

San Joaquin County Development Title Update

Diagnosis Report: Evaluation and Preliminary Recommendations

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Executive Summary

This working paper presents the results of the initial reconnaissance work and preliminary recommendations for the Development Title Update (“Code or Title Update”). This project was initiated to revise San Joaquin County’s Development Title, so it implements the 2035 General Plan and also conforms with federal and State law. The objective is to produce an innovative and integrated Development Title by expanding upon, modifying and deleting from the existing Development Title as necessary to implement the 2035 General Plan, streamline the permitting process, and respond to County staff and stakeholder concerns within the restrictions of applicable federal and State law.

The project consists of three phases:

- **Phase 1** includes all of the background work needed to understand the issues and identify regulatory choices for an updated Title. This paper is the culmination of Phase 1 work.
- **Phase 2** will include the actual drafting of Code amendments and new sections to be included in the Title for General Plan implementation. It will have updated standards for private development and public infrastructure, public landscaping and building design, and standards for urban services. It also will include updates to the regulations for subdivisions, signs, and wireless communication facilities, and similar special purpose regulations for agricultural lands that are in Title 9. Phase 2 will also include Zoning Map amendments to ensure consistency with the General Plan and some concurrent General Plan amendments. Finally, permitting procedures will be updated and consolidated to facilitate administration and streamline the project review process.
- **Phase 3** will include environmental review and the public hearing process leading to ultimate adoption.

As the first step of this effort, San Joaquin County’s consultant team evaluated the County’s current approach to regulating development and determined if there are alternative approaches that would better implement the General Plan, attract high quality development, and respond to State and federal mandates.

The County’s consultant team’s work included field reconnaissance of recent development in San Joaquin County; interviews with County staff and community stakeholders; an assessment of existing regulatory tools and design guidelines used by the County and peer jurisdictions; and preliminary recommendations for specific work to be completed for the update.

This working paper summarizes the principal findings and conclusions of the Phase 1 work (Tasks 1 and 2) and recommends a number of ways that Title 9 could be improved to meet the objectives of the Code Update. This paper is intended to form the conceptual framework for further discussion of these issues with the Planning



The Development Title Update will include standards for landscaping and building design, building on examples for exemplary development.

Commission and the Board of Supervisors. After their review and direction, the consultant team will work with County staff to refine the recommendations and prepare an Annotated Outline for the Update to guide actual drafting of the new regulations, which will be reviewed in “modules” by the Planning Commission and other interested committees and organizations. These modules will be posted on the project website (<http://www.sjcupdate.org>) for public review.

PRINCIPAL CONCLUSIONS AND RECOMMENDATIONS

Overall, the current administrative framework for San Joaquin County’s development regulations is sound, but it can be comprehensively updated and streamlined. These regulations and procedures also need to be updated to reflect new land use and development policies in the General Plan and dictates of federal and State law. The development title has not been comprehensively updated since 1992. It should be noted that during this comprehensive restructuring of the County’s review process, it may be necessary to amend some County’s policy objectives to encourage desirable development consistent with the General Plan.

More delegation of responsibility from the Board to the Planning Commission and to County staff, coupled with more “by right” zoning, would make sense and is a central recommendation. It could be advantageous for San Joaquin County to have an updated Development Code that combines different approaches to zoning (e.g., performance-based and design-based, as well as land use-based) to provide an effective tool to implement the General Plan. Instituting the changes that the following recommendations embody could help implement the General Plan and lead to greater ease of use, higher-quality design, clearer standards, and support for desired development.

Recommendations

The recommendations proposed below are consistent with the findings of the County staff and stakeholders’ interviews and the review of relevant policies in the General Plan and the existing Development Title. They are grouped into six topical areas for ease of discussion. These recommendations do not all carry the same weight; some are more important and will have more far-reaching effects than others. These differences will be discussed in the body of the paper. Early feedback will ensure that we are not going off in directions that would be unproductive and contrary to Board policy and direction.

Recommendation No. 1: Streamlining Development Review and Approval

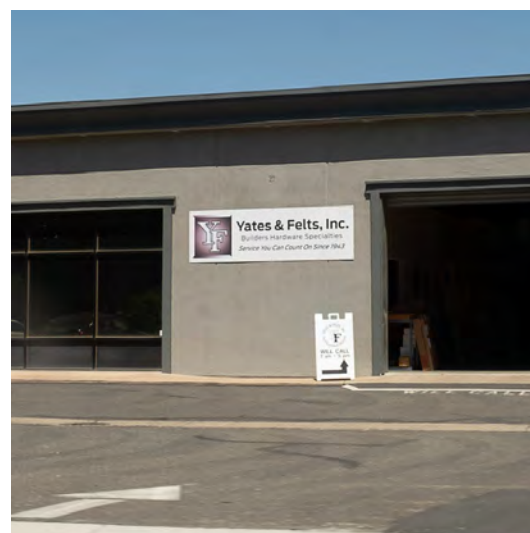
- 1-A Create a Set of Common Procedures for Administration of the Development Title and a Streamlined Track System For Permitting
- 1-B Reduce Reliance on Commission-Level Discretionary Review and Board Involvement in the Permitting Process (e.g., more “by right” uses)
- 1-C Add Provisions for Director-Level Use Permit, replacing Site Approvals
- 1-D Allow Additional Flexibility to Get Relief from Standards for Desired Development
- 1-E Streamline and Expand Provisions for a Planned Development Zone
- 1-F Recognize Differences Among Nonconforming Uses, Structures and Lots

Recommendation No. 2: Making the Development Title Easier to Understand and Use

- 2-A Develop a Consistent and Uniform Approach to Organizing and Displaying Rules, Standards, and Review Procedures
- 2-B Consolidate Standards
- 2-C Simplify, Refine, or Eliminate Unnecessary Regulations and Procedures
- 2-D Modify Zones and Update the Zoning Map as Necessary to Implement the General Plan
- 2-E Use Graphics to Reduce Wordiness and Improve Clarity
- 2-F Tabulate and Cross-Reference Regulations

Recommendation No. 3: Supporting Economic Growth

- 3-A Expand Opportunities for Agricultural Industries and Support Services in Agricultural Zones with Controls to Prevent Adverse Land Use Impacts (e.g., for Mega-Wineries)
- 3-B Update Parking Standards and Create Appropriate Regulations for Truck Parking
- 3-C Streamline and Expand Provisions for a Planned Development Zone
- 3-D Provide Alternative Ways of Meeting Public Service Requirements for New Development
- 3-E Update the Sign Regulations so they are Less Restrictive, including Appropriate Standards for Size, Location, Design, and Construction
- 3-F Update the Regulations for Wireless Communications Facilities to be Consistent with State And Federal Law and Support Emerging Technologies for Cell Service



The Update can expand opportunities for support services in the agricultural zones.

Recommendation No. 4: Addressing Mixed Use and Other Development Opportunities

- 4-A Establish Standards and Incentives for Mixed Use and Multi-family Development
- 4-B Allow Limited Commercial Development in Neighborhoods (“Corner Stores”)
- 4-C Continue to Support Winery-related Tourism and Recreational Opportunities in the Delta
- 4-C Rethink Buffering and Transitional Requirements Adjacent to Residential Neighborhoods to Avoid Constraining Development, consistent with Right-to-Farm policies



Winery-related uses would be allowed by-right.

Recommendation No. 5: Promoting Housing Variety and Choice

- 5-A Prepare a Design Manual for Accessory Dwelling Units, including Pre-Approved Building Plans
- 5-B Allow a Mix of Housing Types Where and When Appropriate, including Clustered Executive Housing in Rural Areas and Farmworker Housing
- 5-C Establish Regulations for Small-Lot Single-Family Development
- 5-D Continue to Support Affordable Housing with an Updated Density Bonus Program and Related Incentives
- 5-E Facilitate Upgrades to Older Residential Properties (Manufactured Homes/Trailer Parks)
- 5-F Amend the Zoning Regulations for Farmworker Housing to be Consistent with State Law

Recommendation No. 6: Achieving a High Level of Design Quality

- 6-A Create Appropriate Design Standards for Residential and Non-Residential Development
- 6-B Refine Landscaping Requirements, making them Appropriate to a Development Type and Community
- 6-C Mandate Outdoor Living Area and Usable Open Space in Multi-Family Residential Development

Introduction

Begun in the spring of 2020, the Development Code Update has been evaluating Title 9, San Joaquin County’s regulations for land use and development, including zoning, subdivision controls, infrastructure standards and financing mechanisms, sign regulations, grading requirements, resource regulations, Williamson Act requirements, and related provisions. A Code Update is opportune because it will allow the County to adopt regulations affecting many issues that are not adequately addressed in the current Development Code, including agricultural industries and support services, truck parking, urban services and adequate public facilities requirements, and provision for a variety of housing types. It also offers an opportunity to assess the permit process and see how it might be streamlined. Through the Code Update, the County will ensure that its Code provisions respond to community needs, implement General Plan policies, and reflect recent changes in State and federal law affecting land use regulations, including new housing laws, regulations for wireless communications facilities, and limitations on sign controls. How the Title supports implementation of the Delta Plan also will be addressed.

OBJECTIVES OF THE DEVELOPMENT TITLE UPDATE

The Development Title Update is taking a critical look at County policies to see how they can best provide a roadmap for future development and protection of resources. Overall, the Update will strive not only to ensure that regulations are relevant to today’s concerns, but also to produce a code that is understandable and easy to use. The objective for this project, as defined by the County, is to produce an innovative and integrated Development Code by expanding upon, modifying and deleting from existing documents as necessary, within the restrictions of applicable federal and State law, and create a San Joaquin County Development Code that:

- Is progressive and comprehensive, utilizing best practices from other jurisdictions and codes, and intelligently integrates principles of balanced land use and orderly growth to promote a diverse economic base, livable communities, strong agriculture, and sound resource management;
- Is consistent with the San Joaquin County 2035 General Plan, responsive to the Board of Supervisors’ policy direction, and cognizant of concurrent amendments to the General Plan;
- Provides for flexibility, where needed and appropriate, consistent with the County’s development policies and practices;
- Is logically organized, easy to read and understand, and can be quickly updated to respond to changing market and socio-economic conditions;
- Includes graphics and tables to illustrate key points and minimize the amount of text;
- Is consistent in terms of processes and requirements with other titles in the County Code and relevant provisions of federal and State law;
- Supports the County’s agricultural economy;
- Is tailored to local environment and residents’ concern and reflects the County’s history and culture;
- Allows for Master Plans, Specific Plans and Planned Development zones, where appropriate;
- Provides standards and incentives for affordable housing; and

- Streamlines the review and permitting process for development projects.

The updated Development Title will implement the General Plan, improve procedures, and create a more logical and transparent body of regulations. It will likely retain many of the prescriptive elements that are in the existing Title, combined with new regulations and standards that will be applied to specific portions of the County. The result will be a Development Title that creates certainty in terms of land uses and development, but provides flexibility of use, built form, and design. It will be tailored to the current needs of San Joaquin County, while anticipating future growth and development. Most importantly, it will contain clear processes and objective standards for review. Because the goals are to improve procedures, introduce options, and create a logical and transparent body of land use regulations rather than imposing new limitations on land use and development, the outcome will be “business-friendly” and respect property rights.

ISSUES ADDRESSED IN THIS WORKING PAPER

San Joaquin County’s existing regulatory framework may be interfering with the County’s ability to achieve its vision, implement the planning policies of the General Plan, and get the highest and best type and quality of development. This conclusion is based on stakeholder and County staff interviews, and analysis of the General Plan and how well it is implemented by Title 9¹. The following themes provide a framework for the *Diagnosis and Evaluation Working Paper*—running through all of them is the idea of ensuring consistency with the General Plan:

- Making San Joaquin County’s regulatory tools easier to locate, use, and understand;
- Addressing development opportunities in the urban and rural communities and City fringe areas and also opportunities for agricultural industry in the agricultural zones;
- Establishing expectations for high quality community design to enhance the character of neighborhoods, corridors, and districts and to promote efficient development;
- Allowing a mix of uses to enhance local communities and support economic development;
- Promoting a range of housing types meeting the needs of all economic segments of the community;
- Protecting the Delta;
- Conserving and enhancing historic resources; and
- Streamlining development review and approval and allowing more “by right” development, while also continuing to provide a transparent and participatory process.

Each of these issues is addressed in subsequent sections of this Working Paper. Specific topical and technical issues, such as religious uses, housing for persons with disabilities, wireless communications facilities, and signs, also are discussed either in the individual recommendations or at the end of this paper.

PROCESS – HOW THIS PAPER WAS PREPARED

The *Diagnosis and Evaluation Working Paper* is the culmination of the first stage of the Development Title Update, which consisted of a background review of the General Plan and the existing regulations in Title 9. In April

¹ A *Summary of Stakeholders Interviews* is on the project website (<http://www.sjcdtupdate.org>).

2020, San Joaquin County’s consultant team, led by Dyett & Bhatia, Urban and Regional Planners, began this effort with a review of County staff reports and planning documents, a close reading of the Development Title, field reconnaissance, including a tour of San Joaquin County, and a series of interviews with stakeholders and County staff intended to gather concerns and suggestions for the Development Title Update. Stakeholders interviews are summarized in a separate *Summary of Stakeholders Interviews* (July 2020) available on the project website, which put forward the overarching recommendations of Code users, organized thematically².

Ensuing conversations with County officials and staff, as well as detailed assessments of the General Plan, existing regulations, and case files, have led to the findings and recommendations presented in this Working Paper.

Relation to the General Plan

The recommendations presented in this paper respond directly to the goals and policies of the 2035 General Plan and are intended to be consistent with it. Technical amendments to the General Plan may be prepared later in the process. The Appendix to this paper includes a matrix that summarizes relevant General Plan policies, as an easy reference for readers.

NEXT STEPS

This paper will be the basis for study sessions with the Planning Commission and Board of Supervisors. Comments by the Commission and Board, along with any public input received on the paper, will guide preparation of an Annotated Outline of an updated Development Title and initial drafts of preliminary regulations. They will be presented in “modules” for subsequent review, and additional workshops will be scheduled with the Planning Commission to review these modules.

² The project website is <http://www.sjcdtupdate.org>.

Approaches to Zoning

American cities and counties use zoning to accomplish a number of purposes. Some of these purposes are well established—such as the maintenance of stable residential areas and the prevention of health and safety hazards. Others—such as protecting agricultural lands, promoting transit-oriented development, maintaining aesthetic values, encouraging infill development, preserving historic areas, spurring job-generating development, achieving community benefits, and creating walkable communities—are newer. All of the purposes and powers of zoning are rooted in the police powers that the State grants to local governments.

Zoning, subdivision controls, and other regulations also are intended to implement County plans, visions, and goals. A Development Code, such as Title 9 of the San Joaquin County Code, translates the policies of a comprehensive land use plan into parcel-specific regulations. As such, zoning is used to implement land use, urban design, and open space plans, rather than to serve in itself as the primary planning tool to resolve local traffic circulation issues, provide services to seniors, implement parks master plans, protect sensitive habitat, or create new neighborhoods.

Zoning regulations traditionally have been used to separate incompatible land uses, minimize nuisance impacts and environmental harm, and coordinate or time development intensity with supporting public infrastructure. Zoning is also effective for dealing with the geographic location of activities and for regulating the three-dimensional aspects of development with height, bulk, setback, and building design standards. Zoning is a way to make explicit the County’s policies for development, urban design, and resource management, to ensure fairness (so all lots in a given zone may be developed to similar intensities and are subject to similar restrictions and public contributions), and to avoid abuses of discretion.

In recent decades, zoning has been called on to address an increasingly diverse variety of public policy goals related to environmental protection, economic development, historic preservation, neighborhood revitalization, public safety, and transportation mode choice. Cities and counties have also used zoning to address market issues (e.g., controls on “fast food” operations, short-term rentals, and large-format retail stores). While zoning can mandate the physical form and uses of land, it is not as effective in realizing public policy goals. Another limitation of zoning is that it works on an incremental basis, as individual parcels develop or redevelop. The General Plan, by contrast, can and should take the lead in providing guidance for Countywide development patterns and for preparation of more detailed area and community plans.

In sum, a Development Title deals with two basic concerns:

- How to minimize the adverse effects that buildings or the use of a property can have on its neighbors; and
- How to encourage and implement optimal development patterns and activities within communities, as expressed in General Plan policies.

TYPES OF ZONING

Three main types of zoning are in use in the U.S. today: Euclidean, performance-based, and physical form codes. The pros and cons of these basic types of zoning are summarized in the table on the following page. In this table, the term “prescriptive” describes a rule-making process and the degree to which clear and objective standards for land use and development provides certainty to landowners, developers and the general public.

TABLE 1: COMPARISONS OF TYPES OF DEVELOPMENT CODES	
Type of Development Codes	Pros and Cons
<p>Euclidean: Named after the City of Euclid's Zoning Code in Ohio, Euclidean zoning schemes divide jurisdictions into districts or zones, wherein certain types and intensities of uses are allowed. These districting schemes typically have separate zones for residential, commercial and industrial uses, and aim to segregate incompatible uses. More recently, Euclidean codes have been used to create mixed use zoning districts. Euclidean zoning typically specifies allowed uses, maximum residential density limits, and bulk and dimensional standards.</p>	<p>Euclidean codes tend to be largely prescriptive and work best at preventing the basic problems or nuisances in a community and protecting agricultural areas. They are less effective in dealing with fine-grain neighborhood character and design issues that often arise in places where infill and redevelopment are most common.</p> <p>Within newly developing areas, Euclidean codes need to be linked to land division or subdivision regulations. These regulations often play a very important role in supporting zoning because they provide the statutory basis and standards for decisions on street networks, pedestrian connections, and the location of parks, open spaces, and civic facilities.</p>
<p>Performance-based: Performance-based codes include objective, quantifiable standards that are applied to uses to reduce impacts of development and to promote land use compatibility. The regulations and review procedures in these codes generally focus on how uses operate. These codes contain basic performance standards that directly limit impacts (e.g., noise and shading standards) as well as standards that control indirect impacts by constraining the intensity of operations (e.g., floor area, residential density).</p>	<p>Performance-based codes are somewhat less prescriptive than form-based codes in terms of design and allow for more architectural creativity and context-based solutions. They may be more complicated to administer than conventional Euclidean zoning or form-based codes but can provide more certainty as to use and density/intensity. As such, they tend to be favored by the development community and neighborhood organizations over codes that prescribe architectural design or rely on discretionary procedures involving public hearings and conditions of approval to ensure land use compatibility.</p>
<p>Physical form-based: Form-based codes prescribe the design or type of building, street, or neighborhood subarea, with limited or no restrictions on use. They typically include generic design prototypes for housing and commercial buildings and their relation to the street and to each other. This approach may differentiate neighborhoods, districts, and corridors; provide for a mixture of land uses and housing types within each; and provide specific measures for regulating relationships between buildings and between buildings and outdoor public areas, including streets.</p>	<p>Form-based codes tend to be highly prescriptive and are therefore thought of as very predictable. They are a way to express what is desired rather than what is discouraged or prohibited. These codes address matters outside those traditionally thought of as zoning (e.g., street design, sidewalks, parks, and civic spaces), and are often portrayed as more "holistic" than conventional Euclidean or performance-based zoning. They provide a way to bring planning and design considerations into zoning. These codes are effective where strong design guidance is needed and limitations on use and intensity are not critical.</p>

Other types of zoning include:

- *Incentive zoning* involves trade-offs between the County and the developer/property owner: the County relaxes certain zoning requirements in exchange for providing particular amenities, such as public open spaces, or a public benefit, such as affordable housing. Incentive zoning is particularly effective in achieving community benefits defined in a General Plan.
- *Hybrid zoning schemes such as contextual or character-based zoning*, seek to integrate physical design (form-based) standards and performance regulations into otherwise conventional codes, while often downplaying use-based regulatory strategies. Character-based zoning may offer particular promise for communities grappling with inappropriate development and can be combined with other approaches that make sense in newly developing areas, where more flexibility may be appropriate.

WHAT TYPE OF ZONING DOES SAN JOAQUIN COUNTY HAVE?

San Joaquin County's Development Title primarily follows a Euclidean scheme, as do most California counties. The majority of use districts within San Joaquin County's zoning classification system separate types of uses (agricultural, residential, commercial, industrial, etc.), although the M-X (Mixed Use) zone does allow for a mix of uses. The County also developed design guidelines and standards that apply to Mountain House and the Woodbridge Community.

As part of the Update, the County may want to consider adopting a more hybrid approach to zoning classifications. Design-based districts may help implement certain General Plan goals and be particularly appropriate for the commercial and mixed use areas. For example, a district that allows a mix of uses with design standards to ensure pedestrian-friendly development, as is done in the Woodbridge Design Guidelines, may be appropriate in some of the urban communities. San Joaquin County may also decide to adopt more contextual zoning as it attempts to preserve the unique character of historic areas.

THE BASIC DILEMMA: FLEXIBILITY VS. CERTAINTY

As San Joaquin County considers how to improve its zoning regulations and update Title 9, one issue will be how to find the right balance between flexibility and certainty that will best implement the General Plan. The dichotomy between these concepts creates tension, not only for County officials and staff who use the code on a day-to-day basis, but also for farmers, business owners, and others who may only come into contact with zoning a few times over the years they may live or work in the County. Everyone wants to know what the rules and standards are by which a use or a project will be judged—how are decisions made to approve, conditionally approve, or reject applications? And, for many, knowing the timeframe as well as the criteria for approval also is important—how long will this take, who has appeal rights, and when is a decision final so a project can proceed.

For many, the issue presented is straightforward—where can I park my trucks—and they just want to know what the rules are; for others, flexibility is important: the site or existing building(s) may be unique and require an individualized approach, or the design is innovative and contextual yet does not adhere to the requirements of the code. Conversely, the public benefits of a project may be so great (more agricultural production or jobs, for example) that proponents don't understand why the County can't just say yes. Many situations require flexibility and some relief from underlying requirements. Perspectives of code users may help inform the discussion about this issue.

Users' Perspectives

Expectations about what zoning should or should not do, and how far it should go, are different, depending on individual perspectives. Applicants view zoning differently than professionals, and County planning staff perspectives are not always the same as those of farmers or business owners. At the risk of over-simplification, we offer the following set of expectations for different code users, which are based on the stakeholders' interviews, as a starting point for thinking about regulatory options.

Applicants

Individuals applying to the County for an entitlement through a permit, an improvement plan, or a site approval generally want to know:

- **What are the rules that the County follows for development review?** These include use regulations, development standards, and other requirements, review procedures, and criteria for decision-making. Can different permit applications be considered simultaneously?

- **What is the timeframe for decision-making and when is a decision final?** Is it the day the approval is granted, or is there some stated time they have to wait before they know they can proceed with the next steps (e.g., an appeal period), refine a site plan, prepare submittals for a building permit, solicit bids, and initiate construction? Users also need to know how much time they have to obtain a building permit or business license.
- **What relief can they request if a regulation or standard constrains a site plan or otherwise limits what they would like to do with their property or building?** In thinking about relief, it often is useful to distinguish concerns about what the allowable uses are (recognizing that use variances should not be granted, and the only way to accommodate different uses would be through a Development Title text or zoning map amendment) from concerns about how to accommodate a building on a lot. Relief may be needed from a use regulation (e.g., expanding on what is a supporting agricultural service), a physical development standard (e.g., setbacks or height limitations), or from performance requirements that relate primarily to the impact of a use or building design on an adjacent lot (e.g., an off-site setback, a noise standard, or on-site detention of stormwater).
- **How important are neighbor concerns in the decision-making process?** If an applicant follows the rules, does the County have the right to require changes to a design solely because of a neighbor's objections? Are there limitations on conditions of approval, or are all elements of a project "negotiable"? Does the County distinguish "as-of-right" development applications from those requesting exceptions to the standards in weighing how far to go to respond to community concerns? Does the Right-to-Farm override some of these concerns?

