

Desert Hot Springs, California Municipal Code

Title 17 ZONING

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Chapter 17.08 RESIDENTIAL DISTRICTS

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17.08.010 Purpose.

A. The purpose of this chapter is to create and preserve residential areas for a range of housing types and lifestyles intended to support residential uses such as schools, fire stations, and public parks while placing emphasis on sustainability, preserving natural habitats, natural drainage systems, and spa/resort residential character within the areas of the City that overlie natural hot water aquifers.

These provisions establish use regulations and development standards and guidelines which are intended to create residential development, minimize land use conflicts, encourage the sustainability and completeness of residential neighborhoods, and implement the goals of the City's General Plan.

The provisions of this chapter do not guarantee that the maximum General Plan density is achievable for all projects and properties. Development density is dependent on many factors including lot configuration, topography, unit size, development standards, and other factors.

B. The specific purpose of each individual residential district is as follows:

1. R-RD (Residential Rural Desert). The district is intended to allow for low-density, rural residential uses at a maximum density of 1 dwelling unit per 5 acres in a manner that will eliminate or minimize impacts on the natural landscape and will encourage conservation.
2. R-L (Residential Low). The district is intended to promote the development of low-density, single-family residential uses at a maximum density of 6 dwelling units per acre. Clustered development can occur and is encouraged where needed to respect on-site natural resource areas.

3. R-M (Residential Medium). The district is intended to promote the development of primarily attached residential uses, but also allows for detached residential design as small-lot subdivisions, in this zoning district. The minimum density for this zoning district is 6 dwelling units per acre and the maximum density is 20 dwelling units per acre. Long-term preservation of neighborhood quality should be emphasized in site design.

4. R-H (Residential High). The district is intended to provide multiple-unit residential developments near transit lines and commercial centers at a minimum density of 20 dwelling units per acre up to a maximum of 30 dwelling units per acre, with a variety of on-site amenities. (Ord. 787 9-19-23; Ord. 712 6-2-20)

17.08.020 Applicable regulations.

All uses shall be subject to the applicable regulations of this Zoning Ordinance and all applicable State law, including, but not limited to, Chapters 17.64 through 17.140. (Ord. 787 9-19-23; prior code § 159.04.040)

17.08.030 Permitted uses.

A. Table 17.08.01 lists the uses permitted in each of the residential zoning districts using the following key:

“P” Use is permitted by right. (A Development Permit may be required for a new use or structure or expansion of an existing use.)

“A” Use is accessory to an established primary use.

“AUP” Use requires an Administrative Use Permit.

“CUP” Use requires a Conditional Use Permit.

“TUP” Use requires a Temporary Use Permit.

“—” Use is prohibited.

B. Land uses listed in Table 17.08.01 use definitions from the North American Industry Classification System (NAICS) unless otherwise defined specifically by this title. The individual land uses permitted in each of the residential districts are grouped in Table 17.08.01 using broad land use categories.

C. Uses not specifically listed in Table 17.08.01 may be allowed subject to the provisions of Section 17.04.070(C), Similar Uses Permitted, of this title.

D. Table 17.08.01 also lists applicable code references of this title if a use requires conformance with special provisions.

E. Uses listed in Table 17.08.01 are subject to the applicable design standards of this title for residential districts.

TABLE 17.08.01

PERMITTED USES – RESIDENTIAL DISTRICTS

USE	RESIDENTIAL DISTRICTS				CODE SECTION
	R-RD	R-L	R-M	R-H	
AGRICULTURAL AND RELATED USES					
Agriculture/Horticulture	AUP	CUP	CUP	CUP	
Equestrian Stables, Private	A	CUP ¹	—	—	
Equestrian Stables, Commercial	CUP	—	—	—	
Kennel	—	—	—	—	
Garden, Private	A	A	A	A	
Nurseries and Garden Centers	CUP	—	—	—	
PUBLIC AND ASSEMBLY USES					
Public Assembly Facilities	CUP	CUP	CUP	CUP	
Religious Assembly Facilities	CUP	CUP	CUP	CUP	
Schools, Private	CUP	CUP	CUP	CUP	
RESIDENTIAL USES					
Accessory Dwelling Unit (ADU)	P	P	P	P	17.08.090
Junior Accessory Dwelling Unit (JADU)	P	P	p ²	p ²	
Accessory Structures and Uses	A	A	A	A	
Boarding House	—	—	—	CUP	
Dwelling, Multifamily	—	—	P	P	17.08.150
Dwelling, Single-Family	P	P	P	P	
Home Occupations	P	P	P	P	17.108
Manufactured Homes	P	P	P	P	17.08.130
Mobile Home Parks	—	—	CUP	CUP	17.08.140
Parolee/Probationer Homes	CUP	CUP	CUP	CUP	17.08.270
Planned Residential Development	—	CUP	CUP	CUP	17.36
SB 9 Single-Family Dwelling Unit	P	P	—	—	
Single Room Occupancy (SRO)	—	—	—	P	17.08.210
Supportive Housing	P	P	P	P	Government Code §§ 50675.14 and 65651. Supportive housing is subject to the requirements of Table 17.08.02.

USE	RESIDENTIAL DISTRICTS				CODE SECTION
	R-RD	R-L	R-M	R-H	
Transitional Housing	P	P	P	P	Government Code § 50801(i). Transitional housing is subject to the requirements of Table 17.08.02.
RECREATION AND ENTERTAINMENT					
Clubhouses	AUP	AUP	AUP	AUP	
Golf Course and Related Facilities	CUP	CUP	CUP	CUP	17.08.240
Public Park	P	P	P	P	
Recreational Use, Commercial	—	—	—	CUP	
Recreational Use, Private	A	A	A	A	
Swimming Pool/Spa, Private	A	A	A	A	
Tennis Court, Private	A	A	A	A	17.08.250
Trails	P	P	P	P	
Trailhead	AUP	AUP	AUP	AUP	
RETAIL AND COMMERCIAL USES					
Bed and Breakfast Inn	CUP	CUP	CUP	—	
Condominium Hotel, Converted	—	—	CUP	CUP	
Hotel or Motel (without spa)	—	—	—	—	
Spa Resort	—	—	—	—	
Property Management Office	—	—	A	A	
SERVICE USES					
Day Care Center	—	—	AUP	AUP	17.08.220
Day Care Homes, Small/Large	P	P	P	P	17.08.230
Emergency Shelter/Low Barrier Navigation Center ³	—	—	CUP	P	
OTHER USES					
Antenna, Vertical/Satellite Dish	A	A	A	A	17.40.060
Parking Lot, Commercial/Office	—	CUP	CUP	CUP	
Recreational Vehicle Storage	A	A	A	A	17.08.200
Temporary Structures or Uses	TUP	TUP	TUP	TUP	17.136
Utility Facilities			P	P	

USE	RESIDENTIAL DISTRICTS				CODE SECTION
	R-RD	R-L	R-M	R-H	
Vehicle Charging Stations	A	A	A	A	

Notes:

- 1 Minimum 1 acre.
- 2 When the JADU is to be constructed within a single-family dwelling only.
- 3 Emergency shelters shall have sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

(Ord. 787 9-19-23; Ord. 749 2-2-22; Ord. 742 10-19-21; Ord. 721 9-15-20; Ord. 712 6-2-20)

17.08.040 Residential district development standards.

- A. Table 17.08.02 establishes the development standards applicable to residential districts.
- B. Design standards as outlined in Sections 17.08.060 through 17.08.080 and 17.08.150 through 17.08.180 shall apply within residential districts and are in addition to the standards of Table 17.08.02.

TABLE 17.08.02

DEVELOPMENT STANDARDS – RESIDENTIAL DISTRICTS

DEVELOPMENT STANDARD	RESIDENTIAL DISTRICTS				ADDITIONAL REQUIREMENTS
	R-RD	R-L	R-M	R-H	
DENSITY/FAR					
Maximum Density – Residential	1 du/5 ac	6 du/1 ac	20 du/1 ac	30 du/1 ac	
Minimum Density – Residential	—	—	6 du/1 ac	20 du/1 ac	
Floor Area Ratio (FAR) – Nonresidential	—	—	—	—	
LOT DIMENSIONS, SIZE, AND COVERAGE					
Minimum Lot Size (net)					
Single-Family	5 ac	7,200 sf	7,200 sf	7,200 sf	
Multifamily	—	—	10,000 sf	20,000 sf	
SB 9	1,200 sf	1,200 sf	—	—	
Minimum Lot Width					

DEVELOPMENT STANDARD	RESIDENTIAL DISTRICTS				ADDITIONAL REQUIREMENTS
	R-RD	R-L	R-M	R-H	
Standard	600 ft	50 ft	45 ft	45 ft	
Cul-de-Sac (at setback line)	—	30 ft	25 ft	25 ft	
Flag Lot (for access)	30 ft	25 ft	25 ft	25 ft	
Minimum Lot Depth Standards	1,200 ft	75 ft	90 ft	90 ft	

Maximum Lot Coverage					
Standard	15%	40%	50%	60%	
SB 9	67%	67%	—	—	

SETBACKS AND BUILDING SEPARATIONS

Minimum Front Yard Setback					
From Public Right-of-Way	50 ft	15 ft	15 ft	10 ft	Garage front yard setback shall be a minimum of 20 ft
Flag Lot (at end of access)	10 ft	10 ft	15 ft	15 ft	
SB 9	15 ft	15 ft	—	—	

Minimum Side Yard Setback					
Interior	50 ft	5 ft	10 ft	0 ft	
Corner or Exterior (alongside street)	50 ft	10 ft	10 ft	15 ft	
	—	5 ft	5 ft ¹	5 ft ¹	
Substandard Lots	4 ft	4 ft	—	—	
SB 9 ²					

Minimum Rear Yard Setback					
Standard Lot	100 ft	20 ft	20 ft	15 ft	Garage facing an alley rear yard shall be a minimum of 20 ft
Flag Lot	100 ft	25 ft	—	—	
Adjacent to Alley	—	15 ft	15 ft	10 ft	
Substandard Lots	50 ft	15 ft			
SB 9	4 ft	4 ft			

Minimum Building Separation	10 ft	10 ft	10 ft	10 ft	
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DWELLING UNIT SIZE AND LAND AREA

Minimum Unit Size (Attached)					
Studio			550 sf	550 sf	
One Bedroom			700 sf	700 sf	
Two Bedrooms			900 sf	900 sf	
Three or More Bedrooms			1,000 sf	1,000 sf	

Minimum Unit Size					
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DEVELOPMENT STANDARD	RESIDENTIAL DISTRICTS				ADDITIONAL REQUIREMENTS
	R-RD	R-L	R-M	R-H	
Accessory Dwelling Unit (attached or detached)	300 sf 1,000 sf	300 sf 1,000 sf	300 sf 1,000 sf	300 sf 1,000 sf	
Detached Single-Family	900 sf	900 sf	900 sf	900 sf	
Detached Single-Family – Discount Zone SB 9	800 sf	800 sf	—	—	
BUILDING HEIGHT MAXIMUM					
Detached Residential	30 ft	30 ft	30 ft	30 ft	* 17.08.110
Accessory Structures	30 ft*	30 ft*	30 ft*	30 ft*	
Attached Residential	—	—	55 ft	55 ft	
Nonresidential	—	—	55 ft	55 ft	
OPEN SPACE					
Minimum Common Open Space (percent of net lot area)	—	—	25%	20%	
OTHER DEVELOPMENT STANDARDS					
Planned Residential Development	Chapter 17.36				
Accessory Structures	Section 17.08.110				
Signs and Outdoor Displays	Chapters 17.44 and 17.45				
Off-Street Parking and Loading	Chapter 17.48				
Landscaping	Chapter 17.56				
Property Development Standards	Chapter 17.40				

Notes:

- 1 For single-family dwelling only.
- 2 For setbacks pertaining to the SB 9 single-family units, no setback is required if: (1) the unit is built within the footprint of an existing structure; and (2) such setback does not prevent the unit from being 800 square feet.

(Ord. 787 9-19-23; Ord. 749 2-2-22; Ord. 714 7-7-20; Ord. 712 6-2-20)

17.08.050 Residential single-family development guidelines.

A. The purpose of these design guidelines in Sections 17.08.050 through 17.08.080 is to serve as a reference to assist the designer in understanding the City’s goals and objectives for residential development. The guidelines complement the mandatory site development regulations contained in this chapter.

