

Amendments to City Code

A. Section 92.00 Definitions

Downtown Core. The "Downtown Core" is defined by the following boundaries: from the west side of H Street to the east side of D Street and extending to the north side of Front Street (including El Garces) or Quinn Court, and to the south side of 3rd Street, as depicted in the General Plan. This area is intended for a pedestrian- and experience-oriented downtown that serves as a local gathering place and regional destination.

Mixed-use residential. A "mixed-use residential" development contains a mix of residential and nonresidential uses that are vertically and/or horizontally integrated into a single building or on a single project site. If there is more than one building proposed, all buildings are designed to be internally accessible by pedestrians.

B. Section 93.04 Commercial Zones

(c) C-2 General Commercial Zone. This zone is generally intended to accommodate a wide range of commercial uses that are compatible with and integrated alongside residential uses. The Downtown Core area is intended to foster a pedestrian- and experience-oriented environment through a blend of commercial, high density residential, and mixed-use residential development. Permitted residential density is eight (8) to thirty (30) units per net acre.

C. Section 96.01 "Table of permissible uses"

	Zones: R1 R2 R3 CRR C1 C2 C3 M1 M2 P									
1.00 RESIDENTIAL										
1.20.1 Single Family, 1 du / lot	Z	Z	Z	Z						
1.20.2 Single Family, 2 du / lot	Z	Z	Z	Z						
1.30.1 Accessory Dwelling Units	Z	Z	Z	Z		Z				
1.30.2 Junior Accessory Dwelling Units	Z	Z	Z	Z		Z				
1.30.3 Manufactured & Tiny Homes	Z	Z	Z	Z		Z				
1.40 Primary with accessory apartment	S	Z	Z	Z						
1.50 Duplex		Z	Z	Z		Z				
1.60 Multifamily apartments			Z	C		Z				
1.62 Multi-Family Apt-Conversion				C		C				
1.70 Multifamily townhomes			Z	C		Z				
1.75 Multifamily condos			Z	C		Z				
1.80 Mobilehome parks		C	C	S						
1.85 R.V. parks		C	C	S			C			
1.90 Planned residential development		C	C	C		C				
1.95 Mixed-use residential***						C				

	Zones:	R1	R2	R3	CRR	C1	C2	C3	M1	M2	P
5.00 EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES											
5.10 Elementary and secondary schools (including associates grounds and athletic and other facilities)	C	C	C								Z
5.11 Trade or vocational schools	C	C	C		S	Z	Z				
5.12 Colleges and universities	C	C	S								Z
5.20 Churches, synagogues and temples (including associated residential structures for religious personnel and educational facilities within the same structures)	C	C	C		S	S	Z				
5.21 New construction at churches, synagogues and temples (including educational facilities)						C					
5.30 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)	C	C	C	S	S	Z	Z				Z
5.31 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not exceeding 3,500 square feet	S	S	S	S	Z	S	Z				
5.32 Located within any permissible structure	S	S	S	S	Z	Z	Z				
5.40 Social, fraternal clubs and lodges, union halls; and similar uses	<u>C</u>	C	C	C	S	S	Z				
<p>* S Applications that do not comply with the criteria for ministerial review are subject to the review and approval of the Planning Commission through a Special Use Permit w/o a public hearing</p> <p>** Manufactured homes are only permitted in the C-2 zone in a multifamily format. Tiny homes are only permitted in the C-2 zone as ADUs.</p> <p>*** <u>Mixed-use residential development intensity is regulated by a floor-area-ratio (FAR) maximum as dictated in the General Plan, with both residential and nonresidential square footage combined. The square footage of structured parking is excluded from the FAR calculation. Residential density maximums do not apply to mixed-use residential projects.</u></p>											

D. Section 98.00 Site dimensions.

For corner lots in single-family residential zones, the minimum lot area shall be increased by five hundred (500) square feet and the minimum lot width shall be increased by ten (10) feet over the amounts shown in this table. Lot depth shall not be more than three times the lot width. (Ord. No. 427-AC, (part).)

For residential development in the C-2 zone, the minimum site dimensions shall be the same as those required for the R-3 zone. For mixed-use residential development in the C-2 zone, the minimum site dimensions shall be the same as those required for the CRR zone. The maximum density for any residential or mixed-used residential project shall be 30 dwelling units to the acre.

E. Section 99.03 "Table of minimum dwelling unit floor area"

Zone	Minimum Gross Floor Area (square feet per dwelling unit)			
	0 Bedroom Unit	1 Bedroom Unit	2 Bedroom Unit	3 Bedroom Unit
R-1 and CRR zones	900	1,000	1,100	1,200
R-2 zone	550*	800	950	1,050
R-3 and C-2 zones	550*	650	800	950
C-2 zone, Downtown Core/ elderly housing in any zone	450*	600*	800	900
* multifamily units				
Note: Each additional bedroom beyond 3 requires an additional 100 square foot minimum to the gross floor area.				

