., 15 ft. max.	<ul style="list-style-type: none"> <li>• Provide landscaping in front of arcade, colonnade, or gallery</li> <li>• Arcade, colonnade, or gallery to be a minimum 50% open on three sides</li> <li>• Balconies, awnings, bay windows, verandas, or other structures are allowed above an arcade, colonnade or gallery</li> </ul>
	Length	25% to 100% of building frontage	
	Height	8 ft. min. clear from the finish floor	

TABLE 15-1105 DE: FAÇADE ELEMENTS — MIXED-USE DISTRICTS			
G. Awning, Canopy, Marquee, Sun Shade, Trellis	Basic Standards		Supplemental Standards
	Depth	2 ft. min., 10 ft. max.	• Avoid the use of highly reflective materials
	Length	25% to 75% of building frontage	
	Height	8 ft. min. clear, 12 ft. max. clear from the finish floor	

## 15-2010 Electric Fences

Electric fences shall comply with the following regulations.

### A. Permitted Locations.

1. ~~May be permitted in Industrial Districts that do not share a common property line with a Residential District or use, not including Caretaker's Units. In all non-residential zones.~~
2. Electric fences shall not encroach into the public right-of-way.

### B. Compliance with State and Federal Regulations.

1. Electrified fencing shall comply with the California ~~Food and Agricultural Code Chapter 8, Sections 17150 et. seq.~~ Civil Code Section 835 and the California Building Code, as amended from time to time.
2. Only allowed to be installed with a permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

### C. Electricity.

1. Shall conform to ~~the California Food and Agricultural Code Chapter 8 (Sections 17150 through 17158)~~ Civil Code Section 835 and shall only be ~~a low-voltage system~~ powered by a ~~either a~~ commercial storage battery not to exceed 12 volts of direct current (DC) or ~~an~~ other approved 12 volt DC or lower voltage ~~power source~~.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

- D. **Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational.

- E. **Setbacks.** ~~Fencing~~ Non-electrical fencing behind which electric fencing is installed shall comply with setbacks of the underlying zone district unless the non-electrical fence is legally non-conforming.

- F. **Height.** Shall have a maximum height of ten feet regardless of location on the property. ~~No more than eight strands of electric wire shall be permitted.~~

- G. ~~Existing Non-Conforming Fencing.~~ Should non-conforming fencing exist on the site, it shall be removed prior to the electric fence being operational. [DZ1]

## Article 22 Affordable Housing Density Bonus

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### Sections:

15-2201	Purpose
15-2202	Other Regulations and Adopted Plans
15-2203	Applicability
15-2204	Density Bonuses
15-2205	Affordable Housing Concessions and Incentives
15-2206	Application Requirements
15-2207	Affordable Housing Standards
15-2208	Regulatory Agreement
15-2209	Enforcement
15-2210	Definitions

### 15-2201 Purpose

The purposes of the affordable housing regulations are to:

- D. Lessen the shortage of housing affordable to moderate, low, and very low income households in the city as partial compliance with California Government Code (Government Code) Section 65583(c);
- E. Allow for density bonuses and additional incentives, consistent with Government Code Section 65915, for housing affordable to moderate, low, and very low income households, for seniors and disabled persons, and for development that includes a childcare facility;
- F. Implement the policies of the Housing Element to expand the provision of housing for lower and moderate income households, elderly residents and others with special housing needs; and
- G. Establish requirements for resale and rental controls to ensure that units remain affordable for at least 30 years or such other term as required by the City, consistent with State law.
- ~~G.H. Nothing in this Article shall be construed as a provision for inclusionary zoning where an applicant is required to provide housing affordable to moderate, low, and very low income households as a condition of approval for a residential development. Furthermore, the Council shall not adopt a provision for inclusionary zoning, as described above, unless and until the Fresno General Plan adopted in December 2014 is updated and superseded by a new General Plan.~~

### 15-2202 Other Regulations and Adopted Plans

- A. **State Law Governs.** The provisions of this section shall be governed by the requirements of Government Code Section 65915. Where conflict may occurs between the provisions of this section and State law, the State law shall govern.
- B. **Effect of Granting a Density Bonus.** The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary approval.



