

ORDINANCE NO. 15-935

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PUENTE REPEALING TITLE 10 (ZONING) OF THE LA PUENTE MUNICIPAL CODE IN ITS ENTIRETY (INCLUDING THE ZONING MAP), WITH THE EXCEPTION OF CHAPTER 10.62 (ADULT BUSINESSES), ADOPTING A REVISED TITLE 10 (ZONING) AND LAND USE POLICY MAP, AND AN ADDENDUM REGARDING SAME

WHEREAS, the City Council adopted an updated General Plan on May 18, 2004, by Resolution No. 04-4384; and

WHEREAS, pursuant to Government Code Section 65860, the City's general plan must be consistent with the City's Zoning Ordinance. Further, in the event the general plan is amended and the result is that the zoning ordinance becomes inconsistent with the general plan, the zoning ordinance must be amended within a reasonable time so that it is consistent with the general plan; and

WHEREAS, the City's current Zoning Code and Zoning Map require revisions to implement the policies of the 2004 General Plan, to be more fully consistent with the General Plan and to implement changes required under State law; and

WHEREAS, on August 10, 2010, the City Council adopted Ordinance No. 10-903, prohibiting the establishment and operation of medical marijuana cooperatives and collectives in the City. The City Council hereby incorporates by reference all of the findings set forth in Ordinance No. 10-903, and all exhibits thereto, including the staff report; and

WHEREAS, on May 18, 2004, the City Council approved an Environmental Impact Report for the General Plan Update via Resolution No. 04-4384; and

WHEREAS, the Zoning Ordinance revision and proposed Zoning Map, do not contemplate any land uses or densities that were not included in the General Plan or evaluated in the General Plan EIR, and the Zoning Ordinance revision and Zoning Map implement the 2004 General Plan and changes required under State law; and

WHEREAS, based upon the information received and Staff's review and assessment, no substantial changes to the 2004 General Plan update are being made, therefore the revisions to the Zoning Ordinance and Zoning Map do not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code section 21166 or CEQA Guidelines section 15162; and

WHEREAS, on July 21, 2014, the Planning Commission of the City of La Puente conducted a duly noticed public hearing on the proposed Zoning Ordinance revision, Zoning Map, and the addendum, and said public hearing was continued to the Planning Commission's meetings of August 5, 2014, September 2, 2014, October 7, 2014, November 5, 2014, and December 2, 2014, and during those hearings, the Commission considered all testimony written and oral; and

WHEREAS, the Planning Commission reviewed and carefully considered the information in the addendum, and made the findings set forth herein, and based upon substantial evidence presented to the Planning Commission during the public hearings on July 21, 2014, August 5, 2014, September 2, 2014, October 7, 2014, November 5, 2014, and December 2, 2014, including public testimony and oral staff reports, the Planning Commission recommended that the City Council adopt a Resolution recommending that the City Council repeal Title 10 (Zoning) of the La Puente Municipal Code in its entirety (including the zoning map), with the exception of Chapter 10.62 (Adult Businesses), adopt a revised Title 10 (Zoning) and Zoning Map, and an Addendum regarding same; and

WHEREAS, notice of the City Council's January 13, 2015 public hearing on the proposed Zoning Ordinance Revisions, Zoning Map, and the Addendum was published in *The San Gabriel Valley Tribune* on December 29, 2014, in compliance with the City's Code, and Government Code Section 65091; and

WHEREAS, on January 13, 2015, the City Council of the City of La Puente conducted a duly noticed public hearing on the proposed Zoning Ordinance revision and Zoning Map, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PUENTE AS FOLLOWS:

Section 1. Findings.

The City Council finds that based upon substantial evidence presented to the City Council during the January 13, 2015 public hearing, that all of the facts set forth in the Recitals, are true and correct, and are incorporated herein by reference.

Section 2. Environmental Findings.

Upon independent review and consideration of the information contained in the Staff Report and the Addendum to the Environmental Impact Report for the 2004 General Plan Update, the City Council hereby finds and determines that the Zoning Ordinance revisions and Zoning Map will not result in any substantial changes to the original 2004 General Plan Update. The proposed Zoning Ordinance Update implements the General Plan and was therefore duly considered in the Final Environmental Impact Report analysis for the General Plan and Zoning Ordinance Update. Therefore the Zoning Ordinance revisions and Zoning Map do not trigger any of the circumstances that would require preparation of a subsequent EIR or negative declaration under Public Resources Code section 21166 or CEQA Guidelines section 15162, and the City Council approves the Addendum to the EIR for the 2004 General Plan Update.

Section 3. Amendment to the La Puente Municipal Code.

Title 10 (Zoning) of the La Puente Municipal Code is hereby repealed in its entirety (including the Zoning Map), with the exception of Chapter 10.62 (Adult Businesses).

Section 4. Amendment to the La Puente Municipal Code.

A new Title 10 (Zoning) of the La Puente Municipal Code, is hereby adopted, as set forth in Attachment 1, which is attached hereto and incorporated herein by reference. A new Zoning Map is hereby adopted, as set forth in Attachment 2, which is attached hereto and incorporated herein by reference.

Section 5. Clerical Errors.

The City Council directs the City Clerk to correct any clerical errors found in Title 10 (Zoning), including, but not limited to, typographical errors, irregular numbering, and incorrect section references.

Section 6. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 7. Effective Date.


In accordance with California Government Code § 36937, this Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

Section 8. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED this 27th day of January, 2015, by the following vote:

AYES:	COUNCILMEMBERS: Lewis, Holloway and Muñoz
NOES:	COUNCILMEMBERS: Argudo
ABSENT:	COUNCILMEMBERS: Klinakis
ABSTAIN:	COUNCILMEMBERS: None


Violeta Lewis, Mayor

ATTEST:


Sheryl Garcia, Chief Deputy City Clerk

I, Sheryl Garcia, Chief Deputy City Clerk of the City of La Puente, hereby CERTIFY that Ordinance No. 15-935 was introduced and placed upon its first reading at a regular meeting of the La Puente City Council held on January 13, 2015, and that thereafter said Ordinance was duly adopted at a regular meeting of the City Council held January 27, 2015, and was approved and passed by the above vote.



Sheryl Garcia, Chief Deputy City Clerk

City of La Puente Zoning Code

Adopted by City Council on
January 27, 2015
Ordinance No. 15-935

City of La Puente
15900 E. Main Street
La Puente, CA 91744

Table of Contents

Article 1: Enactment, Applicability, and Enforcement

Chapter 10.02 – Purpose and Applicability of the Zoning Code	1-1
10.02.010 – Title	1-1
10.02.020 – Purpose and Authority	1-1
10.02.030 – Relationship to Prior Ordinances and Other Codes	1-1
10.02.040 – Relationship to General Plan	1-2
10.02.050 – Relationship to California Environmental Quality Act	1-2
10.02.060 – Relationship to Design Guidelines	1-2
10.02.070 – Relationship to Specific Plans	1-2
10.02.080 – Prior Rights and Violations	1-2
10.02.090 – Limitations on Use	1-2
10.02.100 – Exemptions for City Projects	1-2
10.02.110 – Severability, Partial Invalidation of Zoning Code	1-3
Chapter 10.04 – Interpretation of the Zoning Code	1-5
10.04.010 – Purpose	1-5
10.04.020 – Rules of Interpretation	1-5
10.04.030 – Procedures for Interpretation	1-5
10.04.040 – Uses Not Classified	1-6
10.04.050 – Text Takes Precedence over Graphics	1-7
Chapter 10.06 – Zoning Map and Zones	1-9
10.06.010 – Purpose	1-9
10.06.020 – Establishment of Zones	1-9
10.06.030 – Official Zoning Map	1-10
10.06.040 – Uncertainty of Boundaries	1-10
10.06.050 – Classification of Annexed Lands and Unclassified Property	1-10

Article 2: Zones, Allowable Uses, and Development and Design Standards

Chapter 10.10 – Residential Zones (R-E, R-1, R-2, R-3, R-4)	2-1
10.10.010 – Purpose	2-1
10.10.020 – Land Use Regulations	2-2
10.10.030 – Development Standards	2-4
10.10.040 – Recreational Vehicle Parking	2-9
10.10.050 – Privacy Standards for the R-E and R-1 Zones	2-9
10.10.060 – Site Design and Architectural Standards	2-10
10.10.070 – Manufactured Housing	2-13
10.10.080 – Accessory Dwelling Units	2-13
10.10.090 – Density Bonus for Affordable Housing	2-14
10.10.100 – Senior Citizen Housing Developments	2-16
10.10.110 – Other Applicable Regulations	2-18
Chapter 10.12 – Commercial Zones (C-1 and C-2)	2-19
10.12.010 – Purpose	2-19
10.12.020 – Land Use Regulations	2-19
10.12.030 – Development Standards	2-23

10.12.040 – Site Design and Architectural Standards	2-25
10.12.050 – Limitations on Outdoor Use and Storage	2-26
10.12.060 – Other Applicable Regulations	2-27
Chapter 10.14 – Commercial-Manufacturing Zone (CM)	2-29
10.14.010 – Purpose	2-29
10.14.020 – Land Use Regulations	2-29
10.14.030 – Development Standards	2-33
10.14.040 – Site Design and Architectural Standards	2-35
10.14.050 – Limitations on Outdoor Use and Storage	2-36
10.14.060 – Other Applicable Regulations	2-36
Chapter 10.16 – Public Facilities Zone (PF).....	2-37
10.16.010 – Purpose	2-37
10.16.020 – Land Use Regulations	2-37
10.16.030 – Development Standards	2-37
10.16.040 – Other Applicable Regulations	2-39
Chapter 10.18 – Open Space Zone (OS)	2-41
10.18.010 – Purpose	2-41
10.18.020 – Land Use Regulations	2-41
10.18.030 – Development Standards	2-42
10.18.040 – Other Applicable Regulations	2-42
Chapter 10.20 – Specific Plan Zone	2-43
10.20.010 – Purpose	2-45
10.20.020 – Establishment of Specific Plan Zones	2-45
10.20.030 – Accessory Donation Boxes Prohibited	2-46
 Article 3: Regulations Applicable to all Zones	
Chapter 10.24 – Site Planning and General Development Standards	3-1
10.24.010 – Purpose and Applicability	3-1
10.24.020 – Permitted Projections into Required Setback Areas	3-1
10.24.030 – Vision Clearance Triangle at Intersections	3-2
10.24.040 – Height Measurement and Exceptions.....	3-2
10.24.050 – Setbacks: Measurement, Standards, and Exceptions.....	3-4
10.24.060 – Solid Waste and Recyclable Materials Storage Areas.....	3-4
10.24.070 – Security Screens and Shutters	3-5
Chapter 10.26 – Accessory Structures	3-7
10.26.010 – Purpose and Applicability	3-7
10.26.020 – Permit Requirements; Exemptions	3-7
10.26.030 – Development Standards	3-7
10.26.040 – Canopies and Canopy Structures.....	3-8
10.26.050 – Accessory Donation Boxes.....	3-9
Chapter 10.28 – Fences, Hedges, and Walls	3-11
10.28.010 – Purpose and Applicability	3-11
10.28.020 – Permit Requirements	3-11
10.28.030 – Maximum Permitted Heights	3-11
10.28.040 – Measurement of Fence, Hedge, and Wall Height	3-13
10.28.050 – Prohibited Fencing Materials	3-15
10.28.060 – Fence and Wall Materials	3-15

10.28.070 – Open and Non-View Obscuring Fences	3-15
10.28.080 – Fences and Solid Walls along a Public Right-of-way	3-15
Chapter 10.30 – Off-Street Parking and Loading	3-17
10.30.010 – Purpose	3-17
10.30.020 – Applicability	3-17
10.30.030 – Permit Requirements	3-17
10.30.040 – Exemptions	3-18
10.30.050 – Nonconforming Parking for Detached Single-family Dwellings	3-18
10.30.060 – Off-Street Parking Space Requirements	3-18
10.30.070 – Parking Space and Drive Aisle Dimensions	3-23
10.30.080 – Parking in the R-E, R-1, and R-2 Zones	3-26
10.30.090 – Parking Lot Location	3-27
10.30.100 – Parking Lot and Structure Design Considerations	3-27
10.30.110 – Shared Parking	3-29
10.30.120 – Compact and Tandem Parking	3-30
10.30.130 – Maintenance of Off-Street Parking Facilities	3-30
10.30.140 – Prohibition on Commercial Vehicle Parking in Residential Zones	3-30
10.30.150 – Parking Restrictions in Commercial Zones	3-31
10.30.160 – Parking Lot Landscaping	3-31
10.30.170 – Bicycle Parking Requirements	3-32
10.30.180 – Off-Street Loading Requirements	3-32
10.30.190 – Downtown Business District Specific Plan	3-33
Chapter 10.32 – Landscaping	3-35
10.32.010 – Purpose	3-35
10.32.020 – Delegation	3-35
10.32.030 – Applicability	3-35
10.32.040 – Landscape Documentation Plans Required	3-36
10.32.050 – Landscape Water Use Standards	3-38
10.32.060 – Landscape Requirements – Commercial, Industrial, and Institutional Development	3-39
10.32.070 – Landscape Requirements – Residential Development	3-40
10.32.080 – Compliance with City Street Tree Plan	3-40
10.32.090 – Landscape Installation and Maintenance Standards	3-40
Chapter 10.34 – Signs	3-43
10.34.010 – Purpose	3-43
10.34.020 – Applicability	3-43
10.34.030 – General Provisions	3-43
10.34.040 – Message Neutrality	3-44
10.34.050 – Definitions	3-44
10.34.060 – Permit Required	3-49
10.34.070 – Exempt Signs and Sign Maintenance Activities	3-50
10.34.080 – Regulations for Exempt Signs	3-52
10.34.090 – Prohibited Signs	3-54
10.34.100 – General Development Standards for All On-site Signs	3-56
10.34.110 – Open Space Zone - Number of Allowed Signs and Allowable Sign Area	3-56
10.34.120 – Residential Zones - Number of Allowed Signs and Allowable Sign	3-56
10.34.130 – Commercial and Industrial Zones - Number of Allowed Signs and Allowable Sign Area	3-58
10.34.140 – Master Sign Programs	3-63
10.34.150 – Temporary Signs	3-64
10.34.160 – Signs Utilizing Non-Roman Alphabet	3-66
10.34.170 – Electronic Display Billboards	3-66
10.34.180 – Sign Performance Standards	3-70
10.34.190 – Sign Maintenance Requirements	3-70
10.34.200 – Nonconforming Signs, Amortization and Abatement of Signs	3-71

10.34.210 – Signs Prohibited on Public Property within the Public Right-of-way	3-72
10.34.220 – Emergency Abatement of Signs	3-73
Chapter 10.36 – Property Maintenance.....	3-75
10.36.010 – Statement of Need and Purpose	3-75
10.36.020 – Applicability	3-75
10.36.030 – Relationship to Other Laws	3-75
10.36.040 – General Maintenance Provisions.....	3-76
Chapter 10.38 – Performance Standards.....	3-79
10.38.010 – Applicability	3-79
10.38.020 – Air Quality, Dust and Dirt	3-79
10.38.030 – Hazardous Materials.....	3-79
10.38.040 – Heat and Cold.....	3-80
10.38.050 – Mechanical Devices.....	3-80
10.38.060 – Noise.....	3-80
10.38.070 – Odor	3-80
10.38.080 – Outdoor Light and Glare	3-80
10.38.090 – Outdoor Storage, Refuse Areas, and Service Areas.....	3-80
10.38.100 – Vibration.....	3-80
10.38.110 – Enforcement	3-80
Chapter 10.40 – Transportation Demand Management.....	3-83
10.40.010 – Purpose	3-83
10.40.020 – Applicability	3-83
10.40.030 – Findings Required Prior to Permit Issuance	3-83
10.40.040 – Employment Generation Factors.....	3-83
10.40.050 – Transportation Demand and Trip Reduction Measures	3-84
10.40.060 – Equivalent Facilities or Measures.....	3-85
10.40.070 – Maintenance of Facilities	3-85
10.40.080 – Implementation and Monitoring	3-85
Chapter 10.42 – Prohibition of Medical Marijuana Cooperatives or Collectives.....	3-87
10.42.010 – Purpose and Applicability	3-87
10.42.020 – Medical Marijuana Cooperatives and Collectives Prohibited	3-87
10.42.030 – Violation and Enforcement	3-87

Article 4: Regulations for Specific Land Uses and Activities

Chapter 10.50 – Standards for Specific Land Uses and Activities	4-1
10.50.010 – Purpose and Applicability	4-1
10.50.020 – Accessory Uses	4-2
10.50.030 – Alcohol Sales	4-2
10.50.040 – Animal and Poultry Keeping	4-3
10.50.050 – Cyber/Internet Cafés	4-5
10.50.060 – Day Care – Large Family (Seven – 14 children)	4-8
10.50.070 – Day Care – Small Family (Eight or fewer children)	4-10
10.50.080 – Day Care Centers – Children (15 or more children).....	4-10
10.50.090 – Drive-through and Drive-up Facilities	4-11
10.50.100 – Game Arcades.....	4-13
10.50.110 – Home Occupations	4-16
10.50.120 – Religious Assembly Uses in Residential Zones	4-17
10.50.130 – Public Dancing in Residential Zones	4-19

10.50.140 – Recycling Facilities	4-20
10.50.150 – Secondhand Stores	4-23
10.50.160 – Service Stations.....	4-23
10.50.170 – Smoke Shops	4-25
10.50.180 – Tattoo and Body Piercing Establishments.....	4-26
10.50.190 – Vehicle Sales	4-28
10.50.200 – Wireless Communications Facilities	4-30

Article 5: Nonconformities

Chapter 10.60 – General Nonconforming Provisions.....	5-1
10.60.010 – Intent and Purpose	5-1
10.60.020 – Establishment of Lawful Nonconforming Status: Nonconforming Uses, Structures and Parcels.....	5-1
10.60.030 – Continuation of Incidental Nonconformity.....	5-2
10.60.040 – No Reversion to Nonconformance	5-2
Chapter 10.63 – Nonconforming Parcels.....	5-3
10.63.010 – Continuation of Nonconforming Parcel.....	5-3
10.63.020 – Modification of Nonconforming Parcels.....	5-3
10.63.030 – Use of Nonconforming Parcels for Single-Unit Dwellings	5-3
Chapter 10.64 – Nonconforming Structures.....	5-5
10.64.010 – Continuation of Nonconforming Structure	5-5
10.64.020 – Modifications or Expansions of Nonconforming Structure	5-5
10.64.030 – Destruction of Nonconforming Structure	5-6
10.64.040 – Seismic Retrofitting.....	5-7
10.64.050 – Off-site Relocation	5-7
Chapter 10.66 – Nonconforming Uses	5-9
10.66.010 – Continuation of Nonconforming Use.....	5-9
10.66.020 – Modifications or Expansions of Nonconforming Uses.....	5-9
10.66.030 – Nonconforming Use May Not Be Substituted with another Nonconforming Use	5-9
10.66.040 – Discontinuance of Nonconforming Use	5-9
Chapter 10.68 – Nonconforming Signs.....	5-11
10.68.010 – Nonconforming Signs	5-11
Chapter 10.72 – Miscellaneous Nonconforming Provisions	5-13
10.72.010 – Nonconforming Parking	5-13

Article 6: Permit Procedures

Chapter 10.80 – General Provisions.....	6-1
10.80.010 – Purpose and Intent	6-1
10.80.020 – Discretionary Permits and Actions.....	6-1
10.80.030 – Exemptions from Permit Requirements.....	6-3
10.80.040 – Additional Permits May Be Required.....	6-4
10.80.050 – Burden of Proof and Precedence	6-5
Chapter 10.82 – Permit Application Filing and Processing	6-7
10.82.010 – Purpose	6-7
10.82.020 – Authority for Land Use and Zoning Decisions	6-7

10.82.030 – Multiple Permit Applications	6-7
10.82.040 – Application Preparation and Filing.....	6-8
10.82.050 – Application Fees	6-9
10.82.060 – Applicant Indemnification.....	6-9
10.82.070 – Initial Application Review.....	6-10
10.82.080 – Project Evaluation and Staff Reports.....	6-11
10.82.090 – Environmental Review	6-11
Chapter 10.84 – Conditional Use Permits and Minor Use Permits	6-13
10.84.010 – Purpose	6-13
10.84.020 – Applicability	6-13
10.84.030 – Review Authority	6-13
10.84.040 – Application Requirements.....	6-14
10.84.050 – Project Review, Notice, and Hearing.....	6-14
10.84.060 – Findings and Decision	6-14
10.84.070 – Conditions of Approval	6-15
10.84.080 – Use of Property before Final Action.....	6-15
10.84.090 – Modification of Permit	6-15
10.84.100 – Periodic Review	6-15
10.84.110 – Permit to Run with the Land	6-15
10.84.120 – Post Decision Procedures	6-16
Chapter 10.88 – Planned Development Permits	6-17
10.88.010 – Purpose	6-17
10.88.020 – Applicability	6-18
10.88.030 – Application Filing, Processing, and Review.....	6-18
10.88.040 – Review Authority	6-18
10.88.050 – Project Review, Notice, and Hearing.....	6-18
10.88.060 – Findings and Decision	6-19
10.88.070 – Planned Development Permit Amendments	6-20
10.88.080 – Specific Development Standards	6-20
10.88.090 – Development Schedule	6-21
10.88.100 – Conditions of Approval	6-21
10.88.110 – Use of Property before Final Action.....	6-21
10.88.120 – Post Decision Procedures	6-21
Chapter 10.90 – Reasonable Accommodations	6-23
10.90.010 – Purpose	6-23
10.90.020 – Applicability	6-23
10.90.030 – Application Requirements.....	6-23
10.90.040 – Review Authority	6-24
10.90.050 – Review Procedures.....	6-24
10.90.060 – Findings and Decision	6-24
Chapter 10.94 – Site Plan and Design Review	6-27
10.94.010 – Purpose and Intent	6-27
10.94.020 – Applicability	6-27
10.94.030 – Review Authority	6-28
10.94.040 – Application Filing, Processing, and Review.....	6-30
10.94.050 – Findings and Decision	6-31
10.94.060 – Conditions of Approval	6-32
10.94.070 – Issuance of Other Required Permits and Approvals	6-32
10.94.080 – Minor Changes by the Director.....	6-33
10.94.090 – Post Decision Procedures	6-33
Chapter 10.96 – Temporary Use Permits.....	6-35

10.96.010 – Purpose	6-35
10.96.020 – Definition	6-35
10.96.030 – Applicability	6-35
10.96.040 – Exempt Temporary Uses	6-35
10.96.050 – Allowed Temporary Uses	6-36
10.96.060 – Application Filing, Processing, and Review	6-37
10.96.070 – Director's Review	6-38
10.96.080 – Findings and Decision	6-38
10.96.090 – Conditions of Approval	6-38
10.96.100 – Extensions for Temporary Use Permits	6-40
10.96.110 – Condition of Site Following Temporary Use	6-40
10.96.120 – Post Decision Procedures	6-40
Chapter 10.98 – Variances and Minor Variances	6-41
10.98.010 – Purpose	6-41
10.98.020 – Applicability	6-41
10.98.030 – Review Authority	6-42
10.98.040 – Application Filing, Processing, and Review	6-42
10.98.050 – Findings and Decision	6-44
10.98.060 – Denial of Minor Variance	6-45
10.98.070 – Precedents	6-45
10.98.080 – Burden of Proof	6-45
10.98.090 – Conditions of Approval	6-45
10.98.100 – Use of Property before Final Action	6-45
10.98.110 – Post Decision Procedures	6-45
Chapter 10.100 – Zoning Clearances	6-47
10.100.010 – Purpose	6-47
10.100.020 – Applicability	6-47
10.100.030 – Review Procedure	6-48
10.100.040 – Post Decision Procedures	6-48
Chapter 10.102 – Permit Implementation, Time Limits, and Extensions	6-49
10.102.010 – Purpose	6-49
10.102.020 – Conformance to Approved Plans	6-49
10.102.030 – Effective Dates of Permits	6-49
10.102.040 – Acknowledgement and Acceptance of Conditions	6-50
10.102.050 – Applications Deemed Approved	6-50
10.102.060 – Permits to Run with the Land	6-50
10.102.070 – Expiration	6-51
10.102.080 – Time Extensions	6-52
10.102.090 – Changes to an Approved Project	6-53
10.102.100 – Resubmittals	6-54
10.102.110 – Covenants for Easements	6-55

Article 7: Zoning Code Administration

Chapter 10.110 – Administrative Responsibility	7-1
10.110.010 – Purpose	7-1
10.110.020 – Planning Agency	7-1
10.110.030 – City Council	7-1
10.110.040 – Planning Commission	7-1
10.110.050 – City Manager	7-2
10.110.060 – Director	7-2

Chapter 10.112 – Amendments (General Plan, Zoning Code, and Zoning Map)	7-3
10.112.010 – Purpose	7-3
10.112.020 – Initiation of Amendment	7-3
10.112.030 – Processing, Notice, and Hearings	7-3
10.112.040 – Commission's Action on Amendment	7-4
10.112.050 – Council's Action on Amendment	7-4
10.112.060 – Findings and Decision	7-5
10.112.070 – Effective Dates	7-6
Chapter 10.114 – Appeals	7-7
10.114.010 – Purpose	7-7
10.114.020 – Appeal Subjects and Jurisdiction	7-7
10.114.030 – Filing and Processing of Appeals	7-8
10.114.040 – Judicial Review	7-10
Chapter 10.116 – Public Notices and Hearings	7-11
10.116.010 – Purpose	7-11
10.116.020 – Notice of Hearing	7-11
10.116.030 – Scheduling of Hearing	7-13
10.116.040 – Hearing Procedure	7-13
10.116.050 – Recommendation by Commission	7-13
10.116.060 – Decision and Notice	7-14
10.116.070 – Effective Date of Decision	7-14
Chapter 10.118 – Development Agreements	7-15
10.118.010 – Purpose	7-15
10.118.020 – Application	7-15
10.118.030 – Application Filing, Processing, and Review	7-16
10.118.040 – Contents of Development Agreement	7-17
10.118.050 – Findings Required	7-18
10.118.060 – Execution and Recordation	7-19
10.118.070 – Amendment and Cancellation of Development Agreements	7-20
10.118.080 – Annual Review	7-20
10.118.090 – Effect of Development Agreements	7-22
10.118.100 – Approved Development Agreements	7-22
10.118.110 – Judicial Review - Time Limitation	7-23
Chapter 10.120 – Specific Plans	7-25
10.120.010 – Purpose	7-25
10.120.020 – Method of Adoption	7-25
10.120.030 – Applicability	7-25
10.120.040 – Minimum Project Area	7-25
10.120.050 – Initiation of Specific Plans	7-25
10.120.060 – Pre-Application Conference, Application Filing, and Initial Review	7-26
10.120.070 – Preparation and Content	7-27
10.120.080 – Application Processing	7-28
10.120.090 – Adoption of Specific Plan	7-28
10.120.100 – Amendment of Specific Plan	7-29
Chapter 10.122 – Permit Revocations and Modifications	7-31
10.122.010 – Purpose	7-31
10.122.020 – Revocations	7-31
10.122.030 – Modifications	7-31
10.122.040 – Authority to Revoke or Modify	7-31

Article 8: Reserved

Article 9: Definitions

Chapter 10.132 – Definitions	9-1
10.132.010 – General	9-1
10.132.020 – “A” Definitions	9-2
10.132.030 – “B” Definitions	9-5
10.132.040 – “C” Definitions	9-5
10.132.050 – “D” Definitions	9-7
10.132.060 – “E” Definitions	9-8
10.132.070 – “F” Definitions	9-11
10.132.080 – “G” Definitions	9-12
10.132.090 – “H” Definitions	9-12
10.132.100 – “I” Definitions	9-13
10.132.110 – “J” Definitions	9-13
10.132.120 – “K” Definitions	9-14
10.132.130 – “L” Definitions	9-14
10.132.140 – “M” Definitions	9-19
10.132.150 – “N” Definitions	9-20
10.132.160 – “O” Definitions	9-20
10.132.170 – “P” Definitions	9-21
10.132.180 – “Q” Definitions	9-23
10.132.190 – “R” Definitions	9-23
10.132.200 – “S” Definitions	9-25
10.132.210 – “T” Definitions	9-27
10.132.220 – “U” Definitions	9-28
10.132.230 – “V” Definitions	9-29
10.132.240 – “W” Definitions	9-30
10.132.250 – “X” Definitions	9-33
10.132.260 – “Y” Definitions	9-33
10.132.270 – “Z” Definitions	9-33

List of Tables

Table 2-1 Use Regulations for Residential Zones	2-2
Table 2-2 Residential Development Standards	2-4
Table 2-3 Allowed Uses and Permit Requirements	2-20
Table 2-4 Development Standards for C-1 and C-2 Zones	2-24
Table 2-5 CM Zone - Allowed Uses and Permit Requirements	2-30
Table 2-6 Development Standards for CM Zone	2-34
Table 2-7 PF Zone - Allowed Uses and Permit Requirements	2-37
Table 2-8 Development Standards for PF Zone	2-38
Table 2-9 OS Zone - Allowed Uses and Permit Requirements	2-41
Table 2-10 Development Standards for OS ZONE	2-42
Table 3-1 Permitted Projections and Encroachments into Required SETBACK AREAS	3-1
Table 3-2 Fences, Hedges, and Walls - Maximum Heights	3-12
Table 3-3 Off-Street Parking Requirements	3-19

Table 3-4	Required dimensions for standard parking lanes and stalls	3-24
Table 3-5	Required dimensions for Non-standard parking lanes and stalls.....	3-24
Table 3-6	Additional Dimensions for 45° HerringBone	3-25
Table 3-7	Driveway Width.....	3-26
Table 3-9	Number and Size of Loading Space Required.....	3-34
Table 3-10	Tenant Signs Allowed IN R-2, R-3, AND R-4 Zones.....	3-57
Table 3-11	Freestanding Signs.....	3-58
Table 6-1	Review Authority.....	6-8
Table 6-2	Review Authority for Site Plan and Design Review.....	6-29
Table 6-3	Types of Minor Variances Allowed	6-42
Table 7-1	Applicable Government Code Sections.....	7-11

List of Figures

Figure 2-1	Reverse Corner Lots – Special Setback Requirements.....	2-6
Figure 2-2	Types of Lots.....	2-8
Figure 3-1	Vision Clearance Triangle	3-2
Figure 3-2	Roof Types and Measurement of Structure Height.....	3-2
Figure 3-3	Measurement of Height on Through Lots	3-3
Figure 3-4	Front Yard Setback Fence Height.....	3-13
Figure 3-5	Front Yard Setback Fence Height.....	3-13
Figure 3-6	Measurement of Fence or Wall Height.....	3-14
Figure 3-7	Off-Street Parking Space Dimension Standards.....	3-23
Figure 3-8	Dimensions for 45° Herringbone Parking.....	3-25
Figure 3-9	Parking Lot Configurations.....	3-28
Figure 3-10	Height of a Sign.....	3-45
Figure 3-11	Types of Signs.....	3-48
Figure 3-12	Measurement of Sign Area	3-49
Figure 4-1	Drive-through Intersection Distance Requirement	4-12
Figure 9-1	Alley.....	9-3
Figure 9-2	Attic.....	9-4
Figure 9-3	Berm	9-5
Figure 9-4	Fence	9-11
Figure 9-5	Lot Types.....	9-18
Figure 9-6	Lot Measurements.....	9-18
Figure 9-7	Setbacks.....	9-26
Figure 9-8	Structure Types	9-27

Article 1: Enactment, Applicability, and Enforcement

Table of Contents

Chapter 10.02 – Purpose and Applicability of the Zoning Code	1-1
10.02.010 – Title	1-1
10.02.020 – Purpose and Authority	1-1
10.02.030 – Relationship to Prior Ordinances and Other Codes	1-1
10.02.040 – Relationship to General Plan	1-2
10.02.050 – Relationship to California Environmental Quality Act	1-2
10.02.060 – Relationship to Design Guidelines	1-2
10.02.070 – Relationship to Specific Plans	1-2
10.02.080 – Prior Rights and Violations	1-2
10.02.090 – Limitations on Use	1-2
10.02.100 – Exemptions for City Projects	1-2
10.02.110 – Severability, Partial Invalidation of Zoning Code	1-3
Chapter 10.04 – Interpretation of the Zoning Code	1-5
10.04.010 – Purpose	1-5
10.04.020 – Rules of Interpretation	1-5
10.04.030 – Procedures for Interpretation	1-5
10.04.040 – Uses Not Classified	1-6
10.04.050 – Text Takes Precedence over Graphics	1-7
Chapter 10.06 – Zoning Map and Zones	1-9
10.06.010 – Purpose	1-9
10.06.020 – Establishment of Zones	1-9
10.06.030 – Official Zoning Map	1-10
10.06.040 – Uncertainty of Boundaries	1-10
10.06.050 – Classification of Annexed Lands and Unclassified Property	1-10

- This page intentionally left blank –

Chapter 10.02 – Purpose and Applicability of the Zoning Code

Sections:

- 10.02.010 – Title
- 10.02.020 – Purpose and Authority
- 10.02.030 – Relationship to Prior Ordinances and Other Codes
- 10.02.040 – Relationship to General Plan
- 10.02.050 – Relationship to California Environmental Quality Act
- 10.02.060 – Relationship to Design Guidelines
- 10.02.070 – Relationship to Specific Plans
- 10.02.080 – Prior Rights and Violations
- 10.02.090 – Limitations on Use
- 10.02.100 – Exemptions for City Projects
- 10.02.110 – Severability, Partial Invalidation of Zoning Code

10.02.010 – Title

This title shall be known as “The City of La Puente Zoning Code” or “Zoning Code.”

10.02.020 – Purpose and Authority**A. Purpose**

This Zoning Code is established to regulate the use of land within the City consistent with the La Puente General Plan, and to protect the public health, safety, comfort, welfare, and general prosperity of the City and its residents and businesses through classifying, designating, regulating, and restricting the use of land, buildings, and structures.

B. Authority

This Zoning Code is enacted based on the authority vested in the City of La Puente by the State of California, including but not limited to the State Constitution, Planning and Zoning Law (Government Code Sections 65000 et seq.), the Subdivision Map Act (Government Code Sections 66410 et seq.), and the California Health and Safety Code.

10.02.030 – Relationship to Prior Ordinances and Other Codes

- A. The requirements of this Zoning Code supersede all prior zoning ordinances, as amended, of the City of La Puente.
- B. The provisions of this Zoning Code shall not be interpreted to repeal, amend, modify, alter, or change any other ordinance or code that is not specifically repealed, amended, modified, altered, or changed.
- C. Whenever the provisions of this Zoning Code are different from the provisions of any other ordinance or adopted code, the more restrictive provisions shall apply, except as the same may be superseded by resolution or ordinance.

10.02.040 – Relationship to General Plan

This Zoning Code provides the legislative framework to enhance and implement the goals, policies, plans, principles, and standards of the City of La Puente General Plan. This Zoning Code is the primary regulatory document used by the City to carry out the General Plan goals and policies. It is intended that all provisions of this Zoning Code be consistent with the General Plan and that any development, land use, or subdivision approved in compliance with these regulations will also be consistent with the General Plan.

10.02.050 – Relationship to California Environmental Quality Act

When a project application pursuant to the provisions of this Zoning Code is determined to be subject to the provisions of the California Environmental Quality Act (CEQA), the application shall be reviewed in accordance with the provisions of this Zoning Code, the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.), the CEQA Guidelines (Title 14, California Code of Regulations, Section 15000 et seq.), and any environmental guidelines and other applicable rules adopted by the City.

10.02.060 – Relationship to Design Guidelines

Any design guidelines adopted by the City shall be considered complementary to the development and design standards set forth in this Zoning Code. In the event of any conflict between adopted design guidelines and the provisions of the Zoning Code, the provisions of the Zoning Code shall govern.

10.02.070 – Relationship to Specific Plans

Whenever an area of the City has been included in a specific plan adopted pursuant to California Government Code §§65450 et seq., and if such plan contains any standards relating to land usage, such standards shall supersede the provisions of this Zoning Code unless otherwise stated in the specific plan.

10.02.080 – Prior Rights and Violations

- A. The rights granted by any permit, license, or other approval under any ordinance repealed by this Zoning Code shall be continued, but in the future, to the extent permitted by law, such rights shall be exercised in accordance with the provisions of this Zoning Code.
- B. Nothing in this Title shall be interpreted to authorize the use of a lot or parcel in any way that is in violation of any other applicable statute, code, or regulation.
- C. The provisions of this Zoning Code are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this Zoning Code.
- D. No requirement of this Zoning Code shall validate or legalize a land use or structure that was established, constructed, or maintained in violation of the prior zoning ordinance, as amended, unless it is specifically authorized by this Zoning Code and is in compliance with all other applicable City ordinances and regulations.

10.02.090 – Limitations on Use

Except as provided in the Chapter 10.02 (Purpose and Applicability of the Zoning Code), no building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used for any purpose other than is specifically permitted in the zone in which such building or land is located.

10.02.100 – Exemptions for City Projects

Except as otherwise required by law, any activities, developments, and/or projects of or initiated by the City shall be exempt from the requirements of this Zoning Code. However, the City will strive to meet the requirements to the maximum extent practical based on individual circumstances.

10.02.110 – Severability, Partial Invalidation of Zoning Code

If any section, subsection, clause, or phrase of this Zoning Code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the Zoning Code, it being expressly declared that this Zoning Code and each chapter, section, subsection, sentence, clause, or phrase hereof would have been prepared, proposed, adopted, approved, or ratified irrespective of the fact that an one or more chapters, sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

- This page intentionally left blank –

Chapter 10.04 – Interpretation of the Zoning Code

Sections:

- 10.04.010 – Purpose
- 10.04.020 – Rules of Interpretation
- 10.04.030 – Procedures for Interpretation
- 10.04.040 – Uses Not Classified
- 10.04.050 – Text Takes Precedence over Graphics

10.04.010 – Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Code, and to ensure consistent interpretation and application.

10.04.020 – Rules of Interpretation

In interpreting and applying the provisions of this Zoning Code, affected parties shall be held to the minimum requirement for the promotion of the public health, safety, comfort, convenience, and general welfare. It is not intended by this Zoning Code to interfere with or abrogate or annul any easement, covenant, or other agreement between parties. When this Zoning Code imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other provisions of the Municipal Code or by easements, covenants, or agreements, the provisions of this Zoning Code shall control.