Design and Engineering Professionals

Architects, engineers, and other design professionals typically want to know the answer to the same questions applicants pose, but because of their specific role in a project, they often want to know more specifically how much flexibility the code allows for site planning and building design. If the County wants to mandate certain solutions, as opposed to "encouraging" a type of design, the code should say so to avoid misunderstandings during the development review process.

An example of a mandated solution is a requirement for windows and a prohibition of blank walls on retail frontages. In this context, design professionals will want to know whether the mandate is a guideline or a regulation. If it's a regulation and the proposed building design or improvement doesn't benefit from adding more windows, it will be necessary to request administrative relief, which could be a variance or a waiver or modification, in order to deviate from the dimensional requirements. By contrast, if the mandate is a guideline, it may be possible to propose an alternative solution that meets the guideline's objective without applying for a variance or use permit to waive design standards if the Development Title provides for alternative ways to comply with a guideline. The current code does allow for some of this with the "deviation" provisions.

The flexibility that a design professional typically seeks includes:

- Relief from prescriptive standards, including setbacks, building height, bulk and articulation, landscaping, parking, and design standards (e.g., colors, finishes, roof pitches, etc.);
- Relief for buildings with historic character or special designs; and
- Relief for uses or activities with unique needs (e.g., winery tasting rooms, truck parking, artists' studios, Internet server farms, pharmacy drive-through windows, etc.).

Planning Staff and Officials

County planning staff and officials also want flexibility for a number of reasons:

- To respond to community concerns;
- To implement the General Plan and to further public policies;
- To reconcile competing priorities, as is frequently the case with a General Plan and an agricultural community;
- To facilitate the ease of review and approval of development projects; and
- To protect unique and special resources, which may range from the Delta and farmland to historic buildings and special retail uses.

San Joaquin County Residents and Business Owners

While planners and County officials strive to respond to community concerns, farmers, residents and business owners don't always have the same perspective on zoning and the Development Title, particularly if they feel their self-interest is not served. Many critical issues were decided when the General Plan was prepared; however, as implementation details are worked out, community thinking about General Plan direction may evolve, and there may not be consensus on all of the regulatory solutions and Zoning Map designations initially proposed to implement the plan. Many development sites, for example, have remained in an agricultural zone, such as AG-40 or AU-20, because services were not available, but owners believe they can provide the need public facilities (water, sewer, and drainage) without necessarily hooking up to a city or a community services district. They wonder why they can't have the zoning that the General Plan envisioned for their land.

Neighbors want to know with some certainty what can be built, so there are no surprises once construction begins. However, if they have concerns, they would like to know what the process is for community input – how much flexibility the County has to condition approval and what they can do to influence the final result.

Business owners, likewise, want to know whether they can expand or adapt space to new uses or activities. In agricultural zones, they don't always understand why they can't provide a packing service to a neighboring grower to make better use of their facilities. The ability to adaptively reuse historic buildings to current uses also is needed. Some property owners have expressed concern about current zoning not really enabling them to implement planning concepts for the area. Finally, being able to respond quickly to changing markets and needs, such as for independent trucking, is important, and the Development Title should enable a quick answer by County staff at the counter.

Tradeoffs

As the County considers the next steps for the Update, discussion of choices could address these basic philosophical issues:

- **Flexibility vs. predictability:** Is the Development Title intended as a rule of law or a rule of individuals? Should the area for negotiation be wide or narrow? To what extent should this be determined by the Title or by practice and precedent?
- **Flexibility vs. administrative cost:** What are the costs to the applicant and to the County to provide a streamlined process?

- **Development cost vs. quality:** Standards should be written with an understanding of their effect on business owners', developers' and consumers' costs and on the quality of the environment for both user and community at large.
- **Preservation vs. development:** Will a particular regulation stimulate or dampen change in uses, users, or appearance? A related issue is whether adopting a new standard will result in a proliferation of nonconforming situations, which could also discourage investment.
- **Under-regulation vs. over-regulation:** How does the County accommodate and facilitate new uses and development with an adequate amount of review? Is there a risk of impeding development through overly strict regulations and procedures or are the risks of inappropriate development through lax regulations too great?

Striking the right balance will not be easy and lessons from similar counties that have recently amended their codes can enable the County to avoid mistakes others have made.

Recommendation No. 1: Streamlining Development Review and Approval

In the Development Title, the administrative provisions governing development review and other administrative matters create the procedural environment through which the County carries out goals and policies laid out in its General Plan. At their best, development review and permitting provisions can promote the type of development the County wants by providing a clear, predictable path to project approval; conversely, overly complicated and sometime vague review processes with unclear requirements can cause business owners, farmers and developers a high level of anxiety, frustrate community residents, and severely dampen a County's ability to attract desirable growth and support the local economy. Unclear regulations also cost the developer/property owner and the County both time and money. A well-organized and clear code can eliminate these problems.

While the County has a "one-stop" counter system, it does require many discretionary approvals to go to the Planning Commission and some (e.g., Master Plans and Special Purpose Plans) have to go to the Board of Supervisors, which introduces additional steps and makes the process longer than if the review and approval of certain types of permits were delegated to the Director. Generally, business owners, farmers, and prospective developers value three central qualities in any administrative ordinance: (1) certainty in the requirements, timelines, and structure of the review process, (2) built-in flexibility to adjust development standards to the needs of individual projects, and (3) opportunities to request relief from requirements that constitute a substantial burden. Certainty about the types of development they can expect to see in their individual communities is also important to residents. The degree to which San Joaquin County can incorporate these qualities into its Development Title will help improve its ability to compete for development in the near future and to support the agricultural economy.

The flexibility of a Development Title is largely defined by its hierarchy of uses and their required permits. This hierarchy establishes the different levels of review the code requires to make various types of zoning decisions. These decisions typically range from a relatively informal counter staff review at the planning counter prior to the issuance of a building permit to more formal and complex procedures requiring public notice and a hearing before the Planning Commission and, in some cases, the Board.

The primary factor influencing a project's place in the hierarchy of uses is whether the proposed use is permitted "as of right," allowed subject to certain conditions which are checked either with review of an Improvement Plan or a Site Approval, or requires a Use Permit. This determination is a reflection of community issues and concerns that have arisen over the years. Decisions about where an application fits in the hierarchy may also, however, be influenced by how a jurisdiction selects and designs administrative techniques. It is often possible, for example, to reduce the review threshold for a particular type of application (i.e., place it lower in the hierarchy with only a Director approval), by increasing the specificity of the use regulations, the development standards and/or the performance-based criteria, along with a related change in one or more of the following:

- Scope of public notice for public input;
- Length of time for public review; and
- Opportunities for informal public review and consultation with departments and outside agencies.

The Development Title Update should set forth clear administrative procedures to be followed for all types of discretionary decisions. The level and extent of administrative process required for different types of decisions will vary, but the overall objective should be to streamline the process, enabling greater certainty and finality.

EXISTING ADMINISTRATIVE PROCEDURES

Decision-Making Bodies

San Joaquin County's Development Title specifically creates a Planning Agency, consistency of the Board of Supervisors, the Planning Commission, and the Director of Community Development, Planning and Development Services Decisions, and an Environmental Review Officer. In practice, although not listed as formally part of the Planning Agency, the Department of Public Works and the Environmental Health Department also are involved in the permitting process, either with referrals or, in the case of subdivisions, specific decision-making responsibilities. Responsibilities for a "zoning administrator" are not defined in the Code itself, nor are there provisions for a Hearing Officer.

Planning Commission

The Planning Commission is part of the Planning Agency for the County and also, in an advisory role, recommends actions to the Board regarding land use and development, including amendments to the Zoning Map, Development Title, and General Plan, Specific Plans, and Special Purpose Plans. Additionally, the scope of the Planning Commission's review includes requests for Use Permits, tentative subdivision maps, and other permits and approvals to ensure compatibility with the General Plan and surrounding uses. When considering the approval of a rezoning or Use Permit, the Commission's charge may include site plan approvals, if appealed.

Board of Supervisors

Under the Development Title, the Board of Supervisors has approval authority for Master Plans, Public Financing Plans, Specific Plans, Special Purpose Plans and Planned Development (PD) applications, General Plan amendments, and Development Title and Zoning Map amendments. Most of these responsibilities are established by the State, but the Board could delegate approval authority for Master Plans and Special Purpose Plans, if retained, to the Planning Commission. It also could separate action on a PD Zone itself, an amendment to the Zoning Map, from approval of an accompanying PD plan with detailed standards, which could be delegated to the Planning Commission and administered through a Use Permit.

Permits and Approvals

Table 2-1 summarizes the types of discretionary land use and development permits and approvals that the current code authorizes, in the order presented in Division 8, and lists the authorities that can issue these approvals.

TABLE 2-1: DISCRETIONARY APPROVALS AND ISSUING AUTHORITIES		
<i>Permit Type</i>	<i>General Purpose</i>	<i>Issuing Authority</i>
Master Plan	To facilitate implementation of the General Plan for new communities or substantial expand of existing communities	Board of Supervisors with a recommendation from the Planning Commission
Public Financing Plans	To facilitate implementation of the General Plan for new communities or substantial expand of existing communities	Board of Supervisors with a recommendation from the Planning Commission
Specific Plans	To enable adoption and implementation of plans conforming to the Government Code	Board of Supervisors with a recommendation from the Planning Commission
Special Purpose Plans	To facilitate implementation of the General Plan for commercial recreation and freeway services, utilities, roadways, improvements, aesthetics (e.g., signs), and parking	Board of Supervisors with a recommendation from the Planning Commission
Planned Development	To allow for flexibility in project design, concurrent review of land use, subdivisions, public improvements and siting, flexibility in housing types, increased density, and use of common open space	Board of Supervisors with a recommendation from the Planning Commission
Site Approvals	To review proposed uses that have the potential to adversely affect other land uses, transportation, or facilities in the vicinity	Director with a notice procedure
Use Permit	To review proposed uses that have the potential to adversely affect other land uses, transportation, or facilities in the vicinity	Planning Commission after a public hearing review procedure
Deviations	Enables exceptions to the regulations because of special circumstances only for setback requirements, area, width, and intensity requirements and height requirements	Director with a notice procedure
Variance	Allows for altering requirements where strict application would deprive a property of similarly situated properties in the vicinity with identical zoning because of special circumstances	Planning Commission after a public hearing review procedure
Subdivision Application	Required for the division of land into separate lots, tracts, parcels, or condominiums, cooperative, and other forms of ownership	Board of Supervisors for final maps after approval by the County Surveyor, and the County Surveyor for parcel maps; Board also acts on Infrastructure Improvement Plans and financing

Nonconforming Uses and Structures

Currently, San Joaquin County’s Development Code regulates nonconformities, uses or structures that do not comply with current regulations and standards, in a traditional way. The code generally prohibits the expansion, enlargement, extension, or replacement of any nonconforming use and requires that all changes to nonconforming structures bring the site into full compliance with code provisions. A change to another nonconforming use is allowed with Director review and a Site Approval. Replacement of a structure occupied by a nonconforming use is allowed in certain circumstances; nonconforming structures also may be replaced if damaged by a fire, flood, earthquake or other calamity. Historic structures are allowed to be repaired and restored, but this provision is only for those on the National Register or State Landmarks. What happens when

nonconforming uses are abandoned for one year or more is not specified, nor are there provisions for nonconforming site features, setbacks, landscaping, and parking lot layouts. This section also does not distinguish reconstruction rights based on the extent of damage (e.g., less than 50 percent of the replacement cost vs. 50 percent or more) as a way of determining whether a structure may not be restored without being brought into full compliance. Finally, nonconforming lots, meaning those that do not meet a minimum size requirement for the zone where they are located, are not addressed in this section. Chapter 9-872, Lot Line Adjustments, does provide for some relief.

THE ISSUES

Uses that Appear to be Permitted by Right, but Actually Require Review

The current Development Title permits a wide variety of uses and development projects in the zoning district regulations but requires many of those “permitted” projects to undergo a discretionary Improvement Plan review or have a Site Approval requirement. The classification of use types also has been based on the federal Standard Industrial Classifications (SIC) Manual, which complicates administration as definitions are not always related to land use and can create further confusion about what is permitted. The tables of use regulations also indicate when a Use Permit or a Special Purpose Plan is required. As a result, requirements for discretionary review may seem contradictory where district regulations suggest that such uses are permitted by right.

Many jurisdictions have been able to reduce the number of uses that require discretionary review by amending their ordinances and codes to include carefully crafted standards and restrictions that are specific to particular uses (e.g., maximum height or size, additional setbacks, landscaping and locational criteria) and then have a ministerial (e.g., “by right”) administrative process for zoning clearances, mainly to check that development plans and proposed uses meet specified standards and use regulations. No public hearings or discretionary review with case-by-case conditions of approval then occurs. The State now requires this type of ministerial review for accessory dwelling units, for farmworkers’ housing, and for multi-family housing meeting objective development standards that are in the code.

Standards can also be specific to zones or clearly defined physical locations (e.g., arterial streets, locations within 100 feet of a residential zoning district, sites subject to flood hazards, sites adjacent to a railroad line, freeway, or the airport, or within a resource conservation area, etc.). A set of standard conditions of approval can be included in a code, thus simplifying the administrative reporting and approvals for individual projects because these are incorporated by reference, with only project-specific modifications based on an individual project and its location or other circumstances then having to be added as conditions of approval. This streamlines the permitting process.

There are a variety of approaches the County could use to reduce the number of uses requiring Planning Commission and Board review, including permitting more uses by right, subject to:

- Compliance with development standards that are included in the Title based on General Plan policies;
- Compliance with new standards and requirements that reflect “standard conditions” that are typically imposed when such uses have been conditionally approved by the Planning staff or the Director; and
- Compliance with specific limitations on location, floor area, hours of operation, vehicle access, and similar features that are the source of potential adverse impact.

The incorporation of limitations for specific uses makes it possible to eliminate discretionary review for those uses that meet specific standards and limitations and do not exceed specified threshold criteria based on size. The permitting system then has three approval tracks: (1) for permitted uses; (2) for limited uses which are subject to specified standards; and (3) for uses that require a use permit with a public noticing process. The County uses this type of system already in the sections that establish special use regulations for the zones. However, these special use regulations are not identified in the tables of use regulations. There also is some duplication as many of the special use limitations are the same in commercial and industrial zones, for example.

To respond to specific situations where flexibility is needed, the Development Title could offer a discretionary option (using a Use Permit) to applicants who can demonstrate that the proposed use is consistent with the purposes of the zone and would be compatible with surrounding uses, even though it does not meet all of the special use standards and limitations. This would allay concerns that may arise from those who think the proposed standards are too rigid. Use Permits would be reserved for uses that pose potential or significant land use compatibility issues. For further streamlining, a two-tier system for Use Permits could be created, with Administrative Use Permits approved by the Director and Conditional Use Permits approved by the Planning Commission. In both cases, neighborhood notice and a public hearing process would be required.

Multi-Step Process for Certain Applications

The Board of Supervisors acts on Master Plans, Planned Development applications, and Special Purpose Plans after they are heard by the Planning Commission. This extends the time required for approvals, and such a multi-step process is not always needed for a thorough review of these applications and concerns raised by residents and reviewing agencies. A Planned Development (PD) application also has two phases; the first for a Conceptual Site Plan, and the second for a Detailed Site Plan. When a PD is relatively small, with a straightforward development plan, this two-step process may be unnecessary and, if eliminated, could reduce costs and approval times. The two-step process could be left in for large projects and projects that will be phased.

Limited Potential for Planned Development

Currently, the Planned Development Zone seems intended mainly for large-scale residential projects and mixed use projects, containing residential, commercial, and/or civic uses. Other uses seeking approval of a development concept that may not conform to the base zone standards could get approval with a Special Purpose Plan or a Specific Plan, but many jurisdictions have found it unnecessary to have separate procedures for residential and mixed use that would not work for an office project or an industrial park. The County further complicates the process by mandating two separate applications: Phase I for a conceptual plan, followed by Phase II with a Detailed Site Plan. The Director can allow an applicant to proceed directly to a Phase II submittal, but this is discretionary on their part, and all of the information required for the Phase I application still must be submitted.

A further limitation of the PD zone, as currently written, is that it includes detailed site design standards geared to residential development. If the idea is to allow for alternative design concepts that deviate from the base zone standards, why limit the options by establishing what the alternative standards are? And, if these standards represent what the County really wants in larger-scale residential development, they should be incorporated into the residential zones.

Many jurisdictions structure their PD zones as a “floating zone” that can be used for a variety of uses on a case-by-case basis. This facilitates development of properties where greater flexibility in design is desired than would be possible through strict application of conventional zone with its restrictive land use regulations and

standards. Specific development standards are then set in in the PD plans. Approval of a PD zone would require a finding that the development would be superior to what could be built under the zoning that otherwise would apply. The limitations set for a PD zone would be a minimum area requirement, conformity to the General Plan land use designations, and the maximum residential densities and development intensities set in the General Plan.

No Differentiation between Nonconforming Uses and Structures

Legal nonconforming uses and structures that do not comply with existing land use regulations could be a problem if San Joaquin County tries to promote more specific design standards. This issue also may arise with rezoning for General Plan conformance. The code does not allow a nonconforming structure to be altered unless the entire building is upgraded to comply with current standards. Similarly, a building with a nonconforming use can only be altered if it is damaged or destroyed by a fire, flood, earthquake, or other calamity. A nonconforming structure may be enlarged as long as the nonconformity is not increased. As a consequence, San Joaquin County's current regulations regarding the alteration of nonconforming uses and structures may be hindering some properties from being upgraded and adaptively reused. This is particularly true in historical areas if the buildings are not on a National Register or designated as State Landmarks. An option for a local historic designation could be added to the Development Title for flexibility. In short, these rules place what some may consider undesirable pressure on uses that do not fit current code regulations but are otherwise well established, benign, or even beneficial to the surrounding neighborhood or business district.

The County may want to consider a tiered system that distinguishes between those nonconforming uses and structures that are small and relatively benign and those that are detrimental to surrounding owners and residents. This approach would provide more flexibility than the current requirements. The code could be changed to make it easier to upgrade those nonconforming properties that do not substantially conflict with General Plan policies, are located within a Historic District (and other specified areas if desired), and to eliminate those activities and structures that are clearly incompatible with and detrimental to surrounding uses. A tiered system could include a procedure for licensing nonconforming uses that grants property owners the privilege of continuing nonconforming activities subject to certain requirements.

RECOMMENDATIONS

There are a wide variety of options that San Joaquin County could consider for revising its current regulations to streamline the decision-making process.

1-A Create a Set of Common Procedures for Administration of the Development Title and a Streamlined Track System for Permitting

San Joaquin County could create a common set of streamlined administrative procedures in order to clarify the development process and to provide applicants with consistent expectations for project review. A set of common procedures would improve code usability by helping applicants to understand the general review process more easily and avoid duplication of procedures for individual applications. Supplemental procedures could be included for some specific permit applications, if needed. Elements of a standard set of common administrative procedures include the following:

- A clear and consistent authority for determining whether an application is complete and a timeline for that process;
- Clear procedures and timelines for reviewing and acting on applications and handling appeals;
- Requirements for public notification for all types of public hearings; and

- Standards for the conduct of public hearings.

1-B Reduce Reliance on Commission-Level Discretionary Review and Board Involvement in the Permitting Process

The Development Code could allow more uses and other approvals “by right” or subject to appropriate and suitable locational, developmental, and operational standards and limitations without review by the Planning Commission and, in some cases, the Board of Supervisors of building and site design. This recommendation also applies to those uses that appear permitted in district provisions but, in fact, are subject to discretionary review. By allowing these uses by right or as “limited” uses subject to specified standards, San Joaquin County will not only speed up the permit and development process, but also provide additional certainty to business owners and prospective developers that their projects are welcome.

Minor modifications to permits that are substantially consistent with the approved plans and conditions of approval should be handled by the Director or a Zoning Administrator and would not require public notice or a hearing. Modifications that the Director determines are not minor would require approval of the original decision-makers. Public notice and a hearing would be required if the modification is to a use permit. This procedure will streamline the process.

The successful implementation of this strategy would require the County to create a category of allowed uses in each district between those that are permitted and those subject to review. This set of “limited” uses would function as permitted uses so long as they conform to certain development standards or do not exceed threshold intensities (one example might be multi-family developments with fewer than 10 units, or a similarly moderate number). Uses that exceed the threshold intensities in the Code or otherwise do not conform to the stated limitations would require a Use Permit. The review threshold would be quantified explicitly in the tables and generally not require reference back to a definition of a use type in another division of the Title (e.g., what is the difference between “small” and “large”).

1-C Add Provisions for Director-level Use Permits, replacing Site Approvals

The current Site Approval process is discretionary, in that conditions of approval can be imposed, but there is no public noticing. Some Use Permits, currently decided by the Planning Commission, could become a Director responsibility or they may only need a Zoning Clearance. The goal then would be to combine these two procedures, enabling the Director to review land use, site layout, building form and architectural detail, landscaping, and other aesthetic elements for certain types of projects that do not pose major land use compatibility questions requiring Planning Commission input. The basic idea then is to:

- Incorporate the Site Approval process into a procedure for Administrative Use Permits; and
- Give the Planning Commission final authority, subject to appeal, for “major” Use Permits.

For both types of Use Permits, specified findings would be required, and a project could be modified through conditions of approval to ensure land use compatibility and respond to concerns raised during the public review process. This also would streamline the environmental review process.

1-D Allow Additional Flexibility to Get Relief from Standards for Desired Development

The County does offer some flexibility already with provisions for Deviations and Variances, but additional flexibility could be built into the Development Title to promote development, such as

allowing a Zoning Administrator to act on certain types of variances. Specific permit approval procedures, enabling relief from standards and incentives for development in City fringe areas and development that cannot hook up to municipal services but can provide adequate public facilities, could promote desired development. Additional standards that could be modified by Deviations could also be listed in Section 9-824. Increases in maximum height and densities might be particularly appropriate for consideration if specified standards are met, as well as operational requirements in some commercial and industrial development such as loading dock dimensions or restrictions on the number of trucks allowed on a site. Finally, the County could allow for alternative landscape plans and parking plans and master sign plans as another way to modify standards.

1-E Streamline and Expand Provisions for a Planned Development Zone

The County could streamline the Planned Development (PD) approval process by only requiring a single PD Plan application, with the option of a two-stage review for complex projects with phased development. It also could separate action on the PD Zone, which would be a Board responsibility, from approval and administration of the PD Plan, which would be a Planning Commission responsibility. A PD zone should be an option for a broader range of development and not be limited to residential and mixed use projects. It would offer the potential for creative development projects incorporating design features that are more sensitive to site conditions and provide greater amenities than would likely result from conventionally planned development and also provide for efficient and cost-effective public services and facilities. The PD Zone would establish basic parameters and limitations on uses and development intensity (e.g., the maximum number of units and square feet of non-residential space), allowing flexibility in setting standards for building heights and their relationships, setbacks, lot sizes, types of structures, parking, landscaping, buffering, and the amount and location of privately-owned open space and outdoor recreation areas. PD Plans would be approved separately and administered through a Use Permit process, meaning that the Board would not be involved in minor amendments to a PD Plan that did not change the basic entitlements established for the PD Zone (e.g., the maximum number of housing units or square feet of non-residential space). This would streamline review and approval of planned development. Special Purpose Plans, some of which have included Planned Development within them, would no longer be needed, as the PD Zone could suffice for such development. Finally, no site design standards should be established for the PD zone, so as not to inhibit developers from attempting to secure the advantages of modern, large-scale sites planned for residential, commercial, or industrial purposes.