F. Section 99.05 Height of Structures.

Height Limits – Residential zones		
Zones	Maximum Height	
	Type of Building	Maximum Height
R1	Main building	2 stories or 35 feet, whichever is less
R2, R3	Main building	3 stories or 45 feet, whichever is less

Height Limits – Nonresidential zones		
Zones	Maximum Height	
	Within 50 Feet of any Residential Zone	More than 50 Feet from any Residential Zone
C1, C2, C3	Nonresidential uses: 1 story or 15 feet, whichever is less. No higher than average height of neighboring structures Residential or mixed-use residential uses: 4 stories or 45 feet, whichever is less.	No height restrictions
M1, M2	20 feet. No higher than average height of neighboring structures	At any point the height shall not be more than 35 feet plus 1 foot for each foot of horizontal distance in excess of 50 feet from the nearest residential zone

G. Section 99.06.02. Common usable open space area.

For all multi-family residential uses, the open area provided shall include common usable open area of at least two hundred (200) square feet per dwelling unit for the first twenty (20) dwelling units, plus one hundred fifty (150) square feet per dwelling unit for the next twenty (20) dwelling units, plus one hundred (100) square feet per dwelling unit for each additional dwelling unit. The minimum dimensions of such common usable open area shall be ten (10) feet in each direction and the least horizontal dimension shall be at least one-third (1/3) of the greatest horizontal dimension. (Ord. No. 427-AC, (part).) For stand-alone multi-family residential uses built in the Downtown Core, the amount of common open space required shall be reduced by 50 percent. For multi-family residential uses built as part of a mixed-use residential development in the Downtown Core, the amount of common open space required shall be reduced by 75 percent.

H. Section 99.06.05. Front, side, rear yards. "Table of yards required – nonresidential zones"

Zone	Front Yard	Side Yard or Rear Yard		
		Abutting a Street	Abutting Property in Residential Zone	Abutting Property in Non-residential Zone
C-1	0'	5'	10'	0'
C-2	0'	0*/5'	10'	0'
C-3	0'	5'	10'	0'
M-1	0'	5'	25'	0'
M-2	0'	5'	25'	0'

* No setback required in Downtown Core

I. Section 99.06.09. Courts.

In the CRR, R-2 and R-3 zones, where the arrangement of a building or buildings on the same lot creates a court (an open space surrounded on all sides by buildings, but not necessarily completely enclosed), such court shall contain a rectangular open area at least thirty (30) feet by forty (40) feet in horizontal dimensions. (Ord. No. 427-AC, (part).) This standard shall also apply to multifamily and mixed-use residential development in the C-2 zone.

J. Section 111.04.27 Downtown Core parking requirements. [NEW SUBSECTION]

For uses proposed in the Downtown Core, the number of off-street parking spaces may be reduced by the Planning Commission, provided the following conditions are met:

- (a) The applicant submits written documentation in the form of a parking study or other documentation that the number of spaces to be provided will be sufficient to meet the needs of their residents, residents' guests, employees, and customers.
- (b) The applicant proves that the amount of off-street parking to be reduced will be provided through public parking spaces that are routinely available in a parking lot/garage or on-street spaces that are within 400 feet walking distance from a pedestrian entrance to the use.
- (c) Additional reductions may be approved through the provisions of Section 11.04.09, Parking ratios for a combination of entities.

K. Section 12A-6 Regulations Applicable to Retail Cannabis Businesses.

(W) The Retail Cannabis Business shall not be operated within: a residence; the Downtown Core; within a six hundred (600) foot radius of a school, recreation center or youth center; or within two hundred (200) feet of a public playground, park (meaning a children's park where there is

playground equipment or other youth athletic or sports facilities, but not including a "way-side" park or rest stop), child care or day care facility, or church. All distances shall be the horizontal distance measured in a straight line, without regard to intervening structures or topography, from the property line of the uses described in this Subsection to the closest property line of the lot on which the Retail Cannabis Business is located.

L. Section 12A-7 Regulations Applicable to Cultivation Facilities.

(H) The Cultivation Facility shall not be operated within: a residence; the Downtown Core; within six hundred (600) feet of a school, recreation center or youth center; or within two hundred (200) feet of a public playground, park (meaning a children's park where there is playground equipment or other youth athletic or sports facilities, but not including a "way-side" park or rest stop), child care or day care facility, or church. All distances shall be the horizontal distance measured in a straight line, without regard to intervening structures or topography, from the property line of the uses described in this Subsection to the closest property line of the lot on which the Cultivation Facility is located.