10.04.030 – Procedures for Interpretation**A. Ambiguity of Provisions**

If ambiguity arises concerning the meaning or applicability of any provision of the Zoning Code, the Director, as described in Section 10.110.060 (Director), shall have the responsibility to review pertinent facts, determine the intent of the provision, and to issue an administrative interpretation. The Director may refer any such matter to the Commission for decision.

B. Appeals of Interpretations

Interpretations by the Director and Commission may be appealed to the designated Appeal Authority as described in Chapter 10.114 (Appeals).

C. Terminology

When used in this Zoning Code, the following rules apply to all provisions:

1. Language

The words “shall,” “must,” “will,” “is to,” and “are to” are always mandatory. “Should” is not mandatory but is strongly recommended, and “may” is permissive.

2. Tense

The present tense includes the past and future tense, and the future tense includes the present.

3. Number

The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicates otherwise.

4. Conjunctions

“And” indicates that all connected items or provisions shall apply. “Or” indicates that the connected items or provisions may apply singly or in any combination. “Either...or” indicates that the connected items and provisions shall apply singly but not in combination. “Includes” and “including” shall mean “including but not limited to...”.

5. Local Reference

“City” as used in this Zoning Code means the City of La Puente and all public officials, bodies, and agencies referenced herein are those of the City unless otherwise stated.

6. Number of Days

Whenever the number of days is specified in this Zoning Code, or in any permit, condition of approval, or notice issued or given as provided in this Zoning Code, the number of days shall be construed as calendar days. When the last of the specified number of days falls on a weekend or City holiday, time limits shall extend to the end of the next working day, unless otherwise provided by law.

7. Partial Numbers

All partial or fractional numbers shall be rounded up to the next highest whole number, except in the case of residential density, which shall be rounded down to a whole number, and parking space requirement, which shall be rounded up or down to the nearest whole number.

D. Minimum Requirements

When interpreting and applying the regulations of this Zoning Code, all provisions shall be considered to be minimum requirements, unless specifically stated otherwise.

10.04.040 – Uses Not Classified**A. Uses not Classified Are not Allowed; Exceptions**

For any use not specifically listed or described in this Zoning Code, that use shall not be allowed, except as may provided in paragraph B.

B. Director’s Determination

1. The Director shall have the authority to make an administrative determination as to whether a specific use is substantially similar to one of the listed uses in Article 2 (Zones, Allowable Land Uses, and Development and Design Standards). The Director may at his or her discretion refer the determination to the Commission.
2. In making a determination that a proposed use is or is not similar to those listed, the Director or Commission shall consider:

- a. Whether the characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, traffic generation, parking, dust, or noise than the uses listed in the zone;
 - b. The purposes of the applicable zone and/or specific plan; and
 - c. The goals and policies of the General Plan.
3. The Decision of the Director or Commission is appealable to the Council pursuant to the provisions of Chapter 10.114 (Appeals). All such final determinations shall be recorded in writing to include a finding that the proposed use is substantially similar to uses permitted in the proposed zone and consistent with the intent of the applicable zone.

10.04.050 – Text Takes Precedence over Graphics

In case of a conflict between the Zoning Code text and any diagram, illustration, or image contained in the Zoning Code, the text shall control.

- This page intentionally left blank –

Chapter 10.06 – Zoning Map and Zones

Sections:

- 10.06.010 – Purpose
- 10.06.020 – Establishment of Zones
- 10.06.030 – Official Zoning Map
- 10.06.040 – Uncertainty of Boundaries
- 10.06.050 – Classification of Annexed Lands and Unclassified Property

10.06.010 – Purpose

Zones have been established in order to classify, regulate, restrict, and segregate the uses of land and buildings; regulate and restrict the height and bulk of buildings; regulate the area of yards and other open spaces about buildings; and regulate the density of population.

10.06.020 – Establishment of Zones

This Zoning Code establishes the following zones which are to be known as follows:

Base Zone	Zone Symbol	General Plan Land Use Designation Implemented by Zone
Residential Zones		
Residential Estate	R-E	Low Density Residential (LDR)
Low Density Residential	R-1	Low Density Residential (LDR)
Medium Density Residential	R-2	Medium Density Residential (MDR)
Medium-High Density Residential	R-3	Medium High Density Residential (MHDR)
High Density Residential	R-4	High Density Residential (HDR)
Commercial, Industrial, Public, and Open Space Zones		
Neighborhood Commercial	C-1	Neighborhood Commercial (NC) Business/Employment (BE)
General Commercial	C-2	General Commercial (GC)
Commercial-Manufacturing Zone	CM	Business/Employment (BE)
Public Facility Zone	PF	Public/Institutional (P/I)
Open Space Zone	OS	Public Open Space (OSPU) Private Open Space (OSPR)
Specific Plan Zones		
Cottrell Ranch Specific Plan	SP 87-1	All designations
Sunny Garden Specific Plan	SP 88-1	All designations
La Puente Downtown Business District Specific Plan	SP 91-1	All designations
Glendora Specific Plan	SP 91-2	All designations
Unruh Specific Plan	SP 04-02	All designations

10.06.030 – Official Zoning Map

The boundaries, designations, and locations of the zones established by this Zoning Code shall be shown upon the map(s) entitled "Zoning Map for the City of La Puente, California," adopted by ordinance and incorporated herein by reference.

10.06.040 – Uncertainty of Boundaries

Where uncertainty exists as to the boundaries of any zone, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map.
- C. Where a public street or alley is officially vacated or abandoned, the centerline of such vacated street or alley shall be established as the zone boundary and such vacated street or alley shall acquire the classification of the property to which it reverts.
- D. Areas of dedicated streets or alleys and railroad rights-of-way, other than those which clearly have a zone as indicated on the Zoning Map, shall be deemed to be unclassified and, in the case of streets and alleys, permitted to be used only for purposes lawfully allowed by Article 6 of the Municipal Code and the California Vehicle Code. In the case of railroad rights-of-way, such right-of-way shall be permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices, and the movement of rolling stock.

10.06.050 – Classification of Annexed Lands and Unclassified Property

A. Undesignated Property

Any property which, for any reason, is not designated on the Zoning Map as being classified in any of the zones established by this Zoning Code shall be deemed to be classified consistent with the applicable General Plan land use designation.

B. Land Annexed to the City of La Puente

- 1. Any land hereafter annexed to the City of La Puente shall be deemed to be zoned under such classification under this Zoning Code as is most nearly the equivalent classification in the County.
- 2. Whenever it is deemed that the zoning of annexed lands is inconsistent with adopted General Plan land use policy or other City policies, the Commission may recommend and the Council may adopt the zone classifications which shall apply to the annexed lands in the manner prescribed in Article 7 (Zoning Code Administration) for amending this Zoning Code.

Article 2: Zones, Allowable Uses, and Development and Design Standards

Table of Contents

Chapter 10.10 – Residential Zones (R-E, R-1, R-2, R-3, R-4).....	2-1
10.10.010 – Purpose	2-1
10.10.020 – Land Use Regulations	2-2
10.10.030 – Development Standards	2-4
10.10.040 – Recreational Vehicle Parking	2-9
10.10.050 – Privacy Standards for the R-E and R-1 Zones	2-9
10.10.060 – Site Design and Architectural Standards	2-10
10.10.070 – Manufactured Housing	2-13
10.10.080 – Accessory Dwelling Units	2-13
10.10.090 – Density Bonus for Affordable Housing.....	2-14
10.10.100 – Senior Citizen Housing Developments	2-16
10.10.110 – Other Applicable Regulations	2-18
Chapter 10.12 – Commercial Zones (C-1 and C-2).....	2-19
10.12.010 – Purpose	2-19
10.12.020 – Land Use Regulations	2-19
10.12.030 – Development Standards	2-23
10.12.040 – Site Design and Architectural Standards	2-25
10.12.050 – Limitations on Outdoor Use and Storage	2-26
10.12.060 – Other Applicable Regulations	2-27
Chapter 10.14 – Commercial-Manufacturing Zone (CM)	2-29
10.14.010 – Purpose	2-29
10.14.020 – Land Use Regulations	2-29
10.14.030 – Development Standards	2-33
10.14.040 – Site Design and Architectural Standards	2-35
10.14.050 – Limitations on Outdoor Use and Storage	2-36
10.14.060 – Other Applicable Regulations	2-36
Chapter 10.16 – Public Facilities Zone (PF)	2-37
10.16.010 – Purpose	2-37
10.16.020 – Land Use Regulations	2-37
10.16.030 – Development Standards	2-37
10.16.040 – Other Applicable Regulations	2-39

Chapter 10.18 – Open Space Zone (OS)	2-41
10.18.010 – Purpose	2-41
10.18.020 – Land Use Regulations	2-41
10.18.030 – Development Standards	2-42
10.18.040 – Other Applicable Regulations	2-43
Chapter 10.20 – Specific Plan Zone	2-45
10.20.010 – Purpose	2-45
10.20.020 – Establishment of Specific Plan Zones	2-45
10.20.030 – Accessory Donation Boxes Prohibited	2-46

Tables

Table 2-1 Use Regulations for Residential Zones	2-2
Table 2-2 Residential Development Standards	2-4
Table 2-3 Allowed Uses and Permit Requirements	2-20
Table 2-4 Development Standards for C-1 and C-2 Zones	2-24
Table 2-5 CM Zone - Allowed Uses and Permit Requirements	2-30
Table 2-6 Development Standards for CM Zone	2-34
Table 2-7 PF Zone - Allowed Uses and Permit Requirements	2-37
Table 2-8 Development Standards for PF Zone	2-38
Table 2-9 OS Zone - Allowed Uses and Permit Requirements	2-41
Table 2-10 Development Standards for OS ZONE	2-42

Figures

Figure 2-1 Reverse Corner Lots – Special Setback Requirements	2-6
Figure 2-2 Types of Lots	2-8

Chapter 10.10 – Residential Zones (R-E, R-1, R-2, R-3, R-4)

Sections:

- 10.10.010 – Purpose
- 10.10.020 – Land Use Regulations
- 10.10.030 – Development Standards
- 10.10.040 – Recreational Vehicle Parking
- 10.10.050 – Privacy Standards for the R-E and R-1 Zones
- 10.10.060 – Site Design and Architectural Standards
- 10.10.070 – Manufactured Housing
- 10.10.080 – Accessory Dwelling Units
- 10.10.090 – Density Bonus for Affordable Housing
- 10.10.100 – Senior Citizen Housing Developments
- 10.10.110 – Other Applicable Regulations

10.10.010 – Purpose**A. Residential Estate Zone (R-E)**

The R-E zone implements the Low Density Residential General Plan land use category and is established to designate areas for detached residential dwellings built at a maximum density of 4.4 units per acre. Except as otherwise provided in Section 10.10.080 (Accessory Dwelling Units), no more than one dwelling is permitted on each lot. Other uses and development standards are set forth in this Chapter.

B. Low Density Residential Zone (R-1)

The R-1 zone implements the Low Density Residential General Plan land use category and is established to designate areas for detached residential dwellings built at a maximum density of 7 units per acre. Except as otherwise provided in Section 10.10.080 (Accessory Dwelling Units), no more than one dwelling is permitted on each lot. Other permitted uses and development standards are set forth in this Chapter.

C. Medium Density Residential Zone (R-2)

The R-2 zone implements the Medium Density Residential General Plan land use category and is established to designate areas for both detached and attached residential dwellings at a maximum density of 14 units per acre. Other permitted uses and development standards are set forth in this Chapter.

D. Medium-High Density Residential Zone (R-3)

The R-3 zone implements the Medium High Density Residential General Plan land use category and is established to designate areas for multifamily residential dwellings such as apartments, condominiums, and townhomes within a density range of 14 to 18 units per acre. Additional uses and development standards are set forth in this Chapter.

E. High Density Residential Zone (R-4)

The R-4 zone implements the High Density Residential General Plan land use category and is established to designate areas for multifamily residential dwellings such as apartments, condominiums, and townhomes within a density range of 18 to 30 units per acre. Additional uses and development standards are set forth in this Chapter.

10.10.020 – Land Use Regulations

Table 10.10.020 identifies allowed uses, uses subject to Conditional Use Permit or Minor Use Permit approval, and specific prohibited uses in all residential zones, subject to compliance with all other provisions of this Zoning Code. Any use not listed in Table 2-1 is prohibited.

TABLE 2-1 USE REGULATIONS FOR RESIDENTIAL ZONES	Residential Zones Permit Requirements					
	P CUP MUP A --	Permitted by Right Conditional Use Permit Required Minor Use Permit Required Accessory Use Prohibited				
Use/Zone	R-E	R-1	R-2	R-3	R-4	Notes and Specific Use Standards
RESIDENTIAL USES						
Boarding and Rooming Houses	--	--	--	--	--	
Dwelling:						
Detached Single Unit	P	P	P	P ⁽¹⁾	P ⁽¹⁾	⁽¹⁾ Must conform with minimum density standards. ⁽²⁾ See Sec. 10.10.070 (Manufactured Housing) for development standards.
Duplex	--	--	P	P	P	
Manufactured Housing ⁽²⁾	P	P	P	--	--	
Multi Family – more than 2 units per structure	--	--	--	P	P	
Group Home (6 or fewer residents)	P	P	P	P	P	As per the Welfare and Institutions Code and Health & Safety Code.
Accessory Dwelling Unit	P	P	--	--	--	See Sec. 10.10.080 (Accessory Dwelling Units)
Senior Citizen Housing	--	--	--	CUP	CUP	See Sec. 10.10.100 (Senior Citizen Housing)
Transitional and Supportive Housing	P	P	P	P	P	As required by Sections 65580 - 65589.8 of the Government Code

TABLE 2-1 USE REGULATIONS FOR RESIDENTIAL ZONES	Residential Zones Permit Requirements					
	P CUP MUP A --	Permitted by Right	Conditional Use Permit Required	Minor Use Permit Required	Accessory Use	Prohibited
Use/Zone	R-E	R-1	R-2	R-3	R-4	Notes and Specific Use Standards
DAY CARE USES						
Child Day Care - Large Family	P	P	P	P	P	See Section 10.50.060 (Large Family Day Care Homes) and applicable State laws
Child Day Care – Small Family	P	P	P	P	P	See Section 10.50.060 (Small Family Day Care Homes) and applicable State laws
Day Care Facility - Commercial: Child or Adult	--	--	--	CUP	CUP	
COMMUNITY CARE FACILITIES						
Community Treatment Facility	--	--	--	--	--	
Foster Family Home (24 Hour)	P	P	P	P	P	
Social Rehabilitation Facility	--	--	--	--	--	
RECREATION, EDUCATION, AND ASSEMBLY USES						
Parks and Recreation Facilities (private)	CUP	CUP	CUP	CUP	CUP	
Religious Assembly	CUP	CUP	CUP	CUP	CUP	May only be located on lots that have frontage access on a roadway with a General Plan classification of Secondary or Major Highway. See also Section 10.50.120 (Religious Assembly Uses in Residential Zones).
Private School – Grades K-12	--	--	--	CUP	CUP	
OTHER USES						
Accessory Donation Box	--	--	--	--	--	
Accessory Structures	P	P	P	P	P	See Ch. 10.26 (Accessory Structures)
Canopies - Temporary	See Section 10.26.040 (Canopies and Canopy Structures)					
Garage and Yard Sales	See Chapter 5.50 (Yard Sales) of Municipal Code					
Home Occupations	See Chapter 10.50.110 (Home Occupations)					
Public Dancing	--	--	--	--	--	

TABLE 2-1 USE REGULATIONS FOR RESIDENTIAL ZONES	Residential Zones Permit Requirements					
	P CUP MUP A --	Permitted by Right Conditional Use Permit Required Minor Use Permit Required Accessory Use Prohibited				
Use/Zone	R-E	R-1	R-2	R-3	R-4	Notes and Specific Use Standards
Wireless Communications Facilities (WCF) Satellite Dish \leq 1.1 meters diameter All Other WCF	P --	P --	P --	P --	P --	See Sec.10.50.200 (Wireless Communications Facilities)
Vehicle Parking Area Associated with a Commercial Use	--	--	--	MUP	MUP	

10.10.030 – Development Standards

A. General

Table 2-2 identifies the minimum development standards that apply to all development in the residential zones. Certain developments may be subject to special conditions, as described or referenced in Table 2-2. These standards shall be used for the land use and development permitting process(s) as criteria for project review.

TABLE 2-2 RESIDENTIAL DEVELOPMENT STANDARDS	Zones				
Development Feature	R-E	R-1	R-2	R-3	R-4
Density – Maximum	4.4 units/acre	7 units/acre	14 units/acre	18 units/acre	30 units/acre
Density – Minimum	NA	NA	NA	14 units/acre	18 units/acre
Lot Size – Minimum	10,000 sf	6,000 sf	6,500 sf	12,000 sf	15,000 sf
Lot Width – Minimum	80 ft.	60 ft.	60 ft.	60 ft.	60 ft.
Lot Depth – Minimum	125 ft.	100 ft.	N/A	N/A	N/A
Lot Coverage – Maximum	35%	40%	45%	50%	50%
Lot Area Per Dwelling Unit - Minimum	N/A	N/A	3,111 sf	2,420 sf	1,450 sf
Floor Area Per Dwelling Unit – Minimum ⁽¹⁾⁽³⁾					
Stand-alone unit	N/A	N/A	1,000 sf	1,000 sf	1,000 sf
Two-unit dwelling	--	--	850 sf	850 sf	850 sf
Multi-Unit Building:					
Bachelor	--	--	--	450 sf	450 sf
One Bedroom	--	--	--	650 sf	650 sf
Two+ Bedrooms	--	--	--	750 sf	750 sf
Distance Between Structures – Minimum ⁽²⁾	10 ft.	10 ft.	15 ft.	15 ft.	15 ft.

TABLE 2-2 RESIDENTIAL DEVELOPMENT STANDARDS	Zones				
Development Feature	R-E	R-1	R-2	R-3	R-4
Setbacks – Minimum⁽⁴⁾					
Front Setback	20 ft.	20 ft.	20 ft.	20 ft.	15 ft.
Side Setback – Interior and Standard Corner Lots	10% of lot width (not less than 5 ft.; not required to be greater than 10 ft.)	5 ft.	5 ft. (single story); 15 ft. (second floor or story)	5 ft. (single story); 15 ft. (second floor or story)	5 ft. (single story); 15 ft. (second floor or story)
Side Setback – Reverse Corner Lot: Side Adjoining Another Lot	10% of lot width (not less than 5 ft.; not required to be greater than 10 ft.)	5 ft. (single story); 15 ft. (second floor or story)	5 ft. (single story); 15 ft. (second floor or story)	5 ft. (single story); 15 ft. (second floor or story)	5 ft. (single story); 15 ft. (second floor or story)
Side Setback – Corner Lot where Front Door Fronts Side Yard	10 ft	10 ft (single story); 15 ft. (second floor or story)	10 ft (single story); 15 ft. (second floor or story)	10 ft (single story); 15 ft. (second floor or story)	10 ft (single story); 15 ft. (second floor or story)
Side Setback – Reverse Corner Lot: Side Adjoining a Street	See Sec. 10.10.030.C	See Sec. 10.10.030.C	See Sec. 10.10.030.C	See Sec. 10.10.030.C	See Sec. 10.10.030.C
Rear Setback	10 ft. (single story); 15 ft. (second floor or story)	10 ft. (single story); 15 ft. (second floor or story)	10 ft. (single story); 15 ft. (second floor or story)	10 ft. (single story); 15 ft. (second floor or story)	10 ft. (single story); 15 ft. (second floor or story)
Height Limit - Maximum	30 ft.	25 ft.	25 ft.	40 ft.	40 ft.
Open Space – Minimum	--	--	100 sf per unit of either common or private	See Sec. 10.10.030.D	See Sec. 10.10.030.D

Notes:

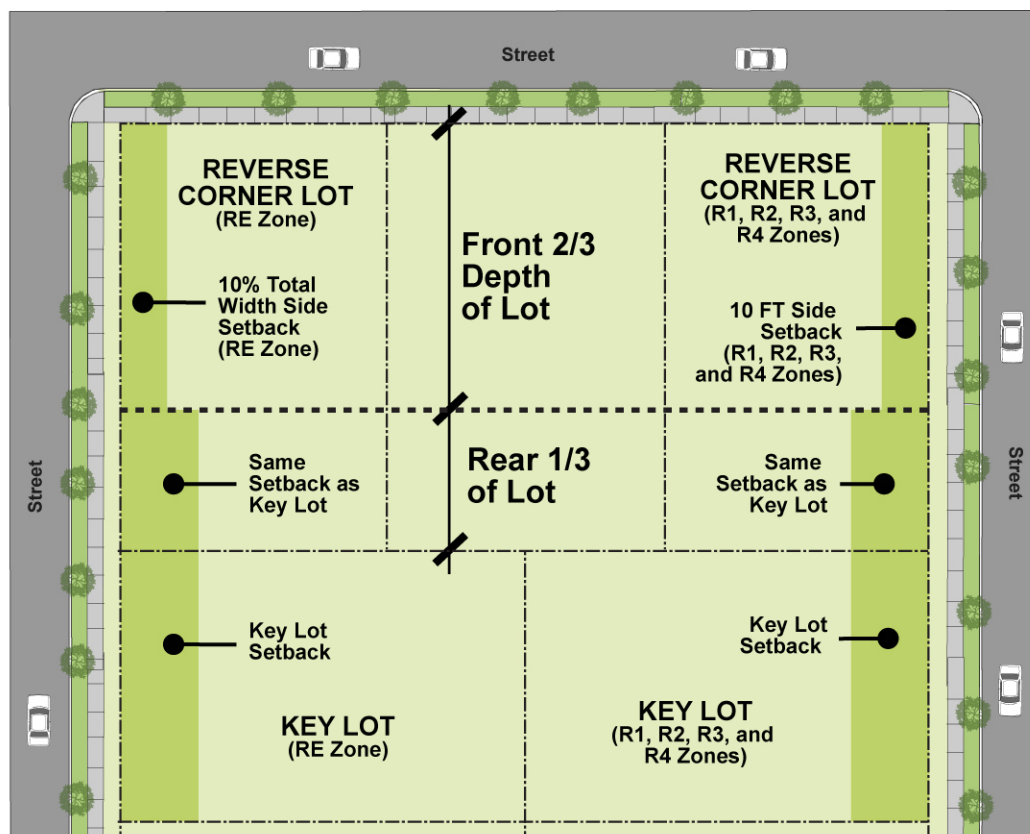
1. Floor area per dwelling unit is exclusive of garage space.
2. Distance measured between structures used for human habitation and other structures used for human habitation and/or accessory structures. Does not include a breezeway or other open structure.
3. Except for senior housing per section 10.10.100F (Development Standards).
4. Two-story buildings in the R-E and R-1 zones shall comply with the privacy standards set forth in Section 10.10.050 (Privacy Standards for the R-E and R-1 Zones).

B. Street Side Setbacks – Reverse Corner Lots

The required setback for the street side of a reverse corner lot shall be determined as set forth here and as illustrated in Figure 2-1.

1. In the R-E zone, the front two-thirds shall have a setback that is equivalent to the interior side setback on the lot. On the rear one-third, the setback shall be equal to the depth of the required front setback on the key lot to the rear of the reversed corner lot.
2. In the R-1, R-2, R-3, and R-4 zones, the front two-thirds shall have a setback of not less than 10 feet. On the rear one-third, the setback shall be equal to the depth of the required front setback on the key lot to the rear of such reversed corner lot.

**Figure 2-1
Reverse Corner Lots – Special Setback Requirements**



C. Open Space Requirements for the R-3 and R-4 Zones

1. Common and Private Open Space Required

All developments in the R-3 and R-4 zones shall provide both common and private open space areas consistent with the requirements of this subsection. No front yard areas, either as part of a required setback or otherwise provided, shall count toward the open space requirement. Any required side and rear setback areas may be counted as part of required open space, provided the minimum open space dimensions, accessibility, and landscaping improvements and maintenance requirements are met.

2. Common Open Space Standards

Unless otherwise set forth herein, the following standards shall apply:

- a. Common open space shall be required for developments having nine or more units.
- b. Common open space shall be provided at a ratio of 200 square feet of open space per one dwelling unit. Any single common open space area shall have minimum dimensions of 20 feet by 20 feet.
- c. Such common open space shall be located in an area within the development that is easily accessible to all residents.

- d. Common open space areas shall be provided with landscaping and other improvements that meet the needs of the residents. All such landscaping and improvements shall be maintained in a safe and usable condition.

3. Private Open Space Standards

In the R-3 zone, a minimum of 100 square feet of private open space per bedroom shall be provided for every dwelling unit. In the R-4 zone, a minimum of 50 square feet of private open space per bedroom shall be provided for every dwelling unit. Such private open space may consist of a yard, patio, or private balcony, provided such feature has minimum width and depth of six feet.

D. Carport Storage in R-3 and R-4 Zones

Where a carport or carports are provided for vehicle parking for any development in the R-3 or R-4, zone, each carport shall include an enclosed lockable storage area of minimum size of 150 square feet. Such storage area shall not impede access to or occupy any portion of the required parking spaces.

E. Placement of Accessory Structures

1. Interior Lot

In all residential zones, any non-habitable, non-garage accessory structure placed within the rear third of an interior lot may be built abutting one side line and the rear lot line. However, if the rear lot line abuts an alley, such accessory structure shall be erected no closer than five feet from the rear lot line. See Section 10.14.030.B (Setback from Alley Centerline) regarding detached garages.

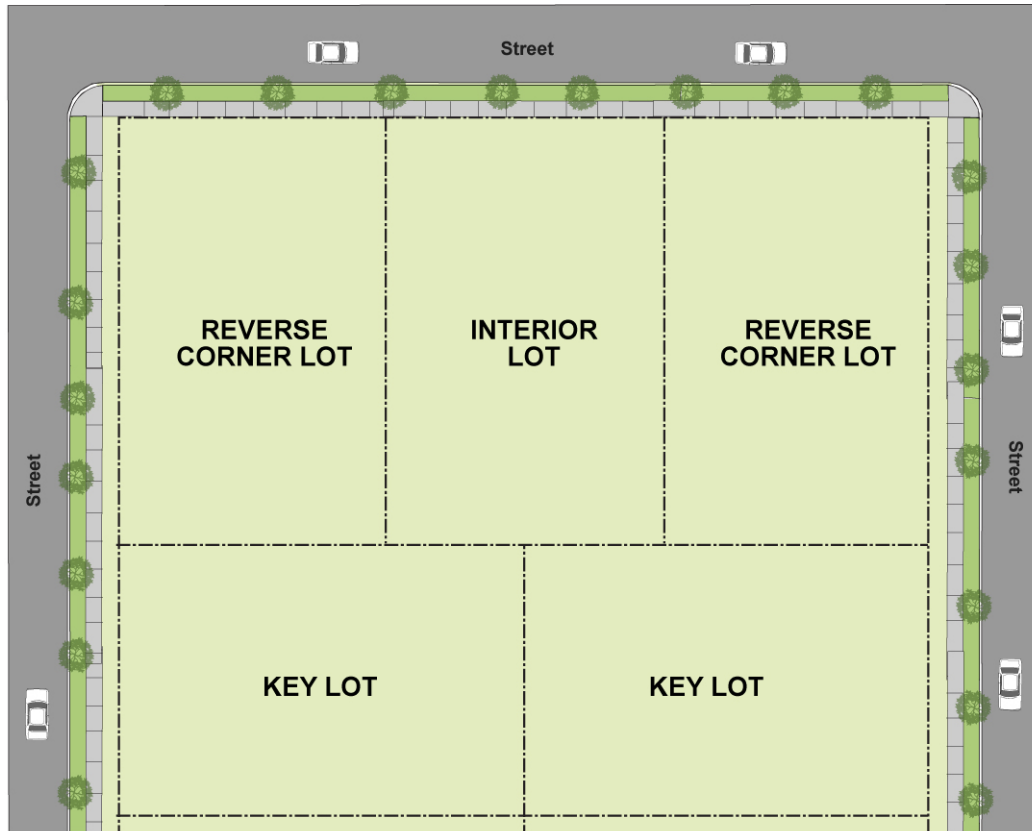
2. Corner Lot

In all residential zones, any non-habitable accessory structure on the rear third of a corner lot may be built abutting the interior side lot line. A minimum distance of five feet shall be maintained between the structure and the rear lot line.

3. Reversed Corner Lot

In all residential zones, any non-habitable accessory structure on the rear third of a reversed corner lot may be built abutting the interior side lot line and the rear lot line. However, if the rear lot line abuts an alley and vehicular or pedestrian access to the accessory structure is available from the alley, such accessory structure shall be erected no closer than five feet from the rear lot line. If vehicular or pedestrian access entrance to such accessory structure is directly from the side street side, then the accessory structure may abut the rear lot line.

**Figure 2-2
Types of Lots**



4. Detached Accessory Garage

For any detached accessory garage located on a corner lot or reverse corner lot, the side of the garage that provides vehicular access from a street shall have a minimum setback of 20 feet from that street.

F. Flag Lot Dimensions and Setback Measurements

1. Dimensions

The pole portion of a flag lot, meaning that portion which provides access from a public street or alley to the buildable portion of the lot, shall have a minimum width of 20 feet.

2. Setback Measurements

On a flag lot, the required setbacks shall be measured from the lot lines encompassing the buildable portion of the lot. The pole portion of the flag lot shall not be considered in any such measurement. The Director shall designate the front lot line.

10.10.040 – Recreational Vehicle Parking**A. Purpose of Regulating Recreational Vehicle Parking**

Provisions for the size, number, and location of recreational vehicle parking in residential zones are intended to enforce community standards with regard to residential neighborhood aesthetics, traffic and pedestrian safety, and property maintenance.

B. Allowed Zones

The parking of recreational vehicles shall only be permitted in the R-E, R-1, and R-2 zones.

C. Restrictions on Obstructing Public Rights-of-Way

No recreational vehicle shall park on any public sidewalk or parkway right-of-way, nor extend from private property over any public right-of-way.

D. Permitted Parking Locations

Recreational vehicles shall only be parked either on a legal driveway within the front yard area, on an allowed paved surface within a side yard area, or the rear yard area.

E. Use as a Dwelling Prohibited

The use of recreational vehicle for dwelling purposes during storage on a residential property and the connection of utilities, water, or plumbing to a recreational vehicle, except for temporary maintenance purposes, are strictly prohibited. No electrical, plumbing, or other similar hook-ups shall be extended and/or used by the recreational vehicle, except as needed for any 72-hour period immediately preceding or following use of the recreational vehicle for its intended purpose off site.

F. Size Limitations

The provisions of this Section shall apply to recreational vehicles measuring no greater than 10 feet in width, 15 feet in height, and 40 feet in length. Any recreational vehicle exceeding any of these limits shall not be parked on any property zoned for residential use.

10.10.050 – Privacy Standards for the R-E and R-1 Zones**A. Purpose**

Privacy standards are established to enforce community standards with regards to the peace, quiet, and visual privacy within residential neighborhoods, consistent with policies set forth in the General Plan. The following privacy standards shall apply to all properties in the R-E and R-1 zones.

B. Second Story Setbacks**1. Interior Side Yard**

For any second story, a minimum setback of 15 feet from an interior side property line shall be required. No balcony shall project within that 15-foot setback area.

2. Street Side Yard

On a street side yard, the second story may extend to the minimum required setback for the zone.

C. Window Location and Orientation

Second-story windows on a wall facing an interior side yard or rear yard shall be located so as not to face directly opposite any existing second-story window on an adjacent residential structure unless the bottom portion of such second-story window is a minimum of five feet six inches above the finished floor or provided such windows are screened by a wing wall, lattice, screen, or other architectural feature, or provided such windows are nontransparent or nontranslucent.

10.10.060 – Site Design and Architectural Standards**A. Purpose and Applicability**

Site design and architectural standards are established consistent with General Plan policy to promote quality design of new residential structures and additions. The City recognizes that quality design promotes longer life of structures, improves the appearance and maintenance of neighborhoods, and increases value in the housing stock citywide. The following site design and architectural standards shall apply to all new residential structures and to additions to residential structures.

B. Single-family Structures and Duplexes**1. Site Design and Structure Orientation**

Front entries shall be clearly identifiable and for units that front a street, shall generally be oriented toward the street.

2. Scale and Mass

- a. The bulk and mass of new single-family residential structures and additions shall generally match the scale of existing structures in the immediate neighborhood. However, this provision shall not prohibit the construction of a two-story structure within a neighborhood of predominantly single-story structures, provided the privacy standards of Section 10.10.050 (Privacy Standards for the R-E and R-1 Zones) are complied with.
- b. Garages shall not be designed or located in a manner that presents the garage as the prominent form of the front façade.
- c. Wall off-sets, second-story balconies, decks, window fenestrations, and similar features shall be used on front and street side façades and any façade visible from the public right-of-way to provide articulation and further reduce massing effects.

3. Architecture

- a. All facades visible from a public right-of-way shall incorporate features that eliminate blank, unarticulated walls; add visual interest; avoid clutter; and display a distinctive architectural style.
- b. Additions to residential structures shall be designed and constructed to match the architectural style and building form of the structure to which they are added.
- c. Rooflines and roofing materials shall be compatible with the architectural style of the residential structure. Use of varying, uncoordinated rooflines and roofing materials shall be avoided.

- d. Window and door design and placement shall be consistent with the overall architectural style of the structure.
- e. Materials and finishes shall be of a consistent theme, shall match the style of the residential structure, and shall be consistently applied to all facades.
- f. Roof-mounted equipment, where permitted, shall be screened from view from public rights-of-way and adjacent properties by materials that are architecturally compatible with the structure they serve.

4. Open Space – Common and Private

All common and private open spaces shall comply with the requirements of Section 10.10.030.C (Open Space Requirements for the R-3 and R-4 Zones).

5. Landscaping

- a. Front yard landscaping shall be provided consistent with the requirements of Chapter 10.32 (Landscaping).
- b. Where possible, existing mature, healthy trees shall be preserved in association with any remodeling or addition projects, as directed by the Director.

6. Sustainable Building Practices

- a. Where possible, pervious or semi-pervious surfacing materials shall be used for pedestrian paths and driveways.
- b. To the extent possible, orientation of structures and windows shall take advantage of natural light and wind patterns for natural heating and cooling.

C. Multi-Family Structures

1. Site Design, Structure Orientation, and Access

- a. The front entry to the front unit of a multi-family development shall be clearly delineated and identifiable, and shall be easily accessible for pedestrians from the public street.
- b. Entrances to individual residential units shall be accessible from the street, from common open space areas within the development, or from common, well-lighted corridors.
- c. Driveways shall be placed in a manner that avoids conflict with pedestrian access from the sidewalk.
- d. Common parking areas shall be located on the site to minimize their visibility from public rights-of-way and to be easily accessible to all residents of the development.
- e. Windows, balconies, and similar openings shall be oriented to preserve privacy of individual units within the development.
- f. Interior pedestrian paths shall be provided to individual units and to link units to common open space areas and parking areas.
- g. Loading and refuse/recycling collection areas shall be located to provide easy access to collection vehicles and to minimize noise impacts on residents.

2. Scale, Mass, and Architecture

- a. The bulk and mass of new multi-family structures and additions shall be sensitive to the scale of buildings in the immediate neighborhood.
- b. All facades visible from a public right-of-way shall incorporate features that eliminate blank, unarticulated walls; add visual interest; avoid clutter; and display a distinctive architectural style.
- c. Additions to residential structures shall be designed and constructed to match the architectural style and building form of the structure or structures to which they are added.
- d. Rooflines and roofing materials shall be compatible with the architectural style of the residential structures. Use of varying, uncoordinated rooflines and roofing materials shall be avoided.
- e. Materials and finishes shall be of a consistent theme, shall match the style of the residential structure, and shall be consistently applied to all facades.
- f. Exterior lighting shall be provided for safety purposes, shall be compatible with the overall style of the development, and shall be shielded to avoid light spillage onto adjacent properties.
- g. Balconies, where provided, shall utilize railing or similar materials that are compatible with the overall architectural style of the development.

3. Open Space – Common and Private

All common and private open space areas shall comply with the requirements of Section 10.10.030.C (Open Space Requirements for R-3 and R-4 Zones).

4. Landscaping

- a. Front yard landscaping shall be provided consistent with the requirements of Chapter 10.32 (Landscaping).
- b. Where possible, existing mature, healthy trees shall be preserved in association with any remodeling or addition projects, as directed by the Director.
- c. Common open space areas shall be landscaped appropriate to their function.

5. Sustainable Building Practices

- a. Where possible, pervious or semi-pervious surfacing materials shall be used for pedestrian paths and driveways.
- b. To the extent possible, orientation of structures and windows shall take advantage of natural light and wind patterns for natural heating and cooling.

6. Other Requirements

- a. Common laundry facilities, when provided, shall be easily accessible to all residents.
- b. Refuse and recycling collection areas shall be provided as required by State law.

- c. Roof-mounted and ground-mounted equipment, where permitted, shall be screened from view from public rights-of-way and adjacent properties by materials that are architecturally compatible with the structure they serve.

10.10.070 – Manufactured Housing

A. Manufactured Housing Considered a Single-family Dwelling

A manufactured housing unit shall be considered a single-family dwelling and is subject to the development standards identified in this Chapter 10.10 (Residential Zones).

B. Foundation Required

A manufactured home shall be installed and maintained upon a permanent, continuous, exterior, masonry, or concrete foundation.

C. Design Standards

1. All manufactured housing shall comply with the site design and architectural standards set forth in Section 10.10.060.B (Single-family Structures and Duplexes).
2. Roofs on manufactured housing shall include a roof overhang with eaves.

D. Manufactured Housing May Be Prohibited

The Director, pursuant to §65852.3(a) of the California Government Code, shall have the authority to preclude the installation of a manufactured home if the manufactured home was constructed 10 or more years prior to the date of the application for permit issuance to install the manufactured home.

10.10.080 – Accessory Dwelling Units

A. Accessory Dwelling Units – When Permitted

In the R-E and R-1 zones, an accessory dwelling unit may be constructed on a parcel by right, provided that such accessory dwelling unit complies with all of the requirements set forth in this section.

B. Architectural Design, Form, and Materials

The accessory dwelling unit shall be constructed so as to be compatible with the existing primary residence located on the site in terms of architectural design, form, and materials.

C. Relationship to Primary Dwelling

The accessory second unit may be either attached to the primary dwelling or be a detached structure.