1-F Recognize Differences Among Nonconforming Uses, Structures and Lots

The County could expand on how it regulates nonconforming uses to allow it to distinguish among categories of nonconforming uses that should be regulated differently. Benign uses would be treated differently from potentially harmful or detrimental nonconforming uses. Such a system could apply different rules to:

- Benign nonconforming uses that could remain indefinitely, as determined by the Planning Commission, and subject to conditions or limitations, with provisions for revoking its “benign” status if new nuisances arise;
- Uses that should be replaced at some time in the future in order to implement the General Plan’s long term objectives where redevelopment and/or reuse is unlikely in the near term because of economic or market considerations; and

- Uses that are inconsistent with the General Plan and zoning regulations, will impede implementation of the Plan, and are detrimental because of health, safety, or substantial aesthetic impacts, such as towing yards and unscreened outdoor storage.

In this classification system, benign uses are those that do not have the potential to adversely impact surrounding properties. A small grocery store or home office with employees could be classified, for example, as benign, while an engine rebuilding business, auto body shop, smoke shop, or adult bookstore could not. The Update could include the formulation of test parameters to classify a nonconforming use as benign, which may include the following:

- Does not generate noise or odors or visual nuisances incompatible with surrounding uses;
- Does not create significant traffic; and
- Does not involve activities or processes that are potentially harmful or dangerous.

The process of determining a benign nonconforming use would allow for public comment; it also would provide authority to impose conditions to ensure that uses deemed benign do not change their operations in a way that may adversely affect neighbors (e.g., a condition limiting hours of operation or prohibiting alcohol sales or smoke shops). Enforcement provisions for violations of standards or conditions also will need to be established.

Recommendation No. 2: Making Zoning Easier to Understand and Use

The need to make San Joaquin County’s Development Code more user-friendly and concise was one common observation noted during interviews with stakeholders. Many code users commented that the text of the code is complex and hard to interpret, largely because it has been frequently amended over time; others said that the document is difficult to navigate, and the new Code should rely more extensively on helpful examples and have clear references that direct users to appropriate regulations. The following sections contain general observations about the code’s organization, format, and usability, as well as strategies for improving them.

EXISTING ORGANIZATION AND STYLE

San Joaquin County’s Development Title comprises numerous divisions and chapters of various importance, with no clear structure tailored to the County’s needs. These divisions follow a general organizational logic similar to the Development Codes of most counties. The Title first present administrative provisions, followed by general zoning regulations and standards and allowable uses in the base zones—residential, commercial, industrial, agricultural, and others. These divisions are followed by application requirements, subdivision regulations, development regulations, infrastructure requirements and financing, and development agreements, and then technical divisions on grading, natural resources, safety, signs, Williamson Act requirements, and enforcement.

The code has few features that enhance its usability. The text is careful to provide cross-references to other County regulations. However, none of these regulations have been supplemented with graphics in order to provide greater clarity, and besides the land use regulations and standards, few chapters include tables that present requirements in a format that allows fast and easy access to information (e.g., with hyperlinks).

Overall, the structure of San Joaquin County’s Development Title could be strengthened by more logical grouping and a hierarchy that subsumes specific topics under general categories. The Title 9 Update should address the organizational problems with a modest restructuring. These issues and recommendations are discussed below.

THE ISSUES

The following observations summarize the concerns noted by County staff and code users as well as independent evaluations made by the consultant team.

Organizational Irregularities

Although the original organization of the County’s ordinance was generally consistent and logical, as adapted by the County, it does not always present information where users may expect to find it. In particular, the administrative provisions in Division 2 are separated from the application requirements in Division 8, and the countywide development standard that are closely tied to zone regulations in Divisions 3 through 7 are not presented until Division 10, with sign regulations further back in the Title, in Division 17. Infrastructure requirements are split into two divisions. To its credit, the introductory division does include definitions and a system of use classifications. However, there are some “standards” embedded in the definitions, which violates the principle that definitions should be descriptive and not establish a policy or limitation on a use.

Other organizational aspects may also be impeding usability. San Joaquin County’s zoning contains a number of regulations that have been modified by “conditional zoning,” which is a cumbersome arrangement. These conditional zones have not been codified. There also are a number of Special Purpose Plans that include regulatory provisions, which also have not been codified. A more user-focused approach would place the development standards in the district divisions where they apply or group them together in a single section on countywide regulations, similar to Division 10, Development Regulations, so that users can access a more comprehensive list of applicable regulations without having to turn to other parts of the ordinance. The Title does have a comprehensive table of contents, but an index would facilitate smooth navigation of the divisions and chapters.

Specification of “Permitted” Uses

The way that San Joaquin County defines allowable uses is comprehensive but somewhat cumbersome; space in an office building, for example, may be used for administrative offices, administrative support services, medical services, professional services, or public services³. Why not simplify this, and just define office space, with possibly a subcategory for offices for walk-in clientele. Interchangeable uses should not require additional parking; they should be allowed as permitted uses. Similarly, it’s not obvious, just looking at a table of use regulations for a zone, what is included in the “major impact services” and in “essential public services.” The distinctions based on size (small vs. large) also are not obvious and require a reader to flip back to the definitions for use types. These are typically used to establish a threshold for project review, with “small” being permitted by-right, and “large” requiring a Site Approval. It would make more sense to establish thresholds for review separately, if project size is the determinant, and not complicate the table.

Another example of a needless complication is the grocery store; why not have a listing for food and beverage sales? It’s not intuitive that groceries are under Retail Sales and Services. In fact, under Retail Sales and Services, three categories are listed – primary, intermediate, and general – but these generic concepts don’t readily relate to terms people normally use: the corner store, the shopping center, the strip mall, the large format store, and the liquor store. A further complication is that small groceries are considered “primary,” but a supermarket is in the “intermediate” category, and the descriptions do not say what the size threshold is that distinguishes the two.

There also are some missing uses, such as artists’ studios, artisan manufacturing, family day care, short-term rentals, transitional housing and supportive housing, catering and commercial kitchens, instructional services, and social service centers, among others. Also, while hospitals and clinics are health care providers, they are not specifically listed under medical services. Hospitals are classified as an essential public service, but clinics are not named either here or elsewhere. In a post-COVID-19 environment, it makes sense to provide for mobile food vending and for clinics and facilities offering emergency care.



Mobile food vending is one of the uses missing from the list of allowable use types.

³ This classification system is based on the Standard Industrial Classifications Manual, which is overly complicated having been originally designed for labor classifications, not land use regulations. See https://www.osha.gov/pls/imis/sic_manual.html.

The Development Title also includes some “cumulative” zoning, meaning that uses allowed in commercial zones, for example, also are allowed in industrial zones, subject to specified standards, but these provisions are not evident when looking at the table of allowable uses.

Standards of Measurement

The physical standards for development (e.g., height, setbacks, distance between buildings) within San Joaquin County’s Development Title generally are expressed in appropriate units (lineal feet or square feet). Problems can occur when the number of employees is listed, as in the parking division, as the basis for determining how much parking is required along with spaces required based on gross square footage. These days some employees may be working remotely. Use of seating capacity also can be problematic if a facility does not have fixed seats and also has space for ancillary uses. Rules of measurement, with diagrams, would be helpful to show, for example, how height is measured on a sloping lot. Division 17, Signs, does have a section on computing sign area, but there are no diagrams to illustrate these rules.

More Tables and Graphics are Needed

The current Development Code contains a minimum number of tables summarizing numerical standards and graphics that illustrate development standards. None show examples of good design. Illustrations can be extensively used to convey concepts and aid usability. Sections where graphics could be particularly helpful include building height and setbacks, landscaping standards, parking lot layouts, buffering between residential and non-residential zones, and supplemental design standard; they may also be useful in illustrating standards of measurement, certain definitions, and other Code provisions, such as a “build-to” line in a historic area, which are difficult to describe clearly through words. The Update should aim to incorporate a number of new tables and graphics in order to clarify ordinance elements. Tables also can include cross-references to sections in other divisions, so a reader would know at a glance where all the rules are that apply to a particular use or standard.

RECOMMENDATIONS

The County should consider the following strategies to make the Development Title easier to understand and use.

2-A Develop a Consistent and Uniform Approach to Organizing and Displaying Rules, Standards, and Review Procedures

The County can improve the organization of its Development Title in a variety of ways. First, all of the provisions related to zoning and physical development should be grouped together as should provisions that relate to infrastructure and services. Second, natural resources, sign and safety regulations should be moved upfront into a division that would include all of the countywide regulations related to development. A final division at the end of the Title can group all definitions and use types together, so that users have access to a comprehensive reference section in an easily located place.

2-B Consolidate Standards

Where standards apply differently to each set of zones, for instance, required setbacks for each category of uses from neighboring zoning district lines, outdoor storage provisions, or fencing requirements for residential, commercial and industrial projects, they should be grouped immediately following the standards for this set of zones. Similarly, why not present in one place the standards that apply

countywide to certain uses and to fireworks, outdoor displays, truck parking, cannabis growing, or accessory uses; these are sometimes scattered through the Code. Rules governing the construction of language, interpretation of code provisions, and measurement should similarly be grouped together in Division 1 to serve as a reference section that can be turned to in the event of uncertainty regarding code provisions. Consolidating all these rules into one section will help to ensure that standards are logical and consistently interpreted and applied.

2-C Simplify, Refine, or Eliminate Unnecessary Regulations and Procedures

San Joaquin County should ensure that its Development Title functions as efficiently and with the fewest number of provisions necessary to achieve its goals. To this end, duplicate regulations and unnecessary sections of the code should be removed in order to avoid ambiguity and reduce the sheer bulk of the code. For example, the tables of uses in zones need only list permitted uses and uses requiring a use permit or other form of discretionary review. The rows of uses that are prohibited can be eliminated, shortening the table. All that is needed is a statement that uses not listed are not allowed.

Similarly, where code regulations list two standards of measurement, such as gross floor area and the number of employees, one standard should be chosen and applied consistently. In the agricultural zones, triggers that require an activity to be classified as commercial rather than private (e.g., doing some packing or processing for a neighbor) should be eliminated to avoid hindering agricultural activity. Limits on expansion, such as no more than 25 percent of the existing floor area, also might be reconsidered. Finally, the number of permits required can be simplified – a recommendation addressed in more detail later in this paper under the section on streamlining the approval process.

Unnecessary permits and procedures can be consolidated or eliminated, consistent with Recommendation 1. These include Improvement Plans (folded into a Zoning Clearance or an Administrative Use Permit) and Site Approvals (to be replaced by an Administrative Use Permit), Special Purpose Plans, and a streamlined process for Planned Development. And, the rule on what the project size is that triggers a review process (e.g., 6,000 square feet or 10 acres) should only be stated once; it need not be repeated for each zone.

The purpose of Master Plans can be met with an updated Planned Development Zone or with Specific Plans, but a separate procedure for them could be carried forward with minimal changes. The original intent for master plans was to enable creation of new communities such as Mountain House; this is still a General Plan goal, and Master Plans are still required for new urban communities along with a Public Financing Plan. As such, it might make sense to retain these provisions.

2-D Modify Zones and Update the Zoning Map as Necessary to Implement the General Plan

As part of the Update, rezoning will be recommended where existing zoning is not consistent with a General Plan designation. This largely occurs where AU-20 or AG-40 zoning has been retained because services were not considered available at the time of General Plan adoption. For example, over 10,000 acres zoned AU-20 is designated in the General Plan for residential uses, 7,800 acres alone for Low Density Residential. Overall, the County's zones match up with the General Plan land use designations; there are no major gaps indicating that a new zone or set of zones is needed. However, in response to stakeholder comments, a new industrial zone (IX Industrial Mixed) could be established to allow for a greater mixing of industrial uses, subject to a requirement that all of this take place within buildings.

Some stakeholders recommended that the CX Zone be amended so it could apply to more than one quadrant of an intersection, and the list of allowable uses be expanded to meet needs of surrounding residents. This makes sense. It would though require a General Plan amendment to Policy LU-5.7.

Recommended modifications for the PD Planned Development Zone would be as described in Option 1-E.

Overlay zones, which would be combined with base zones by a -letter designator, may be needed for the airport environs, flood and geologic hazards, and extreme wildland fire hazards, but whether they could be codified would depend on the availability of mapped information that can be integrated in the County's geographic information system. Sacramento County, for example, makes effective use of an overlay zoning system, which includes specific overlays for flood hazards, food processing, mobile home parks, natural streams, neighborhood preservation, parkway corridors, surface mining, and the Delta. Finally, the County could consider creating a numbered overlay designation for historic areas, which would enable creation of site-specific historic conservation plans tailored to the County. Currently, the County only protects historic sites and structures on the National Register or designated as a State landmark. Why not allow for a local designation process? This would be consistent with General Plan policies on historic resources calling for preservation of historic and cultural resources and allowing for adaptive reuse of significant historic properties.



An overlay zone for locally designated historic districts could be added to Title 9.

2-E Use Graphics to Reduce Wordiness and Improve Clarity

The Update should add graphics in order to further strengthen code provisions. In many instances, graphics can communicate development regulations more clearly and in less space than written standards. For example, images can clearly depict standards for measuring building or sign heights or yard setbacks, while verbal equivalents are prone to misinterpretation and uncertainty. With visual clarification, fewer sections of the Development Title will be subject to competing or incorrect interpretations, and regulations can be cleared of much of the jargon, which obscures the code's intent.

2-F Tabulate and Cross-Reference Regulations

The Update should revisit all textual cross-references to ensure that each provision refers to all additional relevant regulations, and to avoid unnecessary repetition of provisions. Where appropriate, the code can rely more extensively on tables to convey development standards, as they greatly improve the readability of complex regulations. The tables of uses also should include a column with references to sections that have additional requirements and standards for specific uses.

Recommendation No. 3: Supporting Economic Growth

Ensuring long term economic growth and expanded employment opportunities is of primary importance to San Joaquin County. In order to secure continuing economic vitality, particularly in the agricultural and industrial sectors, regulations should support growth of existing business and promote the steady creation of new jobs to maintain a strong and diversified economy and to allow residents better access to local employment. Regulations for the commercial zones are generally well-conceived and can be largely carried forward into the updated Development Title with some minor refinements to respond to technical issues identified by County staff and stakeholders. This section discusses current challenges facing economic development and presents strategies for supporting agriculture, encouraging new industry, and reducing development costs, which taken together will strengthen the County's tax base.

San Joaquin County's economy holds a great deal of promise for the future. The County has three key factors that enhance its attractiveness to business: a prime location adjacent to the San Francisco Bay Area and midpoint in the Central Valley; a diverse and growing population contributing to a sizeable work force; and large amounts of available land in growing areas of the County, including the City Fringe areas and the Urban Communities. Through well-crafted regulations, the Development Title can maximize the County's economic development potential and ensure growth does not create undue impacts on its residents.

EXISTING REGULATION OF ECONOMIC ACTIVITY IN THE DEVELOPMENT TITLE

Currently, San Joaquin County's Development Title has four agricultural zones (AG General Agriculture, AL Limited Agriculture, AU Agriculture-Urban Reserve, and ARM Agricultural Resource Management), nine commercial districts (C-C Community Commercial, C-FS Freeway Service Commercial, C-G General Commercial, C-L Limited Commercial, C-N Neighborhood Commercial, C-O Office Commercial, C-R Recreational Commercial, C-RS Rural Service Commercial, and C-X Crossroads Commercial), five industrial districts (I-G General Industrial, I-L Limited Industrial, I-P Industrial Park, I-T Truck Terminals, and I-W Warehouse Industrial), the AP-X Airport Mixed Use Zone, and the MX Mixed Use Zone; together these provide the framework for all economic activity in the County.

Allowable uses may be permitted by right or require an Improvement Plan or Site Approval. Many also require a Use Permit from the Planning Commission. Also included in the Title are special use regulations for the commercial, industrial and agricultural zones. These impose standards and constraints on development, which have to be met, before an approval is granted and a building permit issues.

The current classifications of use types are broad; they do include some recent additions intended to promote agri-tourism (e.g., wineries, wine cellars, and produce stands). All of the traditional classifications for the agricultural and industrial sectors are included and provide a set of general classifications for many different types of businesses. However, these have not been updated to reflect new and emerging businesses or problem uses of concern to County staff and stakeholders, such as technology, short-term rentals and emergency care clinics, among others.

THE ISSUES

Strengthening San Joaquin County's Economic Base

The County's economy has historically been one that is agricultural-based, but in recent years it has become more diversified and now includes significant trade, transportation, retail, and service sectors. If it is to realize the growth potential outlined in the General Plan, it needs to ensure that upwards of 290 acres of land can be developed each year to meet the needs of existing and new businesses. Having a streamlined approval process along with appropriate regulations for the agricultural, commercial, and industrial zones will be critical to realizing this goal. Most important, accordingly to stakeholders, is the need to facilitate vertical integration of agriculture by allowing research, production, processing, distribution, and marketing of agricultural products with few regulatory hurdles. New development also needs infrastructure and services, and it's not always economically feasible to connect to existing municipal services.

Efforts to improve the jobs-housing balance will help small business development in the County, because workers frequent restaurants and shops near their places of employment. The daily outflow of population to Sacramento and the Bay Area further complicates the creation of an urban environment, because the County lacks the critical mass of people in some of its communities that is necessary during the day to populate its streets and neighborhoods and in Mountain House to fill the schools.

Supporting Preferred Economic Activities

The County's General Plan outlines a number of strategies for carrying out its economic development policies, reflecting the following concepts:

- Creating a balanced and diverse economy that provides well-paying jobs, a high quality of life, and a sound tax base is a central theme. Among preferred economic activities are agriculture and ag-related businesses, telecommunications technology, logistics and trade, agri-tourism, recreation, eco-tourism, and heritage tourism. Developing a green economy with environmentally-sustainable products and services, renewable energy, clean transportation, and water conservation also is listed as a County policy for economic development.
- Supporting economic development efforts that expand range of businesses in the County for diversification and encouraging high-value food processing and agricultural innovation. The County's General Plan also calls for commitments to facilitate vertical integration in the agricultural sector. Any activity, which brings new money into the community, is welcome.

The challenge for the Development Title is to identify preferred businesses and then craft appropriate regulations and permitting procedures to provide for a streamlined development review process.

Removing Outdated Use Classifications for Agriculture

Some of the County's classifications of commercial, industrial, and agricultural uses are outdated and do not support or allow for the types of new businesses in California's growth sectors that the County wants to attract. In agriculture, for example, the General Plan seeks to enable vertical integration, but the use types as defined in the Development Title don't always allow this to occur. This is because the descriptions of economic activity are sometimes generic, leaving discretion to the County planner when a new or hybrid business is proposed, or an existing business wants to expand.

Another issue is that the use regulations table are not always consistent with the subclassifications with the Use Types, particularly for agriculture. Under agricultural processing, for example, the use types described

preparations services and food manufacturing, but in the table of allowable uses in the Agricultural zones, the subtypes are “food and grain” and “agricultural chemicals.” A further limitation is posed by the special use regulations, which only allow expansion of a pre-existing use, established at the time the property was zoned AG and with a limit on the amount (up to 50 percent of the existing floor area and 25 percent of the site area). Some stakeholders noted that the County’s rules limit their ability to use existing facilities, such as a packing shed for a neighboring farmer. Beyond the missed economic opportunities inherent in this situation, the County also is hurt by loss of potential tax revenues.

Some of the stakeholders providing input for the Development Title update said that high volume wineries, also known as “mega-wineries,” operate at a much more intensive scale than boutique wineries and traditional family-owned wineries. In the use types established in the Development Title, only one category of winery is described, while the table of use regulations for the agricultural zone separates large and medium wineries from boutique and small wineries and requires a use permit for the medium and large scale facilities. A large winery is defined on the basis of a production of 100,000 gallons of wine per year. Production capacity at a mega-winery that might be on the order of 5 to 10 million gallons is treated in the same way as a facility producing 100,000 gallons. Additional regulations are provided in Chapter 9-1075, but these do not address mitigating impacts of high volume facilities. Members of the Lodi District Grape Growers Association and concerned residents have prepared draft amendments to the County’s regulations to address this issue; these were shared with County staff and the consultant team and will be considered during the Update.

Addressing Parking Requirements, including Truck Parking

The General Plan calls for reduced parking requirements for new development in exchange for amenities or payment of an in-lieu fee (Policy TM-3.14). It also calls for bicycle storage at employment centers (Policy TM-4.5) and refinement of parking facility design (Policy TM-4.9). It would make sense, at a minimum, to align the parking standards with those of peer jurisdictions, and not impose more stringent requirements, which add to development costs. By way of examples, the Development Title’s parking regulations set greater parking stall and aisle widths than those in the Sacramento County, Lodi, and Tracy codes; the number of spaces required for industrial, warehousing, offices, and retail shops also is greater than the numbers set in many peer jurisdictions, sometimes on the order of 50 to 100 percent more! This makes it more expensive to build in the County, a point underscored by some stakeholders.

One issue is how far to go with parking reductions. Should the required number of spaces be reduced just in transit corridors with service frequencies of 15 minutes or less during peak hours? Should there be reduced parking in the Mixed Use zone across-the-board even if high frequency transit service is not available everywhere that conveniently serves major employment centers? In a post-COVID-19 environment, transit operators are likely to have limited funding for service expansion and, even with passage of extensions to funding measures, significant increases in peak-hour line-haul capacity is not expected as operators have competing priorities that must be met as well, such as the conversion of their fleets to zero-emissions buses and meeting service needs of seniors and people with disabilities.

A staged approach to parking reductions coupled with expansion of transit service might be more prudent because average automobile ownership and parking “demand” is not likely to go down significantly in the near-term. Many residents need a car for non-work trips even though they may commute by transit. Similarly, while it does make sense to have parking maximums tied to parking demand, setting arbitrary parking caps, such as 1.5 spaces per 1,000 square feet of floor area, which assume near-term transit service expansion, does not seem warranted, particularly if the journey to work is to a major activity center outside the County.

That said, there may be opportunities for more selective reductions in parking space requirements, such as eliminating excessive parking requirements for industrial and office uses and monitoring parking needs for retail. Parking requirements for efficiency apartments, studios and one-bedroom units with less than 500 square feet likewise might be reduced. The rationale would be that there are more alternative modes available, including car sharing, paratransit, and on-demand services, such as Uber and Lyft, that are attractive to those who seek smaller housing units.

Many stakeholders and County staff noted the need for updated regulations on truck parking because the current rules are judged overly restrictive and do not relate to specific types of trucks used in the County. With the increase in opportunities for self-hauling and the need for more trucking to serve agriculture, the current limits on the number of trucks that can be kept in agricultural zones is quite restrictive. Only one truck is allowed on a site that is two acres or less; four acres is needed for two trucks and two trailers. No employees are allowed to operate agricultural trucks, and maintenance and repair facilities are limited to a single accessory structure. However, existing farm operations need more trucking than is allowed, and so have to park their trucks illegally, risking an enforcement action, contract for off-site trucking services, or keep their trucks off-site in an industrial zone.



Truck parking regulations will be updated.