M. Section 12A-9 Regulations Applicable to Manufacturing Sites.

(F) The Manufacturing Site shall not be operated within: a residence; the Downtown Core; within a six hundred (600) foot radius of a school, recreation center or youth center; or within two hundred (200) feet of a public playground, park (meaning a children's park where there is playground equipment or other youth athletic or sports facilities, but not including a "way-side" park or rest stop), child care or day care facility, or church. All distances shall be the horizontal distance measured in a straight line, without regard to intervening structures or topography, from the property line of the uses described in this Subsection to the closest property line of the lot on which the Manufacturing Site is located.

N. Section 12A-10 Regulations Applicable to Testing Laboratories.

(D) The Testing Laboratory shall not be operated within: a residence; the Downtown Core; within six hundred (600) feet of a school, recreation center or youth center; or within two hundred (200) feet of a public playground, park (meaning a children's park where there is playground equipment or other youth athletic or sports facilities, but not including a "way-side" park or rest stop), child care or day care facility, or church. All distances shall be the horizontal distance measured in a straight line, without regard to intervening structures or topography, from the property line of the uses described in this Subsection to the closest property line of the lot on which the Testing Laboratory is located.

O. Section 12A-11 Regulations Applicable to Distribution/Transportation Facilities.

(D) The Distribution/Transportation Facility shall not be operated within: a residence; the Downtown Core; within six hundred (600) feet of a school, recreation center or youth center; or within two hundred (200) feet of a public playground, park (meaning a children's park where there is playground equipment or other youth athletic or sports facilities, but not including a "way-side" park

or rest stop), child care or day care facility, or church. All distances shall be the horizontal distance measured in a straight line, without regard to intervening structures or topography, from the property line of the uses described in this Subsection to the closest property line of the lot on which the Distribution/Transportation Facility is located.

Article VII, Section is proposed to be replaced in its entirety with the following. While the City recently updated its Density Bonus provisions, State reviewers indicated that there were a handful of minor references that needed to be updated. However, a more substantial revision is recommended due to the frequency of changes in State Density Bonus Law, whether through legislative changes (numerous laws enacted in 2019 through 2022) or court decisions (e.g., *Schreiber v. City of Los Angeles*, 69 Cal. App. 5th 549 (2021) on information that can be requested and *Banker's Hill 150 v. City of San Diego*, 74 Cal. App. 5th 755 (2022) on amenities and site design).

Instead of attempting to replicate and maintain consistency with state law through continuous updates to the City Code, incorporating and deferring to the provisions of California Government Code Section 65915, et seq. (known as the State Density Bonus Law), will ensure the City maintains consistency with State law and eligibility for various state grants (e.g., Prohousing Designation and related Prohousing Incentives Program). As allowed by State law, provisions unique to the City of Needles were retained.

Article VII. Intensity of Uses

Ord 427-AC, 620-AC

Sec. 97.00. Residential zone densities with no bonuses.

Before any density bonuses are applied, the number of dwelling units permitted in a residential development shall not exceed the following amounts:

ZONE	DENSITY	(dwelling units per net acre)
R-1	1.0-7.0	
R-2	8.0-17.0	
R-3	18.0-30.0	
CRR	1.0-30.0	

(Ord. No. 427-AC)

Sec. 97.01. Density Bonus and Related Incentives and Concessions Program.

Sec. 97.01(a). Purpose. The purpose of this Section 97.01 is to encourage the development of affordable housing in accordance with state law.

Sec. 97.01(b). State law incorporated. The City shall provide the density bonuses and other incentives that are required by Government Code Section 65915, et seq. (known as the State Density Bonus Law).

Sec. 97.01(c). Definitions. The definition of terms shall be as provided in Government Code Section 65915, *et seq.* In addition, the following definitions shall control over any conflicting definitions in other Sections of the Needles Municipal Code. State law definitions, as they may be amended from time to time, control over the definitions in this section.

(1) Affordable Housing Benefits means one or more the of the following, as defined in Government Code Section 65915, *et seq.*:

- a) A density bonus;
- b) An incentive or concession;
- c) A development standard waiver or modification; and
- d) A parking standard modification.

(2) Affordable Housing Developer means the applicant or permittee of a Qualified Housing Development and its assignees or successors in interest.

(3) Qualified Housing Development means a housing development that meets the requirements of Government Code Section 65915, *et seq.*

Sec. 97.01(d). Target Rents and Mortgage Payments. Target rents and Mortgage payments shall be as provided in Government Code Section 65915, *et seq.*

Sec. 97.01(e). Affordability Requirements. The affordability requirements shall be as provided in Government Code Section 65915, *et seq.*

Sec. 97.01(f). Application Required. When an applicant seeks a density bonus for a Housing Development that meets the criteria set out in Government Code Section 65915, *et seq.*, the Affordable Housing Developer must also comply with all of the following requirements:

(1) The applicant shall file an application for a Density Bonus Permit in accordance with Sections 97.01(f) and 97.01(g) that includes an affordable housing component consistent with Government Code Section 65915, *et seq.*, whether or not the project also requires or has been granted a special use permit or other permits or approvals.