3. **Height Limit, Freestanding Signs.** Five feet when located within a required front or street-side setback, eight feet otherwise.
  4. **Illumination.** Signs may be internally illuminated.
- C. **Residential Subdivisions.** Permanent entrance signs for residential areas with more than 10 residential parcels shall be permitted for the purpose of identifying a development subject to the following standards:
1. **Maximum Number of Signs.** Two signs per entrance from a public street plus one sign per street frontage with no entrance from a public street.
  2. **Maximum Sign Area per Sign.** 32 square feet. In the case of a [Cs] master planned development with a CUP, this area can be increased at the discretion of the Review Authority.[C9]
  3. **Height Limit.** Five-Eight feet when located within a required front or street side setback, 10 feet otherwise. In the case of a subdivision with a CUP, this height can be increased at the discretion of the Review Authority."
  4. **Illumination.** Signs shall not be internally illuminated.
- D. **Menu Display Boards.**
1. Menu displays, not exceeding two square feet in area mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises. For free standing menu display boards, refer to Section 15-2728, Drive-In and Drive-Through Facilities.
- E. **Service Stations.**
1. Signs on service station canopies are not to exceed 50 square feet on each side.
  2. Freestanding or monument signs may provide electronic fuel prices. A freestanding and/or monument sign that is to be converted to an electronic fuel price sign shall comply with the size requirements and setbacks required by the Development Code.
  3. Fuel prices shall be static and shall not be blinking, flashing, continuously changing colors, etc.
  4. Prices shall not change more than once in a 24 hour period.
  5. Only one electronic fuel price sign is permitted per site.
  6. Electronic numbers shall not exceed 24 inches in height.
- F. **Theaters.**
1. Developments containing theaters are allowed one additional pole or monument sign with changeable copy. The maximum height is 20 feet and the maximum size is 80 square feet.
  2. Theatres may provide additional walls signs. Said signs shall not exceed 200 square feet. Show times may be displayed electronically.

2. The system shall have the correct date and time stamped onto the image at all times.
3. The camera storage capacity should be for at least two weeks (~~fourteen-14~~ calendar days). Such cameras must be capable of producing a retrievable and identifiable image than can be made a permanent record and that can be enlarged through projection or other means.
4. If utilizing a digital video recorder, it must be capable of storing at least ~~fourteen-14~~ days of real-time activities.
5. The system shall be capable of producing a CD or digital playback feature and may be provided to an authorized representative of the Fresno Police Department within 24 hours of the initial request relating to a criminal investigation only.
6. The interior of the business must have at least one camera placed to focus on each cash register transaction to include the clerk as well as the customer waiting area.
7. There shall be four exterior cameras placed so as to record activities in the primary customer parking areas of their business. These cameras should be of sufficient quality to be able to identify persons and or vehicles utilizing the business parking lot.
8. All interior cameras shall record in color.
9. All exterior cameras shall record in color and have automatic low light switching capabilities to black and white. Exterior cameras should be in weatherproof enclosures and located in a manner that will prevent or reduce the possibility of vandalism.

**J. Signage.**

1. All advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including counter/cashier area, from exterior public sidewalks, parking lots, or entrance to the outlets.

**15-2716 Crop Cultivation**

~~A.~~ **Applicability.** This section applies to all crop cultivation activities, inclusive of plant nurseries. It does not apply to community gardens, edible landscaping on residential property, or Nurseries and Garden Centers.

~~A.B.~~ **Agricultural Labor Housing.** Regarding Agricultural Labor Housing, in the event of a conflict between this Code and California Health and Safety Code section 17021.6, relating to agricultural land use designations for employee housing, the Health and Safety Code shall prevail.

~~B.C.~~ **Grading.** Grading is required for site clearance and leveling prior to commencement of any activity.

~~C.D.~~ **Ag Conservation.** Any Agricultural Land Conservation ("Williamson Act") Contract that was in force prior to (re)establishment of agricultural uses on land designated for single-family residential uses shall be permitted to continue in effect under the terms of Resolution No. 2006-130 and any successor Resolution or Ordinance enacted by the City.