B. The principal function of this portion of the Zoning Ordinance is to implement the goals and policies of the General Plan, which reflect the community's desire to provide a variety of housing types and densities to accommodate existing and future residences of Desert Hot Springs. The more focused goal of the single-family site planning guidelines is to create functional and visual variety along local streets in a manner consistent with the scale and intensity of subdividing. It is the intent that these guidelines encourage subdivisions with a broad, diverse, and thoughtfully conceived mix of architecturally designed homes distributed along streets within new subdivisions. Roadway and streetscape design should also include a mix of straight and curvilinear lotting patterns, with a varied parkway landscape treatment to set the tone for the neighborhood.

C. Design guidelines are general and are meant to be interpreted with some flexibility in their application to specific projects. The guidelines will be utilized during the City's design review process to encourage the highest level of design quality while at the same time providing the flexibility necessary to encourage creativity on the part of project designers.

D. Design guidelines are divided into 2 general categories: (1) single-family residential, and (2) multifamily residential. Each category is further divided into architectural and site planning guidelines. (Ord. 787 9-19-23; prior code § 159.04.050(1) and (2))

17.08.060 Single-family site planning.

A. In-Fill in Existing Neighborhoods.

1. It is the intent of these guidelines to discourage developments where identical single-family dwelling units march down long, uninterrupted streets, with no variation in building scale, placement, or street scene.

2. In-fill development should be encouraged in a manner to integrate with the adjoining residential neighborhood. When new residences are designed for these areas, the character and best standards of the area should be considered to enhance integration of the new home into the established neighborhood.

3. In-fill development in existing neighborhoods should complement the distinctive architectural characteristics of surrounding development, for example: general architectural styles, window and door detailing, decoration, materials, roof style and pitch, finished-floor height, porches, bay windows, and other elements should be considered when planning a new structure.

4. In-fill development should continue the functional, on-site relationships of the surrounding neighborhood. For example, in many older neighborhoods common patterns that should be continued are entries facing the street, front porches, and drought tolerant landscape designs.

B. Single-family subdivision review criteria and guidelines are as follows:

1. Varied Front Setbacks. Homes and garages placed closer to or further back from the street create patterns of massing and open space that lend variety to views from the streetscape. The structures close to the street project themselves into the scene, while structures set further back recede and open space to the viewer, also adding diversity to the view.

2. **Interruption of Straight Streets.** Roadway capacity and vehicular and pedestrian safety are an essential element of residential subdivision design. Traffic speeds through residential subdivisions can be reduced by introducing curvilinear road designs. However, lines of sight for drivers and pedestrians must be considered when introducing curves to roadway design. On straight roads, knuckles or cul-de-sacs can sometimes be introduced to limit the length of straight stretches.
3. **Varied Side Yard Setbacks.** The distance between adjoining homes, or between homes and fences, results in different types of yards ranging in size from private patio areas in more densely designed developments to hundreds of feet in the least dense large lot areas (R-RD). Open space and landscaped areas are an integral part of apartment and condominium developments and respond to the design needs at these densities. Developers are encouraged to provide 15-foot building separation(s). In small lot single-family subdivisions, the use of zero lot line setbacks on 1 side of the lot consolidates open space and increases opportunities for enhanced private open space. In contrast, lands designated for, or already subdivided into, larger lots should be able to enjoy a more generous setback of improvements, consistent with the rural intensity of the development. Building setbacks, including those for ancillary buildings, should be more generous on these larger lots.
4. **Lot Orientation.** Lots should be oriented to take optimum advantage of the development site, to provide the most functional layout while maximizing the exposure of residences to viewsheds and considering prevailing wind patterns. Lot layouts should also take into account solar exposure and opportunities for locating residences and seasonally appropriate landscaping. The layout of an individual lot's orientation and subdivision overall can also have a significant effect on the type and feel of a neighborhood that results. On curves, corner or cul-de-sac lots can often be oriented in a different direction than those at mid-block. In these cases, some lots can be nonrectangular and angled on the street. The streetscape and viewshed can be enhanced by the variety of setbacks and landscaped areas. Structures should be oriented so that a majority of primary living spaces can receive direct sunlight for the daylight hours. In new projects, structures should be positioned to minimize the impact of shadows on adjacent properties and within the project.
5. **Varied Lot Widths.** Subdivisions should be encouraged to include a varied mix of lot widths. Making some lots wider, and some narrower, than the average can provide a less regimented and repetitive pattern and a more varied mix of open area and structures. It also allows placement of different shapes and sizes of homes. On narrow lots, a variation of only 3 or 4 feet can make a perceptible difference. In no instance shall lot widths fall below the minimum setback for each zoning district.
6. **Garages.** Access to residential garages shall be taken directly from the street. With sufficient lot width, garages can be front or side accessed. They can also vary in size and provide utility, work and storage areas. Garages can be detached and connected to the home by breezeways. In 2-story homes, the second floor can be extended over the garage. In all cases, garages must be designed as integral parts of the home design concept.

7. Zero Lot Line Homes. Zero lot line subdivisions are typically found in planned residential communities where single-family homes are planned on smaller lots in a way that maximizes open space and privacy. Each subdivision home is flush to the same side lot line. Zero lot line design, as allowed in planned residential development, lends itself well to creation of enclosed courts and patios that a traditional planning approach may prevent.

8. Cul-de-Sac Treatments. Cul-de-sac streets, literally “bottom of the sack,” are relatively short parts of a subdivision lotting plan where traffic largely terminates, and the street serves only those homes located on it. Closed cul-de-sacs are preferable in general. However, for longer cul-de-sacs, and in special circumstances, openings should be provided at the ends for pedestrians.

9. Straight and Curved Streets. Straight streets are generally the most efficient, but occasional curves can provide changing street scenes. Curves that seem very slight in a bird’s-eye view are readily perceived by the driver and interrupt the line of sight. Curves designed on long radii best preserve line-of-sight distances for vehicular and pedestrian safety, while providing visual relief and variety in the streetscape.

C. Walls, Fences, and Hedges.

1. Fences, walls, and/or hedges shall be no higher than 4 feet for the first 10 feet of yard in the front of street-facing yard setbacks. In the rear or side yard areas not within the front yard setback, the wall, fence, or hedges shall not exceed 6 feet in height. The aforementioned limitation shall not apply in the following instances:

a. Where a greater height is required by any other provision of the Municipal Code, State, or Federal requirements; or

b. Where a greater height or type of fence, wall or hedge is required by a condition of approval.

2. The following fence materials are permitted in any location on the lot:

a. Solid masonry fencing (i.e., block, rock, or brick with and without stucco covering), provided the color of the masonry or stucco matches or complements the adjacent walls or structures.

b. Solid vinyl fencing.

c. Composite fencing.

d. Nonreflective corrugated metal fencing.

e. Tubular steel (wrought iron) fencing.

f. Precision concrete block wall, to match or complement existing structures on the lot.

g. Post and wire (not to exceed 48 inches) or split rail (not to exceed 6 feet) fencing may be used along the perimeter of vacant property.

3. Walls and fences should be designed in style, materials and color to complement the dwelling units to which they are attached and as otherwise permitted in accordance with Chapter 17.40, Section 17.40.110, Fences, walls and hedges.
4. Materials to be avoided include reflective finishes or materials.
5. Architectural treatment of walls, such as plastering or stucco, and fences should be painted or finished so all perimeter walls or fences are consistently treated architecturally.
6. Builders and homeowners are encouraged to surface exposed walls with an anti-graffiti coating to ease removal.
7. Prohibited Materials. Chain link material is prohibited for perimeter fencing. Wood is also a prohibited material for perimeter walls unless otherwise accepted by the review authority with findings. (Ord. 787 9-19-23; Ord. 712 6-2-20; prior code § 159.04.050(3))

17.08.070 Single-family architecture.

No particular architectural “style” is required for residential structures. However, the City encourages quality architectural design, with a distinct variation, yet integration to develop a sense and appearance of community. Residences designed with a Southwestern, Mission, or Mediterranean style will respond to the varying temperatures and outdoor living opportunities of the desert. In general, the architecture should consider compatibility with surrounding character, including harmonious building style, form, size, color, material, and roofline. Individual dwelling units should be distinguishable from one another.

A. Façade and Roof Articulation.

1. Thoughtful space planning for interior and exterior areas should also include consideration for the resulting building envelope. Façades and the massing of structures should provide variety, proportion and interest. Long uninterrupted exterior walls should be avoided on all structures. For every 20 lineal feet of an exterior wall, an architectural feature should be integrated. Varying or articulating the façade also increases opportunities for tying the structure to the site through the use of landscape materials. Appropriate textures, a variety of spatial relief, and design accents on building walls can enhance the integration of the building into the neighborhood.
2. Roofline articulation is encouraged for sloped roofs. Parapets and cornices on flat roofs should be finished with architectural moldings that are appropriate in terms of style and proportion. Roof design must be an integral part of the building architecture. Roof articulation may be achieved by changes in plane of no less than 2 feet 6 inches and/or the use of traditional roof forms such as gables, hips, and dormers. Flat roofs and A-frame type roofs are generally discouraged unless appropriate to the overall architectural style being promoted.

B. Varied Structure Design. Much of recent residential design has been dominated by large tract development with a limited number of models and regimented development standards. To avoid this “cookie cutter” look in single-family development, the design of structures should be varied in tract developments to create variety and interest. Differences in massing and design approaches of each adjacent house should be accomplished. Generally, 1 residential design should not be repeated more frequently than each fourth house.

C. Attached Dwellings.

1. Attached single-family dwellings should be designed and located on the lot to enhance their appearance as custom homes.
2. Lengthening the street elevation through the use of walls or other features may frequently be appropriate, can reduce the visual impact of garage doors, and can provide private open space areas screened from traffic and noise.
3. Driveways should be grouped with a separating planting strip to provide clear definition and maximum effective landscape areas.
4. The street portion of garages should have a single-story appearance, while allowing the building to step back in an appropriate architectural transition for 2-story structures. Garages shall be set back from the street sufficiently to allow driveway parking without overhanging the sidewalk; on public streets the minimum setback shall be 20 feet behind the public right-of-way.

D. Scale. Proportion is the essence of good design. The variety and size of massing and shapes designed into a building shall be scaled to one another and shall relate to the use of the structure as a single-family residence.

E. Finish Materials.

1. Finish materials to be used on the façades of structures and garage doors is important in providing a functional and attractive living space. The selection of finish materials should be consistent with a direct outgrowth of the architectural concept for the building. The use of tile roofing materials is particularly appropriate for residences designed in Spanish, Mission, Southwestern, and Mediterranean architecture.
2. Materials to be avoided include: metal or aluminum siding and most metal roofs, reflective materials and finishes, and unfinished concrete block. Exposed wood should be properly finished and stained rather than painted to assure maximum life of the coating in the desert environment.
3. Stucco is the predominant finish material on new homes. When applied in new development, the finish texture shall be consistent with the architectural style of the building. For instance, Adobe or Southwestern style architecture will typically have a smooth, hand-finished stucco appearance. A “sack finish” over slumpstone is also an appropriate finish. More conventional home designs will use an “orange peel” finish consistent with the crisp lines of these residences.

F. Vents and Downspouts. Frequently and unnecessarily a functional afterthought are roof and side wall vents, flashings, and downspouts. These and other protrusions from the building envelope should be finished to match the adjacent materials and/or colors. Sidewall vents should be framed in to make them an integral part of the elevation and should be finished (stucco, etc.) consistent with the treatment of the façade. Flashing shall be obscured or coated in a manner that reduces contrast and enhances its compatibility with the adjoining roof or wall treatment.

G. **Equipment Screening.** Heating, ventilation, and air conditioning (HVAC) or other type of equipment shall be mounted on the side of the structure or on the ground. No roof-mounted equipment shall be permitted. All HVAC and similar equipment must be visually and acoustically screened. Screens shall be designed and constructed to intercept both equipment view and noise. The method of screening must be functionally and architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design. Where individual equipment is provided, a continuous screen is desirable.