Providing Flexibility in Meeting Infrastructure and Urban Service Requirements

Currently, the General Plan offers only a limited number of options to meet infrastructure and service requirements. Policy IS 2.6 states:

The County shall require new development to provide water, sewer, storm water, and/or street lighting service(s), using one of the following methods, subject to County review and approval: 1) Obtain a will-serve letter from an existing Special District, Community Service District, Mello-Roos Community Facilities District or other non-city public utility agency and obtain LAFCo approval for annexation or out-of-agency service; 2) Obtain a will-serve letter from a city and obtain LAFCo approval for out-of-agency service; 3) Fund the formation of a new Community Service District, Mello-Roos Community Facilities District or other non-County public utility agency that would perform ongoing maintenance.; or 4) When approved by the Director of Public Works, fund the formation of a new County Service Area (CSA) that would provide ongoing maintenance services.

Other General Plan policies suggest offering more flexibility for commercial and industrial development. In Policy ED 3.2, for example, the County just has to consider whether: (1) new development must have long-term water supplies to meet the ultimate demand of the development and surrounding area and ensure the continued viability of existing and future development and (2) new development would be contributing their fair share of adequate infrastructure and services that are sufficient to meet the ultimate demand of the development and surrounding area.

Division 11 is fairly restrictive, generally requiring “will-serve” letters from the agency expected to provide the service as a pre-condition to obtain a building permit. There are provisions for special purpose plans if a new water, wastewater or drainage system is proposed, which is a cumbersome procedure. Supplemental system improvements, beyond those needed to service a development, also can be required, but financing arrangements for areas of benefit can be put in place to reimburse developments for such added costs. In addition,

Improvement Plans are required, and these are subject to approval by the Director of Public Works. Finally, developers must provide financial guarantees for improvements, which is normal for subdivisions in California.

The Title does not explicitly allow for on-site wastewater systems, such as package treatment plants, in urban communities and on industrial sites outside of these communities unless the Board has adopted standards for private on-site wastewater disposal facilities under Section 9-1110.5 or a project will use existing structures and there is no sewer main within 200 feet. For water, the mandate to connect to public water systems is similar, and a private water system is only allowed for one parcel in an industrial area outside an urban community, for one parcel in a freeway service area, and for truck terminals.

Eliminating Restrictive Sign Regulations

Currently, many of the standards for signs and billboards that are in the Development Title are rather restrictive, limiting the size and number of signs; they do not reflect “best practices” found in Central Valley sign regulations. The Title also does not provide for new forms of signs, such as digital message centers, display boards and mobile vending, nor does it specifically address certain types of temporary signs, which are unsightly and incompatible their surroundings. General Plan Policy LU-5.12 calls for comprehensive integrated master sign plans for Freeway Service areas and a performance-oriented approach for signage in new commercial development rather than relying on traditional prescriptive standards.

The Development Title update provides an opportunity for San Joaquin County to craft a new regulatory framework for signage that addresses concerns with the current code arising from a 2015 Supreme Court decision (*Reed vs. Town of Gilbert*) and set sign standards that are appropriate to their specific settings, while meeting the County’s need for adequate communication to support economic development and the desire to maintain and enhance the character of individual urban and rural communities and the City Fringe areas. All of these objectives can be attained, while ensuring conformance with applicable federal and State requirements.

Federal law prohibits the making of laws that “abridge the freedom of speech.”⁴ The Supreme Court has not interpreted this right as absolute. Rather, in certain situations, government restriction of speech passes constitutional muster. In general, counties can exercise their police power to regulate signs – which constitute speech – in their jurisdictions. In order to survive judicial review, sign regulations must be content neutral. The most common content-neutral regulations are “time, place, and manner” restrictions. As the name suggests, these are restrictions that limit the time, manner, and place of the speech at issue. For instance, time, place, and manner restrictions may include restrictions on the square footage of a sign, how a sign’s message may be displayed, where a sign may be located, and the manner in which a sign is illuminated.



Controls on temporary signage will be updated.

⁴ U.S. Const., Amdt. 1.

Over the years, the courts have upheld a variety of sign ordinances as valid time, place, or manner restrictions. To be upheld as a constitutionally valid, such regulations must be content-neutral, serve a significant government interest, and leave open ample alternative avenues for expression.

Standards In Other Jurisdictions

As stated above, San Joaquin County's standards for signs are quite restrictive. The overall limit is two signs per parcel with an allowance for more signage for sites with multiple frontages. The maximum sizes of individual signs are set rather low and make no distinction based on land use or zoning, or the location of a business relative to a freeway. To put the County's standards in context, we compared them to regulations in El Dorado County, Merced County, Sacramento County, Placer County, and the cities of Lodi, Manteca, Stockton and Visalia.

None of the jurisdictions surveyed place as restrictive a limit as the County has adopted on the total number of signs allowed. All have more extensive lists of exempt signs, and most permit signage in commercial zones based on an allowance determined on the basis of the frontage of buildings (e.g., 2 square feet of sign display area per lineal foot of building frontage). This allowance is higher in commercial zones than in office or industrial zones in order to support retail businesses, which typically occur less space than business offices and manufacturers.

By way of example, on an acre site with 300 feet of building frontage, the County would allow up to 360 square feet of signage if there were four tenants, while the City of Stockton would permit 600 square feet of wall signage plus freestanding signs! In the County, the freestanding sign would be limited to 60 square feet or 80 square feet if a monument sign no more than four feet high is installed. By contrast, Stockton would permit 150 square feet, or 300 square feet if freeway-oriented. In Lodi, the freeway-oriented signs can be even larger (up to 720 square feet), and the freestanding signs in other locations may be 168 square feet. In Merced County, the allowance for freestanding signs is one square foot for each foot of primary building frontage plus 50 percent for secondary frontages.

Freestanding Signs. San Joaquin County limits monument signs to four feet in height, while most jurisdictions allow up to six feet. Visalia allows freestanding signs to be up to 12 feet, but these have to be a monument type, with a base that is at least half the width of the sign itself, meaning no pole signs are permitted. Lodi is more generous, allowing freestanding signs up to the height of a building or 75 feet if freeway-oriented. Merced County permits six foot high monument signs and 20-foot high pole signs. Sacramento County sets a similar standard (6 feet) with a required spacing of 50 feet between a freestanding sign and another freestanding sign on an adjacent parcel.

Attached Signs. San Joaquin County exempts all window signage regardless of size but sets a limit on signs that are attached to buildings (25 square feet in the C-L, C-N, C-X, and C-O zones and 80 square feet in other zones). Stockton does not limit individual wall sign sizes, relying instead on the overall size limits for all signage, while Merced County limits wall signs to 32 square feet or one square foot per lineal foot of building frontage. Visalia sets a 30 square foot limit, but also allows projecting signs and awning signs. Similar provisions for specific types of attached signs are included in the sign ordinances for the other counties and cities surveyed. In addition, many of these jurisdictions control window signage as a percentage of total window area, with some, such as Visalia, allowing additional area for temporary window signage that must be removed after a specified period of time.

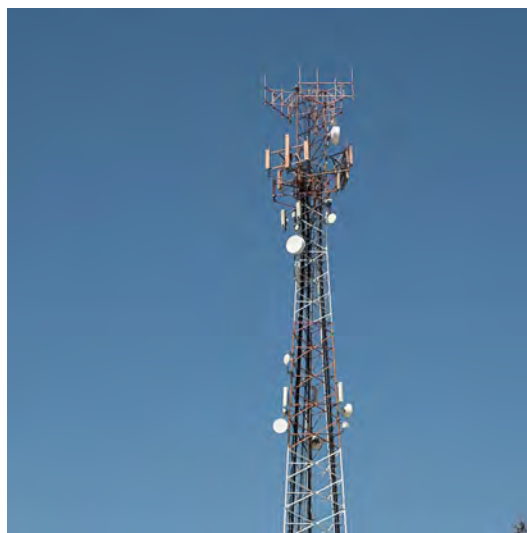
Temporary and Portable Signs. San Joaquin County only sets limits on balloons, construction/development signs, and real estate signs, allowing both on-site signs and off-site directional signs and portable "open house" signs. Most other jurisdictions surveyed include controls on A-frame signs and other types of portable signs

and many address garage sale signs, temporary business identification signs, holiday decorations, political signs, special event signage, vehicle dealerships, and grand opening banners, among others. Visalia goes further with prohibitions on mobile billboards, banners, inflated signs, streamers, and similar attention-getting devices.

Need for Updated Regulations for Wireless Communications Facilities

The County’s regulations for wireless communications facilities in Chapter 9-1065 were adopted in 1997 and have not been amended since then. During this time period, significant federal and State legislation has been passed and administrative rules issued that impose limits on local governments’ ability to regulate wireless communications facilities. Local governments still have land use authority over these facilities but only in the context of the rules imposed, and if they are not followed, projects must be “deemed approved.”

The Update could implement General Plan Policy ED-1.5 on Telecommunications Technology by supporting development of infrastructure for wireless communications facilities and removing regulatory barriers to deployment of broadband wireless and fifth generation or “5G” services. This will facilitate business growth, agricultural and industrial innovation, and education and training in the County.



New regulations for wireless communication facilities are needed to facilitate expansion of broadband wireless services.

Applicable Federal and State Law

Federal law imposes a number of constraints on the ability of local agencies to use zoning and building regulations to regulate wireless telecommunications facilities on private property and in the public right-of-way and expressly preempts any state or local law that has the effect of prohibiting or unduly burdening telecommunications, including 5G deployment. The Federal Telecommunications Act of 1996 preserves local zoning authority over decisions regarding the placement, construction, and modification of wireless facilities so long as it does not (1) unreasonably discriminate among providers of functionally equivalent services, or (2) prohibit or have the effect of prohibiting the provision of personal wire services. Applications for new wireless communications facilities cannot be denied solely because one or more existing carriers serve an area. The rationale for allowing more competition among service providers is that Congress sought to improve service quality and lower prices for consumers and businesses using wireless services.

Section 332 of the Act provides that local authorities must take action on a wireless application within a “reasonable period of time” after the request is filed. In 2009, the Federal Communications Commission (FCC) established “presumptively reasonable periods”—referred to as “shot clocks”—for local action: 90 days for collocation requests, and 150 days for other requests. These shot clocks apply to small cells used for 5G deployment and distributed antenna systems, called “DAS.” Local authorities also may not regulate siting based on radiofrequency (RF) emissions but may require that facilities comply with FCC RF standards.

In 2012, Congress adopted Section 6409 of the Middle Class Tax Relief and Job Creation Act (the Spectrum Act), which provides further evidence of Congressional intent to limit state and local laws that operate as barriers to infrastructure deployment. It states that, “[n]otwithstanding section 704 of the Telecommunications Act of 1996 [codified as 47 U.S.C. § 332(c)(7)] or any other provision of law, a State or local government may

not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.”

Subsection (a)(2) of the Spectrum Act defines the term “eligible facilities request” as any request for modification of an existing wireless tower or base station that involves (a) collocation of new transmission equipment; (b) removal of transmission equipment; or (c) replacement of transmission equipment. This modification must not involve a “substantial change” in the physical dimensions of the existing wireless communications facilities, and these are defined rather precisely.

In implementing Section 6409 and in an effort to “advance Congress’s goal of facilitating rapid deployment,” the FCC adopted rules to expedite the processing of eligible facilities requests, including documentation requirements and a 60-day period for local governments to review such requests. The FCC further determined that a “deemed granted” remedy was necessary for cases in which the reviewing authority fails to issue a decision within the 60-day period in order to “ensure rapid deployment of commercial and public safety wireless broadband services.”

Following on federal law, California enacted two substantive provisions to streamline the process even further. First, in 2006, the Legislature added Section 65964 to the Government Code, thereby limiting local governments’ ability to require escrow deposits, although performance bonds could still be required, and to limit the duration of a permit approval. Time periods of less than 10 years are presumed to be unreasonable.

In 2017, Section 65850.6 was added to the Government Code to require that “collocation facilities” that are put on existing wireless communications facilities have to be allowed as-of-right if the facility to which they are being attached was approved with a discretionary permit, meaning a use permit or similar approval, and CEQA clearance was obtained⁵. This approval must be granted even if there is a substantial change in the physical dimensions of the wireless communications facilities, the only limitation being that the facilities cannot be completely replaced with a new facility.

San Joaquin’s Existing WCF Regulations

In Title 9, the land use regulations for the zones do not call out wireless communications facilities as a separate land use type; only “Utility Services” are listed, with distinctions made between Major and Minor service types. The description of Utility Service does not explicitly name telecommunications services, but the definition for “Utility” does list communications, so presumably wireless communications facilities are a permitted use, with site approvals required for major facilities in commercial, industrial, and agricultural zones. Major Utility Service is not allowed in residential zones. Also, no use permit is required in any zone.

Chapter 9-1065 established specified regulations for wireless communications facilities, including a preference for use of existing structures. Standards for freestanding support structures and collocation/siting on publicly owned/controlled property also were included. Specific findings for Site Approvals are not stated, nor are there any standard conditions of approval. This chapter concludes with regulations for maintenance of facilities and for their removal when no longer used. Facilities for emergency communications are exempt from these provisions.

This project will provide an opportunity to update the WCF regulations, codify appropriate provisions required by federal and State law, and develop additional standards and criteria to regulate wireless communications facilities consistent with the General Plan.

⁵ Interestingly, federal law refers to “collocation,” while California law uses the term “collocation facility.”

RECOMMENDATIONS

3-A Expand Opportunities for Agricultural Industries and Support Services in Agricultural Zones with Appropriate Controls to Prevent Adverse Land Use Impacts

To allow for vertical integration in agriculture and support a broader range of agricultural activity, the Development Title should include a more inclusive classification for agricultural industry that would allow for greater variety to crop production, including greenhouses, hydroponics and aquaculture, agricultural research and development, artisanal manufacturing, and limited industrial and manufacturing facilities related to agricultural activities, accessory business services and support offices for agricultural uses and related activities. The agricultural zones also should allow agricultural production and industrial processing of agricultural products grown on-site or on neighboring land, subject to appropriate development standards and limitations. Also, to be included would be building bulk, siting and buffering standards for high volume facilities, such as mega-winereries, to ensure that they are compatible uses within the agricultural zones.

3-B Update Parking Standards and Create Appropriate Regulations for Truck Parking

The Update should include a comprehensive assessment of the number of spaces required for various use types, so parking can be “right-sized,” meaning that the spaces provided match the demand for parking. Dimensional standards for spaces and aisles should be refined to reflect current vehicle sizes and turning requirements, and additional detail should be provided for bicycle parking, consistent with General Plan policies. New provisions for shared parking and common area parking also could be added to offer these options “by right” and not subject to discretionary review. Finally, the Development Title should expand on opportunities for trucks to park their vehicles without adversely affecting neighbor and allow for more truck use and parking in agricultural zones to support the agricultural economy. The Update would provide clarity on where truck parking is allowed, what standards need to be met, and what the permitting requirements are in different zones. These rules would apply not only to truck parking as a principal permitted use but also to truck parking as an accessory use. Standards in peer jurisdictions should be reviewed so the County’s new regulations reflect best practices.



“Right sized” parking standards can reduce development costs.

3-C Provide Alternative Ways of Meeting Public Service Requirements for New Development

San Joaquin County could offer additional ways of meeting infrastructure standards and requirements in Division 11, so projects can proceed when hookups to existing municipal services or to existing service districts are not feasible and it would be cost prohibitive to create a new community service district or community facilities district. This might make particular sense for warehouse developments, agricultural industry, and similar low-intensity industrial projects, which may be on one or more parcels on a freestanding site or in a planned development. Applicants would still be required to demonstrate

that the County's standards would be met for water supply, for treatment and disposal of wastewater, and for drainage. However, review of adequate public facilities would be separated from any rezoning action. Rules for use of on-site systems could be expanded to apply to more areas than just Rural Residential, for example. The County also should eliminate use of "conditional zoning" to ensure provision of public services and facilities, as this is a questionable procedure⁶. Use permits and special purpose plans, which require Board approval, should not be used, as they too are cumbersome and time consuming. Similarly, while a site approval may be appropriate in some instances, by shifting to a performance-oriented approach, based on a determination that public facility and service standards will be met, the County can streamline the approval process and reduce development costs.

3-D Update the Sign Regulations so they are Less Restrictive, including Appropriate Standards for Size, Location, Design, and Construction

As part of the Development Title update, the following specific changes to San Joaquin County's sign regulations are recommended:

- Expanding on the purpose statements, so the objectives of the sign regulations are clearly presented. If there is agreement on the scope of sign regulations, there will be support for the additional standards and regulations that follow.
- Adding definitions for sign types and sign elements that are not now addressed to facilitate administration and make the Code clear and thus easier to use.
- Expanding on what signs are prohibited, including details on animated signs, air-activated graphics, commercial mascots, handheld general advertising, mobile billboards, signs in the public right-of-way, and snipe signs attached to rocks, telephone poles, streetlights, and fences, among other locations.
- Adding to the list of exemptions, including what signs are allowed without a permit provided standards are met.
- Providing greater flexibility by establishing an overall allowance for the amount of sign area permitted, a sign "budget" regulating the total sign display area on a site. Business owners can then decide how to allocate signage between freestanding and attached signs.
- Increasing the allowable size of certain signs, so they are better able to communicate the desired message, be it for individual businesses or for "free speech."
- Establishing clear rules for temporary and portable signs, banners, and pennants, and to allow reasonable and appropriate use, while avoiding sign clutter that detracts from the appearance of individual communities and their neighborhoods and districts.

⁶ A total of 562 acres currently has an -S designation indicating conditional zoning. Removal of the -S designation would have no effect on the base zone designation, which would remain in effect.

- Establishing rules for relatively newer sign types, such as electronic signs, digital readerboards in shopping centers, and mobile vendors.
- Requiring owners of new billboards to remove old billboards, on one-for-one square foot basis for display area, to avoid a proliferation of off-premises signage in the highway corridors. In Sacramento County, a similar rule has been adopted, but with the removal ratio of four square feet of existing billboard display area for each square foot of new display space.
- Modifying the billboard spacing standards to allow billboards within 500 feet of each other (Sacramento County, for example, only requires 300 feet between billboards), but requiring 2,500 feet between digital display billboards (the same standard in Sacramento County).
- Expanding the master sign program requirements, so they apply to large projects and to shopping centers. With Planning Commission approval, a master sign program could allow for exceptions to the standards on the number, height, and size of individual signs that otherwise would apply. The Board of Supervisors would no longer be involved. This option would be available on a voluntary basis to any applicant. Most peer jurisdictions require master sign programs. Explicitly allowing for variations in the dimensional standards with Planning Commission approval would make this program more attractive to the sign industry than the current rules.



The sign regulations would be made less restrictive.

3-F Update the Regulations for Wireless Communications Facilities to be Consistent with State And Federal Law and Support Emerging Technologies for Cell Service

To promote economic development, new regulations for wireless communications facilities (WCF) should include specific provisions for co-location, camouflaging, and “stealth” facilities and provisions that allow modification or waiver of standards when necessary to meet documented service needs. They would respond to federal and State law and incorporate “best practices” in peer jurisdictions. The County’s current development standards can be largely respected, but we recommend that a specific procedure be added to allow the Planning Commission to approve exceptions that would not require the specific variance findings (e.g., the hardship must relate to physical conditions, unique and special circumstances on the site itself; that wireless service area and economics cannot be considered). The updated regulations should include:

- A list of exemptions that specifically exclude amateur radio antennas, small devices for over-the-air reception, indoor WCF and facilities owned and operated by the California Public Utilities and the County.
- A three track permitting system, with Type 1 and Type 2 WCF permits for ministerial approvals. This seems simpler than trying to use the current process for Use Permits, which are discretionary approvals. Director’s decisions on Type 1 and 2 permits would be ministerial approvals, meaning they would be final and not appealable

- A pre-application conference that would be mandatory for Type 1 WCF Permits and optional for the other two permits. Certain requirements would be waived when applicants make their case in this “pre-app” conference.
- An expanded Development Standards section, with general standards and facility-specific standards for building-mounted equipment, freestanding towers, and facilities in the public right-of-way.
- A list of preferred locations and preferred support structures.
- A new section on “Notices, Decisions, and Appeals” with specific findings for each type of WCF permit.
- A new section on “Standard Conditions of Approval” to avoid misunderstanding about what is expected post-approval.

Recommendation No. 4: Addressing Mixed Use and Other Development Opportunities

General Plan Policy LU-5.21 calls for encouraging mixed use development in urban communities and, in a subsequent policy, lays out the requirements for new mixed use development. Historically, nearly all of the new residential and mixed use development in San Joaquin County has occurred in cities; in unincorporated areas, single-family homes are the predominant housing type. Mountain House does have a mix of housing, but in most of the other urban and rural communities in the County, the housing has a fairly homogenous character, reflecting its family orientation, and few mixed use projects have been built.

In many communities, small or otherwise substandard lots cannot feasibly be used, so developers often turn to “greenfield” areas where there is vacant land—leaving old neighborhoods on their own. A priority in this Update should be to facilitate mixed use and infill development, consistent with the General Plan, and allow for a broad range of housing types, including accessory dwelling units. This may enable reinvestment in old neighborhoods where residents and owners desire it.

Other development opportunities identified in the General Plan that need to be addressed in the Development Title Update include affordable housing, commercial uses in residential and industrial areas, farm-related housing, live-work units, recreational development in the Delta, short-term rentals, and winery-related development. The General Plan also calls for community supporting uses and preservation of mobile home parks as a means of conserving the affordable housing stock.

ISSUES

Facilitating Multi-family and Mixed Use Development

San Joaquin County’s Development Code provides few opportunities for true mixed use development. In commercial zones, residential uses are not generally allowed, and no standards for mixed use development are established. There is one Mixed Use Zone, but it only applies to 54 acres within the County. The Special Use Regulations in Section 9-405.5 also address mixed use but only in a limited way. The Mountain House and Woodbridge design guidelines envision a mix of residential and small office uses, but “by right” zoning for mixed uses is relatively limited.

Physical design standards and limited infrastructure in mostly built-out areas may tend to discourage mixed use and infill development. Many vacant parcels in older areas are small or irregularly shaped, and current requirements for setbacks, density, or overall lot size do not reasonably permit development on them. The Woodbridge Design Guidelines address mixed uses, but no zoning has been adopted to accomplish this. Although the new code could state that small lots created prior to the code’s adoption are



The Woodbridge Design Guidelines are effective in allowing for pedestrian-oriented mixed use development.

to be considered as conforming to setback requirements, this exception alone may not prove sufficient to promote mixed use.

Recent State legislation requires local jurisdictions to adopt “objective design standards” for mixed use and multi-family development and then allow projects meeting these standards to be approved “over-the-counter” with a ministerial process, meaning no discretionary or design review and conditions of approval. However, a checklist process can be developed that would meet State requirements.

New standards will need to be formulated to establish direction about what the County would like in terms of building design and site planning and provide clear evaluation criteria that can be used in decision-making.

RECOMMENDATIONS

4-A Establish Standards and Incentives for Mixed Use and Multi-family Development

State law has called on local jurisdictions to facilitate mixed use and multi-family housing development. San Joaquin County should take advantage of these mandates to encourage growth and housing investment in its urban and rural communities, consistent with the General Plan.

The County has a variety of options to provide incentives for mixed use and multi-family development. First, it should expand the scope of development standards to ensure high quality design and land use compatibility. Alternatively, the County could establish a system in which developers are given “points” for providing public amenities and community benefits that could then be traded for specific concessions. For example, the County could grant a certain number of points to developers for providing amenities, such as additional landscaping, public plazas, and outdoor living space. Developers can then “trade-in” these points for a certain percent density bonus or additional floor area that would be proportional to the number of points accrued. If San Joaquin County does not want to establish a point system, the County could also simply list a menu of community benefits and public amenities and say for each one, the specified bonus a project would get.