D. Maximum Gross Floor Area

The gross floor area for the accessory dwelling unit shall not exceed 35 percent of the existing primary residence located on the site but in no case shall be larger than 1,200 square feet.

E. Maximum of One per Parcel

There shall be no more than one accessory dwelling unit allowed on each single-family residential parcel.

F. Minimum Development Standards

1. The accessory dwelling unit shall comply with the minimum property development standards of the subject single-family residential zone in compliance with this Article 2 (Zones, Allowable Uses, and Development and Design Standards).
2. Accessory units shall not be permitted on any story above the first story. All detached accessory units shall be limited in height to one story and 15 feet.

G. Off-Street Parking Requirements

1. One off-street parking space in a garage or carport shall be provided for an accessory dwelling unit, in addition to the parking required for the existing primary residence located on the site.
2. If there is more than one bedroom in the accessory dwelling unit, parking shall be in compliance with Chapter 10.30 (Off-Street Parking and Loading).

H. Utility Hookups

Separate utility hookups are permitted.

I. Occupancy Requirements

The applicant for a building permit for an accessory dwelling unit shall be the owner and occupant of the property.

J. Deed Restriction Required

Before obtaining a building permit for an allowed accessory dwelling unit, the property owner shall file with the County Recorder a declaration or agreement of restrictions, which has been approved by the City Attorney as to its form and content. The declaration or agreement of restrictions shall contain a reference to the deed under which the property was acquired by the owner and shall state that:

1. The accessory dwelling unit shall not be sold separately.
2. The accessory dwelling unit is restricted to the maximum size allowed as identified by the development standards in this Section.
3. The accessory dwelling unit shall be considered legal only so long as either the primary residence, or the second dwelling unit, is occupied by the owner of record of the property.
4. The restrictions shall be binding upon any successor in ownership of the property, and lack of compliance shall result in legal action against the property owner.

10.10.090 – Density Bonus for Affordable Housing**A. Authority and Purpose**

In compliance with §65915 and §65917 of the California Government Code, the City shall provide a density bonus and an additional incentive(s) for qualified affordable housing developments upon the written request of a developer, unless the City makes a written finding based on

substantial evidence that the additional incentive(s) is not necessary to make the housing development economically affordable to the occupants. These standards establish development policies that assist in the provision of affordable housing.

Where local City implementing provisions pursuant to §65915 and §65917 of the California Government Code are not included in this Section 10.10.090, the applicable provisions of §65915 and §65917 of the California Government Code shall apply.

B. Density Bonus Granting Required

A density bonus shall be granted if a development meets the requirements of California Government Code §65915 and this Section.

C. Supplementary Application Materials

In addition to any required application materials for a residential development project, the following additional materials shall be submitted with a density bonus application to allow the City to review and appropriately assess a density bonus application and the requested incentives and concessions associated with such application.

1. A description of the proposed incentives and concessions. For the purposes of implementation of this Section, available incentives and concessions shall be those identified in §65915(k) of the California Government Code.
2. A development plan clearly indicating the location of dwelling units within the project intended for affordable housing.
3. Identification of the total number of rental dwelling units and for-sale dwelling units within the project.
4. Proposed rent schedules and/or sale prices for the affordable units.

D. Development Standards

Affordable housing units approved pursuant to this Section shall comply with the following development standards.

1. The affordable housing units shall be reasonably dispersed throughout the project.
2. The average number of bedrooms per designated affordable housing dwelling unit shall be consistent with the average number of bedrooms per unit in the project.
3. Affordable housing units shall be designed harmoniously with the architectural styles of and indistinguishable from other units in the project in terms of interior and exterior finishes and treatments.

E. Resale and Rental Controls

1. An agreement shall be recorded in the County Recorder's office and shall constitute a covenant running with the land. The agreement shall reserve housing units for qualified households for the minimum periods established in California Government Code §65915 or other applicable State laws.
2. Individual, affordable, for-sale housing units shall be owner occupied. Upon change in ownership of an affordable housing unit, notice shall be given to the City. The Director shall review each owner proposed to occupy an affordable housing unit to determine eligibility of such owner.

10.10.100 – Senior Citizen Housing Developments

A. Purpose; Where Permitted

This Section is established in recognition of the unique housing needs of senior citizen residents, and to provide standards for the development of housing that responds to those needs, including but not limited to proximity to shopping, services, and public transit; reduced demand for parking; medical support and similar services; and assistance obtaining appropriate nutrition. Housing development planned for the exclusive occupancy by senior citizen residents shall be permitted in all residential zones, provided such housing development conforms to all requirements of this Chapter 10.10 (Residential Zones) and specifically, this Section 10.10.100 (Senior Citizen Housing Developments).

B. Density Bonus Permitted

Pursuant to §65915 and §65917 of the California Government Code, the City shall grant a density bonus for a senior citizen housing development, provided such development complies with all provisions of this Chapter 10.10 (Residential Zones) and specifically, Sections 10.10.090 (Density Bonus for Affordable Housing) and this Section 10.10.100 (Senior Citizen Housing Developments).

C. Occupancy Compliance Required

No one other than a senior person shall be the principal occupant or lessee of a unit constructed in compliance with this Section. No person shall permit any person to violate this Section. No person shall rent any housing to any person who may not lawfully occupy the same in compliance with the provisions of this Section.

D. Recordation of Covenant

Prior to the granting of a building permit for any approved senior citizen housing development, the owner of the property shall execute and record a covenant, approved as to form by the City Attorney and by its terms binding upon the heirs, successors, and assigns of the owner, agreeing to restrict occupancy of all senior citizens dwelling units within such project to persons, at least one of whom is a senior citizen. The covenant shall further restrict the age of all other occupants of senior citizens dwelling units within such project to the greatest extent legally permissible under the provisions of Section 51.3 of the Civil Code of the State of California.

E. Location Criteria

Senior citizen housing developments shall be located within reasonable walking distance proximity to the following services: food store, drugstore, public transit stop, beauty parlor and barber shop, bank, restaurants, and post office. If reasonably locating senior citizen housing developments proximate to these services is not feasible, the City may require that the operator provide a van or mini-bus on a daily basis and free of charge to all project residents.

F. Development Standards

Senior citizen housing developments, in addition to complying with the development standards for the zone in which they are located, shall comply with the following requirements.

1. Building Height

Building height may be increased as a concession for a requested density bonus, but in no case shall any building exceed five stories.

2. Elevators

Elevators shall be provided for any senior citizen development as required by State and Federal laws.

3. Unit Size

No individual dwelling unit shall contain more than two bedrooms. The following minimum sizes shall apply to individual units:

Type of Unit	Minimum Unit Size
Bachelor	400 sf
One-bedroom	550 sf
Two-bedroom	700 sf

4. Indoor Common Area

For developments containing 20 or more dwelling units, indoor common area space shall be provided. The size of the space shall be no less than 625 square feet. Such space shall be located within the development to be readily accessible to all residents, and shall be designed in a manner that allows for multi-purpose functionality.

5. Outdoor Common Area

Unless otherwise set forth herein, the following standards shall apply:

- a. Common open space shall be required for developments having nine or more units.
- b. Common open space shall be provided at a ratio of 200 square feet of open space per one dwelling unit. Any single common open space area shall have minimum dimensions of 20 feet by 20 feet.
- c. Such common open space shall be located in an area within the development that is easily accessible to all residents.
- d. Common open space areas shall be provided with landscaping and other improvements that meet the needs of the residents. All such landscaping and improvements shall be maintained in a safe and usable condition.

6. Parking Requirements

Parking shall be provided as established in Chapter 10.30 (Off-street Parking and Loading).

G. Support Facilities and Services

Senior citizen housing developments may include facilities and services intended to meet the special needs of seniors with respect to minor and routine medical assistance, physical therapy, recreation therapy, nutrition, and similar support services. Such facilities and services, when proposed, shall be reviewed and addressed as part of the Conditional Use Permit process.

H. Basis for Denial of Application

In reviewing an application for senior citizen housing, the City shall take into account the surrounding environment of the proposed senior citizen housing and conditions existing in that environment that could have potential adverse impacts on senior residents with respect to the existence or probable occurrence of noise, dust, vibration, excessive traffic, large gatherings of people, or other conditions that will interfere with the peaceful and quiet enjoyment of such housing for senior citizens. The finding or findings that such adverse conditions exist may serve as a basis for denial of an application.

No Conditional Use Permit for a senior citizen housing development shall be approved that would create an adverse living environment to the residents due to limited open space, lack of amenities, and/or insufficient facilities to promote a positive living environment.

10.10.110 – Other Applicable Regulations

In addition to the requirements contained in this Chapter 10.10 (Residential Zones), regulations contained in the following Chapters may apply to development in residential zones.

Chapter 10.24 – Site Planning and General Development Standards

Chapter 10.26 – Accessory Structures

Chapter 10.28 – Fences, Hedges, and Walls

Chapter 10.30 – Off-Street Parking and Loading

Chapter 10.32 – Landscaping

Chapter 10.34 – Signs

Chapter 10.36 – Property Maintenance

Article 4: Regulations for Specific Land Use and Activities

Article 5: Nonconformities

Chapter 10.12 – Commercial Zones (C-1 and C-2)

Sections:

- 10.12.010 – Purpose
- 10.12.020 – Land Use Regulations
- 10.12.030 – Development Standards
- 10.12.040 – Site Design and Architectural Standards
- 10.12.050 – Limitations on Outdoor Use and Storage
- 10.12.060 – Other Applicable Regulations

10.12.010 – Purpose**A. Neighborhood Commercial Zone (C-1)**

The C-1 zone is established to implement the Neighborhood Commercial General Plan land use designation, and to designate areas for low-intensity retail and service commercial uses that provide goods and services for a limited market area. Uses consist of commercial businesses that have minimal impact on adjacent uses through application of good site design, access and parking arrangements, landscaping, and lighting standards.

B. General Commercial Zone (C-2)

The C-2 zone is established to implement the General Commercial General Plan land use designation, and to designate areas where businesses can locate to meet the majority of commercial needs of residents and other commercial businesses. The C-2 zone is intended to promote economic development and business activities that benefit the City, and thus allows a wide range of retail, service, and professional office uses. Development standards and design regulations are intended to promote the safe and efficient movement of traffic and to provide for well-designed, attractive commercial centers and development.

10.12.020 – Land Use Regulations**A. Allowed Uses**

Table 2-3 identifies allowed uses, accessory uses, uses subject to Conditional Use Permit or Minor Use Permit approval, and specific prohibited uses in the C-1 and C-2 zones, subject to compliance with all other provisions of this Zoning Code. Any use not listed in Table 2-3 is prohibited. All uses shall comply with Chapter 10.38 (Performance Standards).

B. Any Use with Operations Occurring between 12:00 Midnight and 6:00 A.M.

Notwithstanding the provisions set forth in Table 2-3, any allowed use involving operations between the hours of 12:00 midnight and 6:00 A.M. shall require the approval of a Minor Use Permit.

C. On-site Production of Goods: Limited to Retail Sales

All products incident to a permitted use which are manufactured or processed on the premises shall be sold on the premises and only as retail goods.

D. Limitation on Tenants within a Single Structure

For any structure that is divided into leasable spaces in any manner such that the leasable spaces are enclosed by less-than-complete floor-to-ceiling walls, solid ceilings, and a solid, lockable access door(s), no more than four tenants shall be permitted.

TABLE 2-3 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zones Permit Requirements		
	P CUP MUP --	Permitted by Right Conditional Use Permit (10.84) Minor Conditional Use Permit (10.84) Not allowed	
Land Use See Article 9 for land use definitions.	C-1	C-2	Notes and Specific Use Regulations
Recreation, Education, and Assembly			
Assembly, Public	CUP	--	
Assembly, Religious	CUP	--	
Commercial Recreation and Entertainment	--	CUP	
Schools, Private	CUP	--	Only new schools associated with a legally established place of public or religious assembly use are permitted with a CUP.
Trade Schools	--	MUP	
Residential and Residential Care Uses			
Community Care Facility – Non-medical	--	--	
Residential Care Facility for the Elderly	CUP	CUP	
Retail Trade Uses			
Alcohol Sales: Off-sale (Liquor Stores)	CUP	CUP	See 10.50.030 (Alcohol Sales)
Alcohol Sales: On-sale	CUP	CUP	
Alcohol Sales: On-sale (Accessory)	CUP	CUP	
Grocery and Food Stores			
Small-scale: 20,000 sf or less	P	P	CUP required for alcohol sales
Large-scale: More than 20,000 sf	--	P	CUP required for alcohol sales
Medical Marijuana	--	--	
Pharmacy, Medical Supplies	P	P	
Retail Sales	P	P	
Secondhand Stores	MUP	MUP	See 10.50.150 (Secondhand Stores)
Smoke Lounge	--	--	
Smoke Shops	--	CUP	Distancing and other requirements apply. See 10.50.170 (Smoke Shops). A smoke shop is not permitted as an accessory use to any other use.

TABLE 2-3 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zones Permit Requirements		
	P CUP MUP --	Permitted by Right Conditional Use Permit (10.84) Minor Conditional Use Permit (10.84) Not allowed	
Land Use See Article 9 for land use definitions.	C-1	C-2	Notes and Specific Use Regulations
Service Uses – Business, Financial, Medical, and Professional			
ATMs			
Outside, if associated with a Financial Institution on the same property	P	P	
Inside of an Allowed Business	P	P	
Emergency Health Facilities	MUP	CUP	
Financial Institutions and Related Services	P	P	
Hospitals	--	CUP	
Offices - Business, Governmental, and Professional	P	P	
Offices - Medical and Dental	P	P	
Service Uses - General			
Adult-Oriented Businesses	--	--	
Ambulance Services	CUP	--	
Animal Sales and Services			
Animal Boarding/Kennels	--	CUP	
Animal Grooming/Retail Sales	P	P	
Veterinary Services	--	MUP	
Artist Studio	P	P	
Catering Services	MUP	P	
Cyber/Internet Cafe		CUP	See 10.50.050 (Cyber/Internet Cafes)
Dance, Martial Arts, or Similar Instructional Studio	MUP	P	
Day Care Center	CUP	CUP	See 10.50.080 (Day Care Centers)
Eating and Drinking Establishments	CUP required for any use involving alcohol sales.		
Accessory Food Service	P	P	
Banquet Facility - Accessory	CUP	CUP	
Bars, Lounges, and Nightclubs	--	CUP	
Fast Food Restaurant	P	P	Any such use with drive-through service shall require a MUP.
Sit-down Restaurant	P	P	Any such use with drive-through service shall require a MUP.
Take-Out Service	P	P	Any such use with drive-through service shall require a MUP.
Outdoor Dining - Accessory	MUP	MUP	
Dry Cleaning and Laundry Services			
Dry Cleaning – Retail	P	P	
Laundry – Self service	P	CUP	
Fortunetelling	--	MUP	See Chapter 5.28 (Fortunetelling) of the Municipal Code
Game Arcades			
Accessory Use	P	P	
Primary Use	--	CUP	

TABLE 2-3 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zones Permit Requirements		
	P CUP MUP --	Permitted by Right Conditional Use Permit (10.84) Minor Conditional Use Permit (10.84) Not allowed	
Land Use See Article 9 for land use definitions.	C-1	C-2	Notes and Specific Use Regulations
Health/Fitness Facilities			
Small - 2,000 sf or less	MUP	P	
Large - Over 2,000 sf	--	CUP	
Live Entertainment	Permitted only as accessory to a primary permitted use.		
Amplified	--	CUP	See Chapter 5.08 (Business and Occupation Permits) of the Municipal Code
Unamplified	MUP	MUP	See Chapter 5.08 (Business and Occupation Permits) of the Municipal Code
Maintenance and Repair Services – Equipment and Appliances other than Vehicles	P	P	
Personal Services (see Article 9 – Definitions)			
General	P	P	
Restricted	--	CUP	
Postal Services	P	P	
Printing and Duplicating Services	P	P	
Visitor Accommodations			
Hotels, Motels	--	CUP	
Transportation, Communications, and Infrastructure Uses			
Communication Facilities	P	P	
Parking Facilities	MUP	MUP	
Utilities	P	P	
Wireless Communications Facilities (WCF)			
Satellite dish \leq 2.2 meters in diameter	P	P	See Section 10.50.200 (Wireless Communications Facilities).
All other WCF	CUP	CUP	See Section 10.50.200 (Wireless Communications Facilities).
Co-location	P	P	
Vehicle Rental, Sale, and Service Uses			
Vehicle/Equipment Sales			
New	--	CUP	See Section 10.50.190 (Vehicle Sales)
Used	--	CUP	See Section 10.50.190 (Vehicle Sales)
Vehicle/Equipment Rentals			
Office Only	P	P	
Office and on-site Vehicles	--	--	
Vehicle/Equipment Repair			
General	--	CUP	
Limited	MUP	MUP	
Trucks – Commercial	--	--	
Vehicle/Equipment Services			
Automobile Washing/Detailing - Self service or Accessory	--	MUP	

TABLE 2-3 ALLOWED USES AND PERMIT REQUIREMENTS	Commercial Zones Permit Requirements		
	P CUP MUP --	Permitted by Right Conditional Use Permit (10.84) Minor Conditional Use Permit (10.84) Not allowed	
Land Use See Article 9 for land use definitions.	C-1	C-2	Notes and Specific Use Regulations
Service Station – With or Without Retail Sales of Non-Automotive Goods	CUP	CUP	See Section 10.50.160 (Service Stations)
Other Uses			
Accessory Donation Boxes	--	--	
Accessory Structures and Uses	P	P	See Chapter 10.26 (Accessory Structures) and Section 10.50.020 (Accessory Uses).
Drive-through Facilities	MUP	MUP	See 10.50.090 (Drive-through and Drive-up Facilities)
Tattoo Parlors	--	--	
Temporary Uses	See Chapter 10.96 (Temporary Use Permits)		
Vending Machines			
Reverse Vending of Recyclables	P	P	
Vending Machines – Accessory to Permitted Use	P	P	Limited to 3 outside machines per business location and not visible from a public right-of-way

10.12.030 – Development Standards

A. General

Table 2-4 identifies the minimum development standards applicable to all development in the C-1 and C-2 zones.

B. Setback from Alley Centerline

Any structure having an entrance which opens onto an alley shall be located a minimum distance of 20 feet from the centerline of such alley.

C. Walls Required Adjacent to a Zone Allowing Residential Use

A minimum eight-foot-high solid masonry wall shall be provided and maintained on all property lines abutting a property zoned for residential use. This requirement shall not apply within the required front setback or side setback abutting a street.

D. Roof-Mounted Equipment

Roof-mounted equipment shall be screened from view from a public right-of-way by parapet walls or other architectural treatment of sufficient height necessary to screen the equipment. All screening materials shall be of materials and colors that match the architectural style and colors of the structure on which they are provided.

E. Lighting

1. Lights shall be provided for all outdoor walkways, parking, and storage areas.
2. All lighting fixtures provided to illuminate any parking area or the exterior of structures shall be arranged and located to direct the light away from any abutting property zoned for residential use.
3. Lighting shall be designed, focused, shielded, or directed so that there is no direct glare on adjacent properties, streets, or alleys.

TABLE 2-4 DEVELOPMENT STANDARDS FOR C-1 AND C-2 ZONES	Development Feature		
	C-1	C-2	Additional Requirements
Lot Dimensions	Minimum dimensions required for each NEWLY CREATED lot.		
Lot Area – Minimum	4,000 sf	5,000 sf	
Lot Width - Minimum	40 ft.	50 ft.	
Setbacks - Minimums	Minimum setbacks required for primary structures. See also Section 10.24.020 (Permitted Projections into Required Setback Areas).		
Front	5 ft.	5 ft.	For lots with a depth of less than 100 ft., the front setback may be 10% of the lot depth but in no case less than 5 ft.
Side (interior, each)			
Abutting a lot zoned for residential use	10 ft.	20 ft.	
Abutting any other lot	0 ft.	0 ft.	
Side (Street side)	10 ft.	10 ft.	For lots with a width of less than 100 ft., the street side setback may be 10% of the lot width but in no case less than 5 ft.
Rear			
Abutting a lot zoned for residential use	10 ft.	20 ft.	
Abutting any other lot	5 ft.	5 ft.	
Floor-Area Ratio - Maximum	0.50	0.75	
Height – Maximum See Section 10.24.040 (Height Measurements and Exceptions) for height measurement	30 ft.	30 ft.	
Accessory Structures	See Chapter 10.26 (Accessory Structures).		
Fencing	See 10.12.030.C (Walls Required Adjacent to a Zone Allowing Residential Use) and Chapter 10.28 (Fences, Hedges, and Walls).		
Landscaping	See Chapter 10.32 (Landscaping).		
Parking	See Chapter 10.30 (Off-Street Parking and Loading).		
Performance Standards	See Chapter 10.38 (Performance Standards).		
Sign Regulations	See Chapter 10.34 (Signs).		

10.12.040 – Site Design and Architectural Standards**A. Access, Circulation, and Loading Areas**

1. In the C-2 zone, primary vehicular and pedestrian access shall be from a street with a General Plan classification of Collector or higher, unless the Director determines that no other access is possible.
2. Minimum driveway widths shall be as directed by the Fire Department.
3. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the street and the parking lot to the main door of the businesses they serve shall be designed to avoid conflict with vehicular traffic. Pedestrian paths shall be clearly delineated with pavement materials and/or markings and signage.
4. Dead-end parking aisles shall be avoided unless the size or shape of a development site allows for no other configuration, as determined by the Director.
5. Where physically possible, reciprocal parking area access between shopping centers shall be required.
6. Loading areas shall be designed and located generally to the rear of a property and out of view of public rights-of-way, and shall be designed to avoid conflicts with interior pedestrian and vehicular circulation and to minimize noise and other impacts on adjacent uses.

B. Commercial Shopping Centers – Site Design and Design Treatments

1. To the maximum extent practical, as determined by the Director, buildings shall be oriented as close to the street as possible, with parking toward the rear of the site.
2. Shopping centers shall be identified by monument signage and may include a logo. Landmark monuments are encouraged (such as bell towers, clock towers, water features, etc.). Any signs and monuments provided shall be designed and integrated into the architectural theme of their respective complexes.
3. A unified architectural theme shall be applied to all structures within the center and associated signage.
4. The entry area shall complement the development through paving texture and color.
5. Plant materials shall be used to accentuate and distinguish the center from the adjacent streetscape. The planting of annual or perennial color shall be used to distinguish the entries.

C. Scale and Massing

1. The scale and massing of structures shall achieve a street-level environment accommodating to pedestrians.
2. Structures shall be designed to avoid long, monotonous, plain facades. Techniques such as staggered building planes, variation of facades, recessed entries, and arcades shall be used to create variety and interest.
3. Commercial structures adjacent to residential uses shall incorporate sensitive transitions in scale and massing. For example, structure mass shall be broken down using height step-backs, articulated sub-volumes, and horizontal and vertical façade articulation.

D. Architectural Treatment

1. A unified architectural and design theme shall be applied to all structures within a development.
2. Roof lines and materials shall be compatible with the architectural style of the structures.
3. Quality and definable treatment shall be applied to all facades exposed to public view. Blank end walls shall be avoided. Treatments shall include architectural features, landscaping, or art elements that tie into the overall design theme.
4. Particular consideration to color and material shall be given to the design and treatment of roofs because of their potential visual impact. Roof flashing, rain gutters, down spouts, vents, and other roof protrusions shall be screened from view or finished to match adjacent materials and/or colors of the structure.
5. Additions to structures shall be designed to match the roofline, style, and colors of the original structure. Where the original structure has limited design quality, the addition shall include design features that add texture and architectural interest.
6. Building entrances shall be readily identifiable through the use of varied height, color, or building planes.

E. Walls and Fences

1. Wall and fencing materials and patterns shall be compatible with the style and themes of the structures. Unfinished precision block walls are specifically prohibited.
2. Where walls are erected in locations visible from a public right-of-way, the use of full dimension caps, pilasters, and changes in wall surfaces (staggering) shall be applied.
3. In locations where walls might invite vandalism or graffiti, landscaping shall be provided along the walls.

F. Landscaping

Landscaping, at a minimum, shall be provided in all required setback and all yard areas that face a public right-of-way or private street, within required parking areas pursuant to Chapter 10.30 (Off-Street Parking and Loading), and as otherwise may be required through the Site Plan Review process or any required discretionary approval.

10.12.050 – Limitations on Outdoor Use and Storage**A. Permitted Outdoor Uses**

All permitted uses in the C-1 and C-2 zone shall be conducted wholly within an enclosed structure, except as follows:

1. Parking lots
2. Vehicle sales areas
3. Any recreation use that requires use of outdoor space
4. Service station fuel dispensing activities
5. Plant nurseries

6. Garden and bulky hardware supplies associated with a home improvement or similar retail business, provided that all such outdoor use shall be fully screened and secured by walls or fencing materials
7. Outdoor dining areas associated with restaurants
8. Refuse and recycling collection areas (see Section 10.24.060 Solid Waste and Recyclable Materials Storage Areas)
9. Temporary outdoor sales with the approval of a Temporary Use Permit pursuant to Chapter 10.96 (Temporary Use Permits).
10. Outdoor storage and staging for construction projects, where a valid building permit has been issued

B. Outdoor Storage Prohibited

All types of outdoor storage shall be prohibited. See Section 10.38.090 (Outdoor Storage, Refuse Areas, and Service Areas).

C. Vehicle Repair Facility – Outdoor Use and Storage

1. All vehicles being repaired or awaiting repair shall be parked within a secure and enclosed area during all non-business hours.
2. The parking, storage, or repair of vehicles shall not be allowed within any required setback area.

10.12.060 – Other Applicable Regulations

The following additional regulations in this Zoning Code apply to development and activities in the C-1 and C-2 zones:

Chapter 10.24	Setbacks – Measurements, Standards, and Exceptions
	Vision Clearance Triangle at Intersections
	Solid Waste and Recyclables Storage
Chapter 10.36	Property Maintenance
Chapter 10.38	Performance Standards

- This page intentionally left blank –

Chapter 10.14 – Commercial-Manufacturing Zone (CM)

Sections:

- 10.14.010 – Purpose
- 10.14.020 – Land Use Regulations
- 10.14.030 – Development Standards
- 10.14.040 – Site Design and Architectural Standards
- 10.14.050 – Limitations on Outdoor Use and Storage
- 10.14.060 – Other Applicable Regulations

10.14.010 – Purpose

The Commercial-Manufacturing Zone (CM) implements the Business-Employment General Plan land use category and is established to provide areas in the City for industrial enterprises and limited high-intensity commercial businesses that, due to noise, hours of operations, truck traffic, use of hazardous materials, or similar operating characteristics, are not appropriate in traditional retail- and service-oriented commercial zones. The use regulations for this zone are intended to encourage and support manufacturing-type jobs, but also to minimize adverse impacts and protect adjacent uses.

10.14.020 – Land Use Regulations

Table 2-5 identifies allowed uses, accessory uses, uses subject to Conditional Use Permit approval, and specific prohibited uses in the CM zone, subject to compliance with all other provisions of this Zoning Code. Any use not listed in Table 2-5 is prohibited. All uses shall comply with Chapter 10.38 (Performance Standards).

TABLE 2-5 CM ZONE - ALLOWED USES AND PERMIT REQUIREMENTS	Commercial-Manufacturing Zone Permit Requirements	
	P CUP MUP --	Permitted by-Right Conditional Use Permit (10.84) Minor Use Permit (10.84) Not allowed
Land Use See Article 9 for land use definitions. See Section 10.06.040 for uses not listed.	CM	Notes and Specific Use Regulations
Industry, Manufacturing and Processing, Warehousing Uses		
Contractor's Storage Yards	MUP	
Food Processing	CUP	The following are specifically prohibited: 1) Slaughtering and rendering of animals 2) Processing of animal carcasses
Garment Manufacturing, Garment Silkscreen, and Similar Uses	P	
Industrial		
Light	P	
Heavy		
Less than 20,000 sq. ft.	MUP	
20,000 sq. ft. or greater	CUP	
Personal Storage (Mini Storage)	--	
Laundry and Dry Cleaning - Nonretail	P	
Research and Development; Laboratories	CUP	
Warehousing	P	
Wholesaling	P	
Recreation, Education, and Assembly		
Assembly, Public	--	
Assembly, Religious	--	
Trade Schools	MUP	
Retail Trade Uses		
Alcohol Sales – Off-sale (Liquor Stores)	CUP	See 10.50.030 (Alcohol Sales)
Building Materials and Services	P	See 10.14.050 (Limitations on Outdoor Use and Storage) regarding outdoor storage
Retail Sales	P	
Secondhand Stores	MUP	See Section 10.50.150 (Secondhand Stores)
Service Uses – Business, Financial, Medical, and Professional		
Hospital	CUP	
Offices - Business, Governmental, Medical, and Professional	P	
Service Uses - General		
Adult Business Uses	P	See Chapter 10.62 (Adult Businesses)
Ambulance Services	MUP	
Animal Sales and Services		
Animal Boarding/Kennels	CUP	
Animal Grooming, Retail Sales	P	
Animal Hospitals/Clinics	MUP	

TABLE 2-5 CM ZONE - ALLOWED USES AND PERMIT REQUIREMENTS	Commercial-Manufacturing Zone Permit Requirements	
	P CUP MUP --	Permitted by-Right Conditional Use Permit (10.84) Minor Use Permit (10.84) Not allowed
Land Use See Article 9 for land use definitions. See Section 10.06.040 for uses not listed.	CM	Notes and Specific Use Regulations
Catering Services	P	
Laundry and Dry Cleaning - Retail	P	
Eating and Drinking Establishments	P	A CUP is required for any use involving on- or off-site alcohol sales.
Emergency Shelter	P	
Maintenance and Repair Services – Other than Vehicles	P	
Printing and Duplicating Services	P	
Recycling Facilities		
Collection Facility - Large	CUP	See Section 10.50.140 (Recycling Facilities)
Collection Facility - Small	MUP	See Section 10.50.140 (Recycling Facilities)
Reverse Vending Machines	P	See Section 10.50.140 (Recycling Facilities)
Tattoo and Body Piercing Establishments, Piercing, and Similar Establishments	P	
Transportation, Communications, and Infrastructure Uses		
Communication Facilities	P	
Utilities	CUP	
Wireless Communications Facilities (WCF)		
Satellite dish ≤ 2.2 meters in diameter	P	See Section 10.50.200 (Wireless Communication Facilities).
All other WCF	CUP	See Section 10.50.200 (Wireless Communication Facilities).
Co-location	P	
Vehicle Rental, Sale, and Service Uses		
Vehicle/Equipment Rentals and Sales	MUP	See Section 10.50.190 (Vehicle Sales)
Vehicle/Equipment Repair		
Body Repair and Painting	CUP	
General	MUP	
Limited	MUP	
Vehicle/Equipment Services		
Automobile Washing/Detailing	P	
Service Stations	CUP	See Section 10.50.160 (Service Stations)
Vehicle Storage	--	
Other Uses		
Accessory Donation Boxes	--	

TABLE 2-5 CM ZONE - ALLOWED USES AND PERMIT REQUIREMENTS	Commercial-Manufacturing Zone Permit Requirements		
	P CUP MUP --	Permitted by-Right Conditional Use Permit (10.84) Minor Use Permit (10.84) Not allowed	
Land Use See Article 9 for land use definitions. See Section 10.06.040 for uses not listed.		CM	Notes and Specific Use Regulations
Accessory Structures and Uses		P	Chapter 10.26 (Accessory Structures) and Section 10.50.020 (Accessory Uses).
Caretaker Residence		MUP	Must be clearly accessory to the primary use
Temporary Uses		See Chapter 10.96	
Vending Machines – Outdoor (other than reverse vending for recyclables)		P	Limited to 3 per establishment

10.14.030 – Development Standards**A. General**

Table 2-6 identifies the minimum development standards applicable to all development in the CM zone.

B. Setback from Alley Centerline

Any structure having an entrance which opens onto an alley shall be located a minimum distance of 20 feet from the centerline of such alley.

C. Walls Required Adjacent to a Zone Allowing Residential Use

A minimum eight-foot-high solid masonry wall shall be provided and maintained on all property lines abutting a property zoned for residential use. This requirement shall not apply within the required front setback or side setback abutting a street. See Chapter 10.28 (Fences, Hedges, and Walls).

D. Roof-Mounted Equipment

Roof-mounted equipment shall be screened from view from a public right-of-way by parapet walls or other architectural treatment of sufficient height necessary to screen the equipment. All screening materials shall be of materials and colors that match the architectural style and colors of the structure on which they are provided.

E. Lighting

1. Lights shall be provided for all outdoor walkways, parking, and storage areas.
2. All lighting fixtures provided to illuminate any parking area or the exterior of structures shall be arranged and located to direct the light away from any abutting property zoned for residential use.
3. Lighting shall be designed, focused, shielded, or directed so that there is no direct glare on adjacent properties, streets, or alleys.

TABLE 2-6 DEVELOPMENT STANDARDS FOR CM ZONE	Development Feature	
	CM Standards	Additional Requirements
Lot Dimensions	Minimum dimensions required for each NEWLY CREATED lot.	
Lot Area – Minimum	7,500 sq. ft.	
Lot Width - Minimum	60 ft.	
Setbacks - Minimums	Minimum setbacks required for primary structures. See also Section 10.24.020 (Permitted Projections into Required Setback Areas).	
Front	10 ft.	For lots with a depth of less than 100 ft., the front setback may be 10% of the lot depth but in no case less than 5 ft.
Side (interior)		
Abutting an industrially zoned lot	0 ft.	
Abutting a nonindustrial zone, other than residential	10 ft.	
Abutting a residential zone	15 ft.	
Side (Street side)	10 ft.	For lots with a width of less than 100 ft., the street side setback may be 10% of the lot width but in no case less than 5 ft.
Rear		
Abutting an industrially zoned lot	0 ft.	For any rear yard abutting a zone that allows residential use, an additional rear setback shall be provided at a ratio of 2 feet of setback for every 5 feet of building height above 15 feet.
Abutting a nonindustrial zone	10 ft.	
Floor-Area Ratio	1.00 Maximum	
Lot Coverage	75% Maximum	
Height	40 ft.	See Section 10.24.040 (Height Measurements and Exceptions) for height measurement requirements.
Accessory Structures	See Chapter 10.26 (Accessory Structures).	
Fencing	See 10.14.030.C (Walls Required Adjacent to a Zone Allowing Residential Use and Chapter 10.28 (Fences, Hedges, and Walls)).	
Landscaping	See Chapter 10.32 (Landscaping).	
Parking	See Chapter 10.30 (Off-Street Parking and Loading).	
Performance Standards	See Chapter 10.38 (Performance Standards).	
Sign Regulations	See Chapter 10.34 (Signs).	

10.14.040 – Site Design and Architectural Standards**A. Access, Circulation, and Loading Areas**

1. Primary vehicular and pedestrian access shall be from a street with a General Plan classification of Collector or higher, unless the Director determines that no other access is possible.
2. The minimum driveway widths shall be as required by the Fire Department.
3. Circulation shall be designed for both vehicle and pedestrian use. Pedestrian access from the street and the parking lot to the main door of the business shall be designed to avoid conflict with vehicular traffic.
4. Loading areas shall be designed and located to avoid conflicts with interior pedestrian and vehicular circulation, and to minimize noise and other impacts on adjacent uses.

B. Architectural Treatment

1. Structures shall be designed to avoid long, monotonous, plain facades. Techniques such as staggered building planes, variation of facades, recessed entries, and the use of arcades shall be used to create variety and interest.
2. Quality and definable architectural treatment shall be applied to all facades exposed to public view from a street.
3. Particular consideration to color and material shall be given to the design and treatment of roofs because of their potential visual impact. Roof flashing, rain gutters, down spouts, vents, and other roof protrusions shall be screened from view or finished to match adjacent materials and/or colors of the structure.
4. Additions to structures shall be designed to match the roofline, style, and colors of the original structure. Where the original structure has limited design quality, the addition shall work to enhance the overall appearance of the site.
5. Building entrances shall be readily identifiable through the use of varied height, color, or building planes.

C. Walls and Fences

1. Wall and fencing materials and patterns shall be compatible with the style and themes of the structures. Unfinished precision block walls are specifically prohibited.
2. Where walls are erected in locations visible from a public right-of-way, the use of full dimension caps, pilasters, and changes in wall surfaces (staggering) shall be applied.
3. In locations where walls might invite vandalism or graffiti, landscaping shall be provided along the walls.

D. Landscaping

Landscaping, at a minimum, shall be provided in all required setback and all yard areas that face a public right-of-way or private street, within required parking areas pursuant to Chapter 10.30 (Off-Street Parking and Loading), and as otherwise may be required through the Site Plan Review process or any required discretionary approval.

10.14.050 – Limitations on Outdoor Use and Storage

A. Permitted Outdoor Uses

All permitted uses in the CM zone shall be conducted wholly within an enclosed structure except for the following:

1. Building material sales and supply yards.
2. Equipment and truck sales and/or rental yards.
3. Gasoline service stations.
4. Open work areas incidental and in conjunction with a primary permitted use, provided that such areas are not visible from a public street or alley or from an adjacent property. No use of power tools or equipment other than forklifts or similar moving equipment shall be permitted in open work areas.

B. Limits on Outdoor Storage

Outdoor storage is permitted in the CM zone subject to the following standards:

1. Outdoor storage shall not be visible from a public street or alley or from adjoining properties.
2. Outdoor storage shall be screened from view by the positioning of structures around the storage area or by a solid masonry wall. No other types of screening shall be allowed. Any materials stored outdoors shall not be stacked above the height of the structure or wall.
3. Outdoor storage areas may not occupy required parking or driveway areas, required landscape areas, fire lanes, or other emergency access.

C. Vehicle Repair Facility – Outdoor Use and Storage

1. All vehicles being repaired or awaiting repair shall be parked within a secure and enclosed area during all non-business hours.
2. The parking, storage, or repair of vehicles shall not be allowed within any required setback area.

10.14.060 – Other Applicable Regulations

The following additional regulations in this Zoning Code apply to development and activities in the CM zone:

Chapter 10.24	Setbacks – Measurements, Standards, and Exceptions
	Solid Waste and Recyclables Storage
	Vision Clearance Triangle at Intersections
Chapter 10.36	Property Maintenance
Chapter 10.38	Performance Standards

Chapter 10.16 – Public Facilities Zone (PF)

Sections:

- 10.16.010 – Purpose
- 10.16.020 – Land Use Regulations
- 10.16.030 – Development Standards
- 10.16.040 – Other Applicable Regulations

10.16.010 – Purpose

The Public Facility Zone (PF) is established to implement the General Plan Public/Institutional (P/I) land use designation, and to permit public and semi-public uses that support the functions and purposes of other land uses, as well as the functions of City government and other government entities.