(2) Enter into an agreement with the City or its designee pursuant to Section 97.01(k) to maintain and enforce the affordable housing component of the housing development.

(3) When an applicant seeks a density bonus for a development or for a donation of land, the applicant bears the burden of establishing that the housing development meets such requirements.

Sec. 97.01(g). Content of Application.

(1) The application for a Density Bonus Permit shall include the following information in accordance with Government Code Section 65915, *et seq.*:

(a) A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location, design, and phasing of all units;

(b) A breakdown of the current and proposed general plan and zoning designations, maximum possible density permitted under the current general plan and zoning;

(c) In applications involving the donation of land and/or child care facilities, the location of such land and/or facilities and a detailed description of compliance with the conditions and definitions in state law;

(d) A calculation of the density bonus allowed pursuant to state law, including the percentage of density bonus, percentage of income-restricted units, and number of density bonus units being proposed over and above the number of units normally permitted by the applicable zoning and general plan description;

(e) A description of the density bonus and/or the incentives or concessions requested (if any),

including a detailed explanation as to how the request will enable the applicant to provide housing at the target rents or mortgage payments. Except as explicitly stated in state law, modification of development standards and/or granting of incentives or concessions will be approved only to the extent necessary to achieve the target housing affordability goals;

(f) The proposed method of ensuring the continued affordability of all income-restricted units, for the applicable time period(s) in state law;

(g) Other relevant information as required by state law; and

(h) Other information requested by City staff, provided it pertains to cost reductions.

(2) An application for a Density Bonus permit will not be processed until all of the provisions of this Section are complied with as determined by the Director and shall be processed concurrently with other required entitlements for which the Affordable Housing Benefit is sought. Prior to the submittal of an application for a Qualified Housing Development, an applicant may submit to the Director a preliminary proposal for Affordable Housing Benefits. The Director shall, within 90 days of receipt of a written proposal, notify the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the Director's preliminary response. Approval of a Density Bonus permit shall be at the same level as the planning entitlement action for the project with the highest requirement.

97.01(h) Findings for Approval.

(1) Before the Planning Commission or City Council may grant a density bonus, it must make all of the following findings:

(a) As required by state law, the City shall grant a density bonus in accordance with Government Code Section 65915 et seq.;

(b) As required by state law, the City shall grant an incentive or concession in accordance with Government Code Section 65915 et seq., unless the City makes any of the findings contained therein;

(2) Effect on other actions. 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;

(3) Other City incentives. This Section 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 requirement, except as otherwise provided by state law.

97.01(i) Appeals.

(1) If the decision to approve or deny an application for an Affordable Housing Benefit is made by the Director, any person may appeal the decision. The appeal shall be in writing, state the grounds for appeal, and shall be filed with the City Clerk within 15 calendar days of the date of the mailing of the Director's decision, together with the appeal fee adopted by resolution of the City Council. The decision of the hearing officer shall be final.

(2) If the decision to approve or deny an application for an Affordable Housing Benefit is made by the Planning Commission, then an appeal may be filed to the City Council.

(3) Notwithstanding the provisions of Section 97.01(k), if the determination of the underlying application for the Qualified Housing Development is also appealed along with the decision of the Affordable Housing Benefit, then the entire project shall be controlled by the appeal procedures applicable to the underlying application.

Sec. 97.01(j). Fees.

(1) An application for Density Bonus Permit shall be accompanied by the fee set by resolution of the City Council, including fees necessary to monitor and enforce the provisions of this Section.

(2) If an application for a Density Bonus Permit requires an unusual amount or specialized type of study

or evaluation by City staff, a consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

Sec. 97.01(k). Affordable Housing Agreement and Equity Sharing Agreement. A Density Bonus shall only be granted if and when the Affordable Housing Developer, or its designee approved in writing by the Director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the City or its designee pursuant to, in compliance with, and to implement this Section and state law. The agreements shall be in the form provided by the City which shall contain terms and conditions mandated by, or necessary to implement, state law and this Article. The Director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the City. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the Qualified Housing Development does not include a map, prior to issuance of a building permit for any structure on the site. The Director is hereby authorized to enter into the agreements authorized by this section on behalf of the City upon approval of the agreements by City Attorney for legal form and sufficiency.

Sec. 97.01(l). Severability. If any provision(s) of this Section or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end, the provisions of the ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, even though any one or more sections, subsections, clauses, phrases, parts or portions thereof was declared invalid or unconstitutional.