Development standards for mixed use and multi-family development could be presented in two sections. First, the standards that apply to duplex, townhouse, multi-family, and mixed-use development projects in the urban and rural communities of the County. The standards would deal with fundamental design and contextual relationships and essential attributes, such as building height, building form and relationship to the street, landscaping, and residential open space. The second section would establish standards that apply to some or all projects countywide. These would be grouped together to avoid duplication and include supplemental development standards for building additions, building projections into setback areas, exceptions to height limits, fences and walls, landscaping, parking area access and layout, refuse, recycling and green waste storage, screening of equipment, solar installations, street improvements, and swimming pools and spas.

4-B Allow Limited Commercial Development in Neighborhoods (“Corner Stores”)

Many neighborhoods in the Urban and Rural Communities could benefit from a corner store and similar small-scale commercial development that would serve local needs at identified nodes, reflecting spacing criteria in the General Plan. Currently, this type of use is not allowed in residential zones, but the General Plan calls for allowing commercial uses in residential neighborhoods (Policy LU-5.6), subject to certain standards such as store size. For any use larger than a corner store, an Administrative Use Permit could be required and conditions could be imposed to ensure land use compatibility. Corner stores can enhance livability and would likely be a welcome addition in many communities.



The General Plan calls for allowing corner stores in residential neighborhoods.

4-C Continue to Support Winery-related Tourism and Recreational Opportunities in the Delta

The County’s recently adopted Winery Ordinance will be largely carried forward into the updated Title; it can be refined by fine-tuning use regulations and adding standards for high volume production facilities (“mega-wineries”). Additional detail on winery-related uses and agri-tourism also would be included, as appropriate. Use regulations and standards related to development in the Delta would be updated to implement General Plan policies related to promoting recreation-based Delta tourism and allow for new marinas and recreational vehicle parks. Code amendments would be checked to ensure consistency with Delta development limitations and only allow water-dependent uses, recreation and agricultural uses.



The Winery Ordinance will be largely carried forward, with substantive amendments only to address “mega-wineries.”

4-D Rethink Buffering and Transitional Requirements Adjacent to Residential Neighborhoods to Avoid Constraining Development, consistent with Right-to-Farm Policies

The County could reduce its buffering requirements in desired development areas to make more intense development possible. In some cases, the existing requirements (20 feet for side and rear yards) constrain the dimensions of development. While San Joaquin County should require some buffers for commercial properties that abut single-family residential districts, it could decrease the required buffers around other types of properties—particularly around wineries where the buffer is measured from an adjacent house. Allowing for an abutting homeowner, for example, to “sign-off” on a reduced setback might be a viable option.

Recommendation No. 5: Promoting Housing Variety and Choice

The future of San Joaquin County is closely tied to the type and quality of housing that is developed in the coming years as well as its employment growth and expansion of the agricultural sector. With Mountain House and available sites for residential development in the Urban and Rural communities, the County has the capacity to meet its near-term needs for affordable housing, but more can be done through the Update to expand the variety of housing and provide housing for those with extremely low and very low incomes. Through design and development standards and incentives targeted to attract diverse and well-designed projects, San Joaquin County can ensure over a longer term than the 10-year timeframe of the General Plan Housing Element that its housing stock is sufficient and meets the needs of all segments of its population.

CURRENT HOUSING POLICY

San Joaquin County's Development Code establishes six residential zones, five of which are used in the Urban and Rural communities and the sixth, for Rural Residential, applies in rural areas. Just over 250 acres is zoned for medium-high and high density multi-family residences; all of the other residential land (about 16,750 acres) is designated for single-family residential use, including attached and detached units. The non-residential zones do not permit housing by right; it may be allowed in a mixed use development. Mixed use development is formally allowed in the M-X Zone.

Under the County's existing zoning, the Housing Element of the General Plan determined that 41,736 units for above moderate income households and 5,947 units for extremely low, low, and moderate income households could be built on vacant and underutilized land. This inventory would more than meet future housing needs, but it would offer little diversity in building type(s) beyond the single-family home on a standard lot, except in Mountain House where a mix of housing is planned. This very limited distribution of housing types in the balance of the County does not provide the framework for housing for all segments of the community that the County wishes to promote. Lastly, while there is a density bonus program for affordable housing, it is out-of-date and does not reflect current State law.

THE ISSUES

This section describes how current zoning regulations present obstacles to achieving San Joaquin County's housing goals delineated in the General Plan.

Lack of Housing Variety

San Joaquin County's current housing regulations generally do not allow for a mixture of different scales of housing in appropriate locations, nor do they facilitate the development of certain types of housing that contribute to affordability. Only the R-M Residential Medium Density Zone would allow a mix of attached and detached single-family units and small lot development. It may make sense to provide opportunities for small lot single-family housing, which can be built at lower costs, subject to appropriate standards and the density limits set in the General Plan.

Other changes that could be considered would be to allow multi-family housing in some commercial zones by right or with only administrative review and to have standards for duplexes, triplexes and fourplexes in the Low and Medium Density zones and ensure that zoning provides for housing for those with special needs and

housing for farmworkers. Manufactured housing, including mobile homes and factory-built units, also can meet housing needs, and should be allowed wherever conventional single-family homes are allowed. This is a requirement of State law. The County does require a Mobile Home Permit and in Mountain House, a Conditional Use Permit; while this is not a significant constraint, it would be preferable just to require a Zoning Clearance for such housing if proposed outside Mountain House. Finally, some stakeholders pointed out that current zoning does not really provide opportunities for clustered executive housing in rural areas. This is the kind of housing that might help the County attract new technology businesses with executives who are looking specifically for this type of living environment outside dense urban areas.

Need to Address Accessory Dwelling Units

Second units, now known as accessory dwelling units (ADUs), are allowed under the current regulations in the Development Title, but the current ADU standards need to be updated to reflect current State law (see below). ADUs offer an opportunity to have lower cost housing to meet the needs of the existing and future residents that can be easily added within existing neighborhoods, and the development standards can ensure that they will be compatible with surrounding use and that adequate water and sewer service will be provided. The permitting process also can be streamlined to reduce the review time and, as a result, the costs to the County and to applicants.

The current standards for Second Dwelling Units could be retained in the Agricultural zones as they would allow units to be larger than the State's standards for ADUs.

State-Required Development Standards, by Type of ADU

Below is a summary of the new development standards established by State Law that will need to be incorporated into the Development Title.

ADU Conversions. A legal existing structure, including attic and basement space in a Single-Family Dwelling may be converted to an ADU "by-right" through the issuance of a building permit (e.g., these projects do not require an ADU Permit issued by the Planning Department prior to applying for a building permit). ADU Conversions are also exempt from site development standards (e.g., lot coverage, parking and setbacks) but are subject to the maximum ADU Floor Area of 1,200 square feet. State regulations allow for new, replacement structures in the same location as the existing, previous structure, as long as the structure meets Fire and Building Codes.

- Raising a home to convert a basement area with a minimum 7 foot ceiling or modifying a roof structure to include dormer windows, for instance, would be considered "new construction." It would not be a "conversion" and would have to meet the new ADU standards.
- For garage/carport conversions, replacement of the parking spaces eliminated as part of the ADU conversion is not required.

New Detached ADUs. A new detached ADU that is: 1) 800 square feet or less; 2) 16 feet or less in height; and 3) set back 4 feet or more from the interior side and rear lot lines is allowed "by right" through issuance of a building permit. These ADUs are exempt from planning review, lot coverage, and setbacks but a building permit is required. Larger detached ADUs have to meet the new standards for ADUs and would require an ADU Permit, which would have to be approved "ministerially" without a public hearing within 60 days of receiving a complete application. This would have to be a staff-level "over-the-counter" review, and a checklist could facilitate the process.

New Attached ADUs. An Attached ADU may not exceed 50 percent of the floor area of the primary dwelling unit and may be up to 1,200 square feet in size. Per State law, those Attached ADUs that are: 1) 800 square feet or less; 2) 16 feet or less in height; and 3) set back 4 feet or more from the interior side and rear lot lines must be approved "ministerially" without a public hearing within 60 days of receiving a complete application. This also has to be a staff-level planning review, confirming that the application complies with all of the ADU development standards.

Junior ADUs. Junior ADUs (JADUs) must be allowed "by-right" through issuance of a building permit; they can be up to 500 square feet in floor area shared with the primary dwelling unit. JADUs can include shared or private bathroom and requires an efficiency kitchen (allowing for smaller appliances). Parking is not required for the JADUs.

Housing Design in a Post-COVID 19 Environment

In a post-COVID-19 environment, how housing is designed and used will likely be different, and the County's Development Title should offer flexibility to respond to these changes. Working from home may be more prevalent and, along with that will be the need to provide opportunities to workout at home and to have more outdoor living area. Homes will be sanctuaries for many; older housing may need to be adapted, and the Update should enable additions and expansion of living area.

State Regulation of Mobile Home Parks

California law governing mobile home parks is contained in the Mobile Home Parks Act (Sections 18200 to 18700 of the Health and Safety Code). California law governing Special Occupancy parks is in the Special Occupancy Parks Act. These laws establish requirements for the permits, fees, and responsibilities of park operators and enforcement agencies, including the Department of Housing and Community Development, and require the Department to develop and enforce both the regulations and the laws. Local governments may require a use permit for mobile home parks. A mobile home park conversion is strictly regulated by the Government Code, and provisions for that, consistent with State law, should be reflected in the Update.

The State's department of Housing and Community Development has adopted Mobile Home Park regulations (see California Code of Regulations, Title 25, Division I, Chapter 2 commencing with section 1000). The regulations include specific requirements for park construction, maintenance, use, occupancy, and design. Also included are requirements for items such as lot identification, lighting, roadway width, plans, permits, mobile home installation, accessory structures and buildings, earthquake resistant bracing systems, application procedures, fees, enforcement, and appeal procedures. The Update also will need to be consistent with these regulations.

Aging Stock of Residential Buildings

About half of the County's housing stock in unincorporated areas is over 50 years old, and the aging of these older homes, including manufactured homes, will continue to cause a number of problems for the County if no steps are taken to rehabilitate them. The Code prevents the rehabilitation and upgrade of many of these older homes because it requires them to comply with all current zoning and building code requirements (e.g., sprinkling and fire safety). Currently, variances can be granted to allow deviations from standard requirements, particularly where modern standards create nonconforming site conditions (e.g., parking requirements or setbacks). While a variance resolves the legal status of these buildings, however, it does not materially improve site conditions and provides a disincentive to their upkeep due to the money and time involved to perform even minor alterations. The County should consider adopting regulations that encourage appropriate physical

improvements to older homes, particularly manufactured homes, while continuing its practice of granting variances to avoid the creation of nonconforming sites.

Farmworker Housing

San Joaquin County's agricultural economy relies on farmworkers for its success, but the lack of affordable housing for them makes it increasingly difficult to attract and maintain a labor force, particularly during peak production periods. The demographics of farmworkers also has been changing, which means their housing needs are changing. In years past, farmworkers were largely young, single-male migrants; today, the workforce is older and with families, and according to Northern California census data, women are comprising a larger proportion of the farm labor workforce.

In the County, the General Plan Housing reported the number of farmworkers has been growing and additional housing for them is needed, including low-cost housing and single-room occupancy (SRO) facilities. However, the availability of grower-offered housing has decreased, so many farmworkers are living in cities, with services nearby. But the housing they get is often overcrowded and substandard, and SRO units have been demolished, reducing the supply of this housing types.

The County's Housing Authority has year-round farmworker housing at Sartini Manor in Thornton; they also operate Mokelumne Manor, the Roberts Family Development Center, the Joseph J. Artesi Migrant Centers, and the Harney Lane Migrant Center, but the Authority's ability to significantly increase the number of units it can provide is limited by budget constraints, which will be further exacerbated by COVID-19 and its depressing effect on tax revenues.

Recent State law, AB 1783 (2019), seeks to increase opportunities for farmworker housing, either built by growers or by certified affordable housing organizations. It requires a streamlined review process, with "by right" approvals, for qualifying projects of employee housing. These would consist of no more than 36 beds in group quarters or 12 single-family units. The County can establish "objective design standards" for this type of housing and ensure these are met with a zoning clearance process. A discretionary review process cannot be used, and these projects would be exempt for environmental review and CEQA clearance.

Other Housing Needs

The General Plan Housing Element has a detailed discussion of other housing needs, including housing for emergency shelters, transitional and supportive housing, and single-room occupancy (SRO) Hotels. The Element notes that the Development Title would need to be updated to address these needs more specifically than it current does, and those recommendations will be incorporated into work on the Update.

RECOMMENDATIONS

5-A Prepare a Design Manual for Accessory Dwelling Units, including Pre-Approved Building Plans

To assist builders and help the County meet its affordable housing goals, a Design Manual for Accessory Dwelling Units (ADUs) would be prepared, building on the updated standards in the Development Title. The Design Manual would include a comprehensive set of illustrations of development standards and design guidelines ("do's and don'ts") to provide guidance for achieving high quality design in unincorporated areas of San Joaquin County and streamline the project approval process. The Design Manual would express the County's expectations upfront to facilitate the development review process, helping applicants in the initial design phase before a project is submitted

and then serving as a reference for County staff and decision makers in the review and approval process. Projects meeting these standards could expect streamlined review. This Manual is needed because recent State legislation requires use of “objective design standards” for ADUs. Development meeting certain requirements must be approved “by right” with no discretionary or design review. Engineering and energy calculations for the prototype plans also would be included.

5-B Allow a Mix of Housing Types Where and When Appropriate, including Clustered Executive Housing in Rural Areas and Farmworkers Housing

San Joaquin County can take a variety of steps toward promoting a greater mix of housing types at all densities. One way to accomplish this is to allow more flexibility in housing types within the Urban and Rural Communities. For example, in the R-L Zone, the County could permit duplexes on corner lots as long as each unit faces a different street. Another way would be to include specific standards for bungalow courts and townhouses along with the standards for ADUs and conventional multi-family housing. The County also could allow development of live/work units and shopkeepers’ units in commercial zones and live/work units for artists and artisans in the Limited Industrial Zone. By creating a framework for flexibility in housing size and design, the County could supplement its housing supply with a diverse range of typologies while maintaining the prevailing characteristics of its existing residential areas.



Standards for clustered executive housing in rural areas could be added.

5-C Establish Regulations for Small-Lot Single-Family Development

The County should consider adopting a residential small-lot development district or subzone or include specific provisions for small-lot development within the R-L zone, which may restrict this option to certain areas or only allow countywide if standards are met. While the PD zone and cluster housing option do allow this type of development, it would be more efficient to incorporate these provisions more formally into the Code in order to enable small-lot, fee-simple development by right on a wider scale, with no requirements for a homeowners’ association or common area standards with their maintenance obligations, and to streamline the review process for this type of development. Small-lot single family housing has become an increasingly attractive option in many metropolitan areas; it’s sometimes called the “Tiny House” movement. Title 9 could allow subdivision to enable small-lot development, as is done in other counties, where lots as small as 600 square feet could be considered. (In San Joaquin County, the minimum lot size might be greater, say 2,000 to 2,5000 square feet.) Small-lot development could be especially useful in communities with an abundance of irregular lots, including long, narrow lots or other odd shapes. The Title’s development standards might provide the option of consolidating long narrow lots with a joint setback as a unified development and to allow zero setbacks between individual units in a townhouse style.

5-D Continue to Support Affordable Housing with an Updated Density Bonus Program and Related Incentives

The County has adopted a well-conceived density bonus program for the residential zones. The density bonus may be requested on its own or with a Planned Development Zone application. Several technical amendments to the current program are recommended to align it with the General Plan Housing Element and State law (e.g., the extremely low income category needs to be added as do provisions for senior housing and senior housing for persons with disabilities). The County also should consider identifying other development standards, such as reduced street width, reduced building separation, and approval of mixed use zoning, which may be appropriate in Mountain House, for example, and other new communities and could be added to the incentives listed in Chapter 9-315, Residential Zones; Density Bonus, along with rules on the location and design of affordable units that will ensure they are integrated into a project's overall design. And, besides just a reduction in fees, the County could explicitly offer "fast track" processing, use of public financing and the option of other regulatory incentives or concessions needed to result in identifiable cost reductions. Finally, the minimum time period for continued affordability must be extended to 55 years, consistent with State law, and equity sharing arrangements need to be added for for-sale units.

The General Plan does call for restrictions on the County's ability to disapprove an affordable housing project or impose conditions that would make it unaffordable to low and moderate income households. These restrictions should be formally codified in the Update.

In addition, fast track processing of applications could be offered for projects with a minimum number of attached units, which, by the very nature, are more affordable than freestanding single-family homes. This would streamline review and reduce development costs.

Other incentives to preserve affordable housing could include replacement requirements if subsidized rental housing is replaced by market housing. Provisions for protection or replacement of existing rental units also needs to be incorporated into the density bonus program; they would apply if a project would affect any existing rental units. (Details are in the Government Code.)

5-E Facilitate Upgrades to Older Residential Properties (Manufactured Homes/Trailer Parks)

The deterioration of older residential areas, including manufactured homes and trailers, will be a problem for San Joaquin County in the near future. Without the proper maintenance and upgrades, the deterioration of these structures can contribute to decreased property values. As these structures continue to grow older, the County needs to find the right balance between encouraging maintenance and physical upgrades and not imposing undue cost burdens on the residents of these areas. San Joaquin County should consider encouraging upgrades to units with incentives that could be approved through a staff-level review process, while recognizing the limitations imposed by State law.

5-F Amend the Zoning Regulations for Farmworker Housing to be Consistent with State Law

The Housing Element of the General Plan calls for increasing the availability of affordable housing for farmworkers and allowing small farm employee housing in all agricultural zones. Amendments to the Development Title would be prepared, consistent with State law, AB 1783 (2019), with the objective of increasing opportunities for farmworker housing, built either by growers or by certified affordable housing organizations. These amendments would include a streamlined review process, with "by right" approvals, for qualifying projects of farm employee housing, consist of no more than 36 beds in group quarters or 12 single-family units. The County also should establish "objective design standards" for

this type of housing, as required by State law, which would be incorporated into the Development Title update. These would be checked through a zoning clearance process; under State law, a discretionary review process cannot be used, and these projects would be exempt for environmental review and CEQA clearance.

Recommendation No. 6: Achieving a High Level of Design Quality

Recent development shows the high value that the County places on well-designed projects, and San Joaquin County should continue to value design quality in new development. The County's existing policies and procedures have ensured to a large degree that new growth is visually appealing and fits well into surrounding communities. This effort is most evident in Mountain House and the non-residential development around Tracy and in the I-5 corridor, where extensive landscaping, community amenities, and attractive architecture stand out. Within the rest of the County, landscaping requirements, particularly the requirement for shade trees in parking lots, are not always being enforced, and Site Approvals have resulted in some unappealing buildings—such as those for strip commercial uses. In historic districts, such as in Woodbridge, attention to design details and materials has provided appealing public facades.

Despite these positive elements, San Joaquin County will face a number of design challenges as it becomes an increasingly urbanized County. One of the primary goals for San Joaquin County's future will be to set design standards for non-residential development, and to recognize differences in design standards to achieve a diversity in housing and a unique sense of place in the urban and rural communities. I-5 corridor development continues to be unfriendly to pedestrians, with expanses of blank walls and frontages, poorly defined street edges, and buildings that are oriented away from sidewalks. In some areas, such as Lockeford and Woodbridge, fostering a pedestrian-oriented environment with active and transparent retail frontages that offer views into shops and displays that engage shoppers has been more important than landscaping in a front setback area. Balancing these needs, as well as others noted in the General Plan, will be a crucial element in the creation of a coherent design vision for the urban and rural communities in the County.

THE ISSUES

Mixing of Urban, Suburban, and Rural Scales

San Joaquin County's Development Title could clearly distinguish among urban, suburban, and rural scales of development. Although the County's goal for development is to create an attractive built environment in each of the urban and rural communities, with opportunities for mixed use development, agri-tourism, and destination uses where appropriate, the Development Title continues to mandate minimum—and not maximum—setbacks for most types of development, and these are generous in the agricultural zones. Only in the Woodbridge design guidelines are there requirements for buildings to be located along a sidewalk or for building entries to face the street. This is an example of how design guidance can assist in quality design and create a strong sense of place.

Zoning also has allowed auto-oriented commercial uses along the State highways, including car sales and drive-through restaurants, to follow suburban designs that place parking and display areas between buildings and the sidewalk. As a result, these corridors have become a mixture of incompatible urban and suburban types of growth with few buffers to resolve resulting nuisances. Single-family detached housing continues to exist directly adjacent to large structures and commercial uses with generous setbacks compromise the walkability created by neighboring businesses. Without changes to development standards to address these problems, the County will be unable to achieve all of its community development goals.

Similarly, suburban scale development is beginning to invade rural enclaves that some residents may want to retain as less developed until sewer infrastructure issues can be resolved. This mixture not only compromises the rural feel of these areas and detracts from their historical character, but also creates physical incompatibilities between properties. Many features of these areas are suitable for rural and equestrian uses with large setbacks but have the potential to become problematic when mixed with suburban-scale homes that occupy larger portions of lots and are closer to the street.

Compatibility issues are also likely to arise from the development of suburban-scale single-family homes next to properties with large animal enclosures and next to active farming operations. As part of this, the County could establish performance standards for agricultural activities, supporting the Right-to-Farm Ordinance, to minimize adverse impacts on neighbors and also revisit its density and setback standards for designated rural areas in order to avoid the further development of these types of incompatibilities in the future.

Lack of Landscaping and Shade Trees

The Development Title has landscaping regulations that are comprehensive in terms of plant selection, earth berms, erosion control, irrigation, and water efficient planting concepts. Standards for street trees, for multi-family development, mobile home parks, planned developments, commercial, and industrial projects, and for parking areas are established, but these are not always as stringent as the standards set by cities in the County. In fact, many jurisdictions set a shading standard for parking lots (e.g., 40 percent) to reduce heat island effects. County staff have indicated that they are not always rigorous in applying the standards to projects in rural and agricultural areas to minimize development costs. As a result, some development looks a little barren, and there is often little landscaping along interior property lines or within parking areas with less than 20 spaces. The rule that all areas not used for buildings, parking, driveways, and walkways shall be landscaped applies in all residential, commercial, and industrial zones. Additional detail on perimeter and buffer planning, shade trees, and foundation planting around buildings along visible frontages could improve the appearance of new development and also, because of the cooling effects of vegetation, help reduce summer heat and improve the livability of residential and commercial areas.



Current requirements for parking lot landscaping have not always been enforced, resulting in barren lots.

Minimal Requirements for Outdoor Living

The recent Stay-at-Home rules have made people more aware of their immediate surroundings and the value of private and common open space where it is provided. The site design standards for Planned Development zones do include specific requirements for open space; it may make sense to extend these to all multi-family and mixed use development to improve livability. The City of Tracy, for example, requires all residential uses in the medium density residential zone to provide minimum usable open space of 100 square feet for each of the first 10 dwelling units, 50 square feet for each of the second 10 units, and 25 square feet for each unit in excess of 20, and Sacramento County requires at least 40 square feet of private open space per unit in multi-family development. Outdoor living area standards for San Joaquin County could be developed that build on

the current provisions for Planned Development, with appropriate adjustments. This would be consistent with the General Plan Policy c-1.2 on character and quality of life in Urban and Rural Communities.

RECOMMENDATIONS

6-A Create Appropriate Design Standards for Residential and Non-Residential Development,

In response to State law, the Code Update could include formulation of objective design standards for residential and non-residential development that foster the type of character desired within various areas of the County. In urban and mixed use areas, for example, the goal should be to have buildings enclose a street to provide an interesting and engaging front, and to make walking and shopping pleasurable. In rural communities and in the freeway corridors, by contrast, development has more of an auto-orientation, and landscaping would be important to screen parking areas and buffer pedestrian walkways from parking lots and from the street. Finally, in agricultural zones and rural residential areas, the built form is much more informal, with deep setbacks and in some areas, stables and paddocks.