10.16.020 – Land Use Regulations

Table 2-7 identifies allowed uses, accessory uses, uses subject to Conditional Use Permit approval, and specific prohibited uses in the PF zone, subject to compliance with all other provisions of this Zoning Code. Any use not listed in Table 2-7 is prohibited.

TABLE 2-7 PF ZONE - ALLOWED USES AND PERMIT REQUIREMENTS	Public Facilities Zone Permit Requirements	
	P CUP MUP --	Permitted by-Right Conditional Use Permit (10.84) Minor Use Permit (10.84) Not allowed
Use	PF	Notes and Specific Use Regulations
Accessory Donation Boxes	--	
City Facilities	P	
Fire, Police, and Sheriff Stations	P	
Governmental offices and facilities – Other than City	P	
Public Utility Transmission and Support Facilities	CUP	
Schools		
Public K-12	P	
Private K-12	CUP	
Wireless Communications Facilities		
New facility	CUP	See Section 10.50.200 (Wireless Communications Facilities).
Co-location	P	

10.16.030 – Development Standards

A. General

Table 2-8 identifies the minimum development standards applicable to all development in the PF zone.

B. Additional Standards

Additional development standards may be applied through the Conditional Use Permit or Minor Use Permit process to provide for compatibility with adjacent and surrounding uses.

TABLE 2-8 DEVELOPMENT STANDARDS FOR PF ZONE		Development Feature	
Development Feature		PF Standards	Additional Requirements
Lot Dimensions		Minimum dimensions required for each NEWLY CREATED lot.	
Lot Area – Minimum		5,000 sq. ft.	
Lot Width - Minimum		60 ft.	
Setbacks - Minimums		Minimum setbacks required for primary structures. See also Section 10.24.020 (Permitted Projections into Required Setback Areas).	
Front		10 ft.	Additional setback requirement may be imposed through the Conditional Use Permit or Minor Use Permit process.
Side (interior)			
Abutting a lot zoned for residential use		10 ft.	Additional setback requirement may be imposed through the Conditional Use Permit or Minor Use Permit process.
All other zones		0 ft.	
Side (Street side)		10 ft.	
Rear			
Abutting a lot zoned for residential use		15 ft.	Additional setback requirement may be imposed through the Conditional Use Permit or Minor Use Permit process.
All other zones		0 ft.	
Floor-Area Ratio - Maximum		1.00	
Lot Coverage		No requirement	
Height		See Section 10.24.040 (Height Measurements and Exceptions) for height measurement requirements.	
		40 ft.	
Accessory Structures		See Chapter 10.26 (Accessory Structures).	
Fencing		See Chapter 10.28 (Fences, Hedges, and Walls).	
Landscaping		See Chapter 10.32 (Landscaping).	
Parking		See Chapter 10.30 (Off-Street Parking and Loading).	
Performance Standards		See Chapter 10.38 (Performance Standards).	
Sign Regulations		See Chapter 10.34 (Signs).	

10.16.040 – Other Applicable Regulations

The following additional regulations in this Zoning Code apply to development and activities in the PF zone:

Chapter 10.24	Setbacks – Measurements, Standards, and Exceptions Vision Clearance Triangle at Intersections Solid Waste and Recyclables Storage
Chapter 10.36	Property Maintenance

- This page intentionally left blank –

Chapter 10.18 – Open Space Zone (OS)

Sections:

- 10.18.010 – Purpose
- 10.18.020 – Land Use Regulations
- 10.18.030 – Development Standards
- 10.18.040 – Other Applicable Regulations

10.18.010 – Purpose

The Open Space Zone (OS) implements the General Plan Public Open Space and Private Open Space land use categories, and is established to allow uses that provide active and passive recreation areas and facilities, including parks, sports fields and courts, and golf courses. Also allowed are plant nurseries.

10.18.020 – Land Use Regulations

Table 2-9 identifies allowed uses, accessory uses, uses subject to Conditional Use Permit approval, and specific prohibited uses in the OS zone, subject to compliance with all other provisions of this Zoning Code. Any use not listed in Table 2-9 is prohibited. All uses shall comply with Chapter 10.38 (Performance Standards).

TABLE 2-9 OS ZONE - ALLOWED USES AND PERMIT REQUIREMENTS	Open Space Zone Permit Requirements	
	P CUP MUP --	Permitted By-Right Conditional Use Permit (10.84) Minor Use Permit (10.84) Not allowed
Land Use See Article 9 for land use definitions.	OS	Notes and Specific Use Regulations
Recreation, Education, and Public Assembly Uses		
Golf Course and related facilities	CUP	
Parks and Playgrounds	P	
Recreational Sports Facilities Private	CUP	
Transportation, Communications, and Infrastructure Uses		
Public Utility Facilities	CUP	
Water facilities (water wells, reservoirs, tanks, dams, treatment plants, gauging stations and pumping stations)	CUP	
Wireless Communication Facilities	See Section 10.50.200 (Wireless Communication Facilities).	
New facility	CUP	
Co-location	P	
Other Uses		
Accessory Structures and Uses	P	See Chapter 10.26 (Accessory Structures) and Section 10.50.020 (Accessory Uses).
Plant Nurseries - Wholesale	CUP	

TABLE 2-9 OS ZONE - ALLOWED USES AND PERMIT REQUIREMENTS	Open Space Zone Permit Requirements		
	P CUP MUP --	Permitted By-Right Conditional Use Permit (10.84) Minor Use Permit (10.84) Not allowed	
Land Use See Article 9 for land use definitions.		OS	Notes and Specific Use Regulations
Temporary Uses		See Chapter 10.96 (Temporary Use Permits).	

10.18.030 – Development Standards

Table 2-10 identifies the minimum development standards applicable to development of any structure in the OS zone.

TABLE 2-10 DEVELOPMENT STANDARDS FOR OS ZONE	
Development Feature	OS Standards Additional Requirements
Lot Dimensions	<i>Minimum dimensions required for each NEWLY CREATED lot.</i>
Lot Area – Minimum	5,000 sf
Lot Width - Minimum	60 ft.
Setbacks - Minimums	Minimum setbacks required for primary structures. See also Section 10.24.020 (Permitted Projections Extensions into Required Setback Areas).
Front	10 ft. Additional setback requirement may be imposed through the Conditional Use Permit or Minor Use Permit process.
Side (interior)	
Abutting a lot zoned for residential use	10 ft. Additional setback requirement may be imposed through the Conditional Use Permit or Minor Use Permit process.
All other zones	0 ft.
Side (Street side)	10 ft.
Rear	
Abutting a lot zoned for residential use	15 ft. Additional setback requirement may be imposed through the Conditional Use Permit or Minor Use Permit process.
All other zones	0 ft.
Floor-Area Ratio	No requirement
Lot Coverage	No requirement
Height	See Section 10.24.040 (Height Measurements and Exceptions) for height measurement requirements.
	40 ft.
Accessory Structures	See Chapter 10.26 (Accessory Structures).
Fencing	See Chapter 10.28 (Fences, Hedges, and Walls).
Landscaping	See Chapter 10.32 (Landscaping).
Parking	See Chapter 10.30 (Off-Street Parking and Loading).
Performance Standards	See Chapter 10.38 (Performance Standards).
Sign Regulations	See Chapter 10.34 (Signs).

10.18.040 – Other Applicable Regulations

The following additional regulations in this Zoning Code apply to development and activities in the OS zone:

Chapter 10.24	Setbacks – Measurements, Standards, and Exceptions
	Solid Waste and Recyclables Storage
	Vision Clearance Triangle at Intersections
Chapter 10.36	Property Maintenance

- This page intentionally left blank –

Chapter 10.20 – Specific Plan Zone

Sections:

- 10.20.010 – Purpose
- 10.20.020 – Establishment of Specific Plan Zones
- 10.20.030 – Accessory Donation Boxes Prohibited

10.20.010 – Purpose

The Specific Plan (SP) zone is established pursuant to Government Code Section 65450 et seq. to allow for flexibility in the design and development of land use projects. Specific plans may be adopted, implemented, and amended pursuant to Chapter 10.20 (Specific Plans) of this Code.

10.20.020 – Establishment of Specific Plan Zones**A. Cottrell Ranch Specific Plan**

The Cottrell Ranch Specific Plan was adopted by the City on January 12, 1988 and amended on July 11, 1989. All development and use of property within the Cottrell Ranch Specific Plan zone shall occur in accordance with the Cottrell Ranch Specific Plan, as it may be amended over time. To the extent that any development standard is not provided by the Cottrell Ranch Specific Plan, such standard shall be in accordance with the provisions of the R-1 zone.

B. Sunny Garden Specific Plan

The Sunny Garden Specific Plan was adopted by the City on August 22, 1989. All development and use of property within the Sunny Garden Specific Plan zone shall occur in accordance with the Sunny Garden Specific Plan, as it may be amended over time. To the extent that any development standard is not provided by the Sunny Garden Specific Plan, such standard shall be in accordance with the provisions of the R-1 zone.

C. Glendora Specific Plan

The Glendora Specific Plan was adopted by the City in 1992. All development and use of property within the Glendora Specific Plan zone shall occur in accordance with the Glendora Specific Plan, as it may be amended over time. To the extent that any development standard is not provided by the Glendora Specific Plan, such standard shall be in accordance with the provisions of the C-2 zone.

D. Downtown Business District Specific Plan

The Downtown Business District Specific Plan was adopted by the City on June 28, 1994 and amended on June 13, 2000 and February 12, 2002. All development and use of property within the Downtown Business District Specific Plan zone shall occur in accordance with the Downtown Business District Specific Plan, as it may be amended over time.

D. Unruh Specific Plan

The Unruh Specific Plan was adopted by the City on June 26, 2007. All development and use of property within the Unruh Specific Plan zone shall occur in accordance with the Unruh Specific Plan, as it may be amended over time.

10.20.030 – Accessory Donation Boxes Prohibited

In all Specific Plan zones, outdoor accessory donation boxes are specifically prohibited.

Article 3: Regulations Applicable to all Zones

Table of Contents

Chapter 10.24 – Site Planning and General Development Standards.....	3-1
10.24.010 – Purpose and Applicability	3-1
10.24.020 – Permitted Projections into Required Setback Areas	3-1
10.24.030 – Vision Clearance Triangle at Intersections	3-2
10.24.040 – Height Measurement and Exceptions.....	3-2
10.24.050 – Setbacks: Measurement, Standards, and Exceptions.....	3-4
10.24.060 – Solid Waste and Recyclable Materials Storage Areas	3-4
10.24.070 – Security Screens and Shutters	3-5
Chapter 10.26 – Accessory Structures.....	3-7
10.26.010 – Purpose and Applicability	3-7
10.26.020 – Permit Requirements; Exemptions	3-7
10.26.030 – Development Standards	3-7
10.26.040 – Canopies and Canopy Structures.....	3-8
10.26.050 – Accessory Donation Boxes.....	3-9
Chapter 10.28 – Fences, Hedges, and Walls.....	3-11
10.28.010 – Purpose and Applicability	3-11
10.28.020 – Permit Requirements.....	3-11
10.28.030 – Maximum Permitted Heights	3-11
10.28.040 – Measurement of Fence, Hedge, and Wall Height	3-13
10.28.050 – Prohibited Fencing Materials	3-15
10.28.060 – Fence and Wall Materials	3-15
10.28.070 – Open and Non-View Obscuring Fences.....	3-15
10.28.080 – Fences and Solid Walls along a Public Right-of-way.....	3-15
Chapter 10.30 – Off-Street Parking and Loading.....	3-17
10.30.010 – Purpose	3-17
10.30.020 – Applicability	3-17
10.30.030 – Permit Requirements	3-17
10.30.040 – Exemptions	3-18
10.30.050 – Nonconforming Parking for Detached Single-family Dwellings	3-18
10.30.060 – Off-Street Parking Space Requirements	3-18
10.30.070 – Parking Space and Drive Aisle Dimensions	3-23
10.30.080 – Parking in the R-E, R-1, and R-2 Zones.....	3-26
10.30.090 – Parking Lot Location.....	3-27
10.30.100 – Parking Lot and Structure Design Considerations	3-27
10.30.110 – Shared Parking	3-29

10.30.120 – Compact and Tandem Parking	3-30
10.30.130 – Maintenance of Off-Street Parking Facilities	3-30
10.30.140 – Prohibition on Commercial Vehicle Parking in Residential Zones	3-30
10.30.150 – Parking Restrictions in Commercial Zones	3-31
10.30.160 – Parking Lot Landscaping	3-31
10.30.170 – Bicycle Parking Requirements.....	3-32
10.30.180 – Off-Street Loading Requirements.....	3-32
10.30.190 – Downtown Business District Specific Plan	3-33
Chapter 10.32 – Landscaping.....	3-35
10.32.010 – Purpose	3-35
10.32.020 – Delegation.....	3-35
10.32.030 – Applicability.....	3-35
10.32.040 – Landscape Documentation Plans Required	3-36
10.32.050 – Landscape Requirements – Commercial, Industrial, and Institutional Development.....	3-39
10.32.060 – Landscape Requirements – Residential Development	3-40
10.32.070 – Compliance with City Street Tree Plan.....	3-40
10.32.080 – Landscape Installation and Maintenance Standards.....	3-40
Chapter 10.34 – Signs	3-43
10.34.010 – Purpose	3-43
10.34.020 – Applicability.....	3-43
10.34.030 – General Provisions	3-43
10.34.040 – Message Neutrality	3-44
10.34.050 – Definitions	3-44
10.34.060 – Permit Required.....	3-49
10.34.070 – Exempt Signs and Sign Maintenance Activities	3-50
10.34.080 – Regulations for Exempt Signs	3-52
10.34.090 – Prohibited Signs.....	3-54
10.34.100 – General Development Standards for All On-site Signs	3-56
10.34.110 – Open Space Zone - Number of Allowed Signs and Allowable Sign Area	3-56
10.34.120 – Residential Zones - Number of Allowed Signs and Allowable Sign	3-56
10.34.130 – Commercial and Industrial Zones - Number of Allowed Signs and Allowable Sign Area.....	3-58
10.34.140 – Master Sign Programs.....	3-63
10.34.150 – Temporary Signs	3-64
10.34.160 – Signs Utilizing Non-Roman Alphabet	3-66
10.34.170 – Electronic Display Billboards	3-66
10.34.180 – Sign Performance Standards	3-70
10.34.190 – Sign Maintenance Requirements	3-70
10.34.200 – Nonconforming Signs, Amortization and Abatement of Signs	3-71
10.34.210 – Signs Prohibited on Public Property within the Public Right-of-way	3-72
10.34.220 – Emergency Abatement of Signs	3-73
Chapter 10.36 – Property Maintenance	3-75
10.36.010 – Statement of Need and Purpose	3-75
10.36.020 – Applicability.....	3-75
10.36.030 – Relationship to Other Laws	3-75
10.36.040 – General Maintenance Provisions.....	3-76
Chapter 10.38 – Performance Standards	3-79
10.38.010 – Applicability.....	3-79
10.38.020 – Air Quality, Dust and Dirt.....	3-79
10.38.030 – Hazardous Materials.....	3-79
10.38.040 – Heat and Cold.....	3-80
10.38.050 – Mechanical Devices.....	3-80
10.38.060 – Noise.....	3-80
10.38.070 – Odor.....	3-80
10.38.080 – Outdoor Light and Glare	3-80

10.38.090 – Outdoor Storage, Refuse Areas, and Service Areas.....	3-80
10.38.100 – Vibration.....	3-80
10.38.110 – Enforcement	3-80
Chapter 10.40 – Transportation Demand Management.....	3-83
10.40.010 – Purpose	3-83
10.40.020 – Applicability.....	3-83
10.40.030 – Findings Required Prior to Permit Issuance	3-83
10.40.040 – Employment Generation Factors.....	3-83
10.40.050 – Transportation Demand and Trip Reduction Measures	3-84
10.40.060 – Equivalent Facilities or Measures.....	3-85
10.40.070 – Maintenance of Facilities	3-85
10.40.080 – Implementation and Monitoring	3-85
Chapter 10.42 – Prohibition of Medical Marijuana Cooperatives or Collectives.....	3-87
10.42.010 – Purpose and Applicability	3-87
10.42.020 – Medical Marijuana Cooperatives and Collectives Prohibited	3-87
10.42.030 – Violation and Enforcement	3-87

Tables

Table 3-1 Permitted Projections and Encroachments into Required SETBACK AREAS	3-1
Table 3-2 Fences, Hedges, and Walls - Maximum Heights	3-12
Table 3-3 Off-Street Parking Requirements	3-19
Table 3-4 Required dimensions for standard parking lanes and stalls	3-24
Table 3-5 Required dimensions for Non-standard parking lanes and stalls.....	3-24
Table 3-6 Additional Dimensions for 45° HerringBone	3-25
Table 3-7 Driveway Width.....	3-26
Table 3-9 Number and Size of Loading Space Required.....	3-34
Table 3-10 Tenant Signs Allowed IN R-2, R-3, AND R-4 Zones.....	3-57
Table 3-11 Freestanding Signs.....	3-58

Figures

Figure 3-1 Vision Clearance Triangle.....	3-2
Figure 3-2 Roof Types and Measurement of Structure Height.....	3-2
Figure 3-3 Measurement of Height on Through Lots	3-3
Figure 3-4 Front Yard Setback Fence Height.....	3-13
Figure 3-5 Front Yard Setback Fence Height.....	3-13
Figure 3-6 Measurement of Fence or Wall Height.....	3-14
Figure 3-7 Off-Street Parking Space Dimension Standards.....	3-23
Figure 3-8 Dimensions for 45° Herringbone Parking	3-25
Figure 3-9 Parking Lot Configurations.....	3-28
Figure 3-10 Height of a Sign.....	3-45
Figure 3-11 Types of Signs.....	3-48
Figure 3-12 Measurement of Sign Area	3-49

- This page intentionally left blank –

Chapter 10.24 – Site Planning and General Development Standards

Sections:

- 10.24.010 – Purpose and Applicability
- 10.24.020 – Permitted Projections into Required Setback Areas
- 10.24.030 – Vision Clearance Triangle at Intersections
- 10.24.040 – Height Measurement and Exceptions
- 10.24.050 – Setbacks: Measurement, Standards, and Exceptions
- 10.24.060 – Solid Waste and Recyclable Materials Storage Areas
- 10.24.070 – Security Screens and Shutters

10.24.010 – Purpose and Applicability

This Chapter establishes standards for general site planning and property development that are intended to encourage and facilitate quality development projects, renovations, and additions in all zones. Consistent with General Plan goals and objectives, these standards work to enhance the appearance of the City's residential neighborhoods and business districts, provide for sensible and safe site planning, address compatibility between adjacent uses, and encourage property investment and maintenance.

10.24.020 – Permitted Projections into Required Setback Areas

The architectural and similar features identified in Table 3-1 may project into any required setback area, but in no case shall any such projection extend closer than 30 inches to a side property line.

TABLE 3-1 PERMITTED PROJECTIONS AND ENCROACHMENTS INTO REQUIRED SETBACK AREAS			
Architectural Feature	Permitted Encroachment Distance into Required Setback Area ^{1, 3}		
	Front	Side	Rear
Cornices, eaves, sills, buttresses, and roof overhangs	2 ft.		
Planter boxes attached to structures	2 ft.		
Uncovered porches or stairways, first floor decks, balconies, fire escapes, and landing places	6 ft. ²	Up to 5 ft. from property line	Up to 5 ft. from property line
Fireplaces, bay windows, awnings, trellises, and patios not higher than 30 inches above grade	2 ft. ²	4 ft. ²	4 ft. ²

Note:

1. Measurements are to the outside face of a structural member, which includes any exterior finish such as paint, stucco, or siding.
2. The combined length of all such features shall not account for more than 25 percent of the length of the wall surface on which the features are located.
3. See also 10.24.050 (Setbacks: Measurement, Standards, and Exceptions).

10.24.030 – Vision Clearance Triangle at Intersections

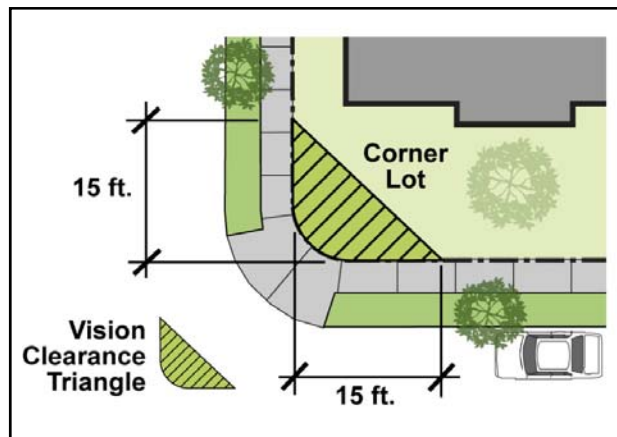
A. Vision Clearance Triangle Required – Purpose

For purposes of public safety, corner lots in all zones—except as may be permitted by any Specific Plan for zero lot line development—shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, and private driveways. A Vision Clearance Triangle shall be required for this purpose.

B. Vision Clearance Triangle Defined; Restrictions

1. The Vision Clearance Triangle consists of a triangular-shaped area on a corner lot formed by measuring the prescribed distance from the intersection of the front and street side property lines, an intersecting alley, or an intersecting driveway, and connecting the lines diagonally across the property, making an approximate 90-degree triangle, as illustrated in Figure 3-1.
2. The Vision Clearance Triangle shall have two equal triangle sides of minimum distance 15 feet, as illustrated in Figure 3-1.
3. Where the intersection is formed by a street and a driveway or alley, or by a driveway and alley, the minimum length of the two equal triangle sides shall be five feet.
4. Within the Vision Clearance Triangle, no tree, fence, shrub, or other physical obstruction higher than 42 inches above the top of curb shall be permitted.

Figure 3-1
Vision Clearance Triangle

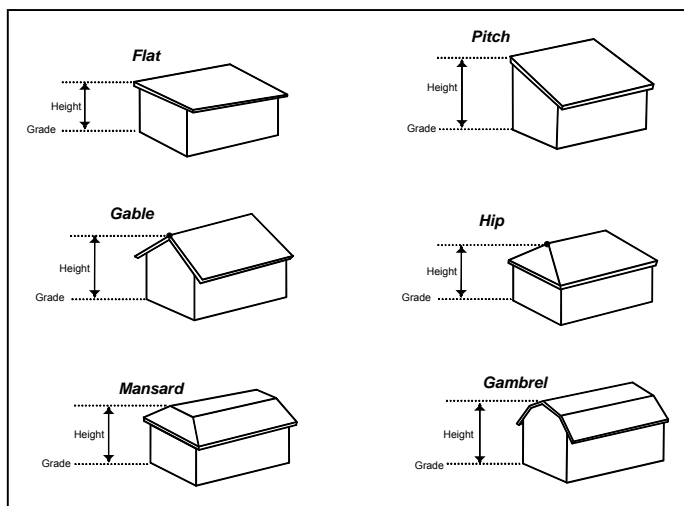


10.24.040 – Height Measurement and Exceptions

A. Height Measurement

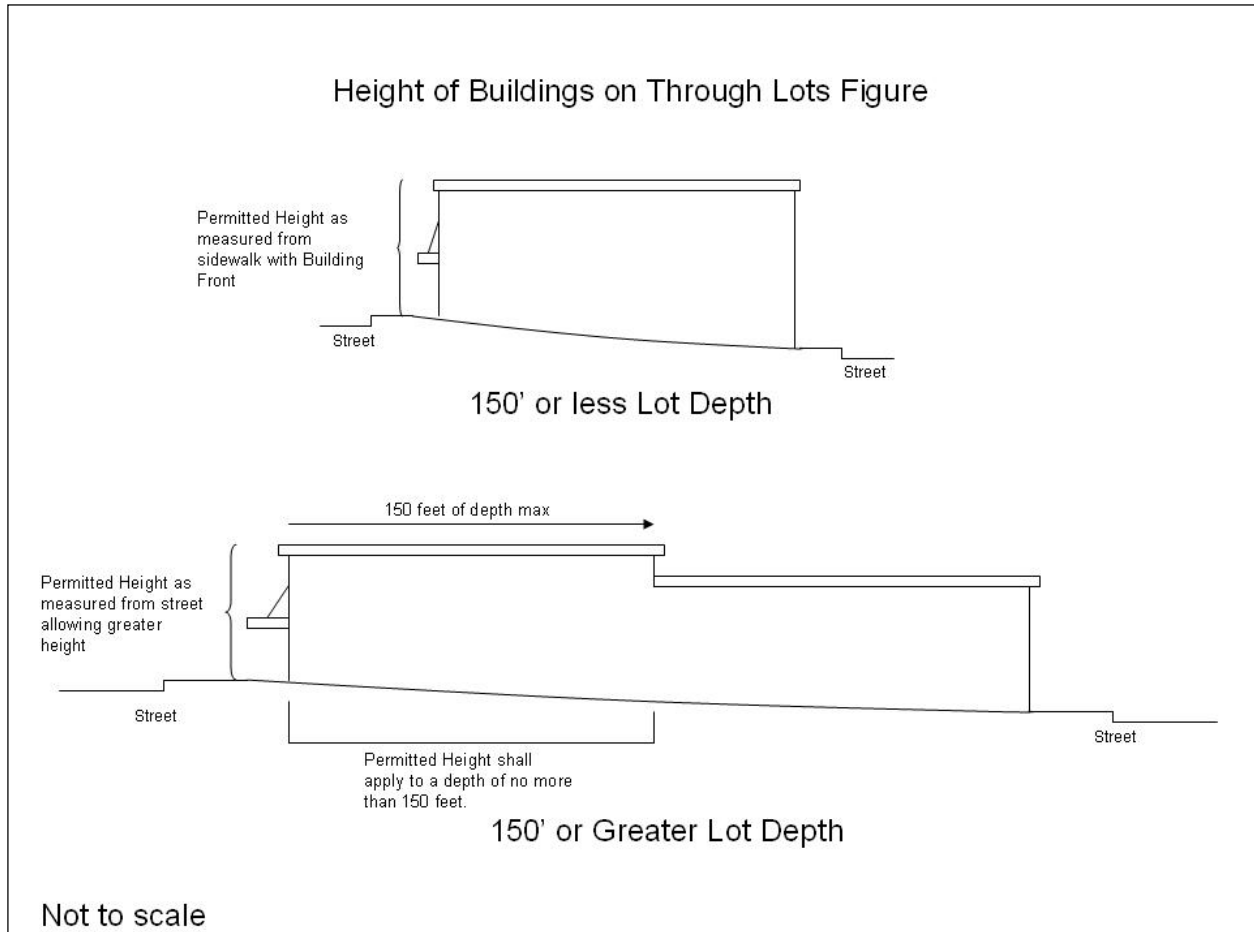
1. Structure height shall be measured as the vertical distance between the lowest ground elevation or finished grade and the highest point of the subject structure. The highest point shall be the coping of a flat roof, deck line of a mansard roof, or peak of the highest gable of a pitch or hip roof, exclusive of vents, air conditioners, chimneys, and the like. See Figure 3-2.
2. For sloped lots or structures with varied floor elevations, the height shall be measured

Figure 3-2
Roof Types and Measurement of Structure Height



as the vertical distance from the average level of the ground under the structure to the top-most point of the roof. The average level of the ground is determined by adding the elevations of the lowest and highest points of the part of the lot covered by a structure, and dividing by two.

Figure 3-3
Measurement of Height on Through Lots



3. On through lots 150 feet or less in depth, the height of a structure on such lot shall be measured from the sidewalk level of the street upon which the structure fronts.
4. On through lots more than 150 in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply. However, such height allowance may extend no more than 150 from that street. See Figure 3-3.

B. Exceptions to Height Limits

The following exceptions to height limits are allowed, provided compliance is achieved with all other applicable permit requirements and development standards of this Zoning Code.

1. Uninhabited architectural design features such as towers, spires, steeples, domes, and cupolas, as well as any permitted rooftop equipment, may exceed the specified height limit by a maximum of 10 percent, subject to approval by the Director.
2. Flagpoles and chimneys may exceed the specified height limit by a maximum of 20 percent.

3. Electrical transmission lines and towers are exempt from the provisions of this Chapter.
4. Height exceptions for wireless communications facilities are set forth in Chapter 10.50.200 (Wireless Communications Facilities) of this Zoning Code.

10.24.050 – Setbacks: Measurement, Standards, and Exceptions

A. Open Spaces

Except as provided in this Chapter, every required setback area creating a yard shall be kept free from structures from the ground to the sky. No setback area or open space provided around any structure for the purposes of complying with the provisions of this Zoning Code shall be considered as providing a setback area or open space for any other structure. No setback area or open space on any adjoining property shall be considered as providing a setback area or open space on a site upon which a structure is to be erected.

B. Modification of Side Setback Requirement on Combined Lots

When the common property line separating two or more contiguous lots is covered by a structure or permitted group of structures, or when the placement of a structure or structures with respect to such common property line or lines does not fully conform to the required setback area on each side yard common property line or lines, such lots shall constitute a single site for the purposes of the requirements of this Zoning Code, and the required side setback area shall not apply to such common property line.

C. Setback Requirements for Property Abutting Future Street Right-of-way

No structure shall be erected or maintained on any lot which abuts a street having only a portion of its required width dedicated unless the setbacks provided and maintained in connection with that structure have a width or depth sufficient to accommodate completion of the road width plus the width or depth required to satisfy the setback requirements for the zone in which the property is located. However, this requirement does not require a setback of such width or depth as to reduce the buildable width of a corner lot to less than 40 feet.

D. Side Setback when a Dwelling Fronts the Side Yard

In the case where a dwelling fronts a side yard, the minimum width of that side yard shall be not less than 10 feet, except that any garage front facing that yard shall be set back no less than 20 feet. Open, unenclosed porches not extending above the floor level of the first floor may project into such side yard upon which such a dwelling fronts for a distance of not more than 42 inches.

E. Side Setback when the Rear of a Dwelling Faces the Side Yard

When the rear of a dwelling abuts a side yard, the setback on that side yard shall be as established for the rear yard in that zone. Open unenclosed porches may not be closer to the side lot line than five feet.

10.24.060 – Solid Waste and Recyclable Materials Storage Areas

All multifamily residential, commercial, industrial, institutional, and all other land uses – with the exception of detached single-family homes – shall provide an enclosure for the storage of containers for solid waste and recyclable materials. Such enclosures shall be sufficiently sized to accommodate the number and size of bins needed for the sanitary storage and collection of solid waste and recyclable materials generated by the facility on a weekly or more frequent basis. The design and construction of such storage areas shall be subject to the approval of the Director and shall be:

1. Enclosed on three sides by a solid screening wall or fence with a minimum height of five feet, designed to be architecturally compatible with the surrounding structures.
2. Provided with an approved operable door or gate on the fourth side properly secured to prevent access by unauthorized persons and minimize scavenging, while allowing authorized persons access for disposal and collection of materials.
3. Provided with a covering or roof for security (to prevent scavenging and/or dumping). The roof should provide adequate clearance to allow complete access to the waste bins, but should not exceed eight feet in height. Open areas between the solid wall and the roof should also be secured.
4. Provided with a concrete pad within the fenced or walled areas and a concrete apron that facilitates the handling of the individual bins or containers.
5. Designed to accommodate individual bins or containers that protect contents from adverse environmental conditions that might render recyclable materials unmarketable.

10.24.070 – Security Screens and Shutters

Where security screens and shutters are provided, as defined in Article 9 of this Code, all such security screens and shutters shall comply with the following.

1. **Location.** Security screens and shutters shall not be mounted on the outside of an exterior building wall, window, or door of any commercial or industrial building in any zone.
2. **Design.** Security screens and shutters shall consist of an open lattice or mesh design that does not obscure visibility into the buildings on which they are installed.
3. **Compliance with Building Code.** All security screens and shutters shall comply with all applicable provisions of Title 8 (Building Regulations) of the Municipal Code.
4. **Amortization of Existing Nonconforming Security Bars.** All nonconforming security screens and shutters shall be abated or removed to comply with the provisions of this Section by January 1, 2020.

This page intentionally left blank.

Chapter 10.26 – Accessory Structures

Sections:

- 10.26.010 – Purpose and Applicability
- 10.26.020 – Permit Requirements; Exemptions
- 10.26.030 – Development Standards
- 10.26.040 – Canopies and Canopy Structures
- 10.26.050 – Accessory Donation Boxes

10.26.010 – Purpose and Applicability

This Chapter establishes standards for the development and use of all accessory structures that are necessarily or customarily incidental to an allowed primary use. The development standards are intended to ensure that accessory structures located in any zone do not adversely impact either adjacent parcels or the surrounding neighborhood, and are developed in a manner which protects the integrity of the zone.

10.26.020 – Permit Requirements; Exemptions

The construction and/or relocation of accessory structures shall require a building permit to ensure compliance with the regulations described in this Chapter. Flag poles not erected upon a building and not more than 15 feet in height, storage sheds, and other similar accessory structures and uses which do not exceed a gross floor area of 120 square feet and are not more than one story and 12 feet in height shall be exempt from this building permit requirement. However, any such exempted accessory structure shall meet the requirements of this Zoning Code for use, placement on the parcel, and height and size.

10.26.030 – Development Standards**A. Height**

The height of an accessory structure shall be limited to one story and 12 feet in height.

B. Setbacks

All accessory structures shall meet the setback requirements for the zone in which they are located.

C. Contribution toward Lot Coverage

The total square footage of all accessory structures on a lot, including any exempt structures, shall contribute toward the calculation of total lot coverage for each specific zone.

D. Projections

Projection of accessory structures into required setback areas shall be allowed pursuant to the provisions of Section 10.24.020 (Permitted Projections into Required Setback Areas).

E. Architectural Consistency

All accessory structures on a permanent foundation shall be consistent in exterior appearance with the primary structure through the use of similar/matching exterior paint colors, material types, and architectural styles.

10.26.040 – Canopies and Canopy Structures**A. Type Permitted and Allowed Locations****1. Permanent Canopy Structures – Residential Zones**

Canopies and canopy structures shall be permitted within rear yard areas only. Such structures shall have an area of no greater than 144 square feet, a height no greater than 10 feet, and a length on any one side of no greater than 12 feet.

2. Shade Umbrellas – Residential Zones

Shade umbrellas with a maximum diameter of 10 feet are allowed in all yard areas and shall not project onto adjacent properties or right-of-way.

3. Decorative Canopies – All Zones

Decorative canopies and awnings constructed as a component or feature of an overall architectural design are allowed as architectural projections, subject to the provisions of Section 10.24.020 (Permitted Projections into Required Setback Areas).

4. Temporary Canopies and Canopy Structures – Residential Zones

In all residential zones, temporary canopies and canopy structures may be erected in any yard area for a private outdoor social event sponsored by the residents of the subject property. All such canopies must be secured in a manner to prevent wind from dislocating them. The use of such structures shall be limited to less than 48 hours in any one-month period.

5. Temporary Canopies and Canopy Structures – Non-Residential Zones

Temporary canopies and canopy structures, of any size, may be erected in any non-residential zone in any location on a parcel subject to the issuance of a Temporary Use Permit pursuant to Chapter 10.96 (Temporary Use Permits). All such canopies must be secured in a manner to prevent wind from dislocating them.

B. Canopies and Canopy Structures – Prohibitions

1. In all residential zones, no canopy and canopy structures shall be located within any front yard, side yard, or driveway area, except as provided above.
2. Reflective or mirrored type covering material shall be prohibited.

C. Repair and Maintenance

Canopies and canopy structures shall be maintained in good condition. Any structure considered to be in disrepair, as determined by the Director, shall be repaired, replaced, or removed from the site.

D. Exemptions

1. Any children's play structure with a canopy structure under 52 square feet in area is exempt from the requirements of this Section.
2. Exempt from this section are temporary freestanding shade structures that are used for less than four hours in any one-week period in conjunction with the noncommercial washing and waxing of personal vehicles that are owned or operated by resident(s) at the subject property; such temporary freestanding shade structures may be located in a required front setback, street side setback, or driveway area during such four-hour period.

10.26.050 – Accessory Donation Boxes**A. Prohibited**

Outdoor accessory donation boxes shall be prohibited in all zones.

B. Removal Required

Any outdoor accessory donation box existing on or before December 31, 2014 shall be considered nonconforming and shall be removed by June 30, 2015.

This page intentionally left blank.

Chapter 10.28 – Fences, Hedges, and Walls

Sections:

- 10.28.010 – Purpose and Applicability
- 10.28.020 – Permit Requirements
- 10.28.030 – Maximum Permitted Heights
- 10.28.040 – Measurement of Fence, Hedge, and Wall Height
- 10.28.050 – Prohibited Fencing Materials
- 10.28.060 – Fence and Wall Materials
- 10.28.070 – Open and Non-View Obscuring Fences
- 10.28.080 – Fences and Solid Walls along a Public Right-of-way

10.28.010 – Purpose and Applicability

This Chapter establishes standards and regulations for the construction and maintenance of fences and walls, and the planting and maintenance of hedges used for screening or buffering purposes. The standards are intended to ensure that all fences, hedges, and walls provide desired privacy and safety but do not create a public safety hazard or nuisance, and meet the City's standards for quality design and maintenance.

10.28.020 – Permit Requirements**A. Fences and Walls**

The following fences and walls shall require a permit.

1. Any fence or wall requires a Zoning Clearance and shall comply with applicable provisions of Article 6 (Permit Procedures) prior to receiving a Building Permit.
2. Any fence or wall may require a Building Permit and shall comply with applicable provisions of Title 8 (Building Regulations).
3. A Minor Use Permit, obtained pursuant to Chapter 10.84 (Conditional Use Permits and Minor Use Permits), shall be required for any fence or wall that exceeds the maximum height limits set forth in Section 10.28.030 (Maximum Permitted Heights). Permits will not be issued for any fence or wall located within any required front setback area or within the required Vision Clearance Triangle (Section 10.24.030 Vision Clearance Triangle at Intersections) that exceeds 42 inches in height.

B. Hedges

No permit shall be required for hedges. Hedges shall be kept trimmed to conform to the maximum permitted heights indicated in Table 3-2.