H. **Accessory Structures.** Accessory structures (guesthouses, cabanas, barns, storage sheds, etc.) shall be designed in a manner that is architecturally compatible with the main structure in terms of design and the use of walls/roofs/trellises, fence/wall connections, and/or landscaping.

I. **Garage Doors.** In new construction the design and construction of garage doors shall be to integrate these into the walls, rather than flush with the exterior wall. Garage door framing should be kept simple, clean, and with limited adornment. Garage doors shall be steel or aluminum framed and preferably a roll-up type of design. In tract subdivisions, a variety of compatible designs should be used throughout a project to enhance visual interest. The design of the garage door should relate to the particular architectural style selected.

J. **Lighting Fixtures/Intensity.** Lighting fixtures on single-family homes serve safety and convenience, as security devices, and as integral design elements of the home. Garage-mounted lighting should be carriage-type or equivalent in scale that is consistent with the architectural style and proportions of the home. The use of flood security lighting shall be screened or shielded to avoid spilling onto adjoining properties and streets. In all instances, lighting levels shall be kept to that minimum necessary to illuminate paths and walkways, while providing their security function. (Ord. 787 9-19-23; prior code § 159.04.050(4))

17.08.080 Single-family housing, existing.

A. Additions, alterations and expansions to single-family housing which legally existed prior to the adoption date of the ordinance codified in this title shall comply with the standards of the residential district in which the project is located.

B. In instances where a main dwelling unit does not conform to this Code for minimum dwelling unit size and for rear and side yard setbacks, an addition or expansion of the main dwelling unit can be made to come into compliance with the minimum dwelling unit size following the original line of the house, encroaching into today's setback requirement(s) upon review and approval of the Community Development Director. (Ord. 787 9-19-23; prior code § 159.04.030(2)(O))

17.08.090 Accessory dwelling unit.

A. This section provides for accessory dwelling units on lots developed or proposed to be developed with single-family dwellings or multifamily units, provided they comply with the requirements of this section. Accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations, and which enhances housing opportunities, including near transit.

- B. This section applies to all lots that are zoned residential. Accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling units are located, and are a residential use that is consistent with the existing General Plan and zoning designation for the lot.
- C. For purposes of this section, the following definitions shall apply:
1. "Junior accessory dwelling unit" means a unit that is no less than 150 square feet and no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
 2. "Living area" has the same meaning as California Government Code Section 65852.2(j)(4) (or successor section in the Government Code).
 3. "Primary residence" or "main dwelling" means the dwelling unit permitted as the principal use of a parcel or building site, either by itself or with other dwelling units (as in multifamily buildings).
 4. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes and are available to the public (consistent with Government Code Section 65852.2, subdivision (j)(11)).
- D. An accessory dwelling unit within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the chapter if it complies with:
1. Building and safety codes;
 2. Fire codes.
- E. Accessory dwelling units shall meet the following general development standards:
1. Except as otherwise allowed under Government Code Section 65852.26, the unit may be rented separately from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
 2. The lot is zoned for single-family residential use and contains an existing or proposed single-family dwelling.
 3. The accessory dwelling unit is either attached or located within the living area of the proposed or existing dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling, and located on the same lot as the proposed or existing dwelling, including detached garages.
 4. The total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling or 850 square feet, or 1,000 square feet for a unit that provides more than 1 bedroom, if the primary dwelling is less than 1,600 square feet.

5. The total floor area for a detached accessory dwelling unit shall not exceed 50 percent of the primary dwelling or 1,200 square feet, whichever is less.
6. An accessory dwelling unit shall include a kitchen and bathroom.
7. An efficiency unit as defined by Section 17958.1 of the California Health and Safety Code must be a minimum of 150 square feet.
8. Local building code requirements that apply to detached dwellings, as appropriate. The construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official or Code Compliance Officer makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this clause shall be interpreted to prevent the Building Official from changing the occupancy code of a space that was unhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.
9. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
10. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than 4 feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
11. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
12. The accessory dwelling unit must be approved by the Riverside County Department of Environmental Health and the Regional Water Quality Control Board where a private sewage disposal system is being used or proposed.
13. Parking requirements for accessory dwelling units shall not exceed 1 parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
 - a. Off-street parking shall be permitted in setback areas or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
 - b. There shall be no additional parking requirement for an accessory dwelling unit in any of the following instances:

- i. The accessory dwelling unit is located within a 1/2-mile walking distance of public transit.
 - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a car share vehicle located within 1 block of the accessory dwelling unit.
 - vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection.
 - c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces need not be replaced.
14. One accessory dwelling unit and 1 junior accessory dwelling unit is permitted per lot with a proposed or existing single-family dwelling if all of the following apply:
 - a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
 - b. The space has exterior access from the proposed or existing single-family dwelling.
 - c. The side and rear setbacks are sufficient for fire and safety.
 - d. The front yard setback of the underlying zone shall apply, unless either the attached or detached unit does not permit at least an 800-square-foot accessory dwelling unit with 4-foot side and rear yard setbacks to be constructed in compliance with all other development standards.
 - e. The junior accessory dwelling unit complies with the requirements of California Government Code Section 65852.22.

15. One detached, new construction, accessory dwelling unit that does not exceed 4-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in Section 17.08.100, if it complies with the following:

- a. A total floor area limitation of not more than 800 square feet.
- b. A height limitation of 16 feet on a lot with an existing or proposed single-family or multifamily dwelling unit.
- c. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multifamily dwelling unit that is within a 1/2-mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code.
- d. An additional 2 feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
- e. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
- f. A height of 25 feet or the height limitation that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.

16. Multiple accessory dwelling units are permitted within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with State building standards for dwellings.

- a. One accessory dwelling unit is permitted within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units may contain an accessory dwelling unit.
- b. Not more than 2 accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling are permitted, and are subject to a height limit of subsection (E)(14), and 4-foot rear yard and side setbacks.
- c. If the existing multifamily dwelling has a rear or side setback of less than 4 feet, no modification of the existing multifamily dwelling shall be required.

17. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

18. An accessory dwelling unit that is rented must be rented for terms longer than 30 days. Under no circumstances shall an accessory dwelling unit be eligible for a short-term vacation rental permit.

19. In the event of any conflicts between the standards set forth in this section and those set forth in the regulations of the applicable zoning district, the provisions of this section shall prevail.

20. The applicant shall pay to the City all applicable fees imposed on such new development of an accessory dwelling unit or new or rehabilitated primary residence that will include an accessory dwelling unit; provided, however, that no impact fee shall be imposed upon the development of an accessory dwelling unit less than 750 square feet, and any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

F. Accessory dwelling units shall be permitted ministerially if all applicable requirements and development standards of this chapter are met, and no variances are required. The City shall act on the building permit application to create an accessory dwelling unit within 60 days from the date the City receives a completed application if there is an existing single-family dwelling on the lot. If the building permit application to create an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the accessory dwelling unit until the City acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. The City may charge a fee to reimburse it for costs incurred in connection with implementing this subsection.

G. Notwithstanding subsections C through F inclusive, accessory dwelling units are prohibited if:

1. The lot is subdivided pursuant to SB 9, when there are 2 units existing on each lot.
2. Both the lot subdivision and housing unit construction on the lot are done as an SB 9 project.

H. Accessory dwelling units under this section shall conform to the following standards:

1. Rental of the accessory dwelling unit shall be for a term longer than 30 days.
2. As part of the application for a permit to create an accessory dwelling unit connected to an on-site water treatment system, a percolation test must be completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

I. Enforcement. In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, the City, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

1. The accessory dwelling unit was built before January 1, 2020.

2. The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made. (Ord. 787 9-19-23; Ord. 749 2-2-22; Ord. 742, 10-19-21; Ord. 722 9-15-20; Ord. 679 2-19-19; prior code § 159.04.030(2) (M))

17.08.100 Junior accessory dwelling unit.

A. Purpose and Intent. This section provides for junior accessory dwelling units on lots developed or proposed to be developed with single-family dwellings, provided they comply with the requirements of this section. Junior accessory dwelling units are a residential use which is consistent with the General Plan objectives and zoning regulations, and which enhances housing opportunities, including near transit on single-family lots.

B. Applicability. The provisions of this chapter apply to all lots that are occupied or proposed to be occupied with a single-family dwelling unit and which are zoned residential. Junior accessory dwelling units shall not be counted as separate and/or additional units for the purposes of density calculations.

C. Development Standards. A junior accessory dwelling unit (JADU) shall not exceed 500 square feet and must be completely contained within the space of a single-family residence. All JADUs must comply with the following requirements:

1. Limited to 1 JADU per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
2. The single-family residence in which the JADU is created or the JADU must be occupied by the owner of the residence, except when the owner is a governmental agency, land trust or housing organization. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit.
3. The owner must record a deed restriction prior to issuance of a certificate of occupancy, a copy of which shall be filed with the City, that contains the following provisions:
 - a. A prohibition on the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
 - b. A restriction on the size and attributes of the junior accessory dwelling unit that conforms to this chapter.
4. The JADU must be constructed within the walls of the existing or proposed single-family residence.
5. The JADU must have a separate entrance from the main entrance to the proposed or existing single-family residence. In addition, the JADU must have a shared entrance with the main proposed or existing single-family residence.
6. The JADU must include an efficiency kitchen that includes the following:

- a. A cooking facility with appliances.
 - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
7. The JADU may share a bath with the primary residence or have its own bath.
 8. A junior accessory dwelling unit shall not require parking in addition to that required for the proposed or existing single-family residence.
 9. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.
 10. The JADU will be subject to inspections and any fees for such inspections, for determination of whether the JADU is in compliance with applicable building codes.

D. Permit Requirements. Applications for a permit pursuant to this chapter shall be considered ministerially, without discretionary review or a hearing. The City shall act on the building permit application to create a junior accessory dwelling unit within 60 days from the date the City receives a completed application if there is an existing single-family dwelling on the lot. If the building permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. The City may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this subsection.

1. If the director denies an application for an accessory dwelling unit or junior accessory dwelling unit, the director shall, within the time period described above, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
2. The director shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

E. Notwithstanding the above, junior accessory dwelling units are prohibited if:

1. The lot is subdivided pursuant to SB 9, when there are 2 units existing on each lot.
2. Both the lot subdivision and housing unit construction on the lot are done as an SB 9 project. (Ord. 787 9-19-23; Ord. 749 2-2-22; Ord. 742 10-19-21; Ord. 722 9-15-20)

17.08.110 Accessory structures.

- A. An accessory structure shall be known as accessory structure(s) to the main dwelling, not to be used for livable space; examples include, but are not limited to: sheds, covered patios, garages, gazebos, equipment storage/pump house, or any other structure to be determined as an accessory structure by a similar use determination made by the Community Development Director.
- B. The construction of accessory structures in residential land use districts are subject to development review and shall be compatible with the materials and architecture of the main dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit. Accessory structures may be built toward the side and rear property lines provided that such structures conform to the setback requirements identified in this section. Building code requirements may further restrict the distance to be maintained from property lines or other structures.
- C. The maximum number of enclosed accessory structures per lot shall not exceed 2 structures per main dwelling unit on a single-family residential lot, not including any other accessory structure used for habitable space (i.e., ADU, JADU, or guest house).
- D. The maximum number of enclosed accessory structures per lot shall not exceed 1 structure per main dwelling unit on a residential lot with more than 1 primary unit, such as a duplex, triplex, or fourplex, not including any other accessory structure used for habitable space (i.e., ADU, JADU, or guest house).
- E. Accessory structures for any residential development with more than 5 dwelling units shall be subject to a development permit review.
- F. Setbacks for Accessory Structures—Rear and Side Setback.
1. Accessory structures such as barbecues, tennis courts, gazebos and sheds (less than 120 square feet), cabanas, and sun and shade sails shall be no closer than 5 feet from the property line.
 2. Enclosed accessory structures with roofs such as patio covers, garages, barns, pump houses, gazebos and sheds (greater than 120 square feet) shall be no closer than 10 feet. The maximum number of enclosed accessory structures per lot shall not exceed 2 structures per main dwelling unit on a single-family residential lot, not including any accessory structure used for habitable space (guest house, ADU or JADU).
- G. An accessory structure shall not exceed the overall height of the main structure except in the instance where the accessory structure height is necessary for the materials and items being stored inside such as a recreational vehicle garage. (Ord. 787 9-19-23; Ord. 712 6-2-20; prior code § 159.04.030(2)(A))

17.08.120 Guest house design standards.

Guest houses, which are distinguished from accessory dwelling units because guest houses do not have kitchen facilities and accessory dwelling units require complete independent living facilities. Guest houses are subject to an Administrative Use Permit review and shall be constructed in the following manner:

- A. All guest houses shall conform to all development standards of the underlying land use district.