- b. Extended leases for family with school-aged children until 14 days after the start of summer break.
- 3. A report describing the following:
  - a. The extent that tenants will be reimbursed for the expenses of moving;
  - b. The extent that tenants will be individually assisted in finding replacement housing;
  - c. The extent that assistance payments will be made to those tenants who are unable to find comparable replacement housing, and the conditions of such assistance payments;
  - d. The extent that long-term leases or extra time to locate housing will be allowed to tenants;
  - e. The number of lifetime leases secured by elderly tenants.
  - f. Any other plans of the subdivider to provide for assistance to low-income tenants, families with children in school, students, elderly tenants, tenants with disabilities, or long-term tenants; and
  - ~~g.~~ The extent that the provisions of the RAP will be applicable to tenants who begin their tenancies after and with knowledge of the filing by the applicant of the notice of intent to convert.
- ~~g.~~ The developer/owner/applicant must file the required relocation assistance plan and a summary of all assistance provided demonstrating compliance with required relocation assistance plan prior to new Condo occupancy.
- E. **Restriction of Rent Increases.** While an application for a condominium conversion is pending, the rental rate for existing residential units shall not be increased.

#### 15-3904 Required Reports for Condominium Conversions

- A. **Pre-Application Inspection Report.** The following shall occur prior to an application being submitted for a conversion:
  - 1. The subdivider shall apply to the Building Official for an inspection of the proposed residential condominium conversion project. The inspection shall cover the applicable building, safety, and housing requirements of Section 15-3904-B, Physical Elements.
  - 2. The subdivider shall include with the building inspection application a complete set of building plans, including electrical wiring and plumbing diagrams, of the buildings of the project as they presently exist.
  - 3. The Building Official shall perform a complete inspection and shall make a written report of their findings as to compliance or noncompliance with the requirements of Section 15-3903, Standards for New Condominiums and Condominium Conversions.
  - 4. The final report prepared by the Building Official shall be submitted with the application.
- B. **Physical Elements.** A report shall be provided, detailing the following:

2. Where two alleys intersect or where an alley deflects with an interior angle of less than 135 degrees, corner cut-offs of 15 feet measured from the point of any interior angle shall be required.
- J. **Traffic Calming.** Traffic calming street design or devices such as bulb-outs, chokers, center islands / raised medians, traffic circles, textured pavement, and painted intersections, shall be included, if required by an operative plan, or when determined to be necessary by the City Engineer, to ensure safe conditions for all users.
- K. **Cul-de-Sacs and Dead-End Streets.**
1. The combined length of all cul-de-sacs and other dead-end streets in any subdivision shall not exceed ~~20%~~<sup>30%</sup> percent of the combined total length of all local residential streets within the subdivision. Cul-de-sacs that are connected by a trail shall be exempt from this calculation. Additional exceptions [C3] may be made at the discretion of the Review Authority if any of the following circumstances apply:
    - a. ~~Exception. The limit on combined cul-de-sac length shall not apply if~~  
~~the average block length of all blocks in the proposed subdivision is~~  
~~400 feet or less;~~
    - b. The applicant can demonstrate, to the satisfaction of the City Engineer, that the subdivision design will result in a rate of Vehicle Miles Travelled which is equal to or less than a subdivision which follows the cul-de-sac limit in item K-1 above;
    - c. The site is 6 acres or less in gross area;
    - d. The site is surrounded by developed properties which lack stubs to connect to; or
    - e. The site is blocked by canals and expressways.
  2. Cul-de-sacs and dead-end streets may not exceed ~~500~~<sup>600</sup> [C4] feet unless there are unforeseen issues or topographical challenges [C5] or other opportunities to promote pedestrian connectivity such as access to another street or trail, and shall not be designed with blind curves or elbows. The end of the street must be visible from the center of the nearest intersection. [C6]
  3. All cul-de-sacs and dead-end streets shall have a turnaround per Public Works Standards.
  4. A cul-de-sacs and or dead end street may be approved as a temporary facility, without a turnaround, provided the street is designed to provide access to adjoining land that is not yet subdivided or developed. A temporary turnaround or access may be required.
  5. Cul-de-sacs and dead-end streets shall provide pedestrian and bike connections to neighboring streets, trails, commercial centers, etc.
- L. **Street Names.** Refer to Article 62, Street Names & Addressing.
- M. **Sidewalks.**
1. All public streets shall have sidewalks constructed to City standards on at least one side of the street if there is connectivity to one of the following:

- a. An adjacent ~~major~~ street with a sidewalk;
  - b. An adjacent trail; or
  - c. An adjacent alley.
2. Streets with a sidewalk on only one side shall have two 15-gallon street trees in the front of the lot on both sides of the street.
  3. Streets that do not provide any of the connections set forth in Subsection 1.a-c above shall have sidewalks constructed to City standards on both sides of the street. All streets shall have sidewalks constructed to City standards on both sides of the street, unless an alternative pedestrian plan is approved by the Review Authority.
- ~~M.4.~~ Private streets are exempt from this section. ~~[Cs]~~

N. **Street Trees.**

1. Street tree species shall be selected from the Fresno Street Tree Palette.
2. Street trees shall be planted at a minimum spacing of 40 feet on-center
3. Street trees shall be located within a landscaped park strip of no less than ~~four~~4 feet in width between the curb and sidewalk.
4. Trees within the front yard of adjacent parcels may be counted toward the satisfaction of this requirement at the discretion of the Review Authority, in which case the landscape strip between the curb and sidewalk will not be required and the spacing shall be one tree per lot.

O. **Street Lighting.**

1. ***Installation Required.*** The subdivider shall cause the installation of street lighting on all streets within the subdivision and on all streets adjacent to the subdivision unless existing lighting conforms to City standards.
2. ***Specifications.*** The type, location, and mounting heights of the luminaries shall be determined by the Public Works Director based upon the Standard Specifications and sound engineering practices consistent with the City policy for street lighting.

**15-4109 Incorporation of Site Constraints**

Areas with development constraints shall be incorporated into the overall subdivision design and layout to support and enhance park and open space amenities.

- A. **Major Utility Easements.** Easements for major utilities such as high-tension lines and utility trunk lines shall be integrated into the proposed subdivisions such they are incorporated as open space or recreation use and shall be developed as a regional trail system. Such easements shall be designed as part of an overall open space or recreation element. Said easements shall not be blocked by fences, yards, gates, and other similar barriers. The use and treatment of such easements is subject to the policies and restrictions of the utility provider and City.

1. Construct a cul-de-sac to provide turn-around access. Emergency access shall be provided via the cul-de-sac. ~~Wrought iron~~ Fencing shall be provided behind a minimum 10 foot landscape setback. The landscaping and the fencing shall be maintained by the Homeowner's Association of the gated subdivision, unless it is accepted into the City's Community Facilities District; or
2. In situations where there are no driveways from said stub street, the developer may petition the City to vacate the stub street to the adjoining parcels, provided the owners are willing to accept the property and the developer bears all cost(s) associated with fulfilling the conditions of the vacation. Moreover, all indications of a street, such as curb, gutter, sidewalk, etc., shall be removed by the petitioner and shall be converted to private ownership.

#### **15-4111 Restricted Access Barriers**

Restricted access barriers controlling the access to other streets or other public right-of-way from adjoining property shall not be approved unless such barriers are necessary for the protection of the public welfare or of substantial property rights, and in no case will they be approved unless and until the control and disposition of the land comprising such strips are dedicated to the City under conditions approved by the Review Authority.

#### **15-4112 Parks and Playgrounds**

Subdivisions shall reserve land for pedestrian-accessible parks and playgrounds. The size and location of such reserved land shall be consistent with the General Plan's park and open space policies and policies and standards of other adopted applicable planning documents.

##### **A. Standards for Reservations.**

1. The reserved area is of such size and shape as to permit the balance of the land within which the reservation is located to develop in an orderly and efficient manner.
2. The amount of land shall be determined per Article 37, Dedications and Reservations and the Open Space Design Guidelines.