10.28.030 – Maximum Permitted Heights**A. General**

Table 3-2 identifies the maximum permitted heights for fences, hedges, and walls.

**TABLE 3-2
FENCES, HEDGES, AND WALLS -
MAXIMUM HEIGHTS**

Fence Location	Maximum Height ¹		
	Interior Lot	Corner Lot	Reverse Corner Lot
All Zones:			
Front Yard Setback			
Solid fence or wall	42 in.	42 in.	42 in.
Fence or wall consisting of wrought iron or similar permitted material that is at least 50 percent open	48 in.	48 in.	48 in.
Side Yard			
Interior Side Yard Setback	7 ft.	7 ft.	7 ft.
Street Side Yard Setback	N/A	6ft. ²	6ft. ^{2,3}
Rear Yard Setback	7 ft.	7 ft. ³	N/A
Non-Residential Zones adjacent to Residential Use	8 ft.		
Interior Side Yard and Rear Yard Setbacks			

Note:

1. Greater fence and wall heights may be permitted through the MUP process for unusual projects or circumstances.

2. Where a driveway exits onto a public right-of-way (alley or side street), a wall, fence, or hedge shall not exceed 42 inches in height within 5 feet of the intersection of such driveway and the public right-of-way. See Section 10.28.030 (Vision Clearance Triangle at Intersections).

3. A solid wall, fence or hedge located within 10 feet of the intersection of the rear property line and the side street property line of the reverse corner lot, shall not exceed 42 inches in height, unless the area above 42 inches shall be of an open and non-view obscuring material, consistent with 10.28.070 (Open and Non-View Obscuring Fences).

B. Light Fixtures on Walls - Height

A light fixture up to 18 inches in height may be mounted atop a 42-inch post, column, or pilaster that is part of a fence or wall.

C. Front Yard Setback Fence Height on Cul-de-Sac Lots

Where a lot is located at the end of a cul-de-sac and the side yard abuts an arterial roadway, as designated in the General Plan, a maximum six-foot-high wall or fence may be permitted within that portion of the front yard setback that abuts the arterial roadway, as indicated in Figures 3-4 and 3-5.

Figure 3-4
Front Yard Setback Fence Height

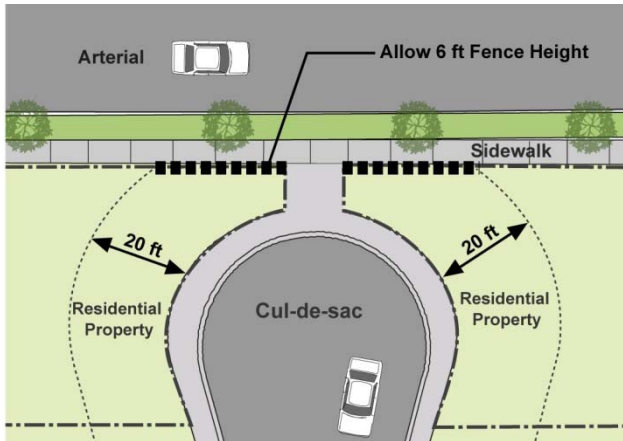
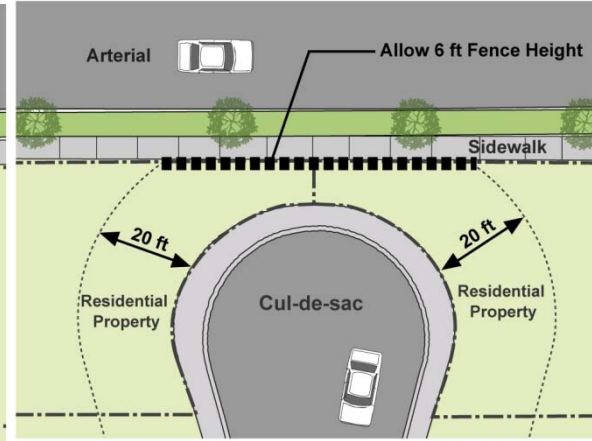


Figure 3-5
Front Yard Setback Fence Height



D. Specific Plans

For adopted Specific Plans, fence, hedge, and wall heights shall comply with the standards set forth in the Specific Plan. Where the Specific Plan is silent with regard to fence, hedge, and wall height, the standards for the zone that most closely approximates the Specific Plan shall apply, as determined by the Director.

10.28.040 – Measurement of Fence, Hedge, and Wall Height

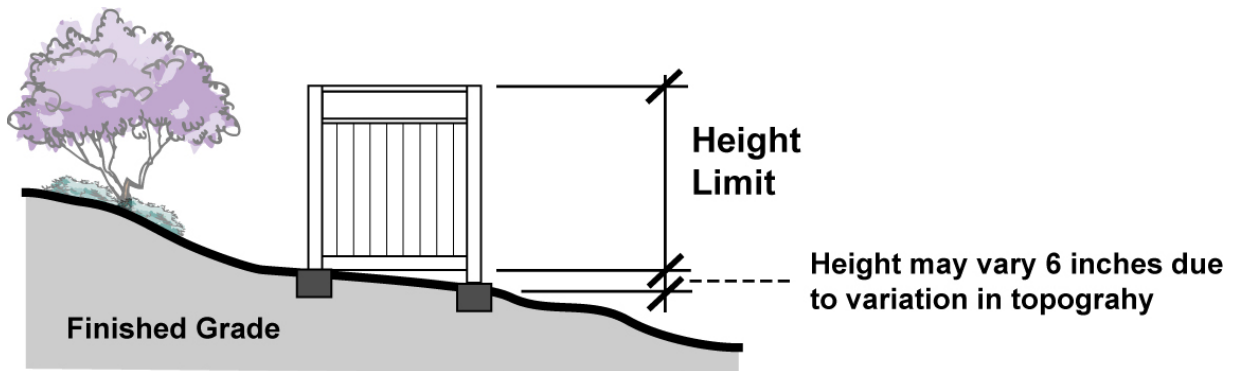
A. General

For the purposes of this Chapter 10.28, fence, hedge, and wall height shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence, hedge, or wall is erected or planted to the highest point of the fence, hedge, or wall. To allow for variation in topography on a parcel, the height of a fence, hedge, or a wall may vary up to six inches.

B. Difference in Grade Height between Two Parcels

Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence or wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel (see Figure 3-6). When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Director. The Director shall consider the physical and visual height impact on abutting properties.

Figure 3-6
Measurement of Fence or Wall Height



C. Retaining Wall Heights

Where there is a necessary retaining wall for a lot that is above a sidewalk or top of curb grade, additional wall height may be allowed, subject to all of the following criteria.

1. Retaining Walls in Front Yard Setback

A retaining wall within the required front yard setback shall not exceed 42 inches in height, provided:

- a. Fences on top of retaining walls may not exceed 42 inches in height, and such fence shall be open and non-view obscuring, consistent with 10.28.070 (Open and Non-View Obscuring Fences).
- b. A solid wall or fence may be located on top of a retaining wall, provided that the combined height of the fence and retaining wall does not exceed 42 inches in height.

2. Retaining Walls in Rear and Side Yard Setback

A retaining wall within the required rear or side yard setback shall not exceed seven feet, provided:

- a. A seven-foot high fence that is open and non-view obscuring may be located on top of the retaining wall.
- b. A solid wall or fence may be located on top of a retaining wall, provided that the combined height of the fence and retaining wall does not exceed seven feet in height, as measured from the finished grade.

3. Retaining Wall along Side Street

A retaining wall within the side street yard shall not exceed six feet in height, provided:

- a. Fences on top of retaining walls may not exceed seven feet in height, and such fence shall be open and non-view obscuring, consistent with 10.28.070 (Open and Non-View Obscuring Fences).
- b. A solid wall or fence may be located on a retaining wall, provided that the combined height of the wall and additional wall or fence does not exceed seven feet in height, as measured from finished grade.

4. Additional Retaining Wall

An additional solid wall or fence may be constructed above a 42-inch retaining wall in the front yard setback area and seven-foot high retaining wall in the rear and side yard setback area, provided that a minimum separation of two feet is provided between the retaining wall and the additional solid wall or fence, and the area between the walls is landscaped.

10.28.050 – Prohibited Fencing Materials

A. Residential Zones

The following fencing materials are prohibited in all residential zones: chicken wire and similar small-gauge wire or mesh product, barbed or razor wire, chain-link fencing, plastic (except for an engineered plastic fence), fabric membranes, cloth, canvas, plywood, corrugated steel or plastic, and reed or bamboo sticks and slats smaller than four inches in width (for individual sticks or slats).

B. All Other Zones

The following fencing materials are prohibited in all non-residential zones: wood, chicken wire and similar small-gauge wire or mesh product, barbed or razor wire, plastic (except for an engineered plastic fence), and chain-link fencing.

10.28.060 – Fence and Wall Materials

A. Residential Zones

Where a fence or wall is provided, both sides of the fence or wall shall have a finished appearance. For walls, the top of the wall shall include a decorative cap or finish.

B. All Other Zones

Wall materials, patterns, and colors shall be consistent with building materials and architectural treatments used on the same site. Both side of the wall shall be finished, and the top of the wall shall include a decorative cap or finish. Wherever possible, wall surfaces shall be softened with plantings and landscaping.

10.28.070 – Open and Non-View Obscuring Fences

Fences that are required to be open and non-view obscuring shall consist of one of the following:

1. Decorative wrought iron, tubular steel, or similar material with caps;
2. Wrought iron, tubular steel, or similar material combined with intermittent block columns not more than one and one-half feet wide and no less than eight feet apart;
3. Wood picket 50 percent open.

10.28.080 – Fences and Solid Walls along a Public Right-of-way

A. New Fences and Walls

1. Wherever a fence or wall on private property is to be erected along a property line or portion of private property abutting a public street right-of-way and can be seen from that right-of-way, that fence or wall shall be constructed of highly durable and attractive materials pursuant to the provisions of subsections 10.28.050 (Prohibited Fencing Materials) and 10.28.060 (Fence and Wall Materials); however, fabric membranes, cloth,

canvas, plywood, corrugated steel or plastic, and reed or bamboo sticks and slats smaller than four inches in width (for individual sticks or slats) shall specifically be prohibited.

2. All fences and walls along the right-of-way shall have a finished surface, with finishing to include the encasing of fence posts, and use of stained or otherwise finished materials, and any walls shall include a decorative column, pilaster, or other break every eight to 10 feet to reduce the massing of the wall along the public right-of-way. Such pilasters or posts shall be constructed of materials aesthetically complementary to the wall finish.
3. Wood fences are prohibited along street side yards and rear yards abutting the following streets:
 - a. Puente Avenue
 - b. Temple Avenue
 - c. Amar Road
 - d. Hacienda Boulevard
 - e. Unruh Avenue
 - f. Sunset Avenue
 - g. Valley Boulevard

B. Fences and Walls – Maintenance and Repairs

Wherever a fence or wall on private property has been erected along a property line or portion of private property abutting a public right-of-way and can be seen from that right-of-way, that fence or wall shall be continuously maintained in a sound structural and aesthetic condition, with no missing fence slats or block wall portions, not leaning, appropriately painted or stained or otherwise finished, and free from graffiti.

Chapter 10.30 – Off-Street Parking and Loading

Sections:

- 10.30.010 – Purpose
- 10.30.020 – Applicability
- 10.30.030 – Permit Requirements
- 10.30.040 – Exemptions
- 10.30.050 – Nonconforming Parking for Detached Single-family Dwellings
- 10.30.060 – Off-Street Parking Space Requirements
- 10.30.070 – Parking Space and Drive Aisle Dimensions
- 10.30.080 – Parking in the R-E, R-1, and R-2 Zones
- 10.30.090 – Parking Lot Location
- 10.30.100 – Parking Lot and Structure Design Considerations
- 10.30.110 – Shared Parking
- 10.30.120 – Compact and Tandem Parking
- 10.30.130 – Maintenance of Off-Street Parking Facilities
- 10.30.140 – Prohibition on Commercial Vehicle Parking in Residential Zones
- 10.30.150 – Parking Restrictions in Commercial Zones
- 10.30.160 – Parking Lot Landscaping
- 10.30.170 – Bicycle Parking Requirements
- 10.30.180 – Off-Street Loading Requirements
- 10.30.190 – Downtown Business District Specific Plan

10.30.010 – Purpose

This Chapter establishes standards for the design, use, and maintenance of all off-street parking and loading facilities. The standards are intended to ensure that off-street parking and loading facilities located in any zone meet the parking needs of associated land uses, and to ensure that off-street parking and loading facilities are designed in a manner that protects public safety by reducing wind, dust, heat, noise, and glare, and adds positive aesthetic qualities to all developments.

10.30.020 – Applicability

Every structure that is erected or enlarged, or any new use established within an existing structure, and every use that does not involve a structure shall be provided with permanently maintained off-street parking and loading facilities as set forth in this Chapter.

10.30.030 – Permit Requirements**A. New Parking Facilities**

The design of new parking facilities not otherwise exempt from the requirements of this Chapter shall be reviewed in conjunction with the Building Permit and any other land use or development permit required for the project. A site plan shall be submitted to the Director in conjunction with the required permit(s) and shall include sufficient detail to determine compliance with the provisions of this Chapter.

B. Modification of Existing Parking Facilities

Modification or improvement to an existing parking facility which changes the parking space layout, configuration, number of stalls, or landscaping shall require Director review and approval.

10.30.040 – Exemptions

The following parking facility improvements shall be considered minor in nature in that the number or configuration of parking stalls is not altered. Such improvements shall be exempt from permit requirements.

- A. Resurfacing, slurry coating, and restriping of a parking area with identical delineation of parking spaces.
- B. Repair or replacement of damaged planters and curbs in the same location.

10.30.050 – Nonconforming Parking for Detached Single-family Dwellings

When a residential lot has less than the required covered parking for a single-family dwelling that was originally legally constructed pursuant to this Zoning Code, such parking shall be deemed to comply with the minimum required parking.

10.30.060 – Off-Street Parking Space Requirements

A. Facilities Required by Type of Use

Table 3-3 establishes the spaces and facilities required for off-street parking for the uses specified. These standards shall apply at the time a new structure is erected or placed on the ground, when an existing structure is altered or enlarged, when a new land use is established, and/or when a use is intensified by the addition of floor space or seating capacity, unless otherwise specified in this Chapter.

B. Uses Not Listed

Where the parking requirements for a use are not specifically listed in Table 3-3, the parking requirements for such a use shall be determined by the Director. Such determination shall be based upon the requirements for the most comparable and/or similar use. Such determinations shall be documented in writing and shall be appealable pursuant to Chapter 10.114 (Appeals).

C. Rounding

When the computation of the required number of off-street parking spaces results in a fractional space, the number of required spaces shall be rounded to the nearest whole number.

D. Mixed Occupancies

In the case of mixed uses or occupancies in a structure and/or on a lot, the total number of off-street parking spaces shall be calculated for each use by applying the required parking standard for the principal use to each of the separate uses. Alternative parking may be provided pursuant to Section 10.30.110 (Shared Parking).

E. Driveway Area not Counted

Any driveway area leading to a garage shall not be used to satisfy the off-street parking requirement for any required uncovered parking space.

F. Waiver or Modification for Public Utility Uses

The Director may waive and/or modify the off-street parking provisions, as set forth in this Chapter, for uses such as electrical power transformer stations, utility stations, and similar uses which have no employees working on the property, except employees required for periodic maintenance. Such decisions shall be documented in writing.

TABLE 3-3 OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Animal Care and Services/Clinics	
Animal Boarding/Kennels	1 space per 400 sf
Animal Grooming/Retail Sales	1 space per 250 sf
Animal Hospitals/Clinics	1 space per 300 sf
Care Uses	
Adult Day Care – Small (6 or fewer)	Spaces required for dwelling unit only
Adult Day Care - Large (7 or more)	2 spaces per site for drop-off and pick-up purposes (in addition to any spaces required for the dwelling unit)
Child Day Care – Small (6 or fewer)	Spaces required for dwelling unit only
Child Day Care - Large (7 to 14)	2 spaces per site for drop-off and pick-up purposes (in addition to any spaces required for the dwelling unit)
Day Care Center - General (15 or more)	1 space per 5 children the facility is designed, plus 1 space for each vehicle used in the operation
Eating and Drinking Establishments	
Accessory Food Service	1 space per each 3 seats or 1 per each 75 sf of public area, whichever is greater
Bars, Lounges, and Nightclubs	1 space per each 4 persons based on allowed occupancy load or as required by Conditional Use Permit
Fast Food Restaurant	1 space per 40 sf of gross structure area, plus 1 space per 100 sf of outdoor dining area
Sit-down Restaurant	1 space per 100 sf of structure area, plus spaces as required for any outdoor dining area
Take-Out Service Restaurant	1 space per 200 sf
Outdoor Dining - Accessory	For first 200 sf of dining area, no additional parking shall be required. For area over 200 sf, 1 space per 75 sf of dining area
Health/Fitness Facilities	
Small - 2,000 sf or less	1 space per 150 sf
Large - Over 2,000 sf	1 space per 200 sf
Industry, Manufacturing and Processing, Warehousing Uses	
Food Processing	1 space per 2,000 sf
Industry	
Small - 5,000 sf or less	1 space per 500 sf
Large - Over 5,000 sf	1 space per 1,000 sf
Research and Development	1 space per 500 sf

TABLE 3-3 OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Warehousing and Storage	1 space per 1,500 sf, plus 1 space per 350 sf for offices. Minimum of 10 spaces per use
Wholesaling	1 space per 1,000 sf
Personal Services	
Nail Salons	1 space per 100 sf
Personal Services, General	1 space per 250 sf
Studio (dance, music, martial arts and similar)	1 space per 250 sf
Recreation, Education, and Assembly Uses	
Commercial Recreation and Entertainment	As required by Conditional Use Permit or Minor Use Permit, based on parking study for use proposed
Assembly, Public	1 space per 4 fixed seats or 1 space per 25 sf used for assembly purposes, or as required by Conditional Use Permit or Minor Use Permit. Additional parking for associated uses shall be provided as is required for that specific use.
Recycling Facilities	
Collection Facility - Large	4 spaces minimum, but more may be required by the Director
Collection Facility - Small	2 spaces minimum, but more may be required by the Director
Residential, Single-Unit Dwelling – Attached or Detached	
One to four bedrooms	2 spaces in a garage
Five or more bedrooms	2 spaces in a garage, plus one additional space that may be covered or uncovered but must be located outside of any required setback or driveway area, unless waived by the Director through the Site Plan and Design Review process (Chapter 10.94 Site Plan and Design Review). See also 10.30.080 (Parking in the RE, R-1, and R-2 Zones).
Residential, Multi-Unit Dwelling	
Accessory Dwelling Unit	1 space, either covered or uncovered
Bachelor unit	1 space per unit in a garage, plus 0.5 guest spaces per unit (in a garage or open)
One to three bedroom unit	2 spaces per unit in a garage, plus 0.5 guest spaces per unit (in a garage or open)
Four or more bedroom unit	2 spaces per unit in a garage, plus 1 guest space per unit (in a garage or open)
Two-Unit Dwellings	2 spaces in a garage per unit
Senior Housing	1 space per unit; may be modified if demonstrated through a parking study that fewer spaces will meet anticipated need
Single-room Occupancy (SRO) Facilities	1 space per room

TABLE 3-3 OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Retail Trade Uses	
Appliances, Building Materials, Home Electronics, Furniture, Nurseries, and Similar Large Warehouse-type Retail Sales and Bulk Merchandise Facilities	First 10,000 sf: 1 space per 300 sf, then for each additional 10,000 sf or portion thereof, 1 space per 500 sf In addition to the above, 1 space per 1,000 sf of outdoor merchandise areas
Food and Beverage Sales (for off-site consumption) As Primary use Accessory to service station	1 space per 200 sf 1 space per 500 sf of store space, in addition to spaces provided at the pumps, plus as required below for Service Stations
Retail Sales - General	1 space per 250 sf
Multi-Tenant Shopping Centers ⁽¹⁾	1 space per 3000 sf
Schools, Private	
Elementary School	2 spaces per classroom, plus loading area for buses and students
Junior or Middle School	2 spaces per classroom, plus loading area for buses and students
High School	7 spaces per classroom, plus loading area for buses and students
College or university	3 spaces per 1,000 sf of classroom and assembly space, or as may otherwise be required by discretionary permit process
Trade or technical school	1 space per employee, plus 1 space per student at maximum enrollment capacity
Service Uses – Business, Financial, Medical, and Professional	
Community Care Facilities	1 space per 2 beds or residents for which the facility is designed, plus 1 space per vehicle associated with the facility
Financial Institutions and Related Services	1 space per 250 sf
Hospitals	1 space per bed, plus 1 space per resident doctor and 1 space per employee
Laboratories (medical, dental, and similar)	1 space per 500 sf
Offices - Business, General, Governmental Up to 50,000 sf 50,001 - or more	1 space per 250 sf 1 space per 350 sf
Offices - Medical and Dental	1 space per 300 sf
Outpatient Surgery Facility	1 space per 300 sf
Urgent Care Facilities	1 space per 300 sf
Service Uses – General and Restricted	
Ambulance Services	1 space per 500 sf, plus 1 space for each vehicle associated with the business
Business Support Services (Duplication, Computer Services, Postal Services, and the like)	1 space per 250 sf
Catering Services	1 space per 400 sf
Emergency Shelter	1 space per employee, plus 1 space for every 10 residents for which the facility is designed, plus 1 space per vehicle associated with the facility

TABLE 3-3 OFF-STREET PARKING REQUIREMENTS	
Land Use	Parking Spaces Required
Maintenance and Repair Services – Small equipment and appliances (excluding Vehicle Repair)	1 space per 500 sf
Personal Service – General (per definition in Article 9)	1 space per 250 sf
Personal Service – Restricted (per definition in Article 9)	1 space per 200 sf
Vehicle Rental, Sales, and Service Uses	
Vehicle/Equipment Rental and Sales	1 space per 300 sf of gross floor area
Vehicle/Equipment Services	
Automobile Repair and Service Station	1 space per 300 sf or 5 per service bay whichever is more; minimum of 4, plus any required for permitted ancillary uses
Automobile Washing - Full Service	1 space per employee on largest shift, plus adequate stacking and drying area as determined by Conditional Use Permit or Minor Use Permit
Automobile Washing – Self Service and Drive-through	1 space, plus any additional spaces for use of facilities and equipment as determined by Conditional Use Permit or Minor Use Permit
Service Station with Retail Sales (other than vehicle related)	1 space per 200 sf of office/retail area, plus 2 per service bay, plus any required for other permitted ancillary uses (see Food and Beverage Sales above)
Visitor Accommodations	
Bed and Breakfast Inns	1 space per guest room, plus 2 additional spaces
Hotels, Motels	1 per guest room, plus additional parking for assembly, restaurant, and other on-site ancillary facilities as set forth in this table
Transportation, Communications, and Infrastructure Uses	
Communications Facilities	Determined by the Review Authority in conjunction with required Conditional Use Permit or Minor Use Permit
Other Uses	
Caretaker Residence	1 space per unit
Temporary Uses	As required by the Temporary Permit in compliance with Chapter 10.96 Temporary Use Permits

Note:

1. In any shopping center where an eating establishment (restaurant) occupies more than 50 percent of the total leasable area of the shopping center, parking shall be increased to a ratio of 1 space per 100 sf for any floor area dedicated to an eating establishment use.

G. Handicap Accessible Parking

Handicap accessible parking shall be provided pursuant to requirements of the Building Code.

10.30.070 – Parking Space and Drive Aisle Dimensions**A. Parking Spaces****1. Uncovered**

Each standard uncovered off-street parking space shall have a minimum width of nine feet and a minimum length of 20 feet. Any parking stall abutting a block wall or structure shall have a minimum width of 12 feet. Any stall which abuts a landscape planter shall be permitted to have a minimum length of 18 feet, with two feet of overhang into the planter.

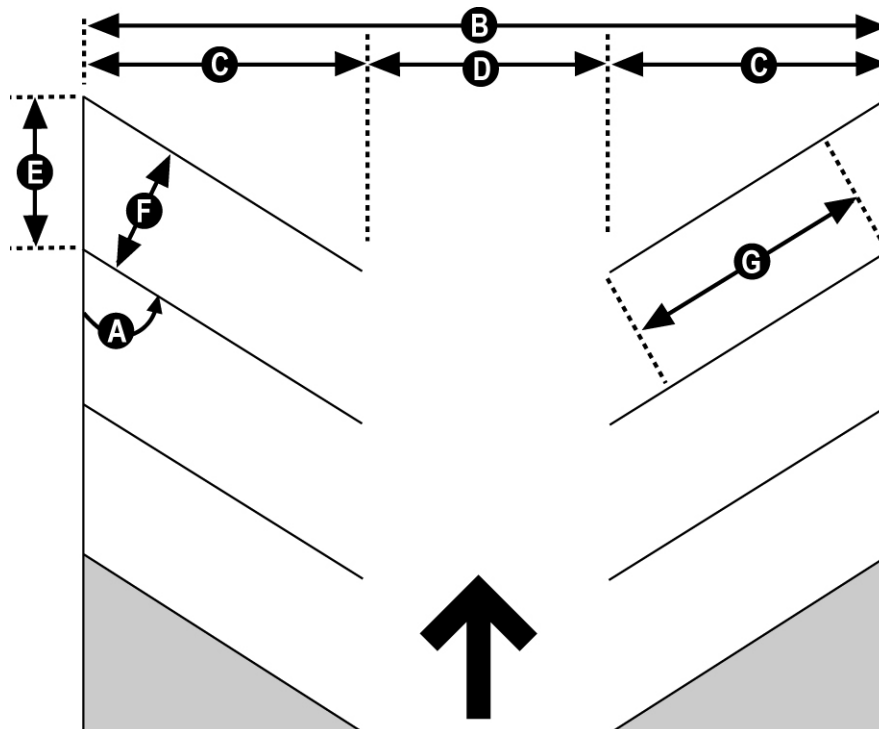
2. Covered

Each covered off-street parking space shall have minimum inside dimensions of 10 feet by 20 feet. All carports visible from the public right-of-way shall be totally enclosed on three sides.

3. Compact

Uncovered compact spaces shall have a width not less than eight feet wide and a length of not less than 17 feet. Covered compact spaces shall have a width not less than nine feet wide, and a length not less than 18 feet. Compact parking spaces shall comply with the requirements outlined in Section 10.30.120 (Compact and Tandem Parking).

Figure 3-7
Off-Street Parking Space Dimension Standards



**TABLE 3-4
REQUIRED DIMENSIONS FOR STANDARD PARKING LANES AND STALLS**

(A) Angle of Parking (Degree)	(B) Width of Section (Feet)		(C) Depth of Stall (Feet)	(D) Width of Aisle (Feet)		(E) Length Stall Edge (Feet)	(F) Width of Stall (Feet)	(G) Length of Stall (Feet)
	One Way	Two Way		One Way	Two Way			
0	30'	34'	9'	12'	16'	20'	9'	20'
30°	47' 6"	51' 6"	17' 8"	12'	16'	18'	9'	20'
45°	55'	59'	20' 6"	14'	18'	12' 8"	9'	20'
60°	63' 6"	63' 6"	21' 8"	20'	20'	10' 6"	9'	20'
90°	65'	65'	20'	25'	25'	9'	9'	20'

Notes:

1. See Table 3-5 for other parking stall angles.
2. The minimum aisle width where no parking is provided shall be 20 feet.
3. See Table 3-6 for dimensions for herringbone parking patterns.
4. For stalls adjacent to a wall, the minimum stall width shall be 12 feet or a three-foot wide walkway between the wall and stall edge shall be provided.

**TABLE 3-5
REQUIRED DIMENSIONS FOR NON-STANDARD PARKING LANES AND STALLS**

(A) Angle of Parking (Degree)	(B) Width of Section (Feet)		(C) Depth of Stall (Feet)	(D) Width of Aisle (Feet)		(E) Length Stall Edge (Feet)	(F) Width of Stall (Feet)	(G) Length of Stall (Feet)
	One Way	Two Way		One Way	Two Way			
35°	49' 6"	53' 6"	18' 8"	12'	16'	15' 7"	9'	20'
40°	53' 4"	60' 2"	19' 7"	14'	18'	14'	9'	20'
50°	56' 2"	60'	21' 1"	14'	18'	11' 7"	9'	20'
55°	58'	63' 8"	21' 5"	15'	17'	11'	9'	20'
65°	63' 8"	63' 8"	21' 9"	20'	20'	9' 9"	9'	20'
70°	63' 8"	63' 8"	21' 9"	20'	20'	9' 6"	9'	20'
75°	66' 2"	66' 2"	21' 6"	23'	23'	9' 3"	9'	20'
80°	67' 6"	67' 6"	21' 3"	25'	25'	9' 1"	9'	20'
85°	67' 4"	67' 4"	20' 7"	26'	26'	9'	9'	20'
35°	49' 6"	53' 6"	18' 8"	12'	16'	15' 7"	9'	20'
40°	53' 4"	60' 2"	19' 7"	14'	18'	14'	9'	20'

Figure 3-8
Dimensions for 45° Herringbone Parking

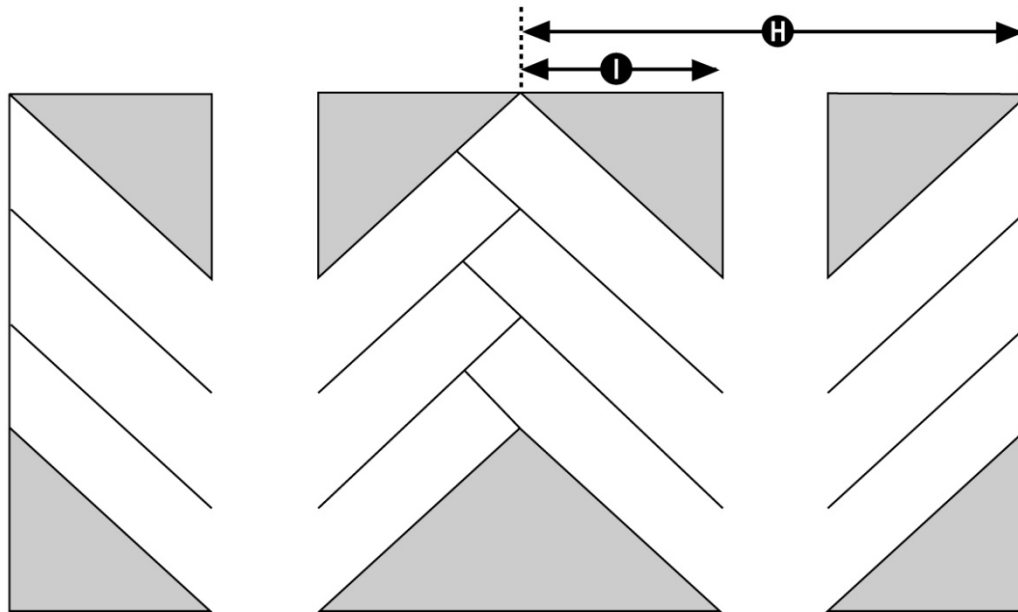


TABLE 3-6 ADDITIONAL DIMENSIONS FOR 45° HERRINGBONE		
(H) Width of Section (Feet)		(I) Depth of Stall (Feet)
One Way	Two Way	
52' 2"	56' 2"	17' 7"

B. Driveway Dimensions

Minimum driveway dimensions shall be as set forth in Table 3-7 or as may otherwise be required by the Fire Department.

TABLE 3-7 DRIVEWAY WIDTH		
Use	Minimum Driveway Width	Notes
Residential – Multi-unit		
One-way driveway	12 ft.	For driveways serving parking lots with 10 or fewer vehicles, the driveway width may be reduced to 10 ft.
Two-way driveway	20 ft.	Where the driveway is also used for maneuvering area for adjacent parking spaces, the minimum driveway width shall be 25 ft.
Residential – Single unit	10 ft.	
Commercial and Industrial		
One-way driveway	12 ft.	For driveways serving parking lots with 10 or fewer vehicles, the driveway width may be reduced to 10 ft.
Two-way driveway	24 ft.	Where the driveway is also used for maneuvering area for adjacent parking spaces, the minimum driveway width shall be 28 ft.
All Other Uses		
One-way driveway	12 ft.	
Two-way driveway	24 ft.	

10.30.080 – Parking in the R-E, R-1, and R-2 Zones**A. Parking within Front Yard Area**

1. The parking of vehicles in any front yard area in the R-E, R-1, and R-2 zones is restricted to the driveway and any adjacent allowed paved area.
2. For properties with a two-car garage for which one additional paved parking space is required per Table 3-3 and that additional space is proposed to be located within the front yard area, the maximum width of the driveway with the one additional required parking space shall not exceed 27 feet within the front yard area, and the driveway apron shall not exceed a width of 20 feet. The additional parking space shall be located along the side of the driveway abutting the side lot line. Where insufficient width exists at this location, the additional parking space may be located on the opposite driveway side.

Where such parking arrangement causes the total paved area to exceed the limits of front yard hardscape coverage established in Section 10.32.070. (Landscape Requirement – Residential Development), the Director may administratively waive such hardscape limitation.

3. For properties with a two-car garage located in the rear of the property with no alley access, the required additional paved parking space shall be provided as a minimum nine-foot-wide by 20-foot-long parking space behind the required front yard setback, with the required maneuvering space provided. Where existing improvements do not allow for such configuration, the parking space may be established in the front yard adjacent to the existing driveway as described in subparagraph 2 above.
4. For properties with a two-car garage with alley access, the additional required paved parking space shall be a minimum nine-foot-wide by 20-foot-long space located adjacent to the existing garage. Any new curb cuts, driveways, or parking spaces shall be prohibited in the front yard.

B. Carports

In the R-E and R-1 zones, a carport shall not be counted as provided required parking. However, where a carport provides additional, non-required parking in the R-E and R-1 zones, such carport shall be permitted only within the rear one-third of the lot. On a corner lot, the carport shall be set back a minimum of 40 feet from any street-side lot line.

10.30.090 – Parking Lot Location**A. Residential Uses**

Required parking facilities for residential uses as specified in this Chapter shall be located on the same lot or parcel of land with the use in which it is intended to serve, except where parking districts or community parking facilities have been established by ordinance or resolution of the Council.

B. Non-Residential Uses

Required parking for non-residential uses shall be provided in one of the following ways:

1. On the same lot or parcel of land with the use in which it is intended to serve; or
2. By membership in a vehicle parking district; or
3. On a lot or parcel of land within 500 feet of the use, subject to the approval of the Director and provided that the distant lot can be accessed safely and conveniently by pedestrians and further provided that a covenant acceptable to the City Attorney specifically identifies and authorizes the parking use for the same period of time for which the land use is approved. Distance between the parking lot and the use being served shall be measured via a convenient and safe pedestrian route, as determined by the Director.

10.30.100 – Parking Lot and Structure Design Considerations**A. Design Specifications**

Parking lots shall be designed and constructed as indicated in Section 10.30.070 (Parking Space and Drive Aisle Dimensions). Parking lot paving shall consist of a material approved by the City Engineer.

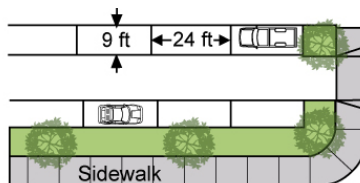
B. Screening from Public Right-of-way

Any parking area not separated by a fence or wall from any street, alley, or other public right-of-way shall be provided with a minimum five-foot-wide landscape buffer between the parking area and the street, alley, or other public right-of-way, as measured from the edge of the right-of-way to the parking area. Landscaping, other than trees, shall be designed and maintained to establish a screen of approximately 36 inches in height. Screening materials may include a combination of plant materials, earthen berms, raised planters, low walls, or other screening devices that meet the intent of this requirement, as approved by the Director.

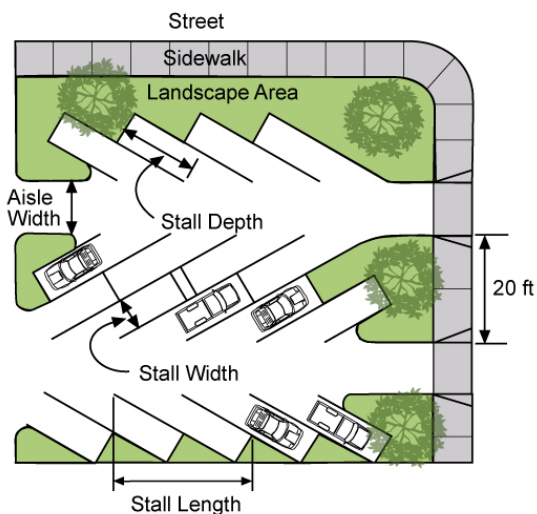
C. Parking Lot Lighting

All parking lots shall be provided with outdoor lighting and safety lighting as approved by the Director.