- B. There shall be no more than 1 guest house on any lot.
- C. The floor area of the guest house shall not exceed 500 square feet.
- D. The guest house shall not exceed the height of the main dwelling.
- E. There shall be no kitchen or cooking facilities or wet bar facilities within a guest house.
- F. The guest house shall conform to all of the setback regulations outlined in the applicable land use district.
- G. A guest house shall be used only by the occupants of the main dwelling, their non-paying guests, or domestic employees. The guest house shall not be rented. (Ord. 787 9-19-23; Ord. 679 2-19-19; prior code § 159.04.030(2)(F))

17.08.130 Manufactured homes.

A manufactured home shall be installed on a permanent foundation on any lot in the City that is zoned to permit the construction of a conventional single-family dwelling, if it meets the following conditions:

- A. The manufactured home shall be certified under the national Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.) and shall bear a California insignia or Federal label as required by Section 18550(b) of the Health and Safety Code.
- B. The foundation system shall meet the requirements of Section 18551 of the Health and Safety Code as amended or applicable.
- C. The manufactured home shall have nonreflecting roofing material and siding material.
- D. The manufactured home shall comply with architectural standards as required for all single-family architecture as required in Section 17.08.070.
- E. Accessory structures, including the required garage, shall be designed in a manner that is architecturally compatible with the main structure in terms of design and the use of walls/roofs/trellises, fence/wall connections, and/or landscaping.
- F. The manufactured home shall be used only as a single-family residential use and shall comply with all residential development standards of the zone in which it is located.
- G. No manufactured home shall be newly installed on a lot in a permitted residential district if more than 10 completed years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home in the affected zone. Notwithstanding, a manufactured home more than 10 years old which is already installed shall not be affected by subsection F. (Ord. 787 9-19-23; Ord. 715 9-1-20; Ord. 679 2-19-19; prior code § 159.04.030(2)(H))

17.08.140 Mobile home park design standards.

The intent and purpose of this section is to establish standards for the development of mobile home parks in a manner that will be compatible with the general plan and surrounding uses.

A. Applicability. Mobile home parks shall be subject to a Conditional Use Permit as noted in Section 17.08.030. Mobile home parks shall be subject to the requirements of the underlying district in which it is located, and the development standards identified in this section.

B. Development Standards.

1. A mobile home park must conform to the residential district development standards and maintain a valid permit in accordance with State laws and regulations, including provisions of the Mobile Home Parks Act, California Health and Safety Code Division 13, Part 2.1, and the applicable regulations adopted pursuant thereto by the State Department of Housing and Community Development.
2. Recreational vehicles, campers and trailers shall not be used as dwelling units within a mobile home park.
3. A mobile home park shall encompass an area of at least 5 acres.
4. The density (dwelling units/acre) of a mobile home park shall be subject to the density standards designated in the General Plan.
5. A mobile home park shall provide recreational facilities for the benefit of the residents of the mobile home park. (Ord. 787 9-19-23; Ord. 679 2-19-19; prior code § 159.04.030(2)(I))

17.08.150 Multifamily housing standards.

In addition to the general development standards set forth in Section 17.08.040, all multifamily housing shall be constructed as set forth in this section. Also, the provisions of Sections 17.08.160 through 17.08.180 shall apply.

A. All multifamily developments shall provide minimum common useable open space for passive and active recreational uses. Useable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between any structures less than 15 feet apart, setbacks, patios or private yards, drainage basins, or slope areas greater than 8 percent.

B. All multifamily developments with more than 10 units shall provide recreational amenities within the site, which may include a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter/barbecue area; court game facilities, such as tennis, basketball, or racquetball; improved softball or baseball fields; day care facilities; or indoor recreation/entertainment, such as a gym or theater. The type of amenities shall be approved by the Community Development Director and be provided according to the schedule set forth below. The Planning Commission shall have the authority to reduce the required common usable open space when, as determined by the Planning Commission, the applicant is providing a high-quality amenity of value greater than a single amenity.

Units	Amenities
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0—10	0
11—50	1
51—100	2
101—200	3
201—300	4
Add 1 amenity for each 100 additional units or fraction thereof	

- C. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the California Plumbing Code shall be provided unless provided within each unit.
- D. Each dwelling unit shall be plumbed and wired for a washing machine and dryer within multifamily developments of 10 units or less.
- E. Management and security plans shall be submitted for review and approval for multifamily developments with 10 or more dwelling units. These plans shall be comprehensive in scope and submitted prior to occupancy. (Ord. 787 9-19-23; Ord. 712 6-20)

17.08.160 Multifamily site planning.

Purpose and Intent. To provide for a full range of housing types and densities consistent with the General Plan. To preserve, protect, and enhance the character of the residential neighborhoods and quality of life of City residents. The regulations in this section are intended to help the designer mitigate negative effects and to provide a pleasant residential environment within the context of higher density development.

Residential developments surrounded by high walls, parking lots, and rows of carports along public streets are examples of practices to be used only in limited circumstances where the lot configuration has created unusual circumstances. Unbuffered perimeter parking and drives are discouraged as providing a poor image of a project and often functioning as barriers between the project and the surrounding community.

- A. **Applicability.** These standards are mandatory and apply to all multifamily and clustered housing developments and shall be used in the review of a Major Development Permit application to determine compliance.
- B. **Site Planning Design Standards.**
1. **Building Articulation.** Buildings shall be designed to create elevations that are varied and relatively seamless, blending the façade across multiple units. Long, unbroken façades and box-like forms shall be avoided. Building façades shall be broken up to give the appearance of a collection of smaller structures tied together through a unifying elevation. Building function and visual interest can be enhanced through the use of balconies, setbacks and projections to help articulate individual dwelling units or collections of units, and by the pattern and rhythm of windows and doors.

2. Clustering of Units. Clustered unit design must be developed in a manner that integrates automobile circulation, storage, open space access and access to each unit.
3. Phasing. If development phasing is proposed, each phase must be self-sustaining in terms of scale and amenities.
4. Limit on Units within a Building. Individual residential buildings shall have no more than 12 units, excepting low-income and senior housing, which may request discretionary approval of a greater number of units.
5. Project Entries. Entries into multifamily developments shall provide residents and visitors with a broad view into the project. They shall be designed as specially treated areas that may provide an open window with landscaping, recreational facilities, and project directories. Special attention shall be given to hardscape and landscape treatment at entries to enhance the overall project image.
6. Entry Drives. Entry drives shall serve as principal vehicular accesses into multifamily developments rather than a parking drive. Colored, textured paving treatment at entry drives shall be provided to clearly identify the drive; however, stamped concrete is not permitted within public street rights-of-way. Drives shall be located a sufficient distance from intersections to minimize conflicting traffic patterns and to ensure adequate lines-of-sight distances.

C. Parking Lots.

1. A parking lot of any length shall not consist of more than 2 double-loaded parking aisles (bays) adjacent to each other.
2. The length of a parking lot shall not exceed 14 stalls before broken by a landscaped island, or structure.
3. Parking lots shall be separated from each other by dwelling units or by a substantial landscape buffer.

D. Garages.

1. Individual parking garages within residential structures shall be enclosed behind garage doors.
2. In new construction, garages with parking aprons less than 20 feet in length shall have automatic garage door openers and/or sectional roll-up doors.

E. Carports. Where carports are utilized, they shall follow the same criteria for spatial arrangement as parking courts (subsection C above). Carports may be incorporated with patio walls or used to define public and private open space. Incorporating carports into exterior project walls adjacent to streets shall not be allowed. The ends of each cluster of carports shall be landscaped.

F. Pedestrian Access from Parking. Pedestrian access from parking areas to building entrances and sidewalks shall be clearly delineated by textured or colored pavement, pavement markings, or landscaping, or a combination of such.

G. Open Space Areas and Recreational Amenities.

1. Residents shall have safe and efficient access to usable open space and amenities—whether public or private—for recreation and social activities. The design and orientation of required open space areas shall take advantage of available sunlight and shall be sheltered from the noise and traffic of adjacent streets or other incompatible uses.
2. Required common open spaces shall be conveniently located for the majority of units. Private open spaces shall be contiguous to the units they serve and screened from public view. Children's play areas, where provided, shall be visible from the units.
3. Clubhouses and Similar Indoor Amenities. In addition to, or as substitution for, required open space areas, indoor clubhouses and similar amenities may be provided to meet the recreational and social activities of residents of the development. The review of such amenities shall occur through the Major Development Permit process, with the responsible review authority having discretion to allow for the substitution of the indoor amenities for required common and/or private open space areas. In making the determination to allow the substitution, the responsible review authority shall consider, among other factors, the quality of the indoor amenity and the population being served.

H. Landscape Areas.

1. Landscape treatments and enhancements shall implement goals and policies of the General Plan by maximizing the use of native desert and climate-appropriate landscape materials. Landscape plans shall address wind and water erosion issues and demonstrate the water efficiency gained from plant and irrigation system selection. All areas not covered by structures, drives, parking or hardscape shall be appropriately landscaped. Landscape plans are subject to the approval of the approving authority.
2. As a design element, landscaping shall be used to frame, soften, and enhance the quality of environment; buffer units from noise or undesirable views; break up large expanses of parking; and separate frontage roads within a project from public streets. To accomplish these design objectives, landscape elements need vertical dimension. Mexican and desert fan palms, thornless mesquite, Mondale pines, silk oak, etc., and tall shrubs are appropriate in addition to grass and groundcover. Trees can be used to provide shading and climatic cooling of nearby units.

I. Refuse Storage/Disposal.

1. A trash enclosure shall be provided for developments of 3 or more units.
2. Refuse storage, transfer, and disposal facilities shall be enclosed within minimum 6-foot-high concrete block containments designed in accordance with the requirements of the City standards and those minimal requirements of the disposal service purveyor.
3. In terms of location and design and treatment, enclosures shall be architecturally related to other structures on the site and softened with landscaping to make the enclosures an integral part of the overall design.

4. Preferred locations include inside parking areas or at the end of parking bays. Locations shall be conveniently accessible for trash collection and maintenance and shall not block access drives during loading operations.

5. Recycling and organic waste collection facilities shall be incorporated into refuse storage/disposal areas for all new development projects and all new construction in existing projects.

J. Auxiliary Facilities. Support structures within multifamily residential projects, such as laundry facilities, health spa and recreation buildings, pool cabanas, and sales/lease offices shall be consistent in architectural design and form with the rest of the complex. Temporary sales offices shall also conform to these standards.

K. Mailboxes. Where common mailbox services are provided, they shall be located as close to the project entry as is practical, giving careful consideration to stacking at entries and on interior drives. Locating mailboxes near recreational or other common use facilities will enhance resident interaction and the community function of the development. Design and architectural character shall be compatible in form, materials, and colors to the surrounding buildings. Minimal mailbox design specifications and locations must be approved by the U.S. Postal Service.

L. Security. All development design must integrate “defensible space” concepts into the overall plan. Projects shall be designed to optimize security for residents and visitors, while focusing on the creation of an enjoyable residential environment. Parking areas shall be well lighted and located so as to be visible from residential units. Landscaping shall be planned and maintained to provide views into open space areas.

M. Lighting Fixtures/Intensity.

1. Garage- and carport-mounted lighting shall be consistent with the architectural style and proportions of the structures.

2. The use of flood security lighting shall be functionally directed and screened or shielded to avoid spilling onto adjoining properties and streets.

3. In all instances, lighting levels shall be kept to that minimum necessary to illuminate paths and walkways while providing their security function.