Specific design controls that may be used for non-residential development could include:

- Location of a building on a lot;
- Orientation of building entries;
- Transparency along shopping streets – pedestrian level windows offering views into buildings and displays;
- Requirements for architectural modulation to promote a variety of building forms;
- Limitations on blank walls along commercial street frontages;
- Screening of outside storage;
- Transitional requirements to improve the relation to adjoining sites with lower-scale buildings;
- Pedestrian amenities and public gathering areas;
- Standards for drive-up and drive-through facilities;
- Connectivity and walkability within the site and to adjoining areas; and
- Location and screening of parking.

For larger projects, the County should require developers or builders to submit plans showing how individual buildings within subdivisions, for example, will have a variety of housing types and how details on street-facing facades, front doors, porches, stoops and verandas, windows, roofs, landscaping, building materials and color will be addressed.

6-B Refine Landscaping Requirements, Making Them Appropriate to a Development Type and a Community

A “one-size-fits-all” rule of landscape requirements may not be the best option for San Joaquin County. Perimeter landscaping and foundation planting requirements should vary depending on the character of the community and the type of development proposed. They also should be updated to reflect standards in peer communities and General Plan policies for landscaping. Performance standards for shading in parking lots, for example, could be required. Standards could be reduced for interior landscaping required in industrial areas. The Development Title also could offer developers the option of providing alternative landscape plans with specified standards for percentage of landscaped area and plant quantities, sizes and types. Further, the Title should retain sufficient flexibility for the creative use of native or drought-tolerant planting and have permeability requirements to ensure the long-term health and upkeep of landscaped areas.



Perimeter landscaping requirements would still be required for industrial frontage.

6-C Mandate Outdoor Living Area and Usable Open Space in Multi-family Residential Development

Instead of listing outdoor space as a design standard only for the Planned Development zone, the County should require usable outdoor living area, including common open space and private open space, in all multi-family and mixed use development. This would be consistent with the policies of the General Plan. Providing balconies or patios or usable common open space with resident amenities can meet this requirement. The numerical standard can vary according to the density of development and whether the outdoor living area is private or shared, possibly ranging from 225 square feet per unit for attached single-family housing in a low- to medium-density project to 60 square feet per unit for a balcony in a high-density project. A sliding scale should be used, and minimum horizontal dimensions established. Excessive open space requirements, such as 30 percent of land area of a project with a minimum size of 10,000 square feet, should not be imposed as they would impose unnecessary costs on developers. Some flexibility may be warranted for certain project types in certain locations.

Other Issues

In addition to the broad categories covered in previous sections, the Update will address a number of narrower concerns raised by the needs of particular areas, uses, and segments of the population. This section looks at how the Update can ensure adequate provisions regarding State and federally protected uses. Although these issues did not fall specifically within the scope of the previous sections, the concerns raised here are important for ensuring that the Development Title meets all goals of the General Plan and is equitable, legally sound, and consistent with applicable policies as well as federal and State law.

PROTECTED USES

California law grants cities and counties relatively broad discretion in the regulation of land uses and development, and the Federal courts and United States Congress have, for the most part, left land use and environmental regulation up to state and local government. There are, however, some important exceptions to this approach. If local regulations conflict with federal law, pursuant to the supremacy clause of the United State Constitution, then local laws are preempted. In some cases, both Congress and the State have identified matters of critical concern that limit the authority of local jurisdictions.

This section discusses some of these protected uses, applicable rules, and potential issues that should be addressed as part of the Development Title Update.

- *Religious uses* (Federal Religious Land Use and Institutionalized Persons Act of 2000, ARS 41-1493 et. seq.)
- *Housing for persons with disabilities* (Federal Fair Housing Act Amendments of 1988, Americans with Disabilities Act)

Religious Uses

The Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) requires public agencies to demonstrate a compelling government interest and to use the least restrictive means when making a land use decision that imposes a substantial burden on religious exercise. The Federal Courts have ruled that requiring a church to apply for a conditional use permit, submit information needed to conduct zoning review, or obtain a rezone is, in most cases, not considered to be a “substantial burden” on religious exercise. Local agencies that impose limitations on where religious uses may locate or impose requirements that the applicant considers “burdensome” may, however, be sued in Federal court and, if found in violation of the law, subject to financial penalties. The enactment of RLUIPA followed a decision by the United States Supreme Court ruling that a previous Federal law, the Religious Freedom Restoration Act of 1993, exceeded Congress’ power to enforce the Constitution. In the wake of this decision, California adopted their own statutes to protect religious uses from burdensome state and local laws.

San Joaquin County’s current planning in most agricultural, residential, and commercial zones subject to either site approval or a use permit and compliance with applicable development standards, landscaping and screening requirements, and setback standards. There are three categories (neighborhood, community and regional), and the description of them is silent on what accessory uses would be allowed, such as day care, social service programs, nursery schools or other forms of education. Some jurisdictions allow religious assembly “by right” but require a use permit for athletic facilities and daycare centers operated in conjunction with a church.

The use types do not define social service organizations nor call out homeless shelters, charity dining facilities, and rescue missions as potential accessory uses, so it's not clear that the operation of such uses within church premises would be considered an adjunct to religious activities or be an activity that would require a separate approval. It is important to ensure that the County makes adequate provision for social and community services such as homeless shelters and food programs because some religious organizations and their supporters have argued that these activities, which have been traditionally provided by religious institutions, are also protected by the Federal law. The County must also ensure that it complies with RLUIPA's equal terms provision by treating religious uses and secular uses with similar land use characteristics, such as other membership assemblies for private schools, in the same manner. See *Centro Familiar v. County of Yuma*, 651 F.3d (9th Cir.2011).

The County must also be wary of requirements or conditions that restrict the number of worshippers, hours of operation or otherwise "burden" religious practice. Conditions of approval should not be applied to religious uses in a way that may conflict with religious values or precepts that are embodied in certain symbols or designs. It would, however, be appropriate to identify a size limit for a rural church that would be smaller than a neighborhood church and eliminate the 10-acre minimum parcel size to enable smaller churches to locate in neighborhoods and rural communities. It also might make sense, as many jurisdictions have done, to combine community assembly and religious assembly and treat them equally to avoid RLUIPA challenges. Finally, the provisions for reasonable accommodations in Chapter 9-245 should be expanded to include religious institutions as well as housing.

Housing for Persons with Disabilities

Various provisions in both Federal and State law limit the authority of local agencies to regulate facilities for mentally and physically handicapped persons. In 1988, Congress extended the 1968 Fair Housing Act's prohibitions against housing discrimination to include discrimination on the basis of handicap or familial status (families with children). The Federal Fair Housing Act Amendments (FHAA) defined "handicapped" to include persons with physical or mental disabilities and recovering alcoholics and drug addicts. The FHAA not only prevents communities from discriminating against handicapped individuals but also requires "reasonable accommodations in rules policies, practices, or services, when such accommodations are necessary to afford [handicapped persons an] equal opportunity to use and enjoy a dwelling."

The U.S. Supreme Court has ruled that a zoning ordinance that defined a "family" to exclude a group of more than five persons who are not related by genetics, adoption, or marriage was an unreasonable restriction on maximum occupancy that could not be used to exclude a group home for 10 to 12 recovering alcoholics and drug addicts from a single-family residential zone. *County of Edmonds v. Oxford House, Inc.* 514 US 725, 131 L Ed 2d 801, 115 S Ct 1776(1995).

San Joaquin County's existing regulations allow group care, which include residential facilities for developmentally disabled persons and licensed and unlicensed group homes for the disabled plus staff in all residential districts, in all residential zones. There are no special use regulations for group care. Some jurisdictions have used spacing requirements to support the objective of dispersing such housing throughout the community. However, courts have found the refusal of a local community to grant an exception to this spacing requirement to be a violation of the reasonable accommodation requirements of the FHAA.

San Joaquin County's Development Title does require a use permit for large Group Homes, but only a Site Approval for Group Residential. It would be prudent to treat these uses similarly.

San Joaquin County's provisions regarding such facilities appear to conform to both Federal and state law but may be confusing to all but the most well-informed code-users because of terminology. Ideally, the code should use the same terminology and definitions as the State statute and provide whatever clarification may be needed

to demonstrate compliance with the Federal law as well. The County should also be aware of the potential for conflict with Federal law when a facility protected by the FHAA is subject to a use permit process. While neighbors' comments about the future residents of a facility are protected by the First Amendment of the U.S. Constitution, the County's denial of a discretionary permit may be subject to challenge if it can be shown that the action was a result of such comments. *White v. Lee*, 227 F3d 1214 (9th Cir 2000).

State law distinguishes between licensed residential facilities serving developmentally disabled persons and other types of group homes and supervisory care facilities, requiring local agencies to regulate licensed residential facilities serving up to six developmentally disabled persons plus support staff necessary to assist residents as a single-family residential use. The Federal law, however, provides broader protection. Under the FHAA, in-patient and out-patient facilities licensed to treat persons with mental disabilities or substance abuse problems must be regulated in the same manner as properties used for treatment of general medical patients.

The Federal and State requirements for accommodating individuals with disabilities also dictate that local jurisdictions establish procedures to allow modification of setback requirements and other standards that may preclude alterations to make buildings accessible. Rather than requiring a property owner to go through the process of obtaining a variance, Chapter 9-245, Reasonable Accommodations, allows for an administrative waiver or modification of such standards based on a determination of necessity under Federal and State disability laws. This review is conducted by the Planning Commission as a use permit also is required. Like the Federal ADA, the State of California requires public agencies to make "reasonable modifications" to its policies, practices, and procedures when necessary; San Joaquin County responds to this requirement in the current manner. Some technical "fine-tuning" may be warranted to allow these provisions also to serve for group care and assisted living.

OTHER ISSUES

Community members have identified a number of specific uses, including alcohol sales, cannabis businesses, packing of farm products, and short-term rentals among others that may be causing local problems due to restrictive use regulations, inadequate design, or performance standards. In the Update, County staff and the consultant team will consider adopting additional standards applicable to each of these uses in order to reduce their possible negative impacts on neighboring uses and better integrate them into local communities. With some types of development, this may include limiting hours of operation, specifying minimum separations between individual establishments or from sensitive receptors (e.g., alcohol sales near schools or parks as is done in other Valley communities). In other situations, the development problem might be adequately solved through heightened levels of community notification before the project is begun.

Next Steps

This *Diagnosis and Evaluation Working Paper* will serve as the starting point for the next phase of the Development Title Update. Following presentations to the Planning Commission and the Board of Supervisors, an annotated outline of the new Development Title will be prepared. This document will have a very specific focus on the elements and structure of the new code, with particular attention to the following items:

- The number, types, and specific purposes of zones and whether they are all appropriate for General Plan implementation;
- The proposed overlay districts;
- The general purpose sections of the revised title, including definitions, supplemental standards applying in some or all districts, permitting and administration, and enforcement;
- The divisions related to subdivisions, infrastructure and financing, and other topics affecting development;
- Permitting procedures and how they can be streamlined;
- The overall organization and numbering system, and procedures for amendments; and
- Graphic illustrations of selected standards and guidelines and review procedures (by title only).

The annotated outline, and accompanying tables and charts, will serve as the final preparatory document before the actual restructuring and revision of the Development Title begins. It will be accompanied by a “disposition table” showing how existing divisions and chapters are incorporated into the updated Title.

Appendix: Checklist for Implementation of General Plan Policies related to San Joaquin Development Title

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
		✓ Regulation required	? Regulation optional	✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
LAND USE					
Goal LU 4: Provide opportunities for a variety of residential development types and densities in established communities, while minimizing conversion of agricultural and loss of natural resources.					
LU 4.1	New Residential Development. The County shall direct most new unincorporated residential development to areas within Urban and Rural Communities and City Fringe Areas.				Done with Zoning Map
LU 4.2	Rural Homesites. The County shall ensure that rural homesites are sized and located to limit the conversion of agricultural land, maintain the rural character of the surrounding area, support rural living and adjacent farming activities, and satisfy applicable environmental health requirements.	✓		?	Will need to update standards for homesites in Agricultural zones
LU 4.3	Rural Residential Designations. The County shall limit Rural Residential (R/R) development to Rural Communities and areas of existing R/R densities in Urban Communities.				Done with Zoning Map
LU 4.4	Second Unit Dwellings. The County shall permit second unit dwellings as provided in the San Joaquin County Development Title, even if such a dwelling results in a density greater than the standard density specified for the residential land use designations. Second Unit Dwellings shall meet well and septic requirements per the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and shall demonstrate the second unit can be adequately served by existing infrastructure or situated on a site that can accommodate multiple, separate septic systems.			✓	The Update will add standards for Accessory Dwelling Units, and distinguish these from Second Units in Agricultural Zones

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	✍ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
LU 4.6 Residential Support Services. The County shall encourage the development and siting of residential support services (e.g., convenience commercial uses, parks, schools) in Urban Communities that are accessible by all residents.	?				This is done with Zoning Map designations for commercial zones and with standards for public facilities. Residential support services also may include Residential Care.	
LU 4.7 Non-residential Uses in Residential Designations. The County may permit residential support services, home occupations, and open space recreation uses in areas designated for residential development, provided they have or obtain through application appropriate underlying zoning.	✓					
LU 4.8 Office Development in Residential Areas. The County may permit office uses in areas designated Medium-High (R/MH) and High Density Residential (R/H), provided the development would not create an imbalance of housing types within a community or area and would not reduce the potential for the development of affordable housing.	✓				It is unclear how office development would create an “imbalance of housing types.” A use permit could be required, with a finding that office development would not change the residential character and become a dominant use.	
LU 4.9 Residential Mixed-use. The County may permit residential development in commercially designated areas if the residential uses are part of a mixed-use development or if accessory to the commercial use, such as a caretaker residence	✓					
LU 4.10 Incompatible Land Uses. The County shall ensure that residential development is protected from incompatible land uses through the use of buffers, screens, and land use regulations, while recognizing that agriculture and farming operations have priority in rural areas.	✓		✓	✓		
LU 4.11 Equestrian Facilities. The County may allow equestrian facilities within Urban Communities in areas designated Very Low Density Residential (R/VL) subject to applicable manure	✓					

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
		✓ Regulation required	? Regulation optional	✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
management requirements and minimum acreage and locational criteria set forth in the Development Title.					
LU 4.12	Golf Course Communities. The County may allow the development of new residential uses adjacent to or incorporated into golf courses, provided the residential density conforms with the underlying Zoning classification.	✓			
Goal LU 5: Promote the development of regional and locally-serving commercial uses in communities and other areas of the unincorporated County.					
LU 5.2	Strip Commercial Development. The County shall discourage new strip commercial development, and shall ensure the expansion of existing strip commercial development does not encroach into residential or agricultural areas	✓			
LU 5.3	Commercial Lot Coverage. The County shall limit the lot coverage of new development in the Neighborhood Commercial, Community Commercial, General Commercial, Office Commercial, Freeway Service, and Rural Service Commercial designations to 60 percent of the total development area. Developments in the Commercial Recreation designation shall be limited to 50 percent of the total development area.	✓			
LU 5.4	Commercial Conflicts and Visual Impacts. The County shall require new commercial development to address potential land use conflicts and visual impacts through site specific performance standards related to landscaping, screening, lighting, access, signage, setbacks, and architectural design.			✓	
LU 5.5	Bicycle Access and Parking. The County shall require new commercial development within Urban Communities and City Fringe areas to include bicycle access and secure parking racks.			✓	A comprehensive set of bicycle facility standards will be included in the Code.

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
		✓ Regulation required	? Regulation optional	✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
LU 5.6 Commercial Uses in Residential and Industrial Areas. The County shall allow limited commercial uses, with appropriate commercial zoning, in residentially- and/or industrially-designated areas within Urban Communities, provided such uses are: located at least one mile from another such business or area designated Neighborhood Commercial; located on a Collector or higher classification roadway; limited in lot size to 1.0 acre and no more than 10,000 square feet of leasable space; developed so that buildings cover no more than 60 percent of the lot and are no more than one story in height; and designed and operated such that lighting, signage, and hours of operation do not adversely affect surrounding residential or industrial areas.	✓				We do not recommend codifying one-mile spacing as some uses may benefit from clustering. The one-mile rule may be appropriate for General Plan designations.
LU 5.7 Crossroads Commercial Uses in Agricultural Areas. The County shall allow crossroads commercial uses, with appropriate commercial zoning, in areas designated Limited Agriculture and General Agriculture, provided such uses are: located at an intersection on a Minor Arterial or roadway of higher classification; located at least two miles from the nearest area serving a crossroads commercial function or a planned neighborhood or community commercial area; limited to one corner of an intersection; and able to function safely with a septic system and individual water well.	✓	✍			If more than one corner is to be allowed to develop, to respond to stakeholder comments, a General Plan amendment will be required.
LU 5.8 Administrative and Professional Offices. The County shall direct new single-use administrative and professional offices and office complexes to the Office Commercial designation and shall allow smaller offices in the Community Commercial and Neighborhood Commercial designations as part of a larger commercial development.	✓				

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
		✓ Regulation required	? Regulation optional	✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
LU 5.9 Special Purpose Plans. The County shall require significant new development to prepare a Special Purpose Plan in areas designated Freeway Service, Commercial Recreation, or Mixed-Use, unless the development is in an area that has an existing Master Plan or Specific Plan that can accommodate the proposed development. The Community Development Director shall determine whether a proposed project shall be required to prepare a Special Purpose Plan.	?	?		✓	Do on a case by case basis? The General Plan provides the planning guidance; this should not be codified. If for streamlining purposes, an SPP requirement is dropped, a General Plan amendment will be required.
LU 5.10 Commercial and Industrial Transition Areas. In areas where a General Commercial land use designation is adjacent to an industrial land use designation, the County shall allow commercial and industrial uses to mix in order to form a transition between the two designated areas. The specific uses that may be allowed must be based upon land use plans and criteria included in an approved Special Purpose Plan, which applies to both designated areas. This policy may not be applied to areas designated by the General Plan as Neighborhood Commercial, Commercial Recreation, or Truck Terminal, and may not be applied to properties that do not have a full range of public infrastructure and services.	✓				
LU 5.11 Freeway Service Development. The County shall require that Freeway Service developments are designed in an attractive manner that creates a favorable impression of the County by considering the relationship to adjacent uses, site design and scale of development, building architecture, landscaping, signage, and circulation and parking.	✓				
LU 5.12 Limited Freeway Service Centers. The County shall limit the number of Freeway Service designated interchanges					Done with the Zoning Map designations

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	✍ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
to encourage clustering of uses at selected interchanges and maintain the open space and agricultural character of the county experienced by the freeway traveler.						
LU 5.13	Freeway Service Master Sign Plans. The County shall encourage comprehensive or integrated master sign plans for significant Freeway Service areas through the preparation of Special Purpose Plans. Integrated sign regulations included in an approved Special Purpose Plan may supersede the County's specific sign regulations for the CFS zone in the Development Title.			✓	✓	A General Plan amendment may be needed if SPPs are not going to be used, and separate provisions for Master Sign Plans are codified.
LU 5.14	Commercial Recreation Uses. The County shall ensure that developments within areas designated Commercial Recreation are limited to those serving the recreation area and do not detract from commercial uses within Urban and Rural Communities that provide for the typical commercial and service needs of County residents	✓				
LU 5.15	Commercial Recreation Uses in Agricultural Areas. The County may allow commercial recreation uses in planned agricultural areas because of their unique needs, such as direct access to natural resources or roadways or their need for a large land area. These uses shall be subject to approval of a discretionary permit that includes a review of impacts of the proposed use on the surrounding area.	✓				Land use regulations for Agricultural zones should be updated accordingly.
LU 5.16	Commercial Recreation Design. The County shall require Commercial Recreation uses to use a unifying theme that incorporates appropriate standards for grading, landscaping, lighting, noise, and circulation to minimize off-site impacts that could adversely impact surrounding uses.		?		✓	Do on a case by case basis?
LU 5.17	New Marinas. The County shall require proposed new marinas to be evaluated to assess their impacts on the				✓	Add to the CR Zone.