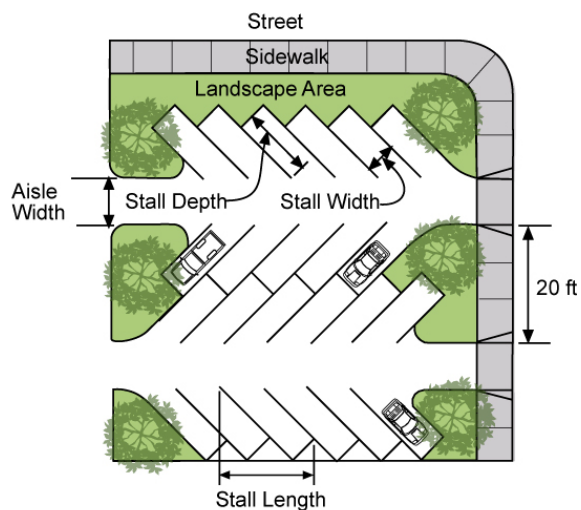
Figure 3-9
Parking Lot Configurations



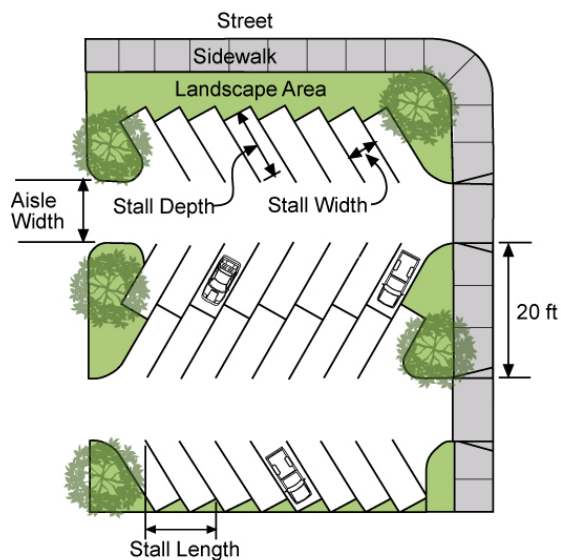
Standard Parallel Parking



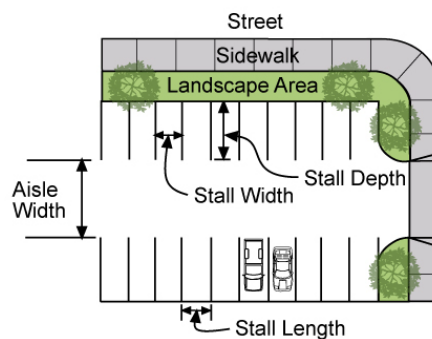
30-Degree Angle Parking



45-Degree Angle Parking



60-Degree Angle Parking



90-Degree Parking

D. Access and Circulation

1. Parking spaces within a parking lot or structure shall be designed and located so that any required maneuvering into or out of the space will not interfere with vehicles entering or exiting the parking lot, and so that vehicles can enter an abutting street in a forward direction. The drive aisles shall be designed so that a vehicle is not required to enter a street to move from one drive aisle to another.
2. Vehicle circulation shall be designed to avoid conflicts with pedestrian circulation within the parking lot. Pedestrian ways shall be designed to provide the most direct and safest travel path from parking aisles and spaces to the uses being served. Internal pedestrian ways shall be distinguished from driving surfaces by such techniques as paving materials, raised curbs, and signage.
3. Within a parking structure, piers and pillars shall not encroach into parking stalls.

E. Entrance and Exit Identification

Whenever an entrance or exit to off-street parking facilities is provided from a street or alley, such entrance or exit shall be clearly marked and visually identified.

F. Surfacing and Drainage

Parking lot surfacing materials shall consist of sturdy, all-weather surfaces including, but not limited to concrete, asphalt, and any other material capable of capturing, carrying, and disposing of surface water runoff. Pervious or partially pervious surfaces are acceptable to help achieve water quality goals and requirements, provided such surfaces are approved by the City Engineer. All parking lots shall be designed to convey surface runoff to approved retention and/or drainage facilities. In no case shall such drainage be allowed across the surface of a public sidewalk.

G. Wheel Stops

At the discretion of the Director, wheel stops shall be provided for each parking space where landscaped curb areas are not provided. Wheel stops shall be placed 18 inches from an opposite-facing parking space.

10.30.110 – Shared Parking**A. Shared Parking Requirements**

1. Where it can be demonstrated that two or more land uses can effectively share common parking facilities due to the nature of the uses and distinctly different demand for parking, or where off-site parking is proposed to meet parking requirements, then an application may be filed for such parking arrangement. Such application shall include a parking study that identifies the parking demand of all subject land uses and that clearly demonstrates how and why parking facilities can be shared.
2. The applicant shall provide a parking study prepared by a registered traffic engineer that specifically analyzes the parking demand for each use proposing to share the parking, each use's hours of operation, and other related issues of all involved uses.
3. The building or use for which an application is being made for authority to share and utilize the existing off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities.

B. Findings for Granting Shared/Joint Use and Off-site Parking Arrangements

To grant a request for shared/joint use or off-site parking, the Director shall make the following findings:

1. There is clear and convincing evidence that peak-hour parking demand from all uses does not coincide and/or the uses are such that the hours of operation are different for the various businesses or uses.
2. Adjacent or nearby properties will not be adversely affected by the shared/joint use or off-site parking.
3. The parking arrangement is consistent with the General Plan and all requirements of this Code.

C. Legal Agreement Required

A legal agreement shall be signed by all parties using shared/joint use parking facilities. Such agreement shall be approved by the City Attorney and Director, shall be recorded with the Los Angeles County Recorder, and shall continue to be valid upon change of ownership.

D. Change in Use

In the event of a change in use, a new application shall be filed or the existing agreement amended to the satisfaction of the Director.

10.30.120 – Compact and Tandem Parking**A. Compact Parking**

Compact parking spaces, where provided, shall not comprise more than 15 percent of any development and shall be developed subject to the approval of the Director. All compact spaces shall be individually identified with the word “COMPACT” in not less than 20-inch high block letters painted in a highly visible (contrasting) color. Such designation shall be located in each compact space within three feet of the driveway aisle.

B. Tandem Parking

Tandem parking shall not be allowed unless approved through the granting of a Minor Variance pursuant to the provisions of Chapter 10.98 (Variances and Minor Variances).

10.30.130 – Maintenance of Off-Street Parking Facilities

Every lot or parcel of land used for off-street parking purposes, including vehicle sales areas and service station sites, shall be kept free of weeds, potholes, and other similar hazards to the safety of pedestrian and vehicular movement. All required parking lot landscaping shall be maintained in a neat and healthy condition.

10.30.140 – Prohibition on Commercial Vehicle Parking in Residential Zones

It is unlawful to store and/or park on any lot in any residential zone any commercial vehicle exceeding an unladen weight of 6,000 pounds. This restriction does not apply to private recreational vehicles belonging to the resident or guest of the property, provided such recreational vehicle complies with the size restrictions established in Section 10.10.040 (Recreational Vehicle Parking).

10.30.150 – Parking Restrictions in Commercial Zones

It is unlawful to store or park any vehicle having an unladen weight of at least 10,000 pounds for more than three consecutive hours during any 24-hour period on any lot or parcel within the C-1 and C-2 zones, and on any lot or parcel subject to the provisions of the Downtown Specific Plan. Further, it is unlawful to store or park on such lot any trailer of any size or weight that is not attached to a motor vehicle. The provisions of this Section shall not apply to the parking of any vehicle (including nonmotorized trailers) that is in the process of being loaded or unloaded.

10.30.160 – Parking Lot Landscaping**A. Applicability**

The requirements of this Section shall apply to all zones except the R-E, R-1, and R-2 zones.

B. Minimum Landscaping

A minimum of five percent of all off-street parking areas, including vehicle sales lots and service station sites, shall be landscaped with trees and other suitable plants and shall be permanently maintained. No required setback areas shall be included in the five percent calculation. The landscape material shall consist of a combination of groundcover, shrubs, flowering plants, and trees.

C. Buffer along Public Right-of-way

All off-street parking areas shall be buffered from any adjacent public right-of-way per Section 10.30.100.B.

D. Planting Areas

All landscaping shall be contained within planting areas. Each planting area shall be bound by a concrete curb having a minimum height and width of not less than six inches. Raised planters constructed of similar materials may be permitted and shall be subject to review and approval by the responsible Review Authority. Landscape planter areas shall be located and distributed throughout the parking lot.

E. Permanent Water Irrigation Systems

All planting areas shall be served by a permanent water irrigation system. Such irrigation system shall comply with the Water Efficient Landscaping guidelines in Section 10.32.090 (Landscape Installation and Maintenance Standards).

F. Off-Street Parking Areas with 10 or More Parking Spaces

Off-street parking areas with 10 or more parking spaces shall comply with the following.

1. Planting in parking areas shall consist of water-efficient evergreen shade trees, groundcover, low shrubs, flowering plants, and mulch to provide 100 percent coverage of required landscape areas. Trees shall be a minimum of 15 gallons in size and six feet in height at the time of planting, and shall be of a variety that is fast growing and capable of providing maximum shade coverage.
2. All interior and perimeter rows of parking spaces shall be provided with curbed planting islands to provide suitable planting areas for shade trees. Planting islands shall be a minimum of six feet wide and shall contain at least one tree for every four parking spaces in the row which the island is serving.

3. Perimeter landscaping shall be located along parking lot edges not abutting a right-of-way. Such landscaping areas shall be not less than six feet wide and shall contain at least one tree for each 30 linear feet of planting. A narrower perimeter strip may be provided and the tree requirement may be modified, at the discretion of the Director, if lot size or configuration cannot support a six-foot perimeter strip.
4. Landscaping fronting a street (except alleyways) shall include a minimum of one tree for every 30 feet of frontage, plus shrub planting which provides a visual screen of three to four feet in height within two years of planting.
5. Landscaping within interior parking areas shall have a continuous curbed island, not less than five feet wide, provided between each row of parking spaces. The island shall incorporate a minimum of one tree per four parking spaces and ground cover or shrub planting to provide one hundred percent coverage within two years of planting. Trees shall be provided with root control barriers.
5. All tree wells shall have minimum dimensions of five feet by five feet.
6. Terminal islands shall be a minimum of four feet wide and shall contain at least one tree for each row of parking spaces for which the island is serving.

G. Landscape Requirements – All Development

Commercial, industrial, and institutional developments shall comply with specific landscape requirements in Section 10.32.060 (Landscape Requirements – Commercial, Industrial, and Institutional Developments); and residential developments shall comply with specific landscape requirements in Section 10.32.070 (Landscape Requirements – Residential Development).

10.30.170 – Bicycle Parking Requirements

A. Applicability

Designated, safe, and secure bicycle parking facilities shall be provided for all public and civic facilities, schools, retail commercial, and office uses. Such bike parking facilities may be unenclosed or enclosed.

B. General Standards

Bicycle parking shall be located on a paved surface, in proximity to a building entrance, and in a visibly secure location adjacent to the building. At a minimum, bicycle parking shall consist of at least one stationary bicycle rack, typically a concrete slab or vertical metal bar, where the bicyclist supplies a padlock and chain or cable to secure the bicycle to a stationary object.

C. Bicycle Parking Requirements

Bicycle parking shall be provided as required by the California Green Building Standards Code (CalGreen).

10.30.180 – Off-Street Loading Requirements

A. Applicability

Every commercial, industrial, civic, and institutional structure and/or use shall have and maintain loading space(s) as required by this Chapter.

B. CNumber and Size of Loading Spaces Required

Table 3-9 indicates the number and size of loading spaces required. These requirements may be adjusted, at the discretion of the Director, for individual projects based on site configuration, access, whether the building or buildings serves one or multiple users, and other physical characteristics of a project site, and provided that written findings are made regarding the circumstances warranting the adjustment.

C. Permitted and Prohibited Locations

Required loading facilities shall be located on the same lot or parcel of land with the use in which it is intended to serve, and shall be exclusive of the required parking facilities. Loading facilities shall be located and designed in a manner that does not interfere with any required parking facilities or internal site circulation, with the exception of underground fuel tanks at fuel service stations. Further, no loading shall be permitted in a public alley and/or street.

D. Use of Landscape Screening

Loading areas for trucks shall incorporate landscaping to provide screening of the loading area if otherwise visible from the public rights-of-way, adjacent uses, and pedestrian circulation. This shall not apply to tanker trucks that deliver fuel to service stations.

10.30.190 – Downtown Business District Specific Plan

Properties and uses included within the boundaries of the Downtown Business District Specific Plan shall comply with the parking and loading regulations contained within the Specific Plan regarding required number of parking spaces, shared parking, maximum distance to parking lots, loading regulations, and all other applicable provisions.

TABLE 3-9 NUMBER AND SIZE OF LOADING SPACE REQUIRED				
Use/Total Leasable Floor Area	Loading Spaces for Equipment and Materials	Minimum Dimensions	Passenger Loading Spaces Required	Minimum Dimensions
Commercial – Retail and Service				
10,000 – 20,000 sf	1	10 ft. wide 40 ft. long and	N/A	N/A
21,001 + sf	2	14 ft. of vertical clearance	N/A	N/A
Industrial				
10,000 – 20,000 sf	1	10 ft. wide 40 ft. long	N/A	N/A
21,001 – 50,000 sf	2	14 ft. of vertical clear space, or more as may be required	N/A	N/A
50,001 – 80,000 sf	3		N/A	N/A
80,001 sf or greater	4		N/A	N/A
Hospitals and institutions				
10,500 – 30,000 sf	1	10 ft. wide 40 ft. long	As required by Conditional Use Permit or Minor Use Permit	10 ft. wide 20 ft. long 12 ft. of vertical clear space
30,001 – 90,000 sf	2	14 ft. of vertical clear space		
90,001 sf or greater	3			
Hotels and Offices				
10,000 – 40,000 sf	1	10 ft. wide 40 ft. long	1	10 ft. wide, 20 ft. long 12 ft. of vertical clear space
40,001 – 90,000 sf	2	14 ft. of vertical clear space	2	
90,001 sf or greater	3		3	

Chapter 10.32 – Landscaping

Sections:

- 10.32.010 – Purpose
- 10.32.020 – Delegation
- 10.32.030 – Applicability
- 10.32.040 – Landscape Documentation Plans Required
- 10.32.050 – Landscape Water Use Standards
- 10.32.060 – Landscape Requirements – Commercial, Industrial, and Institutional Development
- 10.32.070 – Landscape Requirements – Residential Development
- 10.32.080 – Compliance with City Street Tree Plan
- 10.32.090 – Landscape Installation and Maintenance Standards

10.32.010 – Purpose

The City has found that the waters of the state are of limited supply and are subject to ever-increasing demands; and the City's continued prosperity is dependent on availability of adequate supplies of water for current and future uses and that landscapes are essential to the quality of life in the City by providing areas for active and passive recreation and as an enhancement of the environment by providing beauty to the community, cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development. The purpose of this Chapter is to:

- A. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
- B. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
- C. Establish provisions for water management practices and water waste prevention for existing landscapes;
- D. Use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount.

10.32.020 – Delegation

The City may delegate to, or enter into a contract with, a local agency to implement, administer, and/or enforce any of the provisions of this Chapter on behalf of the City.

10.32.030 – Applicability**A. General**

This Chapter shall apply to all of the following landscape projects, except as provided for in paragraph B:

- 1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check or design review.

2. New construction and rehabilitated landscapes which are developer-installed in single-family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review.
3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building or landscape permit, plan check or design review.

B. Exceptions

This Chapter does not apply to:

1. Registered local, state, or federal historical sites
2. Ecological restoration projects that do not require a permanent irrigation system

10.32.040 – Landscape Documentation Plans Required

A. Submittal Requirements for Landscape Plans

1. A Landscape Documentation Package and landscape plan check fee, as set forth by City Council resolution, shall be submitted to the Director for review and approval for all landscape projects subject to the provisions of this Chapter.
2. The Landscape Documentation Package shall include a certification by a landscape professional appropriately licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this Chapter.
3. Landscape and irrigation plans shall be submitted to the Director for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in Section 10.32.050 and shall be provided to the local water purveyor, as appropriate, under procedures determined by the City.
4. Verification of compliance of the landscape installation with the approved plans shall be obtained through a Certification of Completion in conjunction with a Certificate of Use and Occupancy or Permit Final process. Certification of Completion shall include an acknowledgement from the landscape professional indicating that the installation of landscape and irrigation conforms to the criteria and specifications of the approved landscape documentation plan.

B. Required Contents

Each Landscape Documentation Package shall include the following elements:

1. Landscape Design Plan

- a. The landscape design plan shall indicate plant selection and grouping. Plants having similar water use shall be grouped together in distinct hydrozones as determined by the Sunset Western Climate Zone System. Plants shall be selected appropriately based upon their adaptability to the climatic, geological and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this Chapter.

- b. Plants shall be selected to minimize damage to property or infrastructure (i.e. buildings, sidewalks, streets, and overhead powerlines) based on horticultural characteristics such as mature size, invasive surface roots, and other such factors.
- c. Fire prevention needs shall be addressed in areas that are fire prone including the creation of a defensible space or zone around a building or structure as required by Public Resources Code Section 4291(a) and (b). County of Los Angeles Fuel Modification Plan Guidelines shall be followed to the closest extent possible.
- d. The landscape design plan shall be drawn on project base sheets at a scale that accurately and clearly identifies:
 - i) Designation of hydrozones and a description of water usage within said hydrozones (low, moderate and high irrigation water requirements);
 - ii) Landscape materials, trees, shrubs, groundcover, turf and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing and quantities of each group of plant indicated.
 - iii) Mulch and amendments where a minimum 2" layer shall be applied on all exposed soil surfaces of planning areas except in turf, creeping or rooting groundcovers, or direct seedling applications where mulch is part of the slurry mix;
 - iv) Overhead utilities such as electrical wires, cable or telephone poles.
 - v) Property lines and street names;
 - vi) Streets, driveways, walkways and other paved areas;
 - vii) Pools, ponds, water features, fences and retaining walls;
 - viii) Natural features including, but not limited to, rock outcroppings, existing trees and shrubs that will remain;
 - ix) Tree staking, plant installation, soil preparation details and any other applicable planting and installation details;
 - x) A calculation of the total landscaped area and percentage of turf area; and
 - xi) Designation of recreational areas.

2. Irrigation Design Plan

An irrigation design plan meeting the following requirements shall be submitted as part of the Landscape Documentation Package.

a. Water Efficiency

The irrigation design plan shall provide for a water-efficient irrigation system. Irrigation systems shall be designed to be consistent with hydrozones and should indicate:

- i) Static water pressure measured at the point of connection
- ii) System maximum gallons per minute (GPM) demand
- iii) Pressure lost calculations for worst case condition of project site

b. Runoff and Overspray

Soil types and infiltration rates shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, lowhead drainage, overspray and other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures. Proper irrigation schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates to minimize runoff. Special attention shall be given to avoid runoff on slopes and to avoid overspray in planting areas with a width less than ten feet and in median strips.

- i) Overhead irrigation shall not be permitted within 24 inches on any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be wood mulch, gravel or other porous material.
- ii) Narrow or irregularly shaped areas, including turf, less than eight feet in width in any direction shall be irrigated with subsurface irrigation or low-volume system.

c. Equipment

- i) Separate landscape water meters or submeters shall be installed for all projects except for single family homes or any project with a landscaped area of less than five thousand square feet.
- ii) Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.
- iii) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system.
- iv) Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in that area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers and turf.
- v) Sprinkler heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability and ease of maintenance.
- vi) Rain-sensing devices shall be required on all irrigation systems.
- vii) Soil moisture-sensing devices be considered where appropriate.

d. Other

Such other information as deemed necessary by the Director, including, but not limited to, a grading design plan and/or soil analysis.

C. Landscape Water Use Standards

1. For applicable landscape installation or rehabilitation projects subject to this Chapter, the Estimated Applied Water Use allowed for the landscaped area shall not exceed the Maximum Applied Water Allowance (MAWA), which shall be calculated using an evapotranspiration (ET) adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City. The MAWA can be calculated as follows:

$$\text{MAWA} = (\text{ET}_o)(0.62)[(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

2. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by local water purveyor and the City.

10.32.050 – Landscape Requirements – Commercial, Industrial, and Institutional Development**A. Applicability**

The standards in this Section shall apply to all commercial, industrial, and institutional developments.

B. Landscape Coverage Requirement

Shrubs, groundcover, and turf shall provide 100 percent coverage of those areas not occupied by structures, parking areas, storage, or trash enclosures at the time of issuance of a Certificate of Occupancy. Embellished pavement, fountains, and similar hardscape materials may in part be substituted for the required landscaping through the Site Plan and Design Review process or other discretionary review that applies.

C. Parkway Planting and Maintenance

Areas within the public right-of-way shall have landscaping installed by the developer/property owner. Parkways located between the curb and the sidewalk shall be a minimum of five feet wide unless altered by special engineering constraints, as determined by the City Engineer. Such area shall contain trees as per the street tree requirements specified in Section 10.32.080 (Street Tree Standards). Parkways may meander, thus reducing or increasing the minimum distance from the curb, subject to approval by the Director. The ground surface shall be planted with low spreading shrubs or groundcover to provide 100 percent coverage. Turf shall not be used unless specifically approved by the Director.

D. Parkway-adjacent Planting and Maintenance

Parkways located between the sidewalk and the edge of development shall meet the following requirements:

1. Such areas shall contain at least one 24-inch-box tree for every 30 linear feet of frontage. This calculation establishes the number of required trees; the trees are not required to be located linear or equally spaced. Although not specifically required, planting areas of variable widths are encouraged, particularly for projects with frontages exceeding 150 feet. Trees without invasive roots and root control barriers shall be required.
2. The ground surface shall contain shrubs, mulch, or ground cover to provide coverage within two years. Turf shall not be used in area narrower than five feet unless approved by the Director.

3. If a wall or fence separates the development from the street, planting vines or espalier shrubs shall be incorporated into the planting design.

E. Required Landscaping for Loading Areas

Loading areas shall incorporate landscaping to provide screening if visible from the public right-of-way, adjacent uses, and pedestrians.

F. Required Landscaping for Trash Enclosures

Trash enclosure areas visible from a public right-of-way shall contain a planting area around the perimeter of the enclosure wall except at access gates. The landscaping in the planting area shall consist of vertical plantings such as tall shrubs or hedges and vines on the enclosure walls.

10.32.060 – Landscape Requirements – Residential Development

A. Applicability

The standards in this Section shall apply to all residential uses.

B. R-E, R-1, and R-2 Zones

1. Front Yard

All front yard areas shall be provided with landscaping and irrigation. In front yards, hardscape materials, exclusive of the required minimum driveway area and permitted parking area, shall not exceed 15 percent of the front yard area. The balance of the front yard area shall be planted with live plant materials. The use of hardscape for walkways, porches, and outdoor living areas is allowed.

2. Side Yards on Corner Lots

On a corner lot, any side yard that abuts and is visible from a public right-of-way shall be landscaped and provided with irrigation.

C. R-3 and R-4 Zones

All yard areas in the R-3 and R-4 zones not covered by structures, driveways, patios, walkways, pools/spas, or similar features shall be fully landscaped and provided with permanent irrigation systems. Hardscape materials may comprise up to 30 percent of the landscape area.

10.32.070 – Compliance with City Street Tree Plan

The species of trees installed along any street shall comply with the approved list of acceptable street trees in the City Master Street Tree Plan. All plantings of street trees shall have approval from the Director prior to installation. Installation, maintenance, and removal of street trees shall comply with the requirements of the Master Street Tree Plan.

10.32.080 – Landscape Installation and Maintenance Standards

A. Planting Installation

1. All trees shall be double-staked in the direction of the prevailing wind.
2. Ground covers shall be planted in a triangular pattern spaced to ensure 100 percent coverage within one year of installation.

3. A minimum three-inch layer of mulch material shall be applied to all shrub and tree planted areas at installation.

B. Landscape and Irrigation System Maintenance

1. The property owner shall be responsible for the maintenance of landscape to ensure that plant material is maintained to be healthy. Dead or diseased plants must be replaced immediately.
2. Plants shall be selectively pruned in accordance with professional trimming standards to maintain their intended shapes and sizes, and to ensure due health of the species and safety of the public.
3. To the extent possible, topping of trees shall be avoided.
4. Irrigation systems shall be constantly maintained and adjusted to eliminate water waste and ensure the healthy survival of the plant material.
5. Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low-head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, or structures is prohibited.
6. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design. A regular maintenance schedule shall be followed, including but not limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas.

This page intentionally left blank.

Chapter 10.34 – Signs

Sections:

- 10.34.010 – Purpose
- 10.34.020 – Applicability
- 10.34.030 – General Provisions
- 10.34.040 – Message Neutrality
- 10.34.050 – Definitions
- 10.34.060 – Permit Required
- 10.34.070 – Exempt Signs and Sign Maintenance Activities
- 10.34.080 – Regulations for Exempt Signs
- 10.34.090 – Prohibited Signs
- 10.34.100 – General Development Standards for All On-site Signs
- 10.34.110 – Open Space Zone - Number of Allowed Signs and Allowable Sign Area
- 10.34.120 – Residential Zones - Number of Allowed Signs and Allowable Sign
- 10.34.130 – Commercial and Industrial Zones - Number of Allowed Signs and Allowable Sign Area
- 10.34.140 – Master Sign Programs
- 10.34.150 – Temporary Signs
- 10.34.160 – Signs Utilizing Non-Roman Alphabet
- 10.34.170 – Electronic Display Billboards
- 10.34.180 – Sign Performance Standards
- 10.34.190 – Sign Maintenance Requirements
- 10.34.200 – Nonconforming Signs, Amortization and Abatement of Signs
- 10.34.210 – Signs Prohibited on Public Property within the Public Right-of-way
- 10.34.220 – Emergency Abatement of Signs

10.34.010 – Purpose

This Chapter establishes sign regulations intended to promote and support economic success in the community while protecting and enhancing aesthetic qualities in the City's business districts and residential neighborhoods; enhancing property values; promoting the use of signs that are complementary in scale, proportion, and style with the developments they support; minimizing visual clutter; and ensuring that signs are designed and located in a manner that minimizes potential hazards to the safety and movement of vehicles and pedestrians.

10.34.020 – Applicability

This Chapter shall apply to the construction, erection, installation, and maintenance of all outdoor signs and window signs in all areas of the City. With regard to properties within the Downtown Business District Specific Plan area or any other area that is governed by a specific plan, the provisions of this Chapter shall apply only to the extent that a specific plan does not address a particular signage issue.

10.34.030 – General Provisions

Every permanent sign shall have an identifying number, name of the contractor or installer, the month and year of installation, and if illuminated, the voltage number plainly placed on the exterior surface of the sign body in a location where such information will be readily visible after installation.

10.34.040 – Message Neutrality

It is the City's policy and intent to regulate both commercial and noncommercial signs in a viewpoint-neutral and content-neutral manner. The message of the sign shall not be reviewed except to the minimum extent necessary to identify the type of sign.

10.34.050 – Definitions

For the purposes of this Chapter, unless otherwise apparent from the context, the following sign definitions shall apply:

Advertising sign means a sign that promotes events or activities or uses, products, or services obtainable on the premises through the use of words, letters, symbols, or combination thereof.

Attachment means a structural device needed for keeping a sign fixed to the ground, wall, or other allowed location.

Awning means a structure attached to, and projecting from, a building wall for aesthetic and shade purposes. Awnings typically consist of a frame covered with fabric, vinyl, or metal and are generally placed over windows and doors. Awnings are generally not constructed as an integral part of the structure but rather are attached after the structure is complete.

Balloon display means an arrangement of one or more inflated balloons, tethered at a fixed location and primarily intended to draw attention to that location.

Banner means a sheet made of cloth, vinyl, or similar lightweight, flexible material (except paper) attached to or suspended from any structure, building, staff, pole, line, framing, or other projection generally displayed for advertising purposes. This definition does not include a flag.

Billboard means a permanent structure used for the display of off-site commercial messages which are not related to the provision of services or the sale of products available on the subject site, as well as used for the display of noncommercial messages, including public service announcements.

Bulletin board means a repository board for posting notices, advertisements, or messages of a private or public purpose.

Center means commercial, industrial, professional, or business structures and associated facilities that have been designed and developed together as an integrated unit, sharing common parking facilities. A "center" may consist of several different uses within a single structure or several different structures.

Commercial sign means any sign that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial or similar business activity.

Copy means the specific text, words, letters, or numbers used for advertising a product, service or event.

Cutout means every type of display in the form of letters, figures, characters, representations, or others that extend beyond the primary billboard sign face or irregular forms attached to or superimposed upon a billboard.

Electronic display billboard- means a billboard electronic or digital technology- including but not limited to LED (light emitting diodes) or CED (charge emitting diodes) or plasma, or their functional equivalent- which is capable of displaying images that change electronically and intermittently.

Flag means a piece of cloth or bunting with definitive colors, patterns, or symbolic devices, used as a symbol for a nation, governmental entity, religious entity, or other organization and not containing a commercial message.

Height of a sign means the vertical distance measured from the grade level closest to the bottom of the sign or sign support to the highest point of the sign structure, frame, or uppermost portion of any copy, whichever is higher. See Figure 3-10.

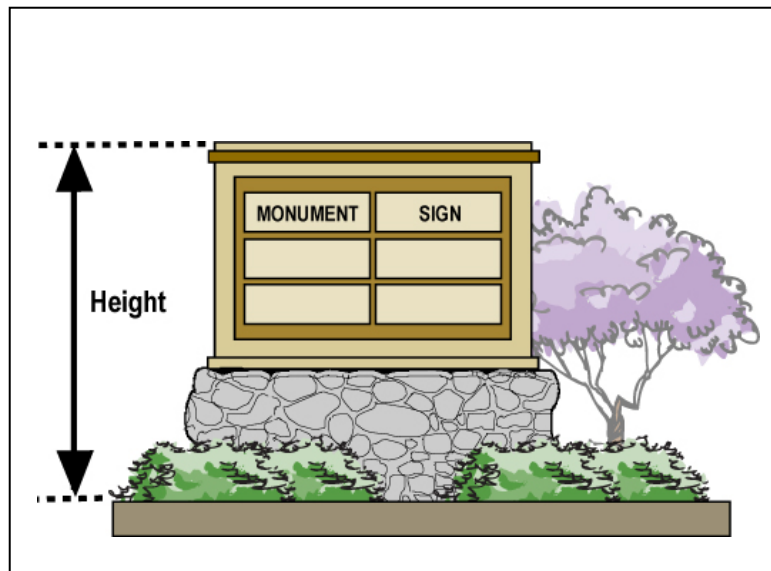


Figure 3-10
Height of a Sign

Letter height means the vertical distance from the lowest point to the highest point of any letter or other piece of copy used in a sign.

Logo means a symbol, character or emblem representing an identifiable trademark, corporate entity, or marketable product.

Master sign program means sign criteria intended to provide uniformity and consistency among the signs in a commercial or industrial development with multiple tenants by regulating the type, number, location, size, style, or color of signs permitted in the development.

Multiple-tenant development means a commercial or industrial development designed and/or constructed and/or operated as a single project and containing not less than two separate uses in separate structures or in the same structure.

Mural means an artistic painting on a wall or other vertical surface, generally of large size and intended to be viewed from a distance. A mural does not contain a commercial message.

Noncommercial sign means any sign which is not determined to be a commercial sign.

Pennant means a banner or similar device typically triangular in shape that is used to attract attention to a product or location for advertising purposes.

Supporting structure means any device such as a pole, column, wall, or similar contrivance used to secure a sign in a vertical position for viewing.

Sign means any device intended for visual communication and that contains any announcement, declaration, demonstration, insignia, banner, pennant, illustration, or graphic used to advertise or promote the interest of any person, business, group, or enterprise.

Sign, A-frame means a freestanding portable sign that is mounted on a frame that widens on the bottom, forming a shape similar to the letter "A" when viewed from the side. See Figure 3-11 - Types of Signs.

Sign area means the cumulative area enclosed by parallel vertical and parallel horizontal lines encompassing each letter, logo, graphic, or other element of a two-dimensional sign message, as determined by the Director. For signs on a panel, board, or cabinet that is removable from the structure to which such panel, board, or cabinet is mounted (such as cabinet signs or projecting signs), the sign area shall equal the area of the panel, board, or cabinet face. See Figure 3-12 – Measurement of Sign Area.

Sign, awning or canopy means a sign attached to, painted on, or applied to an awning or canopy that is attached to a structure. See Figure 3-11 Types of Signs.

Sign, business tenant means a changeable letter board or similar noncommercial sign erected for the purpose of identifying for visitors the current tenants of a building and their office locations within a multitenant office building.

Sign, cabinet means a sign generally characterized by a singular metal cabinet with a plexiglass or plastic sign face that contains the entire sign message. Lighting elements are usually installed in the interior of the cabinet to provide backlighting for the sign. See Figure 3-11 - Types of Signs.

Sign, changeable copy means a sign where letters, graphics, logo or messages are affixed in such a manner that they may be easily changed without affecting the sign structure. This definition does not include electronic display billboards.

Sign, directory means a sign that lists the tenants of a particular development by name and address and/or unit number. Directory signs usually are oriented toward and intended for viewing by off-street vehicle traffic and/or pedestrians.

Sign, electronic changeable face or digital changeable face means a sign that uses any manner of lights, including light-emitting diodes (LEDs), fiber optics, lights bulbs, or other illumination devices, to create a commercial message – with text and/or images – within the sign display area. Electronic changeable face signs include computer programmable, microprocessor controlled electronic, or digital displays.

Sign, electronic readerboard means a sign that that uses any manner of lights, including light-emitting diodes (LEDs), fiber optics, lights bulbs, or other illumination devices, to create a non-commercial text-only message within the sign display area.

Sign face means the surface upon which a sign message may be applied. The sign face may be greater than the sign area if the all of the available sign face is not utilized for the copy.

Sign, freestanding means a sign that is supported by a structure other than a building and permanently fixed in or upon the ground, such as pylon signs and monument signs. See Figure 3-11 - Types of Signs.

Sign, hand-held means any temporary commercial message sign which is held by a person and which may or may not advertise a business located on the premises where the person is holding that sign.

Sign, lighted means a sign that is illuminated by an internal, external, or indirect light source.

Sign, marquee means a sign placed on a building marquee, generally found at theaters, and provides for changeable copy.

Sign, menu board means a sign, either detached or attached to a structure for a business providing drive-through service, displaying the type and price of the commodities sold in connection with the drive-through service and located adjacent to and oriented toward the drive-through lane.

Sign, monument means a freestanding sign that is supported by an enclosed structure that has at least the same length and width as the sign face it supports. See Figure 3-11 - Types of Signs.

Sign, name means a sign containing the name and/or address of the occupant of the premises.

Sign, neon means a sign containing electric gas tube lighting such as argon, neon, krypton, helium, or xenon.

Sign, non-commercial means a sign that does not advertise, identify or otherwise direct attention to a product or business but instead conveys an opinion, idea, concept or similar message.

Sign, nonconforming means any sign that does not conform to all applicable requirement and limitations of this Chapter.

Sign, off-premises. See “Billboard.”

Sign, on-premises means a sign that advertises or identifies businesses, services, goods, persons, or events that are on the same lot, parcel, property, or center on which the sign is located.

Sign, painted means any sign that has a message, illustration, graphic, or copy that is painted directly onto a sign face, wall, or other surface.

Sign, permanent means a sign intended to be erected and maintained for a period of time in excess of 90 days.

Sign plan means elevations, site plan, structural, and/or electrical drawings illustrating the design, size, materials, colors, and location of a proposed sign(s) and the method of attachment to the building, structure, or ground.

Sign, pole means a permanent freestanding sign which is supported entirely by a single pole, post or upright that is narrower than the message board that it supports. See Figure 3-11 - Types of Signs.

Sign, political means a noncommercial sign promoting a candidate for political office or a measure scheduled for election.

Sign, portable means a freestanding sign that is not permanently affixed, anchored, or secured to either the ground or an immovable structure

Sign, projecting means a sign that projects from and is supported by a wall or structure with the display surface of the sign typically at or near a 90 degree angle to the structure facade.

Sign, public utility means a sign providing information, directions, or warnings regarding public utilities facilities such as gas, water, sewer lines or electricity.

Sign, pylon means a permanent freestanding sign which is supported entirely by two or more pole(s), post(s), or upright(s) that are narrower than the message board that it supports. See Figure 3-10 - Types of Signs.

Sign, service station price means a sign at a gasoline service station that indicates the fuel grade designation, price per gallon of gasoline or other motor vehicle fuel offered for sale, and the method of sale and such other information as may be required by State law.

Sign, street-oriented freestanding means a freestanding sign that is designed and constructed with the intention of attracting the attention of motorists on adjacent streets and highways to the occupant, tenant, or the products or services offered on the property on which the sign is located.

Sign, temporary means a sign intended to be displayed for a period of time not to exceed 90 days.

Sign, tenant identification wall means a sign attached to the wall of a building or structure in a plane parallel or approximately parallel to the plane of such wall or structure that identifies the business located within the building or, in the case of a residential use of property, the current residents of building or group of buildings.

Sign, vehicle means a sign painted or placed on a vehicle for the purpose of advertising a business, product or service. See Figure 3-11 - Types of Signs.

Sign, wall means a sign fastened parallel to a wall and which the letters, cabinet, or other part of the sign structure does not project more than 18 inches from the building or structure. See Figure 3-11 - Types of Signs.

Sign, window means any sign painted, attached, glued or otherwise affixed to the inside or outside of a window or any glazed surface of any structure or are located in such a manner as to be clearly visible outside of a structure. See Figure 3-11 - Types of Signs.

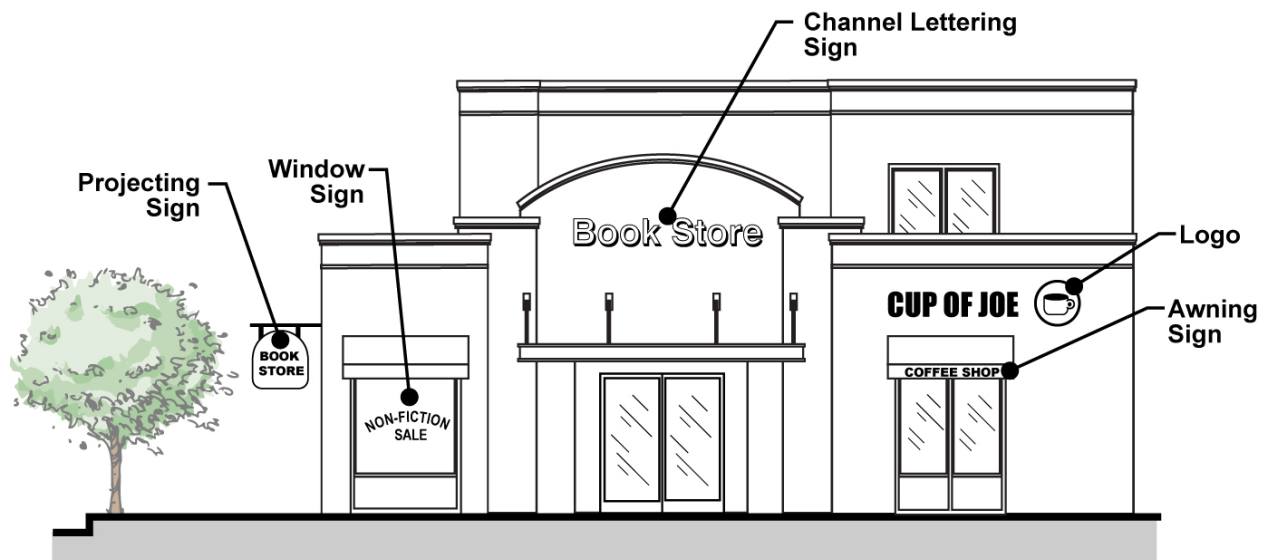
Streamer means a line of ribbons or small flags generally suspended over a property to attract attention.