4. Plans shall comply with any night-sky preservation ordinance adopted by the City. (Ord. 787 9-19-23; Ord. 712 6-2-20; prior code § 159.04.050(5))

17.08.170 Multifamily architecture.

- A. **Architecture Generally.** No particular architectural style is required for residential structures. However, the City will review all residential development plans. Multifamily residential development designed with a Southwestern, Mission, or Mediterranean style will best respond to the goals and policies of the General Plan, and to the varying temperatures and outdoor living opportunities of the high desert. The focus shall be on the creation of a quality, self-contained residential community. Designers and architects shall consider compatibility with neighborhood character of surrounding properties, including similar building style, form, size, color, material, and roofline.
- B. **Design Approaches.** The following design approaches shall be incorporated:
1. Varying front setbacks within same structure and between different buildings and the street.
 2. Use of staggered and jogged unit planes to distinguish units.
 3. Use of reverse building plans to add variety.
 4. Limit the development of adjacent units with identical wall and rooflines.
 5. Varying of orientations to avoid the monotony of garage door corridors.
- C. **Façade and Roof Articulation.**
1. Façades and the massing of structures shall provide variety, proportion, and interest. Long uninterrupted exterior walls shall be avoided on all structures. Appropriate textures, a variety of spatial relief, and design accents on building walls shall be used to enhance the integration of the building into the neighborhood. Long structures, if they are appropriately articulated, may be acceptable; however, structures (including garages and carports) exceeding 150 feet in length shall not be permitted.
 2. Roof design must be an integral part of building architecture. Roof articulation may be achieved by changes in plane of no less than 2 feet 6 inches and/or the use of traditional roof forms such as gables, hips, and dormers.
 3. Roofline articulation shall be incorporated into the use of sloped roofs.
 4. Parapets and cornices on flat roofs shall be finished with architectural moldings that are appropriate to the building architecture in terms of style and proportion.
 5. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to mansard roofs or segments of pitched roof applied at the structure's edge.
 6. The use of flat roofs and A-frame type roofs must be appropriate to the overall architectural style being promoted.

D. **Increased Setbacks.** To achieve higher densities and provide adequate parking and open space amenities, multifamily projects are typically multistory, and their bulk has the potential to dominate surrounding uses. The scale of such projects must be considered within the context of their surroundings. Where a multifamily structure abuts a property zoned for single-family residential use and is planned to exceed 2 stories in height, that portion of the structure greater than 2 stories shall be set back an additional 5 feet.

E. **Building/Finish Materials.**

1. The selection of finish materials for structures, walls, carports and garage doors shall be consistent with the architectural concept for the building. The use of tile roofing materials is particularly appropriate for residences designed in Spanish, Mission, Southwestern, and Mediterranean architecture or their derivations.

2. Materials to be avoided include metal or aluminum siding and most metal roofs, reflective materials and finishes, and unfinished concrete block. Use of exposed wood shall be kept to a minimum and shall be properly finished and stained rather than painted to ensure maximum life of the coating in the desert environment.

3. Where stucco is used, the finish texture shall be consistent with the architectural style of the building. For instance, Adobe or Southwestern style architecture will typically have a smooth, hand-finished stucco appearance.

4. Larger residential buildings and walls shall include a greater variety of complementary materials to break up building expanses, including split-face precision block, fluted block, brick, and tile. A "sack finish" over slumpstone is an especially appropriate finish, consistent with the community design goals and policies of the General Plan.

F. **Balconies, Porches, and Patios.** Balconies, porches, and patios shall be integrated into the design and siting of multifamily structures for enhanced functional and living environment values. These elements shall be integrated to break up large wall masses, offset floor setbacks, and add human scale to structures.

G. **Dwelling Unit Access.** Individual walkways, corridors, or access balconies shall be designed to serve no more than 5 units. The use of long, monotonous walkways shall be avoided. To the maximum extent practicable, the entrances to individual units shall be plainly visible from nearby parking areas. Distinctive architectural elements and materials shall be used to denote prominent entrances.

H. **Exterior Stairs.** Exterior stairs shall be designed as simple, clean, bold projections that complement the architectural massing and form of the multifamily structure. Stairways shall be of smooth stucco, plaster, wood, or decorative wrought iron with accent trim of complementary colors to help identify them in the elevation and denote their function. Thin-looking and disproportionate, open metal, prefabricated stairs shall not be used.

I. **Carports, Garages, and Accessory Structures.**

1. Detached and attached garages, carports, and accessory structures shall be designed as an integral part of the architecture of projects. They shall be consistent in their use of materials, color, and design detail and compatible with the principal structures of a development. Carports may utilize flat roofs but shall not project above any exterior walls adjacent to streets, their preferred location being on the interior side of parking areas. Prefabricated metal carports shall not be used.
2. Where garages are utilized, doors shall appear set into walls rather than flush with the exterior wall. Their design shall be compatible with the architectural theme.

J. Gutters, Downspouts, and Roof Vents.

1. Gutters and downspouts shall be concealed unless designed as a continuous architectural feature. Exposed gutters used as architectural features shall be colored to match fascia or wall material. Exposed downspouts shall be colored to match the surface to which they are attached unless uncoated copper is used.
2. Roof vents shall be colored to match roofing materials or the dominant trim color of the structure. Sidewall vents shall be framed in to make them an integral part of the elevation and shall be finished (stucco, etc.) consistent with the treatment of the façade. Flashing shall be obscured or coated in a manner that reduces contrast and enhances its compatibility with the adjoining roof or wall treatment.

K. Active and Passive Solar Design. Where active solar panels are used, any associated mechanical equipment shall either be placed in the attic or be pad-mounted and completely screened from view from a public right-of-way and immediately adjacent structures.

L. Mechanical and Utility Equipment. Heating, ventilation, air conditioning (HVAC) or other type of equipment are preferred to be pad-mounted on the ground. If roof-mounted equipment is proposed, then the HVAC and similar equipment must be visually and acoustically screened. Screens shall be designed and constructed to intercept both equipment view and noise. The method of screening must be functionally and architecturally compatible with the building design in terms of materials, color, shape, and size. Where individual equipment is provided, a continuous screen is desirable. Utility meters and equipment must be placed in locations which are not exposed to view from the street, or they must be suitably screened. All screening devices shall be compatible with the architecture and color of the adjacent structures. (Ord. 787 9-19-23; Ord. 712 6-2-20; prior code § 159.04.050(6))

17.08.180 Multifamily in-fill in single-family neighborhood.

- A. Intent. New in-fill multifamily projects shall be integrated into existing neighborhoods in a manner that provides compatibility with adjacent structures in terms of massing, scale, and architectural treatments, and to provide for privacy.
- B. Parking Setback. Parking spaces shall be set back from the right-of-way a minimum of 5 feet and shall be buffered by landscaping and/or decorative block wall, which shall complement and extend the landscaped portion of the public parkway.

C. Architectural Compatibility. New multifamily developments in existing single-family neighborhoods shall incorporate and complement existing architectural characteristics and scale of existing development. A differing or contrasting architectural style may be appropriate if it enhances the visual environment and establishes a desirable precedent for future development. (Ord. 787 9-19-23; Ord. 712 6-2-20; prior code § 159.04.050(7))

17.08.190 Density bonus.

A. This section is intended to provide incentives for production of affordable housing, senior housing and development of childcare facilities. In enacting this section, it is the intent of the City to implement the goals, objectives, and policies of the General Plan and any applicable specific plans, to address housing needs in the community and ensure consistency between local regulations and California Government Code Section 65915 et seq. (State Density Bonus Law). This section shall apply to all zoning districts where residential development projects, including mixed-use developments, are proposed and where the applicant seeks and agrees to provide lower- or moderate-income housing units or donate land to the City in the threshold amounts specified in State Density Bonus Law. This provision shall apply only to the residential component of a mixed-use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project. In order to promote the construction of affordable units, density bonuses, development incentives, waivers, and parking alterations shall be granted pursuant to the provisions of this section.

B. Definitions. For the purposes of this section, unless otherwise apparent from the context, certain words or phrases used in this section are defined as follows:

1. "Applicant" means a developer or applicant for a density bonus pursuant to Government Code Section 65915, subdivision (b), of the California Government Code and subsection C of this section.
2. "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, General Plan element, specific plan, charter, or other City condition, law, policy, resolution, or regulation.
3. "Housing development" means 1 or more groups of projects for residential units in the planned development of the City. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the City and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units.
4. "Located within 1/2 mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within 1/2 mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

5. "Lower-income student" means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower-income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the Federal government.
6. "Major transit stop" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.
7. "Maximum allowable residential density" means the density allowed under the Zoning Ordinance and land use element of the General Plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the General Plan applicable to the project. If the density allowed under the Zoning Ordinance is inconsistent with the density allowed under the land use element of the General Plan, the General Plan density shall prevail.
8. "Qualified mobile home park" means a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code.
9. "Senior citizen housing development" means senior citizen housing as defined in Sections 51.3 and 51.12 of the California Civil Code.
10. "Specific adverse impact" means any adverse impact as defined in paragraph (2), subdivision (d), of Government Code Section 65589.5, upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households.
11. "Total units" or "total dwelling units" means a calculation of the number of units that:
 - a. Excludes a unit added by a density bonus awarded pursuant to this section.
 - b. Includes a unit designated to satisfy an inclusionary zoning requirement.

C. Qualifications for Density Bonus and Incentives and Concessions.

1. The City shall grant 1 density bonus as specified in subsection G of this section, and incentives or concessions as described in subsection E, when an applicant seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any 1 of the following:
 - a. Ten percent of the total units of a housing development for rental or sale to lower-income households, as defined in Section 50079.5 of the Health and Safety Code.

- b. Five percent of the total units of a housing development for rental or sale to very low-income households, as defined in Section 50105 of the Health and Safety Code.
- c. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.
- d. Ten percent of the total dwelling units of a housing development are for rental or sale to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
- e. Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11301 et seq.). The units described in this paragraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units.
- f. Twenty percent of the total units for lower-income students in a student housing development that meets the following requirements:
 - i. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City, County, or City and County that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.
 - ii. The applicable 20-percent units will be used for lower-income students.
 - iii. The rent provided in the applicable units of the development for lower-income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.
 - iv. The development will provide priority for the applicable affordable units for lower-income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

For purposes of calculating a density bonus granted pursuant to this paragraph, the term “unit” as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this paragraph shall be subject to a recorded affordability restriction of 55 years.

g. One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower-income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

2. As used in subsection (C)(1) of this section, the term “total units” does not include units permitted by a density bonus awarded pursuant to this section or any other local law granting a greater density bonus.

3. Election of Density Bonus Category. Each applicant who requests a density bonus pursuant to this section shall elect whether the bonus shall be awarded on the basis of paragraph a, b, c, d, e, or g of subsection (C)(1). Each housing development is entitled to only 1 density bonus, which may be selected based on the percentage of either very low affordable housing units, lower-income affordable housing units or moderate-income affordable housing units, or the development’s status as a senior citizen housing development, student housing development or qualified mobile home park. Density bonuses from more than 1 category may not be combined.

4. Previous Density Bonuses. The density bonus provisions shall not apply to any parcel or project area which has previously been granted increased density through a General Plan amendment, zone change or other permit to facilitate affordable housing.

D. Continued Affordability.

1. Prior to the issuance of building permits for any dwelling unit, an applicant shall enter into a written agreement with the City to ensure and guarantee the continued affordability of all low- and very low-income units that qualified the applicant for the award of the density bonus for a period of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for affordable housing units for lower-income households shall be set at an affordable rent. Owner-occupied affordable housing units shall be available at an affordable housing cost.

a. The terms and conditions of the agreement shall run with the land, shall be binding upon all successors in interest of the applicant, and shall be recorded in the office of the Riverside County Recorder.

b. The agreement shall also include the following provisions:

i. The applicant shall grant the City the continuing right of refusal to purchase or lease any or all of the designated units at fair market value;

ii. The deeds to the designated units shall contain a covenant stating that the applicant or the applicant's successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer (whether voluntarily, involuntarily or by operation of law) any interest in such unit without written approval of the City, confirming that the sales price or lease/rent amount of the unit is consistent with the limits established for low- and very low-income households as adjusted by the Consumer Price Index; and

iii. The City shall also have the authority to enter into other agreements with the applicant or purchasers or lessees of the dwelling units as may be necessary to ensure that the designated dwelling units are continuously occupied by eligible households.