B. **Park Frontage.** A minimum of ~~60~~ 50 percent of the perimeter of any public park must abut a street, external trail, internal lit trail that connects to an external trail or sidewalk, sidewalk, or similar facility that is accessible and visible to people traversing the neighborhood. Homes shall generally face or side the park.

C. **Park Accessibility.** Park sites shall be centrally located, providing access within a half-mile walking distance to new residential development. Multiple Pocket and Neighborhood parks may serve to satisfy this requirement.

D. **Pocket Parks.** Pocket parks shall be distributed throughout the subdivision.

E. **Detention Basins.** In coordination with the Flood Control District, detention basins that serve residential neighborhoods shall be designed to accommodate recreational uses and shall be treated as an aesthetic amenity.

2. ***Residential Unit Density.*** The total number of dwelling units in a PD shall not exceed the maximum number permitted by the General Plan or operative plan density for the total area of the planned development designated for residential use.

~~2.a.~~ A transfer of residential densities, as set forth in 15-310-C, is permitted for sites with two or more residential zones districts. Design of said sites must be planned, integrated development.

3. ***Zoning.*** Development shall comply with the underlying zone district. For example, a single-family home may only be developed on a site zoned RS and not RM.
4. ***Other Development Regulations.*** Other development regulations shall be as prescribed by the PD Plan.

### 15-5905 Required Findings

A PD shall only be approved if all of the following findings are made:

- A. The proposed development is consistent with the General Plan, any applicable operative plan, and adopted policies, including the density and intensity limitations that apply;
- B. The subject site is physically suitable for the type and intensity of the land use being proposed;
- C. Adequate transportation facilities, utilities, and public services exist or will be provided, in accord with the conditions of PD approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of public services so as to be a detriment to public health, safety, or welfare;
- D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area; and
- E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation, and/or substantial public benefit. In making this determination, the following factors ~~shall~~should be considered:
1. Appropriateness of the use(s) at the proposed location.
  2. The mix of uses, housing types, and housing price levels.
  3. Provision of infrastructure improvements.
  4. Provision of open space. For example, a greater amount of open space than would otherwise be provided under the strict application of this code.
  5. Connectivity to public trails, schools, etc.
  6. Compatibility of uses within the development area.
  7. Creativity in design and use of land.
  8. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
  9. Overall contribution to the enhancement of neighborhood character and to the built and natural environment of Fresno in the long term.

~~d.~~ Once the Concept Plan is received by the City the development may proceed if no general plan amendment is required.

- C. **Review Authority.** The City Council shall approve, conditionally approve, or deny Concept Plans based on consideration of the requirements of this section.
- D. **Concept Plan Area.** The Concept Plan Area shall consist of the entire contiguous area surrounding the project which is bounded by existing or planned Major Streets. This will typically be a quarter section, or about 160 acres, but the actual size may vary.
- E. **Concept Plan Contents.**
1. ***Land Use Map.*** The Concept Plan shall feature a land use map which assigns new planned land uses to the Concept Plan Area according to the Complete Neighborhood policies of the General Plan. The land use map shall be designed as follows:
    - a. ***Residential Capacity.*** The residential capacity of the Concept Plan Area shall not be reduced, but may be increased.
    - b. ***Ratio of Land Use Designations.*** The percentage of land within the Concept Plan Land Use Map that is assigned various land use designations shall fit within the parameters of one of the profiles in the table below, unless unique site conditions warrant an alternative profile, to be determined at the discretion of the Review Authority:

<i>Planned Land Use Designations</i>	<i>Conventional Profile</i>		<i>Mixed-Use Profile</i>	
	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>
Commercial (Main Street, Community, or General)	10%	15%	0%	0%
Mixed-Use (Neighborhood or Corridor)	0%	0%	15%	40%
Office	5%	15%	0%	0%
Multi-Family (Medium High Density, Urban Neighborhood, and High Density Residential)	15%	20%	5%	20%
Single-Family (Low Density, Medium Low Density, or Medium Density Residential)	50%	70%	40%	80%
Public Facility and Open Space	Percentage shall not decrease from what is shown on the General Plan Land Use Map.			