Structure, sign means a structure of any kind erected or maintained to support any sign, poster, bill, printing, painting, or other advertising device. For purposes of this definition, a freestanding wall may be considered a sign structure if it is used to support a sign.

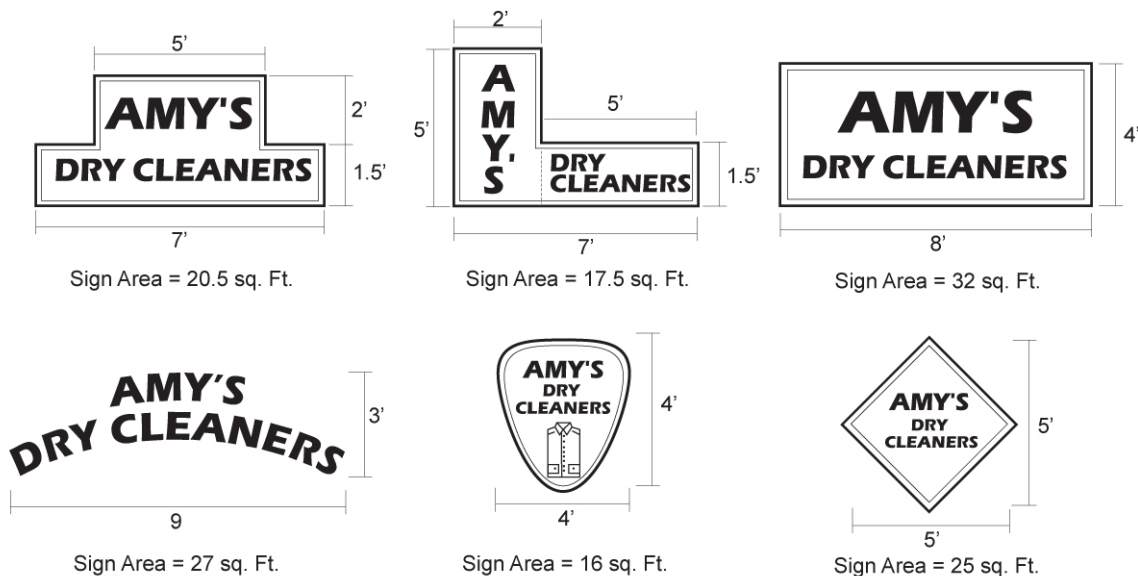
Twirler means any streamer, ribbon, propeller, or similar device meant to attract attention to a product or service.

Tivoli lights means a string of small lights consisting of clear or non-colored bulbs that are not more than one inch in length used for decoration purposes.

Figure 3-11
Types of Signs



**Figure 3-12
Measurement of Sign Area**



10.34.060 – Permit Required

A. General

Except as otherwise provided in this Chapter, no sign shall be altered, replaced, erected, constructed, or attached on buildings, structures, or property until a sign plan application, on a form designated by the City, has been approved by either the Director or Commission, as set forth in this Section. The Director may request additional information to ensure compliance with this Chapter and other provisions of the La Puente Municipal Code.

B. Signs Requiring Commission Approval

The following signs shall be subject to review and approval by the Commission.

1. Master sign program
2. Freestanding signs over six feet in height
3. Murals
4. Painted wall signs
5. Electronic Display Billboards

C. Signs Requiring Director Approval

The following signs are subject to review and approval by the Director.

1. Signs to be placed on structures for which a master sign program is not required
2. Signs consistent with an approved master sign program

3. Temporary signs
4. Signs erected on a property for the purpose of providing information regarding direction to and/or identification of businesses and/or residences on that site
5. Any other nonexempt sign not subject to Commission review and approval

D. Time for Review

1. For those signs subject to review by the Director, the Director shall review the sign plan application within 15 calendar days after the application has been deemed complete and shall make a determination to approve, conditionally approve, or deny the application unless the applicant has requested or received authorization for an extension of time.
2. For those signs subject to review by the Commission, the Commission shall review the sign plan application or master sign program within 60 days after the application has been deemed complete and shall make a determination to approve, conditionally approve, or deny the application unless the applicant has requested or received authorization for an extension of time.
3. For any sign plan application or master sign program submitted in conjunction with another discretionary application pursuant to this Zoning Code, the time period for action for the sign application shall be the same as that associated with the other application.

E. Required Findings for Approval

1. The Director or Commission, as applicable, shall approve a sign application or master sign program if the following findings can be made:
 - a. The sign plan or sign program meets the requirements and sign design standards set forth in this Chapter; and
 - b. The sign plan or sign program is compatible with development on the subject property and developments in the immediate vicinity of the subject property, and does not detract from the character or quality of surrounding properties.
2. In reaching a decision, neither the Director nor the Commission shall be bound by the formal rules of evidence.

F. Appeals

1. Any decision by the Director or the Commission under this Chapter may be appealed pursuant to the applicable provisions of Chapter 10.114 (Appeals).
2. Following exhaustion of all available appellate procedures within the City, any appellant may seek judicial review of the City's final decision pursuant to California Code of Civil Procedure Section 1094.5. This provision does not limit an applicant's or appellant's ability to seek judicial review by other means.

10.34.070 – Exempt Signs and Sign Maintenance Activities

A. Exempt Signs

The following signs shall not require approval of a sign application, provided that any such sign identified in this Section is erected and maintained in compliance with the provisions of this Chapter. The City has determined that such exemptions are appropriate, as the signs described in this Section are incidental to the identification of an allowed business or similar use of a

property and are generally erected for purposes of providing information to the public that is temporary or seasonal in nature, assisting with the safe movement of persons and vehicles, and providing information that promotes general public health, safety, and welfare. Such signs or actions related to signs shall not be counted toward the allowable sign area for signs requiring permits or other discretionary approvals by the City.

1. Copy changes on an approved changeable copy sign.
2. Signs advertising a property for sale, lease, or rental, subject to the provisions set forth in Section 10.34.080 (Regulations for Exempt Signs), below.
3. Signs erected by a property undergoing construction or remodeling of an approved project, subject to the provisions set forth in Section 10.34.070 (Regulations for Exempt Signs), below.
4. Signs erected by a property management company on property it manages, provided that no such sign is greater than 12 square feet in area and no more than one such sign is placed on any one property.
5. Signs provided on a property for the purpose of directing safe vehicle and pedestrian movement on such property.
6. Signs on property where there is a yard sale taking place in compliance with Section 5.50.070(f) of the Municipal Code, and provided such signs comply with the provisions of Chapter 5.50.
7. Flags, provided that the flag is not greater than 24 square feet in area, the flagpole does not exceed the maximum building height permitted of the zone in which the flag is erected, and no more than two flags are flown.
8. Plaques or markers, as authorized and approved as to materials and size by the Council and installed by the City or an authorized entity, identifying a historic place or event.
9. Public utility signs identifying underground or aboveground facilities, cables, conduits, or potentially hazardous conditions, provided that such signs do not exceed six square feet in area.
10. Any sign required by an applicable Federal, State, or local law regulation or ordinance.
11. Seasonal and temporary holiday decorations, provided they are removed within 10 days following the end of the holiday.
12. Tivoli lights, provided they do not advertise goods or services for sale, lease, or rent.
13. Lights used as architectural accents on a structure and clearly not depicting a message or advertising a product or service.
14. Non-illuminated noncommercial message signs not exceeding 24 square feet in area and six feet in overall height, and placed a minimum distance of five feet from the property line.
15. Street address (number) signs, building identification signs, business tenant signs, and nameplates on residences and business locations, provided such signs do not exceed three square foot in area, are limited to one sign per property, and are pedestrian oriented.
16. Signs erected by a public agency that provide for the safe and efficient control of traffic and parking, or for the notification of essential government services.

- 17. Safety and emergency signs erected by a public agency.
- 18. Non-Commercial Signs.

B. Exempt Sign Maintenance Activities

The ordinary maintenance and minor repairs of signs that do not involve replacement, alteration, reconstruction, relocation, or expansion shall be exempt from the permitting requirements of this Chapter. However, building permits and or electrical permits may be required for certain maintenance and/or minor repairs.

10.34.080 – Regulations for Exempt Signs

A. Signs on Property for Sale, Lease, or Rental

Signs on property for sale, lease, or rental are allowed in all zones subject to the following requirements:

1. Location

Except as otherwise provided in this Section, signs on property for sale, lease, or rental may only be posted on the property which is for sale, lease, or rental. The sign may be mounted on the building wall.

2. Number

One unlighted, wall-mounted or freestanding sign on property for sale, lease, or rental is permitted for each street frontage.

3. Allowable Sign Area

- a. In a single-family residential zone, signs on property for sale, lease, or rental shall not exceed six square feet per sign face. In a multiple-family residential zone, signs on property for sale, lease, or rental shall not exceed 12 square feet per sign face.
- b. In commercial or industrial zones, signs on property for sale, lease, or rental shall not exceed a total of 24 square feet on any street frontage or 48 square feet in total sign area on the site.

4. Height

- a. Wall-mounted signs on property for sale, lease, or rental shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof.
- b. Freestanding signs on property for sale, lease, or rental shall not exceed five feet in height from finished grade in residential zones, and not more than eight feet in height from finished grade in commercial or industrial zones.

5. Time Limits

All signs on property for sale, lease, or rental shall be removed from the premises within seven days after the property or tenant space has been rented, leased, or sold.

B. Signs on Property Undergoing Construction or Remodeling

Signs on property undergoing construction or remodeling are allowed in all zones subject to the following:

1. Location

The sign may only be posted on the property that the sign is intended to advertise except as otherwise provided in this section. The sign shall be not less than ten feet from any property line, except if the subject property has a setback area that is less than ten feet from the property line, the sign may be placed one-half the distance between the existing building and the property line or the sign may be mounted on the building wall.

2. Number

One unlighted, wall-mounted or freestanding such sign is permitted for each street frontage.

3. Allowable Sign Area

- a. In any residential zone, a sign on a property undergoing construction or remodeling shall not exceed a total of 12 square feet on any street frontage or 24 square feet in total sign area on the site in any residential zone.
- b. In any commercial or industrial zone, a sign on a property undergoing construction or remodeling shall not exceed a total of 48 square feet on any street frontage or 96 square feet in total sign area on the site in any commercial or industrial zone.

4. Height

- a. Wall-mounted signs on a property undergoing construction or remodeling shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof.
- b. Freestanding signs on a property undergoing construction or remodeling shall not exceed eight feet in height from finished grade in residential zones, and not more than 10 feet in height from finished grade in commercial or industrial zones.

5. Time Limit

Any sign on a property undergoing construction or remodeling shall be removed within seven days after the City has issued a certificate of occupancy.

C. Signs Erected by Property Management on a Property It Manages

Signs erected by property management on a property it manages are allowed in all zones subject to the following:

1. Location

Such sign shall only be posted on a building wall facing a public street.

2. Number

One such allowed sign is permitted for each property.

3. Allowable Sign Area

- a. In residential zones, such sign shall not exceed a total of four square feet.
- b. In commercial or industrial zones, such sign shall not exceed a total of six square feet.

4. Height

Such sign shall not extend above the highest point of a parapet wall or the lowest point of a sloping roof.

5. Time Limit

Such signs shall be removed within seven days after the person/firm indicated on such sign is no longer responsible for the management of the property and/or building.

D. Signs Erected for Providing Safe Vehicle and Pedestrian Movement

Signs erected on a property for the purposes of providing safe vehicle and pedestrian movement shall be subject to the approval of the Director in a number and location deemed necessary for the site. However, no sign permit shall be required. Such signs may be attached to building walls or freestanding, but in no event shall such signs exceed six square feet in sign area. Freestanding signs providing for safe vehicle and pedestrian movement shall not exceed four feet in height.

E. Non-Commercial Signs

- 1. Non-commercial shall be permitted in all zones in the City.
- 2. Non-commercial signs shall not be posted in or on any of the following:
 - a. The public right-of-way
 - b. Utility poles
 - c. Street lights
 - d. Within five feet of the curb face or edge of street for properties that do not abut a sidewalk
 - e. Any other location prohibited under any federal, state, or local law, rule or regulation
- 3. Non-commercial signs shall be removed within 10 calendar days after the date of the event for which the sign was erected.

10.34.090 – Prohibited Signs**A. General**

Signs that are not specifically permitted by this Chapter are prohibited.

B. Electronic Signs

No sign shall have blinking or flashing lights, nor lighting that changes periodically or gives the appearance or impression of movement, nor a composition partially or wholly comprised of electronic or other lights, nor contain moving parts or give the impression of movement, except the following:

- 1. Permitted electronic readerboards displaying noncommercial messages

2. Barber pole signs
3. Electronic Display Billboard permitted pursuant to Section 10.34.170 (Electronic Display Billboards).

On-premises electronic signs with changeable commercial messages are specifically prohibited.

C. Signs with Exposed Lighting

Signs with exposed bulbs or tubing are prohibited, except neon or similar gas signs.

D. Vehicle-mounted Signs

Vehicle-mounted signs which have the sole purpose of on-site or off-site advertising which are not part of the operations of the business being advertised (e.g. company car, work truck, and delivery vehicles) are prohibited, except for the following:

1. Automobile, truck, or equipment dealerships or rental agencies, and where such sign only displays information associated with such dealership or agency; and
2. Where the sign is permanently or magnetically attached or painted on the vehicle and not attached or painted in a manner to render the vehicle or a door, window, hood, trunk, or tailgate of that vehicle immovable, unsafe, unusable, or in violation of the California Vehicle Code.

E. Cabinet Signs

Upon the effective date of the ordinance establishing this section, no new cabinet signs shall be permitted.

F. Other Prohibited Signs

1. Signs dispensing or emitting bubbles, smoke, steam, or free-floating particles of matter.
2. Noise-emitting devices, flares, twirlers, propellers and similar devices that attract attention by loud noises, bright lights, or movement.
3. Lasers, search lights, spotlights or other light sources that project light into the sky, onto adjacent properties or rights-of-way are prohibited. Light sources that project light into the sky may be permitted in conjunction with an approved temporary use permit.
4. Inflatable devices and signs, with or without a commercial message, except for seasonal or holiday decorations on residentially zoned properties.
5. Statues used for advertising.
6. "A-frame" signs and portable signs.
7. Any permanent sign located on any roof.
8. Paper signs, posters, or other signs of similar construction located on the exterior of any structure.
9. Light bulb string lights used as advertising, except Tivoli or holiday lights.

10.34.100 – General Development Standards for All On-site Signs

A. Location

All signs and/or other advertising shall only be located on the same lot, parcel of land, property, or premises with the structure or use for which such signs or other advertising are intended to serve, except as permitted pursuant to Section 10.34.070.A (Exempt Signs) and permitted Electronic Display Billboards pursuant to Section 10.34.170 (Electronic Display Billboards).

B. Restricted from Public Rights-of-Way

All signs and/or other advertising shall not project or be located within any portion of a public right-of-way, except as otherwise specifically provided for in this Chapter.

C. Landscape Area Required

Freestanding signs shall be located within a landscaped planting area.

D. Electrical Equipment

Any electrical service provided for signs and/or other advertising shall be installed and located underground and shall be completely concealed from exterior exposure.

E. Uniform Style for Identification Signs

Building identification signs within an integrated development shall be designed to be uniform in location, design, and construction.

10.34.110 – Open Space Zone - Number of Allowed Signs and Allowable Sign Area

The following sign regulations apply to the O zone.

- A. Street-oriented freestanding signs designed and intended to be visible and read by motorists on a major or secondary highway, as defined by the Circulation and Infrastructure Element of the La Puente General Plan, are allowed on properties with a minimum frontage of 500 feet on such highway.
- B. The freestanding sign shall be no greater than 250 square feet in area and 25 feet in height.
- C. The freestanding sign shall be located at a distance from the public right-of-way that is not less than five feet. In addition, the sign shall not be less than five feet from any adjacent property, except if such adjacent property is in a residential zone, the minimum setback shall be 15 feet.

10.34.120 – Residential Zones - Number of Allowed Signs and Allowable Sign

A. Tenant Identification Signs – R-2, R-3, and R-4 Zones Only

One tenant identification wall sign is allowed in the R-2, R-3, and R-4 zones on each building within a complex, subject to the limitations set forth in Table 3-10. Any such sign shall count toward the total of the maximum permitted sign area.

TABLE 3-10 TENANT SIGNS ALLOWED IN R-2, R-3, AND R-4 ZONES	
Number of dwelling units in a building	Permitted area per structure (in square feet)
Up to 5	6
10 or more	12

B. Development Identification Sign – All Residential Zones

For any residentially zoned property in any zone having 200 linear feet or more of property frontage on a street, one street-oriented monument sign on that street frontage is allowed to identify the development, subject to the following requirements. Any such sign shall count toward the total of the maximum permitted sign area.

1. The sign shall not exceed a height of five feet.
2. The sign face shall not exceed a total of 25 square feet in area.
3. In no case shall the sign be located less than five feet from any driveway entrance/exit or public right-of-way or 20 feet from any adjacent property.
4. The street address numbers of the property(ies) represented by the sign shall be included on all faces of the monument structure in four-inch high numerals. The area required for the numerals shall not be counted towards the maximum permitted sign area.
5. Such sign shall incorporate architectural elements, materials, and colors of the building(s) it represents. Exposed support posts, angle irons, conduits, cables, or other similar structural and electrical elements shall not be allowed. If the architectural features, color, or exterior materials of the building(s) are changed, the sign structure shall be similarly changed.
6. The location of such sign shall be subject to the review and approval of the Director.

C. Signs for Providing Safe Vehicle and Pedestrian Movement

For developments on sites five acres or larger in size, signs provided for the safe movement of vehicles and pedestrians are allowed subject to the approval of the Director with regard to the number, size, and location of such signs deemed necessary for the site. In no event shall any single such sign exceed 25 square feet in sign area and four feet in height.

D. Bulletin Boards in All Residential Zones – Places of Religious Assembly, Charitable and Education Use, and Multi-family Residential Developments

On any property in a residential zone on which a place of religious assembly, charitable or educational use, or multi-family residential building has been established, a maximum of one freestanding or wall-mounted bulletin board sign may be erected and maintained, subject to the following requirements:

1. The bulletin board shall not be located on any area on the property visible from a public right-of-way.
2. The bulletin board shall not exceed eight feet in height.
3. The sign face shall not exceed 50 square feet in area.

10.34.130 – Commercial and Industrial Zones - Number of Allowed Signs and Allowable Sign Area

The following sign regulations apply to the C-1, C-2, and CM zones.

A. Freestanding Signs (Monument and Pylon)

1. Number, Size, and Height

The maximum number, size, and height of street-oriented freestanding signs shall be based upon the length of the street frontage of the property, center, business park, or cohesive business complex designed and functioning as one development. Signs erected for such development shall be regulated as established in Table 3-11.

TABLE 3-11 FREESTANDING SIGNS				
Street Frontage	Number of Sign Structures - Maximum	Maximum Area per Side per Sign	Maximum Height per Sign	Type of Sign Structure Allowed
0-199 feet	1	50 sf	8 ft	monument
200-299 feet	1	100 sf	15 ft	monument
	2	50 sf	8 ft	monument
300-499 feet	1 or	200 sf	25 ft	pylon
	2 or	125 sf	15 ft	monument
	3	75 sf	10 ft	monument
500-999 feet	1 or	250 sf	25 ft	pylon
	2 or	200 sf	20 ft	pylon
	3	125 sf	15 ft	monument
1,000 feet or more	3 or	250 sf	25 ft	pylon
	4 or	200 sf	20 ft	pylon
	5	125 sf	15 ft	monument

2. Location Relative to Right-of-Way and Adjacent Property

Allowed signs shall be located minimum of five feet from any public right-of-way and a minimum of five feet from any adjacent property. Where the adjacent property is in a residential zone, the minimum setback shall be 15 feet.

3. Multiple Tenant Signs

On a street-oriented freestanding sign advertising multiple tenants, the minimum size of a single tenant's portion of such sign shall be not less than twelve 12 square feet in area.

4. Design of Street-Oriented Signs

All street-oriented freestanding signs and sign structures shall incorporate architectural elements, materials, and colors of the building(s) to which they relate. Exposed support posts, angle irons, conduits, cables or other similar structural and electrical elements are not permitted. If the architectural features, color, or exterior materials of the building(s) are changed, the sign structure shall be similarly changed.

5. Street Address Required on Monument Signs

The street address number(s) of the property(ies) represented by a monument sign shall be included on all faces of the monument structure in six-inch high numerals. The area required for the numerals shall not be counted towards the maximum permitted sign area.

B. Directory Signs

Directory signs are allowed only on properties, centers, or business parks exceeding five acres in size. Such signs shall be subject to the approval of the Director with regard to the number, size, and location. In no event shall any single directory sign exceed 50 square feet in sign area and eight feet in height.

C. Drive-through Business Signs

Drive-through businesses are allowed a maximum of two additional outdoor freestanding or wall-mounted menu board signs for the purpose of advertising services rendered or products sold on the premises. Each individual sign shall not exceed 40 square feet in area, or 60 feet combined area, and shall not exceed eight feet in height measured from finished grade. See also 10.50.090 (Menu and Drive-up Boards).

D. Signs on Buildings

1. Tenant Identification Signs

Any tenant identification wall sign erected after the effective date of this Chapter in an existing multiple-tenant development shall comply with the following standards unless the property owner or designee applies for and is granted approval of a master sign program pursuant to Section 10.34.140 (Master Sign Programs).

- a. Each tenant space is allowed one tenant identification wall sign on each side of the building facing a public street or parking facility for the building or where the main entrance is located. Each sign shall not exceed one square foot of sign area for each linear foot of such side of the building. In no case shall a tenant identification sign exceed 200 square feet in total area.
- b. In addition to the main tenant identification wall sign, for each building wall visible from a public street, alley, or parking facility, a secondary tenant identification wall sign is allowed for every 50 linear feet of building wall. Each sign shall not exceed one-half square foot of sign area for each linear foot of building wall, nor shall the sign area of each sign exceed 50 square feet.
- c. Tenant identification wall signs shall be attached parallel with the building wall or building fascia and shall not project more than 18 inches from the wall on which they are mounted. Tenant identification wall signs shall consist of individually attached letters no greater than 18 inches in height centered on the wall to which they are attached. Such signs shall not exceed 70 percent of the width of the respective tenant space and shall be centered vertically and horizontally in a sign band. The sign shall not project above or below the wall or building fascia upon which the sign is attached and shall maintain a minimum clearance of not less than eight feet above finished grade. If the sign is overhanging a driveway, it shall maintain a minimum clearance of not less than 16 feet above finished grade.
- d. The copy on tenant identification wall signs shall consist of individual letters attached to the building wall, including but not limited to channel letters and raised letters attached directly to the wall or fascia surface. Exposed raceways shall be painted to match the color of the building on which they are mounted.

- e. Signs painted on or decals applied directly to walls are prohibited.
- f. Cabinet signs for ancillary copy or logos or other graphics not exceeding 50 percent of the sign area of the primary text may be allowed.
- g. If the building face does not include wall or fascia surfaces of sufficient size or visibility to reasonably display such signs, as determined by the Director, cabinet signs or other signs involving one-piece panels may be considered. Such signs shall include scalloped edges, rounded corners, or similar design features to avoid a box-like appearance. If necessary to provide reasonable sign area, such signs may project above or below fascia surfaces subject to the approval of the Director.
- h. Sign color is limited to a maximum of three colors unless the use of corporate color schemes or logos dictates the use of more than three colors.
- i. A maximum of two lines of copy is permitted, unless the configuration of a sign dictates that more than two lines of copy be used. Sign copy shall be placed on a horizontal line except if a corporate logo includes copy that is placed on other than a horizontal line.

2. Projecting Signs

In addition to tenant identification wall signs permitted above, projecting signs may be allowed subject to the following requirements:

- a. Projecting signs are allowed only as a secondary identification sign and are only permitted on walls of buildings within five feet of a public right-of-way.
- b. One projecting sign is allowed only at or near each public entrance to the building.
- c. Each projecting sign shall not exceed a maximum of four square feet in area.
- d. Projecting signs shall be placed perpendicular to the building wall and shall not extend above the level of the eave of a sloped roof or the highest point on a flat roof.
- e. Projecting signs and their supports shall not project more than three feet from the wall to which they are attached and shall not project over the public right-of-way.
- f. Projecting signs shall maintain a minimum vertical clearance of not less than eight feet from finished grade.
- g. The design, materials, and colors of the projecting sign and sign supports shall complement the style of the building and shall be consistent with design guidelines adopted by the City.

3. Address Signs Required

All building tenant spaces shall display the number of the building address on the building wall, window, or door above or next to the main entrance. In no case shall the numerals and letters be less than four inches in height. The area required for the numerals shall not be counted towards the maximum permitted sign area.

4. Awning Signs

The following regulations shall apply to awning signs.

- a. Awning signs shall only be located on valance panels that are horizontal or nearly horizontal. Such sign shall maintain a minimum clearance of not less than eight feet over any public or private sidewalk or walkway and 16 feet over any driveway.
- b. Not more than two awning signs are permitted per side of a building.
- c. Awning signs shall not exceed a total area of four square feet, and copy shall not exceed eight inches in height.

5. Marquee Sign

A maximum of two marquee signs for movie or theater uses are allowed subject to the following provisions.

- a. For single-screen motion picture theaters and live performance theaters, each sign area shall not exceed 60 square feet per sign face. For a multiple-screen motion picture theater, the sign area shall not exceed 20 square feet per screen, up to a maximum of 200 square feet per sign face;
- b. Marquee signs can have a manual changeable copy or electronic changeable copy.
- c. The height of the letters shall not exceed 24 inches.
- d. The marquee sign shall not project above the parapet or roof eaves along the wall in front of which it is erected.
- e. The content shall be limited to identification of the theater, the movie or other entertainment being offered at that location, the sale of any service or product available on that premises, and any other activity or sale associated with the premises. No off-site advertising shall be allowed.

6. Service Station Price Signs

Service station price signs shall consist of either a monument sign or wall sign and are subject to the following requirements. Service station price signs can have a manual changeable copy or electronic changeable copy. The sign area for price signs shall not count toward the maximum allowable sign area.

7. Monument Sign

- a. The price sign shall be no more than 20 square feet in area and five feet in height from finished grade.
- b. The price sign shall be located so as not to impede the vision clearance triangle required by Section 10.24.030 (Vision Clearance Triangle at Intersections) and in no case less than five feet from a public right-of-way. In addition, the sign shall be located wholly on the property within a landscape planter.
- c. No more than one service station price sign is allowed on each street frontage.

8. Wall Sign

Wall-mounted price signs may be allowed on sides of buildings facing a public street in lieu of monument signs. Such signs shall be no more than 20 square feet in area.

9. Signs for Outdoor Uses

Uses that are not typically or reasonably conducted indoors and are allowed as outdoor uses per Chapters 10.12 (Commercial Zones) and 10.14 (Commercial-Manufacturing Zone) may maintain the following signs and devices.

- a. Advertising signs for outdoor displays of vehicular merchandise such as automobile, truck, and equipment sales and rental agencies are subject to the following limitations.
 - b. The sign shall be located on, and if applicable, supported by the object being advertised and shall not exceed the dimensions of such object or project above such object.
 - c. The sign shall only apply to the object to which the sign is attached or placed upon. Messages that are divided into segments and displayed on separate items in tandem in order to provide a larger sign message are not allowed.
- 10.** Flags, pennants, streamers, and banners may be displayed subject to the following requirements.
- a. Flags, pennants, streamers, or banners shall not be attached to trees or other landscaping elements, shall be maintained and supported entirely out of public rights-of-way, and are allowed above, in, or immediately surrounding the area where products are displayed outdoors.
 - b. No flag, pennant, streamer or banner may be attached to a structure that has been erected for the express purpose of supporting such devices.
 - c. Flags, pennants, streamers, and banners shall be well maintained. If torn, missing, faded or otherwise in poor condition, the advertising device shall be immediately removed or replaced.
 - d. Flags, pennants, streamers, and banners shall be removed immediately upon the termination of the use for which such advertising devices were intended.
 - e. The Director shall approve the sign plan application prior to the display of any flags, pennants, streamers or banners. In addition to the findings set forth in Section 10.34.060.E, the application may be denied if the number, size, and/or density of the signs being displayed are excessive so as to distract or interfere with pedestrian or vehicular traffic.

E. Permanent Window Signs

The following regulations shall apply to permanent window signs.

1. Permanent window signs are permitted on glazed window and glazed door areas located on the first floor of a building. Such signs must consist of professionally designed and produced decals. No painted permanent window signs are permitted.
2. There is no limit on the number of signs. However, the total area of all such signs on any one building face shall not exceed 25 percent of the total window area of that building face or a total of 40 square feet on that building face, whichever is lesser. No portion of

any window sign shall be located higher than 10 feet above the grade adjacent to the window on which such sign is located.

3. For purposes of public safety, window signs shall not be placed in a manner whereby the view into a tenant unit at eye level (approximately five feet) from outside a window is substantially obstructed.
4. Lighted and scrolling LED or similar signs are permitted, provided such signs comply with the provisions of this subsection.

F. Outdoor Murals

Outdoor murals may be permitted subject to the review and approval of the Commission. The review by the Commission is not intended to restrict artistic expression but to ensure that such mural is consistent with the following guidelines.

1. A mural shall not be located on a structure or in a district on the State or National Register of Historic Places, unless such mural was originally produced as part of that structure.
2. A mural shall be located on a uniform wall surface that is of a single continuous plane and surface material. The mural shall be centered and/or framed by the architectural features of the wall on which it is located.
3. The mural shall not advertise or depict products or services that are offered for sale, lease, or rent on the property on which it is located.
4. The maintenance of a mural shall be the responsibility of the owner of the property upon which the mural is located.

10.34.140 – Master Sign Programs

A. Purpose and Intent

Master Sign Programs are intended to provide for uniformity and design consistency within commercial or industrial developments. A Master Sign Program may include standards, criteria, and guidelines that are more restrictive than the requirements of this Chapter. As an incentive to creating signage that is well designed, attractive, appropriately proportioned, and architecturally compatible with the buildings on the site on which the signs are to be located, an approved Master Sign Program may allow for more flexibility with regard to sign area, number, or height of signs than what is otherwise permitted under this Chapter.

B. Applicability of Master Sign Program to New Developments

A Master Sign Program is required for multiple-tenant developments with four or more tenants.

C. Applicability of Master Sign Program to Existing Developments

Any existing single-tenant development located in a commercial or industrial zone which is converted for occupancy by four or more tenants sharing the same building or parking facilities is considered a new development project for the purposes of this section. No new or additional signs, other than temporary signs, shall be installed prior to the approval of a Master Sign Program.

D. Application; Approval by Director Required

1. An application for a Master Sign Program shall be filed on forms provided by the Director and fees paid pursuant to a fee schedule adopted by Council resolution. The Director may act to approve, approve with conditions, or deny a Master Sign Program application.
2. If the applicant, pursuant to subparagraph A above, requests modifications to the sign standards contained in this Chapter 10.34, the application shall clearly state and illustrate the justification for such modification. In granting an approval for a Master Sign Program with modifications to the sign standards, the Director, or the Commission or Council on appeal, shall be required to make the following findings:
 - a. That the Master Sign Program complies with all applicable provisions of the General Plan and the purposes of this Chapter 10.34;
 - b. That the Master Sign Program provides for well-designed, attractive, and appropriately proportioned signage that is architecturally compatible with the buildings on the site; and
 - c. That signage erected and maintained pursuant to the Master Sign Program will not adversely affect adjacent properties and uses with regard to size, placement, or illumination.

10.34.150 – Temporary Signs**A. Temporary Signs - General**

The temporary signs identified in subsection C, below, are permitted in all non-residential zones subject to the requirements stated in subsection C. All temporary signs, with the exception of temporary window signs, shall require the issuance of a temporary sign permit by the Director in accordance with procedures established by the Director and in accordance with subsection B, below.

B. Permit Approval Required

1. Prior to the erection or use of any temporary sign as set forth in this Section, a temporary sign permit shall be obtained from the Director. If the application is submitted after the temporary signs have been erected, the fee charged shall be 150 percent of the permit fee.
2. A permit for a temporary sign shall not be issued for the same business or permittee more than six times in any one calendar year.
3. The applicant shall submit a detailed site plan and/or elevation indicating the proposed location of such temporary signs. The display of temporary signs shall not obstruct the visibility of the businesses or authorized signs on the site, nor shall the temporary sign obstruct the temporary signs of other businesses on the same site.

C. Permitted Temporary Signs**1. Banners and Pennants**

- a. One banner is permitted for each tenant space, except that corner tenant spaces or freestanding single-occupant structures may maintain a maximum of two banners, which shall be displayed on separate sides of the building at any one time. Pennants may be substituted for banners.
- b. Individual banners shall be limited in size to a maximum of 50 square feet.

- c. A banner shall be attached to, and parallel with, a wall of the structure to which it is related, except where there are no structures involved, such as temporary outdoor events, carnivals, or outdoor promotional sales. In no case shall banners be suspended between separate structures.
- d. No one business shall be allowed to display a banner or banners for more than 90 days per calendar year.
- e. A business may erect a temporary sign consisting of a banner on a commercial or industrial property where a new business is opening or has opened at that property where the sign is displayed. Such sign shall not exceed a total sign area of 50 square feet and shall be securely affixed to the structure in which the business being advertised is located. Such sign shall not be displayed for more than any one 90-day period.
- f. Notwithstanding the above, banners are permitted on freestanding light poles within commercial centers that are 10 acres or more in area, with the banners limited to providing identity of the center or to promote special events, community events, or holidays.

2. Balloon Displays

- a. Balloon displays are limited to air or helium-filled balloons that are individually not larger than three and one-half cubic feet in volume. Such balloons shall not extend beyond 10 feet from the point of attachment and shall not interfere with pedestrian or vehicular traffic.
- b. No more than one balloon for each lineal foot of street frontage is allowed.
- c. No one business shall be allowed to maintain a balloon for more than 90 days per calendar year.

3. Temporary Window Signs

Temporary window signs shall not exceed 25 percent of the window area of the window in which they are placed and for the purposes of public safety, shall not be placed or extend higher than five feet above the grade adjacent to the window on which such sign is located.

4. Hand-Held Sign

- a. Commercial hand-held signs shall not be displayed within any public right-of-way.
- b. Commercial hand-held signs on private property are allowed where a business is holding a promotion or sales event and where all required business licenses and/or permits have been issued.
- c. Off-site hand-held signs are prohibited.

5. Other Temporary Signs

Other temporary signs that are not prohibited may be allowed with approval of a Temporary Sign Permit, subject to review by the Director and in accordance with criteria established by the Director. Such temporary signs shall not occupy required parking spaces, impede required pedestrian travel, or impede required vehicular access to and from the property or within the property.

10.34.160 – Signs Utilizing Non-Roman Alphabet

A. Public Safety Necessity

The City recognizes the importance of signs for advertising business locations and services. An equally important function of signs is identifying businesses and locations clearly in a manner to emergency services and response personnel that allows them to provide a high degree of public safety protection. In recognition of this latter important function of signs, the City establishes the standards set forth in this Section.

B. Requirement for Supplementary English Language Characters

Every sign larger than four square feet of surface area erected in connection with any business within the City of La Puente which utilizes any non-Latin/Roman letters, symbols, or characters in 50 percent or more of its advertising message and in lettering readable from the nearest public street, shall be considered to be a non-English language sign. Each non-English language sign shall contain, at a minimum, a generic description written in English of the nature of such business, legible from the nearest public street.

10.34.170 – Electronic Display Billboards

A. Purpose and Intent

These provision regulate the establishment, operations, and maintenance of Electronic Display Billboards, as defined in 10.34.050. The City recognizes that Electronic Display Billboards can serve a community purpose through the generation of revenue for the City, for the advertising of products and services that may be of interest to community members, and for the provision of a medium to display public service announcements and emergency messages.

B. Applicability

This Section applies to all Electronic Display Billboards in the City as follows:

1. The provisions of this Section are in addition to any standards or other regulations imposed by the required Development Agreement. However, where any standard(s) imposed by the required Development Agreement conflict with the general standards specified in this Section, the standards imposed by the Development Agreement shall prevail. In no case, however, shall the required Development Agreement allow for deviations from subsections D, F and I below.
2. No Electronic Display Billboard shall be erected or maintained that does not comply with the provisions of this Section and any other applicable statutes or laws.
3. In the event of direct and irreconcilable conflict between any provisions of this Section and any other provisions of Chapter 10, or any other provisions contained in the Municipal Code, the more restrictive requirements shall govern.

C. Application: Development Agreement Required

1. Development Agreement. A Development Agreement, prepared and adopted in compliance with Section 65864 *et seq.* of the Government Code and the City's Code, shall be required to allow an Electronic Display Billboard.
2. Mandatory Contents of Development Agreement. Each Development Agreement to permit an electronic display billboard considered by the City shall, at a minimum, contain language addressing the following:

- a. Annual, quarterly, and/or monthly fees and other public benefits to be conveyed to the City. The City's intent and objective in requiring the payment of fees is to compensate for the aesthetic impact on the community associated with the presence of off-site signs.
 - b. Any allowed deviations from the development standards established in subsection E, below.
 - c. The amount of time each day dedicated to public service announcements, at no cost to the City.
 - d. Terms requiring periodic review of the Development Agreement, as may be required by law or otherwise established by the City.
3. Method of Review and Approval. The Development Agreement shall be filed, processed, reviewed, and approved or denied in compliance with Chapter 10.118 (Development Agreements). In addition, the following procedures shall be required:
- a. The Development Agreement shall be filed with the Development Services Department, along with applicable fees, on forms provided by the Department.
 - i. The application shall be accompanied by accurate architectural renderings and elevations of the proposed electronic display billboard, as well as a scaled plot plan and elevations showing the locations of all existing structures and improvements on the subject property, and the proposed electronic display billboard.
 - ii. At the time of filing the application, the applicant shall pay a filing fee in compliance with a Council approved resolution. This fee shall be in addition to any other required fees relative to development of the property and shall be for the purpose of defraying the costs associated with City review and action on the application.
 - b. The Commission may recommend approval and the Council may approve the Development Agreement for an Electronic Display Billboard if all of the following finding can first be made:
 - i. The proposed Electronic Display Billboard is to be located in an appropriate area as defined by subsection E, below;
 - ii. The proposed Electronic Display Billboard is placed on its site in the least visually impacting manner;
 - iii. The subject Development Agreement contains appropriate language addressing revenue for the City;
 - iv. The proposed Electronic Display Billboard complies with all of the applicable development standards specified in subsection E, below, unless modified through the Development Agreement, as well as all applicable Federal, State, and local laws;
 - v. The placement of the proposed Electronic Display Billboard will not obscure or otherwise visually impact any Council-designated historical buildings;
 - vi. The placement of the proposed Electronic Display Billboard will not adversely affect residential use of property; and

- vii. The placement of the proposed Electronic Display Billboard will not pose a traffic hazard.
- c. The Commission may recommend and/or the Council may impose additional conditions as are deemed reasonable and necessary to ensure that the Electronic Display Billboard is consistent with the General Plan, compatible with surrounding land uses, meets the provisions and intent of Chapter 10, minimizes potential traffic hazards, and otherwise protects the public health, safety, and general welfare.