2. Prior to the issuance of building permits for any dwelling unit, an applicant shall agree to, and the City shall ensure, that the initial occupant of moderate-income units that are related to the receipt of the density bonus, are persons and families of moderate income and that the units are offered at an affordable housing cost. With respect to moderate-income units, the City shall require the applicant to enter and shall enforce an equity-sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity-sharing agreement:

a. Upon resale, the seller of the moderate-income unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within 5 years for any of the purposes that promote homeownership as described in subdivision (e) of Section 33334.2 of the California Health and Safety Code.

b. For purposes of this subsection (D)(2), the City's initial subsidy shall be equal to the fair market value of the moderate-income unit at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

c. For purposes of this subsection (D)(2), the City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the moderate-income unit at the time of initial sale.

d. The applicant shall grant the City a right of first refusal to purchase any or all of the designated units at fair market value, which right of first refusal shall apply to subsequent sellers.

E. Incentives and Concessions.

1. An applicant for a density bonus may also submit to the City a proposal for specific incentives or concessions in exchange for the provision of affordable housing units in accordance with this section. The applicant may also request a meeting with the City to discuss such proposal. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of either of the following:

- a. The concession or incentive is not required in order to provide for affordable housing costs or for rents for the targeted units to be set as specified in subsection D of this section (i.e., the applicant is unable to demonstrate that the waiver or modification is necessary to make the housing units economically feasible); or
 - b. The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the Health and Safety Code, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.
 - c. The concession or incentive would be contrary to State or Federal law.
2. If the conditions of subsection C and subsection 1 of this subsection E are met by an applicant, the City may grant an applicant applying for incentives or concessions the following number of incentives or concessions:
- a. One incentive or concession for housing developments that include: at least 10 percent of the total units affordable to lower-income households; or at least 5 percent of the total units affordable to very low-income households; or at least 10 percent of the total units affordable to persons and families of moderate income in a development in which the units are for rental or sale.
 - b. Two incentives or concessions for housing developments that include: at least 17 percent of the total units affordable to lower-income households; or at least 10 percent of the total units affordable to very low-income households; or at least 20 percent of the total units affordable to persons and families of moderate income in a development in which the units are for rental or sale.
 - c. Three incentives or concessions for housing developments that include: at least 24 percent of the total units for lower-income households; or at least 15 percent for very low-income households; or at least 30 percent for persons and families of moderate income in a development in which the units are for rental or sale.
 - d. Four incentives or concessions if the project includes 100 percent affordable housing units, excluding the manager's unit. If the project is within 1/2 mile of a major transit stop, the applicant shall also receive a height increase of up to 3 additional stories, or 33 feet.
 - e. One incentive or concession for projects that include at least 20 percent of the total units for lower-income students in a student housing development.
3. For the purposes of this section, available concessions or incentives may include any of the following:

- a. A reduction in site development standards or a modification of Zoning Code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions.
- b. Approval of mixed-use zoning in conjunction with the housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing development will be located.
- c. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.
- d. For purposes of this section, the parking ratios set forth in Government Code Section 65915 (and subsection K of this section) for qualified affordable housing projects shall be deemed a concession or incentive available to the applicant.

4. This subsection does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the City or the waiver of fees or dedication requirements. Nor does any provision of this subsection require the City to grant an incentive or concession found to have a specific adverse impact.

5. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

6. The application and review process for a proposal of incentives and concessions is set forth in subsection L of this section.

F. Waiver/Modification of Development Standards.

1. Applicants may, by application, seek a waiver, modification or reduction of development standards that will otherwise preclude or inhibit the use of density bonus units in a housing development at the densities or with the concessions or incentives permitted by this section. The applicant may also request a meeting with the City to discuss such request for waiver/modification. In order to obtain a waiver/modification of development standards, the applicant shall show that: (a) the waiver or modification is necessary to make the housing units economically feasible; and (b) that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of subsection (C)(1), at the densities or with the concessions or incentives permitted by this section.

2. Nothing in this subsection shall be interpreted to require the City to waive, modify or reduce development standards if the waiver, modification or reduction would have a specific adverse impact.

3. The application and review process for a waiver/modification of development standards is set forth in subsection L of this section.

4. Waiver or Reduction of Development Standards.

a. In no case may the City apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subsection C at the densities or with the concessions or incentives permitted by this section. An applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subsection C at the densities or with the concessions or incentives permitted under this section and may request a meeting with the City. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorneys' fees and costs of suit. Nothing in this subdivision shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subsection (d) of Section 65589.5 of the Government Code, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this paragraph shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources or to grant any waiver or reduction that would be contrary to State or Federal law.

b. A proposal for the waiver or reduction of development standards pursuant to this paragraph shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subsection C.

G. Specified Density Bonus Percentages. Only housing developments consisting of 5 or more dwelling units are eligible for the density bonus percentages provided by this subsection. The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subsection (C)(1).

1. For housing developments meeting the criteria of subsection (C)(1)(a), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29

17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

2. For housing developments meeting the criteria of subsection (C)(1)(b), the density bonus shall be calculated as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

3. For housing developments meeting the criteria of subsection (C)(1)(c) and (e), the density bonus shall be 20 percent.

4. For housing developments meeting the criteria of subsection (C)(1)(f), the density bonus shall be 35 percent.

5. For housing development meeting the criteria of subsection (C)(1)(g), the following shall apply:

a. The density bonus shall be 80 percent of the number of units for lower-income households.

b. If the housing development is located within 1/2 mile of a major transit stop, the City shall not impose any maximum controls on density.

6. For housing developments meeting the criteria of subsection (C)(1)(d), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32

Percentage Moderate-Income Units	Percentage Density Bonus
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50

7. An applicant may elect to accept a lesser percentage of density bonus than that to which the applicant is entitled under this section. All density bonus calculations resulting in a fractional number shall be rounded upwards to the next whole number. The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

8. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower-income households are located.

9. The application and review process for a density bonus as provided by this section is set forth in subsection L of this section.

H. Land Donation. When a developer of a housing development donates land to the City as provided for in this subsection, the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable Zoning Ordinance and land use element of the General Plan for the entire housing development, as follows:

Percentage Very Low-Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23

Percentage Very Low-Income Units	Percentage Density Bonus
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

This increase shall be in addition to any increase in density mandated by subsection C, up to a maximum combined mandated density increase of 35 percent, if an applicant seeks both the increase required pursuant to this subsection and subsection C. All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subsection shall be construed to enlarge or diminish the City's authority to require an applicant to donate land as a condition of development.

1. An applicant shall be eligible for the increased density bonus described in this section if the City is able to make all the following findings:
 - a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
 - b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units of the proposed development.

c. The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or development application for the housing development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of very low-income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Government Code Section 65583.2 if the design is not reviewed by the local government prior to the time of transfer.

d. The transferred land and the very low-income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this section, which restriction will be recorded on the property at the time of dedication.

e. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to such City-approved developer.

f. The transferred land shall be within the boundary of the proposed development or, if the City agrees in writing, within 1/4 mile of the boundary of the proposed development.

g. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. The application and review process for a donation of land and related density bonus is set forth in subsection L of this section.

I. Child Daycare Facilities.

1. When an applicant proposes to construct a housing development that includes affordable units as specified in subsection C and includes a child daycare facility that will be located on the premises of, as part of, or adjacent to such housing development, the City shall grant either of the following if requested by the developer.

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child daycare facility.

b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child daycare facility.

2. A housing development shall be eligible for the density bonus or concession described in this subsection if the City, as a condition of approving the housing development, requires all of the following to occur:

a. The child daycare facility will remain in operation for a period of time that is as long as or longer than the period of time during which the affordable housing units are required to remain affordable pursuant to subsection D.

b. Of the children who attend the child daycare facility, the percentage of children of very low-income households, lower-income households, or moderate-income households shall be equal to or greater than the percentage of affordable housing units that are proposed to be affordable to very low-income households, lower-income households, or moderate-income households.

c. Notwithstanding any requirement of this subsection, the City shall not be required to provide a density bonus or concession for a child daycare facility if it finds, based upon substantial evidence, that the community already has adequate child daycare facilities.

3. The application and review process for the provision of child daycare facilities and related density bonus or concessions or incentives is set forth in subsection L of this section.

J. Condominium Conversions. Any developer converting condominiums of a housing development of 5 units or more who seeks a density bonus, shall make such application in conjunction with its tract map application pursuant to the Subdivision Map Act, and consistent with Government Code Section 65915.5. Any appeal of any concession or incentive or review by the Planning Commission or City Council shall automatically require an appeal of the underlying map to that body. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Government Code Section 65915.

K. By-Right Parking Incentives.

1. Housing developments meeting any of the criteria of subsection (C)(1), shall be granted the following maximum parking ratios, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted affordable units, when requested by a developer:

a. Zero to 1 bedroom dwelling unit: 1 on-site parking space;

b. Two to 3 bedroom dwelling unit: 1-1/2 on-site parking spaces;

c. Four or more bedrooms: 2-1/2 parking spaces.

2. If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of this subsection, a development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

3. If a development includes at least 20 percent low-income units or at least 11 percent very low-income units and is located within 1/2 mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit.

4. If a development includes at least 40 percent moderate-income units and is located within 1/2 mile of a major transit stop, and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, the City shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom.

5. For purposes of this subsection, “unobstructed access to the major transit stop” means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this paragraph, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

6. If a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower income families, then, upon the request of the developer, the City shall not impose vehicular parking standards if the development meets either of the following criteria:

- a. The development is located within 1/2 mile of a major transit stop and there is unobstructed access to the major transit stop from the development.
- b. The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access, within 1/2 mile, to fixed bus route service that operates at least 8 times per day.

7. If a development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within 1/2 mile, to fixed bus route service that operates at least 8 times per day.

L. Application Requirements.

1. Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to State Density Bonus Law shall provide the City with a written proposal. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application, and be subject to the following provisions:

- a. Site plan showing total number of units, number and location of affordable housing units, and number and location of proposed density bonus units.
- b. Level of affordability of affordable housing units and proposals for ensuring affordability.

- c. A specific description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards. The application shall include evidence that the requested incentives and concessions are required for the provision of affordable housing costs and/or affordable rents, as well as evidence relating to any other factual findings required under subsection E.
- d. If a density bonus or concession is requested in connection with a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection H can be made.
- e. If a density bonus or concession/incentive is requested for a childcare facility, the application shall show the location and square footage of the child daycare facilities and provide evidence that each of the findings included in subsection I can be made.
- f. Fee. Payment of the fee in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the State Density Bonus Law application submitted pursuant to this chapter.

- 2. An applicant shall be ineligible for a density bonus or any other incentives or waivers under this chapter if the housing development displaces qualifying rental dwelling units, unless the development replaces those units in accordance with State law. (Ord. 787 9-19-23; Ord. 712 6-2-20; Ord. 679 2-19-19; prior code § 159.04.030(2)(O))

17.08.200 Recreational vehicle storage facilities.

Developments within the multifamily land use districts that desire to incorporate or propose recreational vehicle storage facilities will be reviewed as part of the Development Permit/Design Review and will be constructed in the following manner:

- A. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet.
- B. Storage areas shall be paved and drained.
- C. Storage areas shall be completely screened from exterior view by a combination of landscaping, masonry walls, fences or other comparable screening devices 8 feet in height, subject to the approval of the Community Development Director.
- D. Storage areas shall provide at least 50 percent spaces as covered or enclosed.
- E. There shall not be any utility connections for the storage areas. (Ord. 787 9-19-23; prior code § 159.04.030(2)(L))

17.08.210 Single room occupancy (SRO) facilities.

Single room occupancy (SRO) facilities composed of a single structure are permitted in the R-H Zone and shall conform to the following standards:

- A. SROs shall be located within 1/4 mile of a bus stop.
- B. SROs shall comply with the following parking requirements: 1 per full time SRO employee at maximum shift and 1 per 10 occupants.
- C. Secured bicycle or motorcycle spaces shall be provided at a ratio of 1 space per 10 occupants.
- D. An unrestricted drop off/pick up/loading/temporary parking area shall be provided near a single entry located adjacent to front entry/desk area.
- E. Exterior common areas and/or open courtyards should be provided throughout the project. If common areas are made available, these areas should be designed to provide passive open space with tables, chairs, planters, or small garden spaces to make these areas useful and functional for the residents. Exterior common areas, including parking areas, should be illuminated with a minimum of 2 foot-candles by low pressure sodium lighting from dusk to dawn.
- F. Each SRO unit shall be provided with the following minimum amenities:
 - 1. Adequate heating and air conditioning. Window air conditioning units are not permitted. Air conditioning units may be installed for each SRO unit as long as they are flush with the exterior wall surface.
 - 2. Kitchen sink with garbage disposal.
 - 3. Countertop measuring a minimum of 12 inches deep and 24 inches wide.
 - 4. Space and proper wiring for microwave and small refrigerator. These appliances must be available for rent.
 - 5. Pre-wired for telephone and cable television.
 - 6. Toilet and sink in a separate room that is a minimum of 20 square feet.
 - 7. One bed space per person.
 - 8. One closet per person.
 - 9. One storage/desk arrangement per person.
 - 10. Intercom system.
 - 11. Lockable door, which is a minimum of 36 inches wide, opens inward, and has a reprogrammable key card access from a secured enclosed interior hallway or common area.
- G. The maximum occupancy and minimum unit size (not including toilet compartments) shall be:
 - 1. One person, 150 square feet.
 - 2. Two persons, 175 square feet.