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		✓ Regulation required	? Regulation optional	✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
waterways, riparian habitat, adjacent land uses, and traffic circulation.					
LU 5.18	Recreational Vehicle Parks. The County may allow the development of recreational vehicle parks in Freeway Service designated areas to provide accommodations for freeway travelers or for access to nearby recreation areas.	✓			
LU 5.19	Golf Course Development. The County may allow the development of new golf courses in areas designated for residential or agricultural uses based on the size of the facility, distance to the population to be served, availability of existing golf courses, and potential impacts on surrounding land uses and circulation.	✓		✓	
LU 5.20	Mixed-Use Community Centers and Corridors. The County shall encourage both vertical and horizontal mixed-use development within community centers and near or along transportation and transit corridors, bicycle paths, and pedestrian facilities as a means of providing efficient land use, housing, and transportation options for county residents. The County shall ensure that mixed-use developments include appropriate transit, bicycle, and pedestrian facilities.	✓			
LU 5.21	Mixed Uses. The County shall encourage mixed-use development in urban communities, provided it does not create land use conflicts and provides for a close physical and functional relationship of project components.			✓	
LU 5.22	Mixed-Use Development. The County shall require new mixed-use developments to be developed under a single plan that details the full buildout of the development and any associated phasing for construction and includes specific design guidelines and standards that address the overall site design, scale of development, relationship to adjacent uses, circulation and parking,	✓		✓	Do on a case by case basis

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	✍ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
architecture, infrastructure, and landscaping.						
LU 5.23	Live-Work Development. The County shall encourage mixed-use developments to include live-work floor plans for residents who desire office, commercial, or studio space adjacent to their living space.	✓				Standards for live-work can be included.
Goal LU 6: Promote the development of new industrial and employment uses in the unincorporated areas of the County that are compatible with surrounding land uses and meet the present and future needs of County residents.						
LU 6.2	Industrial Sites. The County shall designate a sufficient number of industrially planned areas to allow a variety and choice of sites for new businesses in terms of location, parcel size, transportation access, and availability of services and labor.					Done with Zoning Map that will implement General Plan designations.
LU 6.4	Processing Facilities. The County shall allow industrial processing facilities on agriculturally designated lands and Resource Conservation designated lands only if the facility is directly related to the processing of an agricultural crop produced in the County or a mineral resource extracted on lands adjacent to the facility. Such developments will be required to obtain a conditional use permit that limits the use only to those activities associated with the resource.	✓				Land use regulations for Agricultural zones should be updated accordingly.
LU 6.6	Industrial Lot Coverage. The County shall limit the lot coverage of developments in the Limited Industrial (I/L) and General Industrial (I/G) designations to 60 percent of the total development area, except in areas zoned Warehouse Industrial where they shall be limited to no more than 40 percent of the total development area. The County shall discourage the creation of flag lots for industrial uses.	✓				
LU 6.7	Industrial Development. The County shall require new industrial development provide adequate access, parking, landscaping, loading and storage areas, and buffers. The County shall ensure	✓			✓	

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
		✓ Regulation required	? Regulation optional	✎ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
that industrial uses and employment center developments include appropriate transit, bicycle, and pedestrian facilities.					
LU 6.9	Truck Terminal Access. The County shall require new Truck Terminal developments to provide adequate space to allow for easy access and maneuvering of trucks in and out of loading docks, and for parking both trucks and employee vehicles	✓		✓	
LU 6.11	Truck Terminal Location. The County shall limit truck terminal locations limited to areas within one mile of a freeway interchange that are outside Urban and Rural Communities and outside the path of planned urban development.			✓	Done with Zoning Map designation of I-T zones.
Goal LU 7: Provide for the long-term preservation of productive farmland and to accommodate agricultural services and related activities that support the continued viability of the County's agricultural industry.					
LU 7.2	Agricultural Support Uses. The County shall require new agricultural support development and non-farm activities to be compatible with surrounding agricultural operations. New developments shall be required to demonstrate that they are locating in an agricultural area because of unique site area requirements, operational characteristics, resource orientation, or because it is providing a service to the surrounding agricultural area. The operational characteristics of the use may not have a detrimental impact on the operation or use of surrounding agricultural properties. Developments must be sited to avoid any disruption to the surrounding agricultural operations.	✓		✓	Land use regulations for Agricultural zones should be updated accordingly.
LU 7.3	Small Parcel Size Viability. The County shall not allow further fragmentation of land designated for agricultural use, except for the purpose of separating existing dwellings on a lot, provided the Development Title regulations are met	✓			

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	✍ Discussion issue		
General Plan Element and Policy		Development Code Components				Comments
		District Standards	Specific Area Designation	Countywide Regulations	Review Process	
LU 7.4	Lot Line Adjustments and Density. The County shall not apply the density requirements of agricultural designations to lot line adjustments if the dwelling unit density for the affected parcels is not increased as a result of the Lot Line Adjustment.				✓	
LU 7.5	Right to Farm. The County shall strive to protect agricultural land against nuisance complaints from nonagricultural land uses through the implementation of the San Joaquin County Right to Farm ordinance and, if necessary, other appropriate regulatory and land use planning mechanisms.			✓	✓	
LU 7.7	Agricultural Buffers. The County shall ensure non-agricultural land uses at the edge of agricultural areas incorporate adequate buffers (e.g., fences and setbacks) to limit conflicts with adjoining agricultural operations.	✓				
LU 7.8	Farm-Related Housing. The County shall support the development of farm-related housing which facilitates efficient agricultural operations in agricultural areas. The County shall allow the development of farm employee housing and farm labor camps in areas designated General Agriculture (A/G) where there is a demonstrated need for such housing.	✓				
LU 7.10	Agricultural Mitigation Program. The County shall continue to require agricultural mitigation for projects that convert agricultural lands to urban uses.				✓	Do on a case by case basis
LU 7.12	Agricultural Land Conversion Mitigation. The County shall maintain and implement the Agricultural Mitigation Ordinance to permanently protect agricultural land within the County. (✓	Do on a case by case basis
LU 7.16	Williamson Act Contracts Parcel Size. The County shall limit parcels eligible for Williamson Act contracts to those 20 or more acres in size in the			✓		

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
		✓ Regulation required	? Regulation optional	✎ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
case of prime land or 40 or more acres in the case of nonprime land.					
LU 7.17	Small Parcel Williamson Act Nonrenewals. The County shall file a notice of non-renewal for parcels smaller than ten acres in size which are held in Williamson Act contracts.			✓	No codification needed?
Goal LU 8: Protect open space for its recreational, agricultural, safety, and environmental value and provide adequate parks and open space areas throughout the County.					
LU 8.1	Open Space Preservation. The County shall limit, to the extent feasible, the conversion of open space and agricultural lands to urban uses and place a high priority on preserving open space lands for recreation, habitat protection and enhancement, flood hazard management, public safety, water resource protection, and overall community benefit.			✓	Done with Zoning Map and findings required for any requested rezoning.
LU 8.2	Open Space Character. The County shall require new development in Resource Conservation designated areas to be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. New development should use natural landforms and vegetation in the least visually disruptive manner possible, and use design, construction, and maintenance techniques that minimize the visibility of structures.	✓			May need to update Agricultural zones that apply in Open Space/Resource Conservation areas or create a new zone to implement this policy.
Goal LU 9: Provide for governmental, utility, institutional, educational, cultural, religious, and social facilities and services that are located and designed to complement San Joaquin County communities and to minimize incompatibility with neighborhoods and other uses.					
LU 9.1	Adequate Community Supporting Uses. The County shall encourage the development of a broad range of public and private community-supportive facilities and services within Urban Communities to provide places that serve the varied needs of the community, provide for community meeting places, and provide community			✓	We don't recommend codifying; rather, the County could address this in the review process

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	⚡ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
and neighborhood landmark buildings and places.						
LU 9.2	Buffers. The County shall ensure that residential and other non-compatible uses are separated and buffered from major public facilities, such as landfills, airports, and wastewater treatment facilities, using location appropriate measures (e.g., distance, screens, berms).	✓			✓	
Goal LU 10: Promote a mix of compatible uses in appropriate areas of the Airport East Property at the Stockton Metropolitan Airport.						
LU 10.1	Property Uses. The County shall encourage the following types of uses within the Airport East Property: those needing direct runway access; those that would benefit from the airport proximity; those that would benefit from the proximity to State Route 99; large corporate tenants; and uses serving the employees within the Airport East Property.	✓			✓	We can list these in purpose statements as allowable uses, but not required; factors to be considered in review process, but not codified.
LU 10.3	Development Considerations. The County shall consider the following in any development of the Airport East Property: aviation, employee, and customer safety; marketability of the airport for aviation uses, including attraction of commercial airlines and passengers; use of a portion of the property for a campus-like business park; and use of a portion of the property near State Route 99 for uses serving the freeway traveler.	✓			✓	We can list these in purpose statements as allowable uses, but not required; factors to be considered in review process, but not codified. Standards for a campus-like business park can be included.
LU 10.6	Airport East Property Adjacent Uses. The County shall require land uses adjacent to the airport entry road present a campus-like appearance on the Airport East Property.				✓	
LU 10.8	Prohibited Uses on Airport East Property. The County shall not allow the following types of land uses on the Airport East Property: uses dealing with significant (nonincidental) amounts of hazardous materials; residential and accessory uses; big box retailers, such as	✓				Use regulations will implement this policy.

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
✓ Regulation required		? Regulation optional		✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
warehouse or discount stores and other large retail stores; power centers; factory outlet malls; and\ the following specific land uses: adult entertainment, boutique sales, community assembly, tent revivals, funeral services, agricultural excavations, religious assembly, quarry excavations, dry cleaning plants, inoperable vehicle storage, animal specialty services, recycling, and scrap operations.					
COMMUNITIES					
Goal C I: Maintain a planning framework that promotes the viability of Urban and Rural Communities and coordinates development within City Fringe Areas, while protecting the agricultural, open space, scenic, cultural, historic and natural resources heritage of the County.					
C I.2 Character and Quality of Life. The County shall encourage new development in Urban and Rural communities to be designed to strengthen the desirable characteristics and historical character of the communities, be supported by necessary public facilities and services, and be compatible with historical resources and nearby rural or resource uses.		✓			We don't recommend codifying but can address this policy in purpose statements and design standards and with Adequate Public Facilities requirements.
C I.3 Protect Established Communities. Within Urban and Rural Communities, the County shall ensure that new development provides sensitive transitions between existing and new neighborhoods, and require new development, both private and public, respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of each community.		✓		✓	Could be part of findings requirements and done on a case by case basis
C I.5 Orderly and Compact Development. The County shall promote orderly and compact development within Urban and Rural Communities and City Fringe Areas. The County shall direct urban development	✓				Done with Zoning Map designations of zones

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
✓ Regulation required ? Regulation optional ✎ Discussion issue					
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
to areas within the designated boundary of each Urban and Rural Community.,					
C 1.6 Promote Infill. The County shall promote infill development within existing Urban and Rural Communities and City Fringe Areas before expanding community boundaries.	✓				The Code could have infill development incentives and allow waivers to make infill work
C 1.9 Available Infrastructure. The County shall only approve new development in Urban Communities and City Fringe Areas where adequate infrastructure is available or can be made available from an existing City, agency, or special district for the development, and there are adequate provisions for long-term infrastructure maintenance and operations.			✓		Should there be an explicit Adequate Public Facilities (APF) Ordinance modeled on what Placer County is considering? A General Plan amendment may be needed to allow for alternatives that may include on-site services.
Goal C 2: Provide a realistic planning area around each Urban Community that provides a framework for economic development, the provision of infrastructure and services, and overall quality of life.					
C 2.4 Development Standards in Urban Communities. The County shall require new development within Urban Communities to meet an urban standard for improvements, including: curbs, gutters, sidewalks, and streets.	✓			✓	
C 2.5 Appropriate Land Uses. The County shall plan Urban Communities with those types of urban land uses which benefit from urban services. Permanent uses which do not benefit from such urban services shall be discouraged within Urban Communities. This is not intended to apply to farming or agricultural support uses, provided that such accessory uses are time-limited.	✓				
Goal C 3: Maintain a long-term planning area around each Rural Community to clearly delineate the boundaries of each community and maintain overall quality of life.					
C 3.2 Development in Rural Communities. The County shall limit development in Rural Communities to those that have adequate public services to accommodate additional population and commercial services that provide for immediate needs of the community's	✓				Again, an APF Ordinance would facilitate implementation

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
✓ Regulation required		? Regulation optional		✎ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
residents or the surrounding agricultural community.					
C 3.4 Public Services in Rural Communities. To use financial resources efficiently, reduce growth pressure, and maintain the character of rural communities, the County shall not develop new urban-level infrastructure in Rural Communities (e.g., curbs, gutters, sidewalks, and public water and sewer systems), unless those changes respond specifically to stated local needs (e.g., Safer Routes to School). The County shall discourage other public agencies from developing urban-level infrastructure within Rural Communities, unless it is part of a project or process to convert the community into an Urban Community.			✓		We don't recommend codifying this as its more a question of negotiation with service providers. Could be part of findings though for rezoning and General Plan amendments.
Goal C 4: Ensure that all development within City Fringe Areas is well planned, adequately served by necessary public facilities and infrastructure, and furthers Countywide economic development and open space preservation goals.					
C 4.4 Agriculture-Urban Reserve. The County shall, as appropriate, apply the Agriculture-Urban Reserve designation to unincorporated properties within City Fringe Areas that are planned for future development by cities in their general plans.					Done with Zoning Map
C 4.5 City Development Standards. The County shall continue to notify a city whenever the County receives development applications for discretionary development permits within a City Urban Fringe Area, and solicit input from the City on the proposal. Where the Board of Supervisors finds that a proposed urban development is consistent with County General Plan objectives to approve development within a City Fringe Area, the County shall consider requiring the project to meet the development standards of the city in question and connect to City services.				✓	We don't recommend codifying the rule on city service standards but could have it as a possible condition of approval, which may be imposed.
ECONOMIC DEVELOPMENT SECTION					

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
✓ Regulation required ? Regulation optional ✎ Discussion issue						
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
Goal ED 1: To maintain a thriving business community and growing economy that provides well-paying jobs, a high quality of life, and a sound tax base.						
ED 1.3	Streamline Project Approvals. The County shall continue to identify and implement processes to streamline permitting and licensing procedures for new businesses that result in a net economic benefit to the County through increased tax base or job creation.				✓	
ED 1.5	Telecommunications Technology. The County shall support the development of telecommunications infrastructure and services to facilitate the use of the best available technology for business growth, agricultural and industrial innovation, and education and training advancement.			✓		Updated regulations for wireless communications facilities ordinance will address this.
Goal ED 3: To provide opportunities for expansion and development of businesses by ensuring availability of suitable sites, appropriate zoning, and access to infrastructure and amenities.						
ED 3.2	<p>Considerations for New Commercial and Industrial Development. The County shall consider the following factors when reviewing proposed non-agricultural commercial and industrial development applications:</p> <p>Access. New developments should have ready access to major transportation corridors (i.e., freeways and State highways) to limit additional County-funded roadway development and maintenance.</p> <p>Water. New developments must have long-term water supplies to meet the ultimate demand of the development and surrounding area and ensure the continued viability of existing and future development.</p> <p>Infrastructure. New developments must contribute their fair share of adequate infrastructure and services that are sufficient to meet the ultimate demand of the development and surrounding area and limit additional</p>				✓	Could be incorporated into an Adequate Public facilities (APF) ordinance considerations

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	✍ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
County-funded roadway development and maintenance. Efficiency. New development uses should make efficient use of land within the County and limit the conversion of agricultural lands to maintain the economic viability of farms and recreational resources.						
ED 3.3	Ensure Adequate Transportation Improvements. The County shall strive to provide an adequate circulation system to support job growth and economic development, connecting critical goods movement facilities and minimizing conflict with other transportation needs.			✓		Could be part of an APF ordinance
Goal ED 4: To support the continued financial growth of the agricultural sector and ag-related businesses.						
ED 4.2	Vertical Integration. The County shall encourage the vertical integration of agriculture by allowing research, production, processing, distribution, and marketing of agricultural products in agricultural areas, provided such uses do not interfere with surrounding uses.	✓				Facilitated with land use regulations but integration would not be required,
ED 4.5	Certified Farmers Markets. The County shall support efforts of local communities, local farm groups, and the California Department of Food and Agriculture (CDFA) Certified Farmers Market Program to create certified farmers' markets within the County.	✓				We don't recommend codifying this policy. However, the Development Title should include provisions for Farmers' Markets.
ED 4.6	Produce Markets and Stands. The County shall continue to encourage farmer owned- and operated-produce markets and stands within the unincorporated communities and agricultural areas of the County that sell locally-grown farm products.	✓				Standards can be set building on adopted produce stand regulations
ED 4.9	Promote Agricultural Innovation. The County shall encourage agricultural innovation, including research and development, biotechnology, sustainable farm practices, agritourism, and nontraditional agricultural operations in order to expand and improve business	✓				The land use regulations can identify some of these and enable them to locate in agricultural zones.

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
✓ Regulation required		? Regulation optional		✍ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
and marketing opportunities for those engaged in agriculture.					
Goal ED 5: To provide a variety of tourism opportunities to market San Joaquin County as a tourist destination and expand the local economy.					
ED 5.1	Agritourism. The County shall encourage existing and new agritourism opportunities provided they are associated directly with surrounding agricultural products and are secondary and incidental to the areas agricultural production.	✓			
ED 5.3	Recreation and Ecotourism. The County shall promote recreation-based tourism and ecotourism in the Delta, along County waterways, and in other open space areas of the County, provided such activities do not expose private property or agricultural equipment to trespassing or vandalism.	✓			
ED 5.4	Outdoor Recreational Venues. The County shall encourage the development of outdoor recreation facilities and venues in the Delta, along County waterways, and in other open space areas of the County to support biking, hiking, horseback riding, camping, bird watching, hunting, and fishing.	✓			
TRANSPORTATION AND MOBILITY					
Goal TM 1: To maintain a comprehensive and coordinated multimodal transportation system that enhances the mobility of people, improves the environment, and is safe, efficient, and cost effective.					
TM 1.6	Automobile Dependency Alternatives. The County shall support public and private efforts where appropriate to provide alternative choices to single occupant driving.	✓			Should there be a formal Transportation Demand Management (TDM) program required for large uses?
TM 1.11	Transportation System Improvements. The County shall require new development to provide transportation system improvements necessary to serve the development.			✓	With TDM, more flexibility can be offered, which might reduce a developer's costs.
Goal TM 2: To improve County roadways to include pedestrian, bicycle, and transit facilities to better serve people who use these active transportation modes.					

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	✎ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
TM 2.1 Urban Complete Streets. The County shall require new streets within Urban Communities to be designed and constructed to serve all users, including pedestrians, bicyclists, and transit passengers, of all ages and abilities. This includes: creating multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network for all modes of travel; minimizing curb cuts along non-local streets to improve safety and capacity; planting street trees adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and vehicular traffic, where appropriate; constructing sidewalks and bike lanes on both sides of streets, where feasible; including parking options to provide a buffer between pedestrians and vehicular traffic, where appropriate; coordinating with local jurisdictions and SJCOG to ensure multimodal connections are established and maintained between jurisdictions; and incorporating traffic-calming devices such as roundabouts, bulb-outs at intersections, and traffic tables into the transportation system where appropriate to improve safety and encourage travel by active transportation modes.			✓		These would be integrated into the subdivision design standards.	
TM 2.4 Rural Complete Streets. The County shall strive to serve all users on rural roadways in the County and shall design and construct rural roadways to serve safely bicyclists, transit passengers, and agricultural machinery operators. This includes: constructing wide shoulders to provide a safe space for bicyclists, and agricultural machinery vehicles; removing visual barriers along rural roads, particularly near intersections, to improve the visibility of bicyclists; and coordinating with local jurisdictions and SJCOG to ensure multimodal			✓			

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
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General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
connections are established and maintained between jurisdictions.						
TM 2.7	New Development. The County shall require all new developments to provide their fair share of roadway facilities for alternative transportation modes to reduce automobile demand.			✓	✓	An APF ordinance would facilitate this. Also, Division 12 would need to be updated.
TM 2.8	Private Complete Streets. The County shall encourage large private developments (e.g., office parks, apartment complexes, retail centers) to provide internal complete streets that connect to the existing roadway system.			✓	✓	
Goal TM 3: To maintain a safe, efficient, and cost-effective roadway system for the movement of people and goods.						
TM 3.2	Urban Roadways. The County shall require, where feasible, new development in Urban Communities to construct roadways to County standards and complete streets principles, including curb, gutter, and sidewalks. Bike lanes shall be required, where feasible, for improvements identified in the San Joaquin County Bicycle Master Plan.			✓	✓	
TM 3.3	Onsite Circulation Systems. The County shall require new development to design on-site circulation systems and parking facilities to minimize backup on County roadways.			✓	✓	
TM 3.7	Frontage Standards. For developments that are located adjacent to a County roadway, the County shall require access onto County roads.			✓	✓	
TM 3.8	Level of Service Implementation. The County shall base the Level of Service for intersections and roadways on AM or PM peak-hour volumes.			✓		
TM 3.12	Development Rights-of-Way. The County shall require dedication and improvement of necessary on and off-site rights-of-way at the time of new development, in accordance with the County's Functional Classification,			✓	✓	These may need to be amended to be consistent with the General Plan

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
		✓ Regulation required	? Regulation optional	⚡ Discussion issue		
General Plan Element and Policy	Development Code Components				Comments	
	District Standards	Specific Area Designation	Countywide Regulations	Review Process		
Standard Drawings, and Level of Service Standards.						
TM 3.14	Reduced Parking Requirements. The County may reduce automobile parking area requirements for new developments in exchange for owner-supplied amenities or facilities (e.g., transit facilities, secure bicycle storage facilities) or in-lieu fee payments for public transit.			✓		This can be incorporated into TDM provisions or addressed in separate regulations with the Parking chapter.
Goal TM 4: To maintain and expand a safe, continuous, and convenient bicycle system and pedestrian network.						
TM 4.5	Bicycle Storage. The County shall encourage bicycle storage facilities (i.e., bicycle racks, lockers) at all new major transportation terminals and employment centers consistent with Development Title, Section 9.			✓		Shouldn't this be required?
TM 4.9	Parking Facility Design. The County shall ensure that new automobile parking facilities are designed to facilitate safe and convenient pedestrian access, including clearly defined corridors and walkways connecting parking areas with buildings.			✓		Shouldn't this be required?
TM 4.12	Sidewalk Design. The County shall require that sidewalks in Urban Communities and City Fringe Areas be developed at sufficient width to accommodate pedestrians in accordance with the Americans with Disabilities Act.			✓		Address through engineering design standards for subdivisions and conditions of approval for discretionary development.
Goal TM 6: To maintain congestion management strategies to reduce single-occupant automobile use.						
TM 6.5	Transportation Management Associations. The County shall encourage large commercial, retail, and residential developments to participate in or create Transportation Management Associations (i.e., a public/private partnership to address regional transportation issues).				✓	Could be a part of a TDM program The County could facilitate creation of TMAs in which smaller employers can participate in exchange for development incentives.
TM 6.7	Bicyclist Amenities. The County shall encourage new large employers to provide bicycle racks.			✓		Shouldn't this be required?
Goal TM 7: To maintain an efficient transportation network to facilitate the movement of goods within and through the County.						

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		✓ Regulation required	? Regulation optional	✎ Discussion issue	
General Plan Element and Policy	Development Code Components				Comments
	District Standards	Specific Area Designation	Countywide Regulations	Review Process	
TM 7.7 Truck Traffic Noise Minimization. The County shall seek to minimize noise and other impacts of truck traffic, deliveries, and staging in residential neighborhoods.				✓	Performance standards will address noise impacts
Goal TM 8: To ensure that the air transportation system accommodates the growth of air commerce and general aviation needs within the parameters of compatible surrounding uses.					
TM 8.5 Compatible Land Uses. The County shall require that only compatible land uses be permitted near airports, in accordance with the Airport Land Use Plan.				✓	
INFRASTRUCTURE AND SERVICES					
Goal IS I: To provide residents and businesses quality, cost-effective, and sustainable public facilities and services.					
IS 1.2 Infrastructure Standards. The County shall require new developments that include improvements to existing infrastructure or new infrastructure to meet the requirements and standards of the County or other agencies providing services.			✓		Both Division 11 and an APF ordinance can address.
IS 1.8 Infrastructure Financing, Design, and Construction. The County shall require new development to fund the initial financing, design, and construction of required infrastructure facilities. All financing (including operation and maintenance) and improvement plans shall be subject to County review and approval.			✓	✓	Do on a case by case basis; financing details should not to be quantified beyond what is in Division 12.
IS 1.9 Maximize Use of Existing Facilities. The County shall require new development to be designed and sited to use existing facilities and services to the extent practical and to the extent that such a design and site choice would be consistent with good design principles.			✓	✓	Do on a case by case basis
IS 1.12 Easement and Rights-of-Way Protection. The County shall, in coordination with other agencies, ensure that new development does not encroach on existing public facility easements or on areas planned or needed for future rights-of-way (e.g.,			✓	✓	Can do with conditions of approval

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General Plan Element and Policy	Development Code Components				Comments
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roadways, interchanges) and infrastructure. The County shall require, as necessary, offers of dedication for future easements.					
IS 1.13	Infrastructure Financing. The County shall approve new development only when financial mechanisms are in place to ensure that adopted County service standards are met and that long-term infrastructure and facility maintenance can be provided.			✓	An APF ordinance can address this, as can Division 12.
IS 1.14	Equitable Infrastructure Financing. The County shall ensure that infrastructure and facility financing mechanisms for urban services are imposed equitably and shall require the reimbursement from subsequent developments which benefit from the improved system.			✓	Reimbursement agreements can be required.
IS 1.15	Planning for Ultimate Improvement Needs. When necessary to ensure adequate infrastructure for an area planned for development, the County shall require system improvements beyond those necessary for a proposed new development.		✓	✓	
IS 1.16	Master Planned Facilities. The County shall require new development including single-parcel development, to provide necessary on-site and off-site infrastructure improvements. Proposed new developments that cannot be served by an existing service provider shall be required to fund preparation of a master plan or specific plan for the parcel and adjacent areas that includes large enough area and mix of uses to support self-sustaining infrastructure service systems; detailed infrastructure and service plan, financing, and maintenance plan; and approval by the Director of Public Works.	✓		✓	Do on a case by case basis
Goal IS 2: To ensure appropriate public utility agencies are in place for the long-term maintenance of infrastructure and provision of services.					