3. The maximum unit size shall be 325 square feet.
- H. Elevators shall be required on new SROs which are 3 stories or more in height.
 - I. A full common kitchen facility shall be provided on each floor if complete kitchens are not provided in each unit. Complete kitchen shall include a range stove, sink with garbage disposal, and refrigerator. Cooking appliances or facilities shall be prohibited in each SRO unit, unless approved in writing by the management staff.
 - J. If complete bathrooms are not provided in each unit, shared showers shall be provided at a ratio of 1 per 7 occupants or fraction thereof on the same floor with interior lockable doors. These shall be directly accessible from indoor common areas or indoor hallways.
 - K. SRO facilities shall provide for 1 handicapped-accessible unit for every 25 units or fraction thereof for up to 100 units and 1 handicapped-accessible unit for every 40 units or fraction thereof for the number of units over 1,159.
 - L. At least 1 janitor closet and trash chute shall be provided on each floor.
 - M. Common laundry facilities shall be provided with 1 washer and 1 dryer for every 25 units or fraction thereof for up to 100 units and 1 washer and 1 dryer for every 50 units or fraction thereof for the number of units over 1,159. Keyed access for tenants only shall be provided. Defensible space concepts should be employed in the design and location of the laundry facility areas.
 - N. Common furnished and secured indoor space shall be provided at the following ratios:
 - 4.5 sq. ft. per 150 to 159 sq. ft. unit
 - 4.0 sq. ft. per 160 to 169 sq. ft. unit
 - 3.5 sq. ft. per 170 to 179 sq. ft. unit
 - 3.0 sq. ft. per 180 and up sq. ft. unit
- “Common indoor space” means all usable interior common areas not used for circulation or service facilities. Common indoor space includes lobby, recreation room or reading room.
- O. Ingress and egress shall be strictly limited and monitored by the use of a front desk area which has a full view of the entry/lobby area, is staffed 24 hours a day, 7 days a week, and has an operational outdoor entry intercom system with intercoms in each unit and common areas. Entrance into the hallways of common areas where individual units are located shall be regulated by the front desk clerk through the use of “buzz-in” doors. Each resident and guest must be cleared by the front desk clerk before entry is permitted. The required secondary egress areas shall also be alarmed and monitored. A notice shall be posted in the common indoor lobby area regarding contact procedures to investigate code compliance problems. At least 1 pay telephone, a drinking fountain and individual mail boxes shall be provided in the lobby/front desk area.
 - P. An adequately sized supply room shall be provided with adequate security control.

- Q. SROs of any size shall be required to have fully automatic fire sprinkler systems with a central monitoring system, alarm and fire annunciator in compliance with Fire Department standards. A manual fire alarm system shall also be installed.
- R. All provisions of the Uniform Building Code and Uniform Fire Code must be complied with for hotels. However, reasonable equivalent alternatives to Fire and Building Code requirements may be utilized, if approval is obtained from the Chief Building Official and Fire Chief on a case-by-case, item-by-item basis.
- S. Defensible space concepts should be employed in the design and location of SROs.
- T. Interior hallways shall be brightly lit with at least 1 foot-candle of lighting on the floor surface.
- U. All lighting fixtures shall be vandal and graffiti resistant. All ground floor exteriors and common areas, including hallways, elevators and shower facilities should be made graffiti resistant through the use of special paint, texturing, carpeting or other means as approved by the Police Department.
- V. A management plan shall be submitted for review and approval, or approval with modifications as part of the Conditional Use Permit. This plan shall be comprehensive and shall contain provisions as recommended by the Director of the Department of Planning and Building Services and as adopted by the Planning Commission. The failure of the property owner to comply with the management plan may be grounds for revocation of the Conditional Use Permit pursuant to Chapter 17.76.
- W. Security provisions shall be provided in the following manner:
1. Video cameras equipped with infrared detectors must be strategically placed in all public areas including hallways, elevator entrances, lobby areas, garage areas, laundry areas, profit centers and other common areas, and monitored for internal security. The monitoring station may be at the front desk. In order to provide for adequate monitoring, the location and configuration of monitors is subject to review by the Police Department.
- NOTE: Infrared detectors are to activate a flashing light to help direct monitoring staff to a specific monitor and area of the facility.
2. Unit doors shall be equipped with interior locks and key card entrance systems which shall be reprogrammable.
 3. Common shower area doors accessible through hallways shall be equipped with interior locks with access by a management master key. An emergency call button or pull cord shall be provided.
 4. Front entry areas shall allow for adequate visual access into the front desk/lobby area by police from patrol cars.
 5. Each room and all common areas shall have operable windows, except for the first floor which may be fixed, if a reasonable equivalent alternative is approved by the Chief Building Official and Fire Chief.

6. Adequate measures shall be taken to provide for vehicle parking security including limited secured access by electronic wrought iron security gates and fencing or alternative materials compatible with the architectural style, night lighting and video camera monitoring. Override devices for gates shall be provided for the Police and Fire Department.
7. Pursuant to subsection X or Y of this section, if “failure by management” has occurred or violations of conditions of approval are found then a private security guard may be required to be provided on a 24-hour-a-day basis. The security guard shall be fully uniformed, bonded, P.O.S.T. certified and licensed by the State to bear firearms.
8. Valid photo identification shall be required as a condition of registration. A valid photo identification is a State or official driver’s license, a military identification card, an official State identification card or a Desert Hot Springs Police Department registration card. Management shall post in the registration area signs declaring that photo identification is required for tenants and a valid identification for their guests (photo identification is not required, unless the guest is staying overnight), and that the registration information will be presented to the Police Department upon demand.
9. Management is to keep and maintain complete and accurate tenant registration cards in duplicate, including photocopies of required photo identification. Registration information shall include the name of the occupant, unit number, rental rate, vehicle type and vehicle license number. The duplicate copies of the registration cards shall be taken to the Desert Hot Springs Police Department weekly. Registration information shall be provided to the Police Department upon demand.
- X. A condition of approval of an SRO facility shall be in compliance with Desert Hot Springs Municipal Code Title 5 (Business Licenses and Regulations). An SRO facility with excessive drug or prostitution arrests may be brought before the City Council with advisement from Police Department for review, with notice of that review meeting being sent to the SRO facility owner. If the City Council determines that a “failure by management” has occurred, in that a finding is made that excessive drug or prostitution arrests are occurring at the SRO facility, the Operator’s Permit issued to the SRO facility may be revoked pursuant to Chapter 17.76. Further operation of the SRO facility shall not occur without first processing and obtaining approval for a new Operator’s Permit.
- Y. Condition compliance inspections by the City may be made on an annual basis, and the costs of such inspections, up to \$50,159.00 adjusted annually for inflation, shall be paid by the SRO facility operator. Any violation(s) of the conditions of approval, municipal codes, or State or Federal laws or regulations pertaining to SRO facilities, as they exist at the time of the inspection, shall be corrected within the time period(s) specified in the notice of violation. If the Director makes a finding that the corrections have not been made within the specified time period(s), the Conditional Use Permit and Operator’s Permit for the SRO facility may be revoked pursuant to the provisions in Chapter 17.76. (Ord. 787 9-19-23; prior code § 159.04.030(2)(P))

17.08.220 Day care center design standards.

“Day care center” means establishments providing non-medical care for persons (children or adults) on a less than 24-hour basis other than “family day care homes.” This classification includes nursery schools, preschools, and day care facilities for children or adults, and any other day care facility licensed by the State. Day care centers are subject to specific review as specified in each individual land use district. The centers shall be constructed in the following manner:

- A. The facility shall conform to all property development standards of the land use district in which it is located.
- B. An outdoor play area of no less than 75 square feet per child, but in no case less than 450 square feet in area shall be provided. The outdoor play area shall be located in the rear (non-street) area. Stationary play equipment shall not be located in required side and front yards.
- C. A 6-foot-high solid decorative fence or wall shall be constructed on all property lines, except in the front yard. In the front yard, the open fence shall not exceed 48 inches in height, and a solid wall shall not exceed 42 inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for safety with controlled points of entry.
- D. On-site landscaping shall be consistent with the use and that prevailing in the neighborhood and shall be installed and maintained, pursuant to Chapter 17.56 (Landscaping Standards). Landscaping shall be provided to reduce noise impacts on surrounding properties.
- E. All on-site parking shall be provided pursuant to the provisions of Chapter 17.48 (Off-Street Parking Standards). On-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces shall be provided.
- F. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity appropriate to the use it is serving.
- G. All on-site signage shall comply with the provisions of Chapter 17.44 (Sign Regulations).
- H. The center shall contain a fire extinguisher and smoke detector devices and meet all standards established by the City Fire Marshal.
- I. A center within a residential land use district may operate up to 14 hours per day.
- J. Outdoor activities may only be conducted between the hours of 8:30 a.m. to 8:00 p.m. (Ord. 787 9-19-23; Ord. 679 2-19-19; prior code § 159.04.030(2)(B))

17.08.230 Day care homes in residence.

A. Definitions.

1. “Family daycare home” means a facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider’s own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

2. "Large family daycare home" means a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home, as set forth in California Health and Safety Code Section 1597.465 and as defined in regulations.
3. "Small family daycare home" means a facility that provides care, protection, and supervision for 8 or fewer children, including children under 10 years of age who reside at the home, as set forth in California Health and Safety Code Section 1597.44 and as defined in regulations.

B. A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides and includes a dwelling or a dwelling unit that is rented, leased, or owned.

C. Large and small family day care homes shall be subject to the following standards:

1. The facility shall conform to all property development standards of the land use district in which it is located.
2. The facility shall meet all the requirements of the Fire Marshal.
3. The facility shall comply with the requirements of Section 17.40.180 (Noise).
4. The facility shall be subject to the signage requirements of Chapter 17.44 (Sign Regulations). (Ord. 787 9-19-23; prior code § 159.04.030(2)(C))

17.08.240 Golf courses and related facilities standards.

Golf course developments are subject to Conditional Use Permit review and shall be constructed in the following manner:

- A. State-of-the-art water conservation techniques shall be incorporated into the design and irrigation of the golf course.
- B. Treated effluent shall be used for irrigation where available.
- C. Perimeter walls or fences shall provide a viewshed window design along all public rights-of-way, incorporating a mix of pilasters and wrought iron fencing or equivalent treatment.
- D. All accessory facilities, including, but not limited to, club houses, maintenance buildings, and halfway club houses shall be designed and located to ensure compatibility and harmony with the golf course setting, surrounding land uses and public viewsheds. (Ord. 787 9-19-23; prior code § 159.04.030(2)(E))

17.08.250 Private tennis court design guidelines.

Private tennis courts are subject to Development Permit review if the use is not an accessory use and should be constructed in the following manner:

- A. Tennis courts shall not encroach into the front or side setback, or within 10 feet of rear property line.
- B. Private tennis courts shall not be used for commercial purposes and shall be used only by the residents and their invited guests.
- C. All tennis court fencing shall not exceed 10 feet in height as measured from the court surface and shall be screened from public view by appropriate landscaping or other on-site structures.
- D. All tennis courts should be recessed 4 feet and shall be further screened with a combination of walls, fencing, berms, or landscaping that shall be subject to review by the review authority.
- E. A plan for overhead court lighting shall be subject to the review of the Community Development Director.
- F. Light standards should not exceed the following heights as measured from the court surface:
 - 1. Eighteen feet with 4 poles on each side.
 - 2. Twenty feet with 3 poles on each side.
- G. All illumination fixtures shall be energy efficient and directed inward and away from adjoining properties and public rights-of-way.
- H. Hours of lighting operation should be determined during permit review; in no instance should lighting be used after 10:00 p.m. (Ord. 787 9-19-23; prior code § 159.04.050(8))

17.08.260 Senior-citizen/congregate care housing design standards.

Senior group housing developments are subject to Development Permit review and shall be constructed in the following manner:

- A. A bus turnout and shelter on the on-site arterial frontage shall be dedicated if the project is located on a bus route as determined by the Director.
- B. Dial-a-ride transportation shuttles shall be provided; number to be determined during project review.
- C. The parcel upon which the senior group housing facility is to be established shall conform to all standards of the underlying land use district.
- D. The senior housing shall conform to all local, State, and Federal requirements.
- E. The number of dwelling units shall be based on Table 17.08.02 (Residential Development Standards).
- F. The minimum floor area for each residential unit shall be as follows:
 - 1. Studio: 410 square feet.