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✓ Regulation required		? Regulation optional		✎ Discussion issue	
<i>General Plan Element and Policy</i>	<i>Development Code Components</i>				<i>Comments</i>
	<i>District Standards</i>	<i>Specific Area Designation</i>	<i>Countywide Regulations</i>	<i>Review Process</i>	
IS 2.6 New Development Requirements. The County shall require new development to provide water, sewer, storm water, and/or street lighting service(s), using one of the following methods, subject to County review and approval: Obtain a will-serve letter from an existing Special District, Community Service District, Mello-Roos Community Facilities District or other non-city public utility agency and obtain LAFCo approval for annexation or out-of-agency service; Obtain a will-serve letter from a city and obtain LAFCo approval for out-of-agency service; Fund the formation of a new Community Service District, Mello-Roos Community Facilities District or other non-County public utility agency that would perform ongoing maintenance.; or When approved by the Director of Public Works, fund the formation of a new County Service Area (CSA) that would provide ongoing maintenance services.	✓		✓		Address with an APF ordinance
Goal IS 4: To ensure reliable supplies of water for unincorporated areas to meet the needs of existing and future residents and businesses, while promoting water conservation and the use of sustainable water supply sources.					
IS 4.8 Water Conservation Measures. The County shall require existing and new development to incorporate all feasible water conservation measures to reduce the need for water system improvements.			✓	✓	Do with conditions of approval
IS 4.14 Sufficient Water Supply Assessments. The County shall require new developments over 500 dwelling units in size to prepare a detailed water source sufficiency study and water supply analysis for use in preparing a Water Supply Assessment, consistent with any Integrated Regional Water Management Plan or similar water management plan. This shall include analyzing the effect of new development on the water supply of existing users.			✓	✓	
IS 4.15 Test Wells. Prior to issuing building permits for new development that will				✓	

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rely on groundwater, the County shall require confirmation for existing wells or test wells for new wells to ensure that water quality and quantity are adequate to meet the needs of existing, proposed, and planned future development.					
IS 4.19 Water Efficient Landscaping. The County shall encourage water efficient landscaping and use of native, drought-tolerant plants consistent with the Model Landscape Ordinance.			✓		The Model Ordinance will be refined and codified.
Goal IS 5: To maintain an adequate level of service in the water systems serving unincorporated areas to meet the needs of existing and future residents and businesses, while improving water system efficiency.					
IS 5.1 Adequate Water Treatment and Distribution Facilities. The County shall ensure, through the development review process, that adequate water, treatment and distribution facilities are sufficient to serve new development and are scalable to meet capacity demands when needed. Such needs shall include capacities necessary to comply with water quality and public safety requirements.				✓	
IS 5.2 Water System Standards. The County shall require the minimum standards for water system improvements provided in Table IS-1 for the approval of tentative maps and zone reclassifications.			✓	✓	
IS 5.3 Water Service in Antiquated Subdivisions. The County shall require water service through a public water system prior to issuance of building permits for new residences on parcels less than two acres in antiquated subdivisions. Individual wells may be allowed if public water is not available and all well and sewage requirements can be met.			✓	✓	
IS 5.6 Consistent Fire Protection Standards for New Development. The County, in coordination with local water agencies and fire protection				✓	

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agencies, shall ensure consistent and adequate standards for fire flows and fire protection for new development					
Goal IS 6: To ensure wastewater treatment facilities and septic systems are available and adequate to collect, treat, store, and safely dispose of wastewater.					
IS 6.3 Adequate Wastewater Facilities. The County shall ensure through the development review process that wastewater collection, treatment, and disposal facilities are sufficient to serve existing and new development and are scalable to meet capacity demands when needed.				✓	
IS 6.4 Wastewater System Standards. The County shall require the minimum standards for wastewater system improvements provided in Table IS-2 for the approval of tentative maps and zone reclassifications.			✓		
IS 6.5 Wastewater System Requirements. For land uses required to be served by public wastewater treatment systems, new development shall be served by an existing public wastewater treatment agency or by a new public utility service agency if no public agency is empowered to provide wastewater treatment services. For land uses not requiring public wastewater treatment systems, the County may allow private wastewater systems or septic systems if the County Environmental Health Director determines that the systems meet the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and the approved Local Agency Management Plan.			✓	✓	
IS 6.9 Wastewater Facility Infrastructure Fees. As a condition of approval for new developments, the County shall have verification of payment of fees imposed for wastewater infrastructure capacity per the fee payment schedule from the local wastewater agency.				✓	Do with conditions of approval

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE						
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IS 6.10 Alternative Rural Wastewater Systems. For single, stand-alone residences, the County shall support the use of alternative onsite rural wastewater treatment systems that meet the State Water Resources Control Board Onsite Wastewater Treatment Systems Policy and the approved Local Agency Management Plan.			✓		We don't recommend codifying this as a requirement; do on a case by case basis.	
Goal IS 7: To manage stormwater from existing and future development using methods that reduce potential flooding, maintain natural water quality, enhance percolation for groundwater recharge, and provide opportunities for reuse.						
IS 7.1 Adequate Stormwater Facilities. The County shall require that stormwater drainage facilities are properly designed, sited, constructed, and maintained to efficiently capture and dispose of runoff and minimize impacts to water quality.			✓		We assume the Building Code requires runoff from new development to be discharged on-site or treated.	
IS 7.2 Stormwater Drainage System Standards. The County shall require the minimum standards for stormwater drainage system improvements provided in Table IS-3 for the approval of tentative maps and zone reclassifications.			✓	✓	Do with conditions of approval	
PUBLIC HEALTH AND SAFETY						
Goal PHS 2: To protect people and property from flood hazards.						
PHS 2.1 Restrict Uses in Designated Floodways. The County shall restrict uses in designated floodways except those that do not adversely affect flood elevations or velocities and are tolerant of occasional flooding in accordance with the County's Floodplain Management Ordinance.	✓		✓		We will propose additional requirements for areas identified in floodplains. Also need to check Gov. Code 65302.9 for additional requirements applicable to Sacramento-San Joaquin Valley.	
PHS 2.3 Evaluation of Flood Protection for New Development. The County shall require evaluation of potential flood hazards prior to approval of new development projects to determine whether the proposed development is reasonably safe from flooding and shall				✓		

CHECKLIST FOR IMPLEMENTATION OF GENERAL PLAN POLICIES RELATED TO SAN JOAQUIN DEVELOPMENT TITLE					
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approve such development consistent with applicable State and Federal laws.					
PHS 2.7 Preservation of Floodway and Floodplains. The County shall preserve floodways and floodplains for non-urban uses in an effort to maintain existing flood carrying capacities, except that development may be allowed in floodplains with mitigation measures that are in conformance with the County's floodplain management ordinance.			✓		Done with Zoning Map and overlay designations for flood zones
PHS 2.8 Levee Setbacks and Easements for New Development. The County shall require setbacks and easements for access to levees and channels, where feasible, from new development. On County-owned land, the County shall also provide unobstructed access, where feasible, to levees for maintenance and flood fighting purposes.			✓		
PHS 2.9 Dedication of Levee Footprint. The County shall require new development adjacent to an existing or planned levee to dedicate the levee footprint and necessary setback areas in a manner acceptable to the appropriate levee maintaining agency and in compliance with federal and state standards.				✓	
Goal PHS 4: To minimize the risk of wildland and urban fire hazards.					
PHS 4.2 Residential Densities in High Hazard Areas. The County shall restrict development to rural residential densities or lower and require on-site fire suppression measures in areas with high or extreme wildfire hazards.	✓			✓	Done with Zoning Map
PHS 4.3 Fire Prevention Measures. The County shall implement State recommendations for fire prevention in Fire Hazard Severity Zones and require new and/or existing development to provide clearance around structures, use fire-resistant ground cover, build with fire-resistant roofing materials, participate in fuel load reduction, and take other appropriate measures.			✓	✓	Do with conditions of approval. Alternative standards for State-designated High Fire Hazard Zones can be included, rather than imposing them on case-by-case basis, but these only apply to a small portion of the County.

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PHS 4.4 Clear Zones. The County shall require clear zones and regular weed abatement around residential structures in high fire hazard areas and assist property owners in identifying how clear zones should be maintained. (✓	✓	Do with conditions of approval
PHS 4.5 Vegetation and Fuel Management. The County shall require new development in high fire-hazard areas to have fire-resistant vegetation, cleared fire breaks separating communities or clusters of structures from native vegetation, or a long-term comprehensive vegetation and fuel management program consistent with State codes 4290 and 4291 for wildland fire interface and vegetation management.			✓		Standards for vegetation management can be set for these areas.
Goal PHS 5: To protect public health, agricultural crops, scenic resources, and the built and natural environments from air pollution.					
PHS 5.6 Toxic Air Contaminants. The County shall require effective buffers between residential areas and other sensitive receptors and non-residential land uses, such as highways, trucking centers, gasoline dispensing facilities, and dry cleaners, that generate toxic air contaminants.				✓	Also will be addressed through CEQA review
Goal PHS 6: To reduce greenhouse gas emissions as part of the Statewide effort to combat climate change.					
PHS 6.7 New Development. The County shall require new development to incorporate all feasible mitigation measures to reduce construction and operational GHG emissions.				✓	Do with conditions of approval
Goal PHS 7: To protect County residents, visitors, and property from hazardous materials and wastes.					
PHS 7.8 Consistency with Hazardous Waste Management Plan. The County shall require all new development to be consistent with the County Hazardous Waste Management Plan (CHWMP). Any proposed hazardous waste facility, or expansion of an existing hazardous waste facility, shall be consistent with the CHWMP.			✓	✓	Do with conditions of approval

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Goal PHS 8: To promote the safe operation of public and private airports and protect the safety of County residents.						
PHS 8.1	Land Use Compatibility. The County shall prohibit land uses within unincorporated areas that interfere with the safe operation of aircraft or that would expose people to hazards from the operation of aircraft.	✓			✓	
PHS 8.4	Compliance with Federal Aviation Administration (FAA) Regulations. The County shall require development within airport approach and departure zones to be in compliance with FAA Regulations that address objects affecting navigable airspace.	✓			✓	
PHS 8.6	Transmission Tower and Lines. The County shall not approve any radio, television, power, or related transmission towers and lines that may conflict with aircraft operations.			✓	✓	
Goal PHS 9: To protect county residents from the harmful and nuisance effects of exposure to excessive noise.						
PHS 9.1	Noise Standards for New Land Uses. The County shall require new development to comply with the noise standards shown in Tables 9-1 and 9-2 through proper site and building design, such as building orientation, setbacks, barriers, and building construction practices.			✓		
PHS 9.2	Airport Noise Compatibility Criteria. The County shall require new development within airport areas of influence be consistent with the Airport Noise Compatibility Criteria in the Airport Land Use Compatibility Plan.				✓	Do with conditions of approval
PHS 9.3	Screening Distances. The County shall require new development proposed to be located adjacent to major freeways or railroad tracks to be consistent with the Federal Transit Administration (FTA) noise screening distance criteria.			✓	✓	Do with conditions of approval
PHS 9.7	Require Acoustical Study. The County shall require a project applicant to prepare an acoustical study for any proposed new residential or other				✓	

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noise-sensitive development when the County determines the proposed development may expose people to noise levels exceeding acceptable General Plan noise levels.					
PHS 9.8	Require Avigation Easements and Soundproofing Near Airports. The County shall require avigation easements and soundproofing for new residential structures in the 65 dB Ldn contours around a public access airport.			✓	
PHS 9.9	Noise Exemptions. The County shall support the exemption of the following noise sources from the standards in this section: Emergency warning devices and equipment operated in conjunction with emergency situations, such as sirens and generators which are activated during power outages. The routine testing of such warning devices and equipment shall also be exempt provided such testing occurs during the hours of 7:00 am to 10:00 pm. Activities at schools, parks, or playgrounds, provided such activities occur during daytime hours. Activities associated with County-permitted temporary events and festivals.		✓		Will address in noise performance standards
NATURAL AND CULTURAL RESOURCES					
Goal NCR 2: To preserve and protect wildlife habitat areas for the maintenance and enhancement of biological diversity and ecological integrity.					
NCR 2.4	Preservation of Significant Oak Groves. The County shall require new development in the vicinity of significant oak groves to be designed and sited to maximize the long-term preservation of the trees and the integrity of their natural setting.			?	Should there be tree preservation standards for oaks or other heritage trees?
NCR 2.5	No Net Loss of Wetlands. The County shall not allow development to result in a net loss of riparian or wetland habitat.			?	Replacement also can be addressed with CEQA review; should wetlands no net loss provisions be codified?

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NCR 2.6 Criteria for Development Impacts to Wetlands. The County shall not approve new development projects that have the potential to fill wetlands, unless: no suitable alternative site exists for the land use, and the use is considered necessary to the public; there is no degradation of the habitat or numbers of any rare, threatened, or endangered plant or animal species as a result of the project; and habitat of greater quantity and superior or comparable quality will be created or restored to compensate for the loss.				?	Should these be codified?
NCR 2.8 Natural Open Space Buffer. The County shall require a natural open space buffer to be maintained along any natural waterway to provide nesting and foraging habitat and to protect waterway quality.			✓		
Goal NCR 3: To ensure the quality of water for municipal and industrial uses, agriculture, recreation, and fish and wildlife.					
NCR 3.5 Low Impact Development. The County shall require new development to minimize or eliminate stormwater quality and hydro-modification impacts through site design, source controls, runoff reduction measures, best management practices (BMPs), and Low Impact Development .				✓	CEQA review can address; should BMP and LID requirements also be quantified? Or, do with conditions of approval?
Goal NCR 4: To provide for the production of mineral resources while protecting people, property, and the environment from hazards caused by resource extraction.					
NCR 4.2 Discretionary Permit to Protect Mineral Resources. The County shall require all new development in areas of significant sand and gravel deposits, as identified by the State Division of Mines and Geology, to obtain a discretionary permit, conditioned to protect the resources.				✓	Should there be an overlay zone or address only through CEQA review?
NCR 4.3 Land Use Compatibility. The County shall ensure that mineral extraction and reclamation operations are compatible with land uses both on-site and within the surrounding area and are performed				✓	Would need a Zoning Map designation or map reference to implement; otherwise, could be with CEQA review

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in a manner that does not adversely affect the environment.					
NCR 4.5	Reclamation Plan. The County shall require a reclamation plan, in accordance with the State Surface Mining and Reclamation Act, to accompany all applications for mining or mineral extraction permits.			✓	✓
Goal NCR 5: To increase energy independence through the use of renewable energy sources and improved energy conservation and efficiency.					
NCR 5.3	Solar Facility Ordinance. The County shall prepare and maintain an ordinance that guides the permitting, construction, operation, and decommissioning of large-scale solar energy facilities.			✓	
NCR 5.9	Shaded Parking Lots. The County shall require parking lots to be shaded in the summertime but allow winter solar access to adjacent buildings and sidewalks.			✓	
NCR 5.15	Permitting Oil and Natural Gas Resources. The County shall permit the development of its oil and natural gas resources, consistent with State requirements, provided that such development ensures adequate environmental, public health, and safety protection, and is compatible with the current and projected uses of the land.	✓			
Goal NCR 6: To protect San Joaquin County's valuable architectural, historical, archeological, and cultural resources.					
NCR 6.7	Adaptive Reuse of Historic Structures. The County shall encourage the adaptive reuse of architecturally significant or historic buildings if the original use of the structure is no longer feasible and the new use is allowed by the underlying land use designation and zoning district.	✓			Overlay historic district and landmark zoning can allow for adaptive reuse.
Goal NCR 7: To protect and enhance the unique scenic features of San Joaquin County.					
NCR 7.4	Visually Complementary Development. The County shall require new development adjacent to scenic resources to be sited and	?			Should there be a scenic corridor overlay zone?

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designed to visually complement those resources, except in MR-Z designated areas.					
NCR 7.5 Require Landscape Plans. The County shall require landscape plans for new development along State- or County-designated scenic routes.			✓		
NCR 7.6 Preservation of Ridgelines and Hill Tops. The County shall ensure that ridgelines and major hill tops remain undeveloped.	?				Should ridgelines be mapped or just rely on hillside development regs?
NCR 7.7 Reducing Light Pollution. The County shall encourage project designs, lighting configurations, and operational practices that reduce light pollution and preserve views of the night sky.			✓		Include specific night sky protection standards?
NCR 7.8 Underground Utility Lines. The County shall require all new electric and communication distribution facilities adjacent to scenic routes to be placed underground, whenever feasible. Where overhead utility lines are unavoidable, every effort should be made to reduce the visual impact through elements of design.			✓	✓	
Goal NCR 8: To develop and maintain a comprehensive system of parklands and protected public recreational areas that achieve County park ratio standards and meet the active and passive recreation needs of San Joaquin County residents and visitors.					
NCR 8.2 Park Ratio Standard. The County shall encourage and support the development of recreational facilities to serve unincorporated communities at a ratio of 10 acres of regional parks and three acres of local parks per 1,000 residents, except for Mountain House, which has an approved park ratio of not less than five acres of parks per 1,000 population. The County shall consider increasing its park ratio standards to address unmet park needs.			✓		Done with subdivision regulations. Has anything been done on a nexus study to justify an increase in parkland dedication standards? The regional park standard is higher than the Quimby Act would allow.
NCR 8.22 Park Dedication and In-lieu Fees. The County shall require dedication of parkland or in-lieu fees for local parks until other methods of sufficient financing are established. In-lieu fees			✓	✓	

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shall: be collected for new developments proposed in the county; include land acquisition and site development costs, such as grading, access, drainage, and fencing; and be given to the agency providing local recreation facilities.					
THE DELTA					
Goal D 4: To regulate development within the Delta to ensure the long-term viability of agricultural operations, success of natural ecosystems, and continuation of Delta heritage.					
D 4.7 Delta Development Limitations. The County shall regulate new development within flood hazard areas in the Delta consistent with the statutory requirements contained in the Delta Plan. Increased flood protection shall not provide a basis for new residential designations or increased densities beyond those allowed under zoning and general plan designations.	✓				
D 4.8 Limit Non-Agricultural Uses on Delta Islands. The County shall generally limit development in the Delta islands to water-dependent uses, recreation, and agricultural uses.	✓				
D 4.9 Conversion of Delta Farmland to Wetlands. The County shall not allow the conversion of prime farmland within the Delta into wetlands, with the exception of the Lower San Joaquin River Floodplain, as defined in the Delta Plan.	✓				
Goal D 7: To maintain Delta levees and infrastructure to provide safety and security to residents, visitors, and agricultural resources.					
D 7.3 New Development Near Levees. The County shall require new development within the Delta to be set back from levees and areas that may be needed for future levee expansion consistent with local reclamation district regulations and the California Department of Water Resources Central Valley Flood Control Plan. The County shall support efforts to address levee encroachments that are detrimental to levee maintenance.	✓			✓	Do with conditions of approval

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HOUSING ELEMENT					
Goal 1: To provide for a broad range of housing types and densities to meet the needs of all San Joaquin County residents.					
Policy 1-2	The County shall seek to identify and mitigate local governmental constraints to the development, improvement, and maintenance of the housing stock.	✓		✓	
Policy 1-8	The County shall encourage the usage of mixed-use residential /office/retail developments in each community's core downtown to support affordable housing.	✓			Done with Zoning Map
Prog. 1-3	Division And Planning For Large Sites. The County shall allow for further subdivision or development of specific plans for sites over 10 acres that are identified in the Housing Element vacant sites inventory and shall facilitate development at the expected affordability level for each site. To facilitate the development of housing for lower income households, the County shall coordinate with developers on large parcels to encourage land divisions and specific plans resulting in parcel sizes that facilitate developments affordable to lower income households in light of State, Federal, and local financing programs. The County shall offer incentives for the development of affordable housing including, but not limited to: priority processing of subdivision maps that include affordable housing units; expedited review for the subdivision of larger sites into buildable lots where the development application can be found consistent with the General Plan, applicable Specific Plan, and Environmental Impact Report; and financial assistance (based on availability of Federal, State, local foundations, and private housing funds).			✓	Some of this can be codified, but financial assistance would not as its dependent on outside sources.
Goal 2: To encourage the construction and maintenance of affordable housing in San Joaquin County.					

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Policy 2-2 The County shall continue to provide incentives for the provision of affordable housing, such as density bonuses, flexible development standards, deferred payment of fees, and expedited permit processing.			✓		
Policy 2-3 The County shall seek to preserve existing affordable rental housing, such as subsidized apartments for lower-income households, mobile homes in mobile home parks, and low-cost private rental housing.			?		How are to go with this policy: rent control? Mobile home replacement going beyond State law?
Policy 2-8 The County shall seek to preserve mobile home parks as a means of conserving the affordable housing stock.			✓		Protections consistent with State law can be codified.
Policy 2-9 The County shall continue to permit second residential units in single-family zones subject to administrative site plan approval and reasonable standards for minimum lot size, unit size, and parking in accordance with State law.	✓		✓		An updated ADU Ordinance will address this policy. The ADU Design Manual also will help on implementing this policy.
Policy 2-12 The County shall not disapprove housing projects affordable to low and moderate income households or impose conditions on such projects so as to make them unaffordable to low and moderate income households or infeasible to construct. Consistent with state law, the County may deny or require modifications to a proposed housing project under the following circumstances: where specific public health and safety requirements cannot be mitigated; where approval would cause disproportionate numbers of low income households in a specific neighborhood; or where approval would cause non-compliance with State or Federal laws or the County's General Plan.				✓	
Policy 2-13 The County shall continue to provide density bonuses and other incentives in compliance with State law for projects	✓		✓		

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that include very low income housing, low, moderate, or senior housing.					
Goal 3: To provide a range of housing opportunities and services for households with special needs within San Joaquin County.					
Policy 3-6	The County shall ensure equal access to housing by providing reasonable accommodation for individuals with disabilities. The County shall provide a process for individuals with disabilities to make requests for reasonable accommodation in regard to relief from the County's various land use, zoning, or building laws, rules, policies, practices, and/or procedures.			✓	We will include provisions for reasonable accommodations, consistent with federal and State law.
Policy 3-7	The County shall strive to increase the availability of safe, sound, affordable housing for farmworkers.			?	Details would depend on additional funding for the proposed farmworker housing standards study
Prog. 3-12	Zoning For Farmworker Housing. The County shall amend the Development Title to allow small farm employee housing (i.e., no more than 36 beds in a group quarters used exclusively for farm employees, or 12 units or spaces designed for use by a single family or household) in all zones that allow agricultural uses.	✓			
Goal 4: To create and maintain healthy neighborhoods by improving the condition of the existing housing stock and providing for a variety of housing types, sizes, price ranges, and densities compatible with the existing character and integrity of residential neighborhoods.					
Policy 4-2	The County shall reject public or private projects that displace residents or disrupt or eliminate established neighborhoods unless they would, on balance, contribute to the public's health, safety, and welfare.			✓	How far to go on displacement policies?
Policy 4-4	To create a balanced community, the County shall encourage and promote mixed-income neighborhoods by encouraging innovative design (e.g., second units, co-housing, halfplexes, zipper lots, zero-lot lines, alley-loaded parking, six-pack subdivisions, live-work units).	✓		✓	These housing types can be addressed in standards for residential zones.

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Policy 4-6 The County shall promote quality design and appearance of all new multifamily and affordable housing projects so that they blend in with the existing community fabric, add value to the community's built environment, and strengthen acceptance by the local community.	✓		✓		
Goal 6: To ensure energy efficiency and appropriate weatherization for all new and existing housing units.					
Prog. 6-2 Energy Efficiency Through Planning And Design. Through its subdivision site plan review and design review processes, pre-application meetings, promotional literature available at the permit counter, and the posting of information on energy conservation on the city's web site, the County shall continue to promote energy efficiency in residential land use planning and design through techniques, such as: the layout and configuration of homes to take advantage of solar access, the use of landscaping to reduce heat gain during warm weather, the configuration of new developments to provide opportunities for non-motorized forms of travel, the promotion of infill development to reduce travel distances, and the landscaping of parking areas to provide shade.				✓	We don't recommend codifying specific requirements; let Title 24 and the Building Code provide for this.

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