2. One bedroom: 510 square feet if kitchen-dining living areas are combined; 570 square feet if kitchen-dining living areas are separate.
 3. Two bedrooms: 610 square feet if kitchen-dining living areas are combined; 670 square feet if kitchen-dining living areas are separate.
- G. The main pedestrian entrance to the development, common areas, and the parking facility shall be provided with handicapped access pursuant to Chapter 17.48.
- H. Indoor common areas and living units shall be handicap adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal/intercom systems as determined by the Director.
- I. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be energy efficient, stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.
- J. Common recreational and entertainment activities of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.
- K. Common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code shall be provided. The facilities shall have keyed access for tenants only.
- L. Each residential unit shall be plumbed and wired for a washing machine and dryer.
- M. The development may provide one or more of the following specific internal common facilities for the exclusive use of the residents:
1. Central cooking and dining room(s);
 2. Beauty and barber shop;
 3. Small scale convenience drug store not exceeding 1,000 square feet.
- N. Off-street parking shall be provided in the following manner:
1. One covered parking space for each dwelling unit for the exclusive use of the senior citizen residents, plus 1 space for every 5 units for guest parking.
 2. Three parking spaces for every 4 dwelling units for employee and guest use for congregate care residences.
 3. All off-street parking shall be located within 150 feet of the front door of the main entrance.
 4. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.

5. Design standards relating to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, dimensional requirements, etc., shall be consistent with the standards outlined in Chapter 17.48 (Off-Street Parking Standards).
 6. Senior citizen/congregate care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens, including, but not limited to, medical offices, shopping areas, mass transit, etc.
- O. The project shall be designed to provide maximum security for residents, guests, and employees.
- P. Trash receptacle(s) shall be provided on the premises. Trash receptacle(s) shall comply with adopted Public Works Department standards and be of sufficient size to accommodate the trash generated. The receptacle(s) shall be screened from public view on at least 3 sides by a solid wall 6 feet in height. The opaque gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding buildings and structures. The receptacle(s) shall be located within close proximity to the residential units which they are intended to serve.
- Q. Residential occupancy shall be limited to single persons over 55 years of age or married couples of which 1 spouse is over 55 years of age.
- R. Developers of senior citizen/congregate care housing which have a density larger than that allowed in the underlying land use district, shall provide a marketing analysis which analyzes long-term feasibility and a conversion plan of senior residential units to standard units, with a corresponding reduction in the number of units to equal the density allowed in the underlying land use district if the project is not occupied by seniors 55 years of age or older. The feasibility study and conversion plan shall not be required if the project is sponsored by any government housing agency, the City's Development Department or a nonprofit housing development corporation. If the proposed project is to be located in a commercial land use district the conversion plan shall address the transformation of residential units into the uses allowed in the commercial districts.
- S. All parts of all structures shall be within 150 feet of fire lane/paved access for single-story and 50 feet for multistory. (Ord. 787 9-19-23; prior code § 159.04.030(2)(N))

17.08.270 Parolee/probationer homes.

- A. Applicability and Conditional Use Permit Requirements. A Conditional Use Permit, pursuant to Chapter 17.76 of this Zoning Code is required for the establishment of any parolee/probationer home.
- B. Parolee/probationer homes shall comply with the development, locational and all other applicable regulations of the Zoning District in which the use is proposed to be located. In addition, the parolee/probationer home shall comply with all of the following locational and operational standards:
1. Locational Requirements. When a Conditional Use Permit for a parolee/probationer home is requested, the parolee/probationer home shall be located:

a. A minimum of 660 feet away from any existing or proposed school, university, college, student housing, childcare facility, public park, religious institution, hospital, youth facility, or other similar uses, as reasonably determined by the Community Development Director. The distance between the parolee/probationer home and school, university, college, student housing, child care facility, public park, religious institution, hospital, youth facility or other similar use shall be measured from the closest exterior wall of the parolee/probationer home and the nearest property line included within the school, university, college, student housing, child care facility, public park, religious institution, hospital, youth facility or other similar use, along a straight line extended between the 2 points, without regard to intervening structures; and

b. A minimum of 1,320 feet away from an existing parolee/probationer home or other similar use. The distance between parolee/probationer homes shall be measured from the closest exterior wall of 1 parolee/probationer home and the nearest property line included within the other parolee/probationer home, along a straight line extended between the 2 points, without regard to intervening structures. For the purposes of the locational requirements set forth in this subsection, "other similar use" or an "existing parolee/probationer home" shall also include any residential structure or unit, including any hotel or motel, whether owned and/or operated by an individual or for-profit or nonprofit entity, which houses at least 2 parolees/probationers, in exchange for monetary or nonmonetary consideration given and/or paid by the parolee/probationer and/or any individual or public or private entity on behalf of the parolee/probationer, including alcohol and/or drug-free residential recovery home, community care facility, residential care facility and other such facilities.

2. Operational Requirements. Parolee/probationer homes shall comply with the following operational requirements:

a. Each parolee/probationer home shall be limited to a maximum number of 6 parolees or probationers, and each bedroom in the house/home may not exceed 2 parolees or probationers.

b. Multiple-family dwellings or apartments with less than 25 units shall be limited to 1 parolee/probationer home.

c. Multiple-family dwellings or apartments with 25 or more units shall be limited to 2 parolee/probationer homes.

d. Notwithstanding the definition of parolee/probationer home in Section 17.04.050 or any other provision of the Desert Hot Springs Zoning Code or the Desert Hot Springs Municipal Code, hotels and/or motels with 14 rooms or less cannot provide transient lodging services or accommodations to more than 3 parolees during any 28-consecutive-day period regardless of any length of their respective stays; and hotels and/or motels with 15 rooms or more cannot provide transient lodging services or accommodation to more than 5 parolees during any 28-consecutive-day period regardless of the length of their respective stays.

e. As determined by the Chief of Police, the property owner or a designated on-site manager must live full-time on the site of the parolee/probationer home, and the name and phone number of this individual shall be provided to the Chief of Police.

f. The Police Department shall be provided with a weekly update of the names of all parolees/ probationers living at the parolee/probationer home. The updates required by this section may be in any of the following forms: in writing via electronic mail or facsimile.

C. Conditional Use Permit Findings. An application for a Conditional Use Permit for parolee/probationer home may be approved and/or modified, in whole or in part, only if the findings in Section 17.76.050 of this Zoning Code are first made. Additionally, in evaluating each request for approval of a Conditional Use Permit for a parolee/probationer home, particular attention shall be directed to the physical relationship and proximity of the proposed use to similar uses on the same or surrounding sites, the compatibility of the proposed use with neighboring uses (i.e., schools, parks, and other similar uses) and to ensuring that the proposed use will not result in harm to the health, safety or general welfare of the surrounding neighborhood or substantial adverse impacts on adjoining properties or land uses.

D. Special Noticing Requirements. In addition to the notice and hearing requirements required for Conditional Use Permits, all property owners within 1,000 feet of the proposed parolee/probationer home, as measured from the subject property lines, shall be notified of the proposed Conditional Use Permit.

E. Public Nuisance. The establishment, maintenance or operation of a parolee/probationer home in violation of the regulations of this section or in violation of the conditions of approval of an approved conditional use permit is declared to be a public nuisance and may be abated by the City pursuant to applicable provision of the City of Desert Hot Springs Municipal Code, City of Desert Hot Springs Zoning Ordinance or any available legal remedies, including, but not limited to, civil injunctions.

F. Nonconforming Use. Any parolee/probationer home lawfully existing prior to the effective date of the ordinance codified in this section is a legal nonconforming use, subject to applicable nonconforming use regulations of Chapter 17.124 of the City of Desert Hot Springs Zoning Ordinance.

G. Amortization.

1. Any parolee/probationer home regulated under provisions of this section which is a nonconforming use on the effective date of the ordinance codified in this chapter shall be subject to an amortization period expiring 1 year from the effective date of the ordinance codified in this section.

2. Amortization—Notice. The Community Development Department shall provide written notice to the property owner or operator at least 120 days prior to the expiration of this amortization period. This notice is not mandatory, and lack of notice shall not be deemed to prevent the City from initiating an action seeking declaratory or injunctive relief against the owner and/or operator of such business. However, if notice of expiration of amortization period is not given, any application by the owner or owner of the parolee/probationer home for an extension of the amortization period shall not be denied on the grounds that it is untimely.

3. Amortization—Application for Extension.
 - a. The property owner may file an application with the Community Development Department for an extension of the amortization period. The applicant must state:
 - i. Whether a previous extension has been requested and granted, as well as the date of the previous request; and
 - ii. The efforts that will be made to conform by the conclusion of the extended period.
 - b. The property owner's application shall be made in writing and shall be accompanied by the required fee as established by the City Council.
 - c. Any application for an extension of the amortization period shall be made prior to the expiration of the amortization period unless the Planning Community Development Director determines that good cause exists for the late filing of the application.
4. Amortization—Decision to Grant or Deny Extension.
 - a. The Planning Commission shall hold a public hearing at which time it shall consider the evidence and testimony regarding the request for an extension of the amortization period. The Planning Commission shall grant or deny an application for extension of the amortization period. The Planning Commission shall make its decision within 30 days of the filing of the request.
 - b. In rendering its decision, the Planning Commission shall determine whether the parolee/probationer home has been provided with a reasonable amortization period commensurate with the investment involved. If the Planning Commission determines that the amortization period is not reasonable, it shall prescribe an amortization period that is commensurate with the investment involved. The burden shall be on the applicant to establish that the extension should be granted.
 - c. The Planning Commission shall consider the following factors in making its determination:
 - i. The parolee/probationer homeowner's financial investment in the renting out of rooms, units, homes to parolee/probationers;
 - ii. The present actual and depreciated value of business improvements;
 - iii. The applicable Internal Revenue Service depreciation schedules;
 - iv. The remaining useful life of the rental improvements;
 - v. The remaining lease terms, if any;
 - vi. The cost of relocating the parolee/probationer home to a site conforming to the provisions of this chapter, if applicable;

- vii. The ability of the parolee/probationer home and/or owner to change the use to a conforming use; and
 - viii. The secondary effects of the parolee/probationer home adult business on the health, safety and welfare of surrounding community, residential dwellings, businesses and/or uses if the parolee/probationer home is permitted to extend the amortization period.
- d. The Planning Commission's decision shall be in writing and shall be hand delivered or sent by certified mail to the applicant.
5. Amortization—Appeal. Any interested person may appeal the decision of the Planning Commission to the City Council in writing within 15 days after the written decision of the Planning Commission in accordance with the provisions of Sections 17.104.090 through 17.104.140 of this Zoning Ordinance.
6. Amortization—Public Nuisance. The City Council declares to be a public nuisance any parcel where a parolee/probationer home is operating and where the amortization period as a legal nonconforming use has expired and: (a) no application for an extension is on file or has been granted; or (b) no application for parolee/probationer home Conditional Use Permit is on file or has been granted. (Ord. 787 9-19-23; prior code § 159.04.060)
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