D. Location: Where Permitted and Prohibited

- 1. Electronic Display Billboards shall only be permitted on City-owned property (as defined in Section 10.132.040 of this Code) in any nonresidential zone or within the Downtown Specific Plan area.
- 2. No Electronic Display Billboards shall be located any closer than 1,500 linear feet of another electronic display billboard, as measured from the centerline of each support structure.
- 3. No Electronic Display Billboard shall be permitted on or overhanging the roof of any building.

E. Development Standards

- 1. **Sign Face Dimensions.** The Electronic Display Billboard display area shall not exceed 672 square feet, exclusive of border, trim, and other special advertising features of additions.
- 2. **Height.** Unless permitted pursuant to the terms of the Development Agreement, the maximum overall height of Electronic Display Billboards shall not exceed 36 feet, measured from the finished grade of the Billboard structure's base to the top of the billboard structure.
- 3. **Support Structure.** All proposed Electronic Display Billboards shall be designed to have a single cylindrical column support, and shall be structurally sound and designed with consideration to seismic safety. Billboard faces shall be in line with the support structure, and no cantilevered design will be approved.
- 4. **Cutouts and Attachments.** No cutouts or attachments shall be permitted, unless permitted pursuant to the terms of the Development Agreement.
- 5. **Double-faced Signs.** Bidirectional or double-faced Electronic Display Billboards shall be located on the same cylindrical column structure and shall be restricted to the following:
 - a. The distance between sign faces shall not exceed eight feet ; and
 - b. Electronic Display Billboard faces located on the same structure shall be positioned back-to-back (i.e., their backs shall be parallel to each other) and within five degrees of perpendicular to the roadway from which they are to be viewed.
- 6. **Mechanical Screening.** Each sign structure shall, at all times, include a facing of proper dimensions to conceal back bracing and framework of structural members and/or any electrical equipment. During periods of repair or alteration the facing may be removed for a maximum period of 48 consecutive hours.

7. **Billboard Owner Identification Signs.** Billboard owner identification signs shall be provided on all Electronic Display Billboards and shall have a minimum character height of 12 inches.
8. **Undergrounding of Utilities.** The Electronic Display Billboard owner shall underground all utilities installed in connection with the electronic display billboard.
10. **Compliance with other Codes.** All Electronic Display Billboards shall comply with the appropriate detailed provisions of the latest editions of the California Building, Electrical, and related Codes.

F. Operational Standards

1. The images on the Electronic Display Billboards shall not change more often than every eight seconds, and transitions between images shall not exceed one second. The images shall change instantaneously, with no special effects or video. Any form of moving, animated, oscillating, or rotating images, or any other design intended to attract attention through movement or the semblance of movement on the whole or any part of the sign, or any other method or device that suggests movement, is prohibited at all times.
2. Each Electronic Display Billboard shall include a photometric sensor that will adjust the intensity of the sign for daytime and nighttime viewing. The nighttime intensity shall be limited to 0.3 foot candles (over ambient levels) as measured at a height of five feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign. The City may further restrict the intensity of any electronic display billboard.
3. Electronic display billboards shall be required to provide for public service announcements, Amber Alerts, and other community service announcements per the terms of the required Development Agreement.

G. Column/Support Structure Screening Standards

1. The area surrounding the base of the column structure of an Electronic Display Billboard shall be landscaped or screened in compliance with the requirements of this Subsection. The intent is to achieve a positive and creatively aesthetic treatment of the column structure as viewed from the ground level and to discourage graffiti.
2. The base around the column structure of the Electronic Display Billboard shall be screened from the adjacent uses. Examples of potential screening methods may include landscaping, decorative walls and fencing, or public art to achieve the intent of this subsection. Decorative walls and fences and public art may be used in conjunction with landscaping but may not be used by themselves to comply with screening requirements.
3. The plant materials used for landscaping shall be drought-resistant and irrigated with an automatic drip irrigation system.

H. Ladders Prohibited

The installation and/or maintenance of a ladder or any other feature that allows unauthorized access to the column structure or sign face of any Electronic Display Billboard is prohibited.

I. General Standards

Unless otherwise specified in this section, the general advertising requirements specified in the Business and Professions Code, Division 3, Chapter 2, shall apply to plans and materials for and

to design, construction, identification and maintenance of Electronic Display Billboards under this Section.

J. Maintenance Standards

1. All Electronic Display Billboards shall be maintained in good condition and working order at all times, and free of graffiti, peeling paint, faded colors, and/or damaged materials.
2. Notwithstanding the requirements of Section 3.44.040 of the Municipal Code, when Electronic Display Billboard is defaced with graffiti, the sign owner shall remove the graffiti within 48 hours after having received mailed or electronic notice by the City.

10.34.180 – Sign Performance Standards

A. Light and Glare

No sign shall create light or glare effects that intrude into adjacent public rights-of-way or other properties.

B. Emergency Access Considerations

1. No sign or sign structure shall be installed, relocated, or maintained in any manner that will prevent free ingress to or egress from any door, window, or fire escape.
2. Signs and sign structures shall not be located in any manner that constitutes an immediate hazard to the safety of, or block the path of travel of, pedestrians or vehicular traffic.

C. Avoid Conflict with Traffic Control

No sign shall by color, wording, design, location, or illumination resemble or conflict with any traffic control device.

D. Construction

All signs shall comply with the applicable requirements of Title 8 (Building Regulations) of the La Puente Municipal Code.

10.34.190 – Sign Maintenance Requirements

- A. All signs shall be maintained in a structurally sound manner and free from missing or defective parts, discoloration, peeling or faded paint or decals, bent, broken, or missing casings or faceplates. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any crack, broken surface, malfunctioning lights, missing sign copy, or other unmaintained or damaged portion of a sign, including the sign structure, shall be repaired or replaced. Cabinet signs designed to accommodate plexiglass or plastic sign faces shall be so equipped at all times. Sign cabinets for vacant buildings or tenant spaces shall be covered with blank plexiglass panels.
- B. Owners of properties on which signs not properly maintained may be issued a notice to maintain, alter, or repair the sign by the Director. Upon a written notice from the Director, the maintenance, alterations, or repairs specified in the notice shall be made within 30 calendar days after the date of receipt of such notice.
- C. For wall-mounted signs, at such time that they are altered, maintained, or replaced, the wall surface behind and surrounding the wall mounted sign shall be cleaned, painted, and repaired to the satisfaction of the Director.

10.34.200 – Nonconforming Signs, Amortization and Abatement of Signs**A. Determination of Legal Nonconformity**

Any sign lawfully constructed and maintained prior to the effective date of this Chapter with a valid permit and/or other entitlement, and which complied with all applicable laws on the date of its approval and installation, is a legal nonconforming sign, provided that the Director determines that the sign is properly maintained and does not pose a danger to the public health, safety, and welfare.

B. Inventory and Abatement of On-Premise Signs

1. **Inventory of Signs.** Within 270 days of the date of adoption of this Section, the Director shall cause to be performed an inventory of all on-premise signs within the City to identify those which are illegal or abandoned. For the purposes of this subparagraph, the term "illegal" denotes a sign which was erected without compliance with all ordinances and regulations in effect at the time of its construction and erection or use, and the term "abandoned" denotes a sign, which remains in place or is not maintained for a period of 90 days which no longer advertises or identifies an ongoing business, product or service available on the business premises where the sign is located.
2. **Report.** When the inventory has been completed, the Director shall report the actual cost of conducting that inventory to the Council so the Council may by resolution provide for the recoupment of that cost in the manner authorized by Section 5491.2 of the Business and Professions Code.
3. **Abatement.** Identified illegal and abandoned signs are subject to abatement as a public nuisance. Any sign, which does not conform to the requirements of this Chapter shall be brought into compliance with the requirements of this Chapter within 15 years of the date of adoption of this chapter. Upon expiration of the 15-year amortization period, the sign shall be removed, without compensation to the owner, or the sign shall be brought into conformance with the requirements of this Chapter. If the sign is not removed or brought into conformance with this Chapter within that time, the sign is subject to abatement as a public nuisance.
4. **Nonconforming Signs Which May Be Abated Without Payment of Compensation.** Any sign which does not comply with the requirements of this chapter and which may be abated without the payment of compensation pursuant to Section 5497 of the Business and Professions Code shall be brought into compliance with the requirements of this chapter as soon as may reasonably be accomplished and in no event later than six months after the adoption of this chapter. Any sign which is not brought into conformance with the requirements of this chapter within that time are subject to abatement as a public nuisance.

C. Temporary Signs

Temporary or portable nonconforming signs which were erected with a permit prior to the effective date of this Chapter may remain until the expiration of the permit, after which such signs shall be immediately removed.

D. Continuation and Maintenance

Nonconforming signs and/or other advertising which existed prior to the effective date of this Chapter may be permitted to continue as legal nonconforming signs, except as otherwise provided in this Section or unless ordered discontinued, modified, or removed as a public nuisance in compliance with the Municipal Code.

E. Modification and Maintenance of Legal Nonconforming Signs

1. Nonconforming signs shall not be altered or reconstructed so as to increase the discrepancy between existing conditions and current standards for sign area, height, or setback.
2. Sign copy and/or faces on legal nonconforming sign cabinets, directory signs or street-oriented freestanding signs may be changed, provided that the sign cabinets or supporting structures are not replaced or removed, except temporarily for maintenance purposes.
3. The sign face of an existing wall-mounted cabinet sign shall be allowed to be changed if the new sign face will have an opaque background with illuminated letters, numbers, or symbols. No increase in sign area shall be allowed.
4. The existence of a legal nonconforming tenant identification wall sign shall not prevent the installation of a conforming freestanding sign, and vice versa.
5. A legal nonconforming sign must comply with all requirements of this Chapter regarding safety, maintenance, and repair.

F. Restoration of Damaged Nonconforming Signs

1. Whenever a nonconforming sign is involuntarily destroyed by force majeure to the extent of 50 percent or less of the appraised replacement value of the sign, as determined by the Building Official, the sign may be rebuilt and resumed. A Building Permit for the restoration shall be required.
2. Whenever a nonconforming sign is involuntarily destroyed by force majeure to an extent greater than 50 percent of the appraised replacement value of the sign, as determined by the Building Official, or is voluntarily razed or is required by law to be razed, the sign shall not be resumed except in full conformity with the current regulations for the zone in which it is located.
3. The extent of damage or destruction shall be determined by comparing the estimated cost of restoring the sign to its condition before the damage or partial destruction and the estimated cost of replacing the sign as it existed before the damage. Estimates for this purpose shall be reviewed and approved by the Building Official.

10.34.210 – Signs Prohibited on Public Property within the Public Right-of-way**A. Prohibition**

No person shall paint, mark or write on, or post or otherwise affix, any notice, placard, bill, poster, card, sticker, banner or sign to any public or utility property within the public right-of-way, including upon any sidewalk, crosswalk, curb, lamp post, hydrant, tree, alley, telephone, telephone pole or lighting system, or other public alarm or communication system erected on public property.

B. Removal of Signs

The Director may remove or cause to be removed any sign unlawfully posted or affixed on any public or utility property. Such sign(s) shall be held for a period not less than 10 days during which the owner of the sign may claim the sign. In the event that the owner does not claim such sign within the 10-day period, the Director may destroy or otherwise dispose of such sign. The owner of the sign shall reimburse the City for the actual costs of removing, storing, and destroying or otherwise disposing of the sign.

10.34.220 – Emergency Abatement of Signs

- A. When the Director determines a sign constitutes an imminent danger to the public safety, the Director may take appropriate action to abate the danger.
- B. If any sign is removed to abate such a threat to the public safety, the Director shall notify the owner of such sign, in writing, stating the location where the sign is being held and that it will be destroyed if not claimed by the owner within 30 days after the date of such notice. The sign will be returned to the owner only upon payment of the cost of such emergency abatement. If the sign is not claimed within 30 days after the receipt of the notice, or within 10 days upon conclusion of a hearing requested by the owner as provided for in paragraph C of this section, the City may otherwise dispose of the sign.
- C. The cost of such emergency abatement shall be charged against the owner of the sign and may be recovered by the City by an appropriate legal action or by assessment against the property. The person assessed shall be granted a hearing before the Planning Commission to contest the amount or propriety of the charge if such person requests a hearing within 30 days of notice from the City.
- D. For the purposes of this section, a sign shall be presumed to be property of the person who owns the premises upon which the sign is located.

- This page intentionally left blank -

Chapter 10.36 – Property Maintenance

Sections:

- 10.36.010 – Statement of Need and Purpose
- 10.36.020 – Applicability
- 10.36.030 – Relationship to Other Laws
- 10.36.040 – General Maintenance Provisions

10.36.010 – Statement of Need and Purpose**A. Statement of Need**

The City Council finds and determines as follows:

1. The property values and the general welfare of the City of La Puente are founded, in part, upon the appearance and maintenance of private property within the City.
2. The lack of landscaping and/or landscape maintenance on private property, including overgrown, dead, or decayed vegetation and weeds and the accumulation of rubbish and debris, is a condition that is injurious to the public health, safety, and welfare of property owners, business owners, and residents of the City of La Puente.
3. The lack of exterior structure maintenance, including but not limited to partially destroyed or partially constructed structures; unpainted structures or portions of structures; broken windows; damaged or defective structure exteriors; and poorly maintained roofs, walls, fences, driveways, sidewalks, or walkways is injurious to the public health, safety, and welfare of property owners, business owners, and residents of the City of La Puente.

B. Purpose

This Chapter, based on the above statement of need, sets forth comprehensive minimum maintenance standards for structures, yards, land, landscaping, facilities, and equipment for the purpose of protecting the public's health, safety, and welfare, and helping to preserve property values.

10.36.020 – Applicability

The provisions of this Chapter shall apply to all private and public property within the City of La Puente.

10.36.030 – Relationship to Other Laws

This Chapter complements the provisions of Chapter 3.20 (Public Nuisances) of the Municipal Code. In the event of any inconsistency between this Chapter and any other provisions of the Zoning Code or other sections of the Municipal Code, or in the event that this Chapter conflicts with laws of the State or other City ordinances, the higher standard—the standard that provides for a higher level of property maintenance—shall prevail, unless otherwise specified.

10.36.040 – General Maintenance Provisions**A. General**

All properties within the City shall be kept and maintained in a clean, neat, orderly, operable, and usable condition that is safe both to occupants and visitors. This requirement applies to structures, portions of structures, paving, fences, walls, landscaping, water, earth, and any other structure or natural feature.

B. Prohibition on Attractive Nuisances

Any property which can be easily accessed by children must be kept clear of attractive nuisances, as defined in Chapter 3.20, that create a danger for children and other persons, including but not limited to abandoned, neglected, or broken equipment, machinery, appliances, refrigerators or freezers; construction materials and construction equipment; and hazardous pools, ponds, and excavations.

C. Structure Maintenance

All structures and paved areas shall be kept and maintained in a manner that does not detract from the appearance of surrounding properties, and that protects the health, safety, and welfare of the user, occupant, and the general public. All such structures and paved areas shall be deemed substandard and in violation of this Chapter when any or all display evidence of dilapidated conditions including, but not limited to, the following:

1. Faulty, sagging, or leaking roof structure, missing roof tiles, deteriorated roofing materials, or other visible roofing materials
2. Substantial areas of deteriorated structure siding materials including, but not limited to, dry rot, termite infestation, dented or rusting metal siding, weathered and peeling paint, broken or missing pieces of stucco, or other siding materials
3. Broken or missing windows
4. Inadequate site drainage and/or standing water adjacent to structure foundations
5. Broken or inoperable sanitary and plumbing facilities and/or fixtures
6. Broken or missing foundation
7. Broken, torn, or missing attic vent screens
8. Broken, ripped, or torn window screens
9. Structural defects such as warped, bowed, or sagging structural members including, but not limited to, headers, sills, beams, eaves, doorways, doorjamb, and similar structural or architectural elements

D. Fences and Walls

All fences and walls shall be kept and maintained in a manner that does not detract from the appearance of surrounding properties, and that protects the health, safety, and welfare of the user, occupant, and general public. Fences and walls shall be deemed substandard and in violation of this Chapter when they display evidence of dilapidation or other conditions, such as any or all of the following:

1. Sagging, broken, rotted, or defective support posts or other structural members

2. Missing or broken fence boards
3. Damaged or missing blocks and grout lines from a block wall
4. Substantial areas of deterioration including dry rot, broken or missing pieces or stucco, holes, or warped or leaning fence or wall areas
5. Chain link fence material which is rusted, damaged or broken
6. Portions of the fence or wall which are substantially defaced with graffiti
7. Any condition of deterioration or any fault resulting in the fence or wall being structurally unsound or otherwise hazardous to property owners, occupants, or visitors
8. Height extensions of walls or fences in violation of this Zoning Code

E. Litter and Refuse

All yards, landscaped areas, and other areas of private property surrounding structures shall be kept free of trash, old building materials, junk, unlicensed or inoperative vehicles, broken or discarded furniture, boxes, salvage materials, shopping carts, and other such material and equipment which, by its appearance, location, or use, makes it incompatible with the principal use or other predominate principal uses in the immediate neighborhood.

F. Private Streets, Sidewalks, and Driveways

1. All parking, loading, storage, driveway, and vehicle maneuvering areas shall be kept and maintained so as to not detract from the appearance of the surrounding properties and to protect the health, safety and welfare of the user, occupant, and general public. Such areas shall be kept in a neat and clean condition, free of inoperative vehicles, abandoned items, trash, debris or rubbish, furniture, equipment, play equipment, or similar materials, and free of potholes, sinkholes, standing water, cracks, and/or broken areas.
2. Parking space delineation, pavement striping and related features, and signs shall be repainted, refurbished, and/or replaced when the same become faded, damaged, or destroyed to such an extent as to no longer be effective.
3. When any paved area, which includes sidewalks, driveways, and private roadways, shows evidence of dilapidated or deteriorated conditions, it shall be deemed substandard and in violation of this Chapter. Such areas shall be periodically resurfaced or sealed in order to minimize seepage of water into the ground below.

G. Landscaping and Vegetation

1. All landscaped areas shall be kept and maintained in a manner that does not detract from the appearance of surrounding properties, and that protects the health, safety, and welfare of the user, occupant, and general public, and in conformance with the provisions of Chapter 10.32 (Landscaping).
2. Landscaped areas shall be kept in a neat and clean condition, free of weeds, debris and dead, diseased or dying vegetation, and broken or defective decorative elements of the landscaped area.
3. Vegetation in landscaped areas shall be mowed, groomed, trimmed, pruned, and watered as to keep the same in a healthy, growing condition. Irrigation systems shall be kept in good working condition and repair so as to prevent leaks, overwatering, or public health hazards.

4. Vegetative overgrowth shall not be permitted in a manner that is likely to harbor rodents, vermin, insects, or other nuisances; or impedes, obstructs, or denies pedestrian or other lawful travel on sidewalks, walk-ways, or other public rights-of-way.

H. Inoperable Vehicles

No person shall maintain on any property in the City any abandoned, wrecked, dismantled, or inoperative vehicle, as set forth in Chapter 6.64 (Abandoned, Wrecked, Dismantled, and Inoperative Vehicles) of the Municipal Code.

I. Maintenance Responsibility

1. It shall be the responsibility of any owner of any structure, residence, property, grounds, or lots to ensure compliance with the property maintenance standards set forth in this Chapter and Chapter 3.20 of the Municipal Code on private property within the City.
2. It shall be the responsibility of any owner, tenant, lessee, or occupant of any structure, residence, property, grounds, or lots to remove debris and remove any vegetation that is in violation of this Chapter that has accumulated on any streets within the City, if such person(s) placed the debris on such private property or streets, or otherwise owns, is occupying, or has custody or control over such private property or streets.

Chapter 10.38 – Performance Standards

Sections:

- 10.38.010 – Applicability
- 10.38.020 – Air Quality, Dust and Dirt
- 10.38.030 – Hazardous Materials
- 10.38.040 – Heat and Cold
- 10.38.050 – Mechanical Devices
- 10.38.060 – Noise
- 10.38.070 – Odor
- 10.38.080 – Outdoor Light and Glare
- 10.38.090 – Outdoor Storage, Refuse Areas, and Service Areas
- 10.38.100 – Vibration
- 10.38.110 – Enforcement

10.38.010 – Applicability

The following provisions, standards, and specifications shall apply to all properties, structures, uses, and activities in all zones within the City, unless an exception is specifically noted.

10.38.020 – Air Quality, Dust and Dirt

No operation or activity (for example, construction, grading, and agriculture) shall cause the emission of any smoke, fly ash, dust, fumes, vapors, gases or other forms of air pollution, beyond any boundary line of the parcel, which exceeds the requirements of any air quality plan or General Plan Air Quality Element adopted by the City. To ensure a dust free environment, appropriate grading procedures shall include, but are not limited to, the following:

- A. Schedule all grading activities to ensure that repeated grading will not be required and implementation of the desired land use (e.g. planting, paving or construction) will occur as soon as possible after grading.
- B. Disturb as little native vegetation as possible.
- C. Water graded areas as often as necessary to prevent blowing dust or dirt, hydro seeding with temporary irrigation, adding a dust pallative, and/or building wind fences.
- D. Re-vegetate graded areas as soon as possible.
- E. Construct appropriate walls or fences to contain the dust and dirt within the parcel subject to the approval of the City Engineer.

10.38.030 – Hazardous Materials**A. Fire and Explosive Hazards**

All activities involving and all storage of flammable and explosive materials shall be provided at all times with adequate safety devices, adequate firefighting and fire suppression equipment, and devices standard in the industry, except as otherwise provided by applicable fire codes.

B. Radioactivity or Electric Disturbances

No activities shall be permitted which emit dangerous radiation or which create electrical disturbances that affect activities and operations on any other property. Radioactive emissions shall be further subject to applicable Federal and State law and regulations.

C. Liquid and Solid Waste

The regulations set forth in Chapter 4.08 (Sanitary Sewers and Industrial Waste) of the Municipal Code shall apply.

10.38.040 – Heat and Cold

No operation or activity shall emit heat or cold which would cause a temperature increase or decrease on any adjacent property in excess of five degrees Fahrenheit, whether the change is in the air, on the ground, or in any structure, or in any body of water.

10.38.050 – Mechanical Devices

Air conditioners, antennas, heating, cooling, ventilating equipment, swimming pool pumps, transformers, and all other mechanical devices shall be screened from surrounding properties and streets with a fence, architecturally compatible wall, landscaping, berming, or combination thereof, and shall be so operated that they do not disturb adjacent uses and activities.

10.38.060 – Noise

The regulations set forth in Chapter 4.34 (Noise Regulations) of the Municipal Code shall apply.

10.38.070 – Odor

No emission of odorous gases or other odorous matter in such quantities as to be readily detectable shall be permitted beyond the property lot lines of the source. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

10.38.080 – Outdoor Light and Glare

All lighting shall be arranged so as to keep light from directed on site, whether the illumination is direct or indirect light from the source. No operation, activity, sign or lighting fixture shall create illumination which exceeds 0.5 footcandles minimum maintained on any adjacent property. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the property lot line of the source, shall be permitted.

10.38.090 – Outdoor Storage, Refuse Areas, and Service Areas

All permitted storage areas for maintenance equipment, vehicles, or refuse, and all collection areas and service areas, shall be enclosed or effectively screened from public view with a fence, wall, landscaping, or berming as required by this Title 10.

10.38.100 – Vibration

No vibration shall be permitted which can be felt at or beyond the property line.

10.38.110 – Enforcement**A. Administration and Enforcement of Performance Standards**

Administration and enforcement of performance standards shall be as follows:

1. Measurement

The determination of the existence of any objectionable elements shall be made at the location of the use creating the objectionable elements and at any points where the existence of such elements may be more apparent. The measurements necessary for enforcement of performance standards set forth in this section shall be taken at property line boundaries.

2. Additional Enforcement Provisions

Initial and continued compliance with performance standards is required of every use, and provisions for enforcement of continued compliance with performance standards shall be invoked by the Director against any use if there are reasonable grounds to believe that performance standards are being violated by such use.

- This page intentionally left blank –

Chapter 10.40 – Transportation Demand Management

Sections:

- 10.40.010 – Purpose
- 10.40.020 – Applicability
- 10.40.030 – Findings Required Prior to Permit Issuance
- 10.40.040 – Employment Generation Factors
- 10.40.050 – Transportation Demand and Trip Reduction Measures
- 10.40.060 – Equivalent Facilities or Measures
- 10.40.070 – Maintenance of Facilities
- 10.40.080 – Implementation and Monitoring

10.40.010 – Purpose

This Chapter establishes requirements for new development projects that are intended to work toward reducing vehicle trips, relieving traffic congestion, and reducing greenhouse gas emissions associated with vehicle exhaust. Toward these ends, these provisions promote alternative transportation methods and encourage the efficient use of existing and planned transportation infrastructure.

10.40.020 – Applicability

The requirements of this Chapter shall apply to all new, nonresidential development projects and mixed-use development projects that are estimated to employ 100 or more persons. Prior to approval of any affected development project, the applicant shall make provision for, at a minimum, all of the applicable transportation demand management and trip reduction measures set forth in this Chapter.

10.40.030 – Findings Required Prior to Permit Issuance

No Building or Grading Permit shall be issued and no construction shall commence for any project covered by this Chapter until the Director makes a determination that the required transportation demand management program has been developed that will:

- A. Reduce the number of peak-period vehicle trips generated in association with the proposed development;
- B. Promote and encourage the use of alternative transportation modes (e.g., ridesharing, carpools, vanpools, public transit, bicycles and walking); and
- C. Provide those facilities that support alternate transportation modes.

10.40.040 – Employment Generation Factors

- A. The following generation factors shall be used for determining employment projections in the absence of more specific information.

Land Use Category	Gross Square Feet/Employee
Retail	500
Office/Professional	250
Industrial	750
Hotel	1.0/room

- B. Employment projections shall be developed by the project applicant, subject to approval by the Director. The employment projection for a mixed-use development shall be calculated on a case-by-case basis, based upon the proportion of development devoted to each type of use.

10.40.050 – Transportation Demand and Trip Reduction Measures

A. Development Standards for Projects up to 50,000 Square Feet

1. Affected development projects having up to 50,000 square feet of structure area shall provide a bulletin board, display case, or kiosk displaying transportation information. Such kiosk shall be located where the greatest number of employees is likely to see it, to the satisfaction of the Director. Information in the area shall include, but is not limited to, the following:
 - a. Current maps, routes, and schedules for public transit routes serving the site.
 - b. Telephone numbers for referrals on transportation information, including numbers for the regional ridesharing agency and local transit operators.
 - c. Ridesharing promotional material supplied by commuter-oriented organizations.
 - d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information.
 - e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders, and pedestrians at the site.
2. Bicycle parking facilities shall be provided as set forth in Section 10.30.170 (Bicycle Parking Requirements).

B. Development Standards for Projects between 50,001 and 100,000 Square Feet

1. Affected development projects having between 50,001 and 100,000 square feet of structure area, in addition to meeting the requirements in paragraph A.1 above, shall comply with the following:
 - a. Not less than 10 percent of employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon the application for building permit. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/stripped as demand warrants. However, at all times at least one space shall be signed/stripped for carpool/vanpool vehicles.
 - b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for those spaces and

access ways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

2. Bicycle parking facilities shall be provided as set forth in Section 10.30.170 (Bicycle Parking Requirements).

C. Development Standards for Projects over 100,000 Square Feet

1. Affected development projects having over 100,000 square feet of structure area, in addition to meeting the requirements in paragraphs A.1 and B.1 above, shall be required to comply with the following:
 - a. Provide a safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers.
 - b. If determined necessary by the City to mitigate the project impact, bus stop improvements must be provided. The City will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, the entrances must be designed to provide safe and efficient access to nearby transit stations/stops.
2. Bicycle parking facilities shall be provided as set forth in Section 10.30.170 (Bicycle Parking Requirements).

10.40.060 – Equivalent Facilities or Measures

The project applicant shall have the option of deleting or modifying any or all of the site development requirements if equivalent facilities or measures are provided. The applicant shall demonstrate the equivalency of the proposed measures to the satisfaction of the Director.

10.40.070 – Maintenance of Facilities

All facilities and improvements constructed or otherwise required by this Chapter shall be maintained in a state of good repair.

10.40.080 – Implementation and Monitoring

For the purpose of determining whether applicable developments are in compliance with the provisions of this Chapter, the Director shall monitor compliance in a manner deemed appropriate and reasonable. Monitoring mechanisms may include:

- A. Current procedures for site development plan review as appropriate.
- B. Field/site inspections.
- C. Other building site reports/surveys which the City may deem appropriate.

- This page intentionally left blank –

Chapter 10.42 – Prohibition of Medical Marijuana Cooperatives or Collectives

Sections:

10.42.010 – Purpose and Applicability

10.42.020 – Medical Marijuana Cooperatives and Collectives Prohibited

10.42.030 – Violation and Enforcement

10.42.010 – Purpose and Applicability

It is the purpose and intent of this Chapter to preclude the opening, establishment, and operation of medical marijuana cooperatives and collectives in all zones in the City.

10.42.020 – Medical Marijuana Cooperatives and Collectives Prohibited

- A. Medical marijuana cooperative or collective is not a permitted use and is prohibited in all zones throughout the City. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a medical marijuana cooperative or collective within the City.
- B. The establishment, maintenance, or operation of a medical marijuana cooperative or collective within the City is declared to be a public nuisance and may be abated by the City either pursuant to Chapter 3.20 of the La Puente Municipal Code or any other available legal remedies, including but not limited to declaratory relief and civil injunctions.

10.42.030 – Violation and Enforcement

The establishment, maintenance, or operation of a medical marijuana cooperative or collective in violation of or in non-compliance with any of the requirements of this Chapter or applicable provisions of Title 10 (Zoning) or La Puente Municipal Code shall be subject to any enforcement remedies available under the law and/or La Puente Municipal Code, including but not limited to Chapter 1.12 and Chapter 3.20. In addition, the City may enforce the violation of this Chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction, or by any other means authorized under the law.

- This page intentionally left blank –

Article 4

Regulations for Specific Land Uses and Activities

Table of Contents

Chapter 10.50 – Standards for Specific Land Uses and Activities.....	4-1
10.50.010 – Purpose and Applicability	4-1
10.50.020 – Accessory Uses	4-2
10.50.030 – Alcohol Sales	4-2
10.50.040 – Animal and Poultry Keeping	4-3
10.50.050 – Cyber/Internet Cafés	4-5
10.50.060 – Day Care – Large Family (Seven – 14 children)	4-8
10.50.070 – Day Care – Small Family (Eight or fewer children)	4-10
10.50.080 – Day Care Centers – Children (15 or more children).....	4-10
10.50.090 – Drive-through and Drive-up Facilities	4-11
10.50.100 – Game Arcades.....	4-14
10.50.110 – Home Occupations	4-16
10.50.120 – Religious Assembly Uses in Residential Zones	4-17
10.50.130 – Public Dancing in Residential Zones	4-19
10.50.140 – Recycling Facilities	4-20
10.50.150 – Secondhand Stores	4-23
10.50.160 – Service Stations.....	4-23
10.50.170 – Smoke Shops	4-25
10.50.180 – Tattoo and Body Piercing Establishments.....	4-26
10.50.190 – Vehicle Sales.....	4-28
10.50.200 – Wireless Communications Facilities	4-30

Figures

Figure 4-1 Drive-through Intersection Distance Requirement4-12

Chapter 10.50 – Standards for Specific Land Uses and Activities

Sections:

- 10.50.010 – Purpose and Applicability
- 10.50.020 – Accessory Uses
- 10.50.030 – Alcohol Sales
- 10.50.040 – Animal and Poultry Keeping
- 10.50.050 – Cyber/Internet Cafés
- 10.50.060 – Day Care – Large Family (Seven – 14 children)
- 10.50.070 – Day Care – Small Family (Eight or fewer children)
- 10.50.080 – Day Care Centers – Children (15 or more children)
- 10.50.090 – Drive-through and Drive-up Facilities
- 10.50.100 – Game Arcades
- 10.50.110 – Home Occupations
- 10.50.120 – Religious Assembly Uses in Residential Zones
- 10.50.130 – Public Dancing in Residential Zones
- 10.50.140 – Recycling Facilities
- 10.50.150 – Secondhand Stores
- 10.50.160 – Service Stations
- 10.50.170 – Smoke Shops
- 10.50.180 – Tattoo and Body Piercing Establishments
- 10.50.190 – Vehicle Sales
- 10.50.200 – Wireless Communications Facilities

10.50.010 – Purpose and Applicability**A. Purpose**

This Chapter provides locational, site planning, developmental, and/or operational standards for certain land uses that are allowed by Article 2 (Zones, Allowable Uses, and Development and Design Standards) within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts.

B. Applicable Standards

The land uses and activities covered by this Chapter shall comply with the provisions of each Section applicable to the specific use, in addition to all other applicable provisions of this Zoning Code.

1. Where Allowed

Each use shall be located only where allowed by Article 2 (Zones, Allowable Uses, and Development and Design Standards).

2. Developmental Standards

The standards for specific uses specified in this Chapter are required in addition to all other applicable provisions of this Zoning Code (e.g., Articles 2 and 3, etc.).

- a. The land use tables in Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the specific characteristics of the use, as defined in Article 9 (Definitions), determine when the standards of this Chapter apply to a specific land use.
- b. In the event of any conflict between the requirements of this Chapter and those of Article 2 (Zones, Allowable Uses, and Development and Design Standards) or Article 3 (Regulations Applicable to All Zones), the requirements of this Chapter shall control.

10.50.020 – Accessory Uses

A. Purpose and Applicability

This Section provides locational, developmental, and/or operational standards for accessory uses. The provisions in this Section shall apply to accessory uses where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. City Standards

1. Secondary to a Primary Use

An accessory use shall be secondary to a primary use and shall be allowed only in conjunction with a primary use or structure to which it relates under the same regulations as the primary use in any zone.

2. Specific Standards

These regulations are found in the use regulations tables in Article 2 (Zones, Allowable Uses, and Development and Design Standards) of this Zoning Code and may be subject to specific standards specified in this Chapter or the standards established for each zone, as specified in the Article 2 tables.

10.50.030 – Alcohol Sales

A. Purpose and Applicability

This Section provides locational and operational standards for off-sale alcohol sales establishments of less than 5,000 square feet (also referred to as liquor stores). The provisions in this Section shall apply to alcohol sales establishments where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. Applicable Provisions and Prohibitions

1. Prohibited Locations

Off-sale alcohol sales establishments of less than 5,000 square feet shall not be located within an 800-foot radius of another off-sale alcohol sales establishment or any sensitive use as defined in Article 9 (Definitions), disregarding the corporate boundary of the City, and as measured in compliance with Subparagraph 2. (Measurement of Distance), below.

2. Measurement of Distance

The distance between an off-sale alcohol sales establishment and a sensitive use or another off-sale alcohol sales establishment shall be made in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the

structure, or a portion of the structure, in which the establishment is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another off sale alcohol sales establishment occurs or is located.

10.50.040 – Animal and Poultry Keeping

A. Purpose and Applicability

This Section provides locational and operational standards for animal and poultry keeping operations. The provisions in this Section shall apply to animal and poultry keeping operations where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards. Additionally, all animal and poultry keeping shall be in compliance with Municipal Code Chapter 3.36 (Animal Control Ordinance).

B. City Standards

1. Animals Prohibited in City

No person shall keep, maintain or cause to be kept or maintained any of the following, on any premises, within the City:

- a. Burros, jacks, or jennies.
- b. Cattle or calves.
- c. Dangerous or poisonous reptiles, as determined by the Director, except when located in hospitals or educational institutions.
- d. Emus, llamas, or ostriches.
- e. Goats or sheep.
- f. Lions, tigers, or similar animals ordinarily considered to be wild and dangerous.
- g. Oxen.
- h. Swine, except any pygmy pig that was kept or maintained as a pet on a developed parcel in a residential zone as of December 31, 1997; provided, the pygmy pig at all times has a valid Animal License issued by the County of Los Angeles and that proof from a licensed veterinarian has been provided to the Department that the pygmy pig has been spayed or neutered.
- i. None of the animals referred to above, shall be considered to be a “household pet,” as that term is defined in Article 9 (Definitions), regardless of whether the animal is usually or ordinarily kept within a dwelling.

2. Noisy Animals Prohibited

No person shall keep or maintain upon any premises in any zone in the City, any crowing rooster, guinea fowl, peacock, or any other fowl or animal which by any sound or cry shall disturb the peace and quiet of any neighborhood in violation of the regulations specified in Municipal Code Chapter 4.34 (Noise Regulations).

3. Keeping of Dogs and Cats Restricted

No person occupying a dwelling unit shall keep or maintain more than up to three dogs and up to three cats for a maximum total of six animals, over four months of age, within the residential zones of the City. The dogs and/or cats shall be kept for the personal use

and enjoyment of the occupants of the dwelling only. The commercial breeding of dogs and cats is prohibited.

4. Keeping of Poultry, Rabbits, and other Small Animals Restricted

The following standards shall apply to poultry, rabbits, and other small animals (as defined in Article 9 [Definitions]) within the City.

- a. No person shall keep or maintain more than one poultry, rabbit, and/or small animal for each 1,000 square feet of parcel area, not to exceed a combined total of 20 poultry, rabbits, and/or small animals located on a residential site.
- b. Poultry or small animals under three months of age and not exceeding 25 in number shall not be counted in computing the number of poultry or small animals on the subject premises.
- c. The private keeping of poultry, rabbits, and small animals are not allowed on nonresidential sites.
- d. This Subparagraph shall not be interpreted to limit or prohibit homing pigeons. Government Code Section 65852.6 states that it is the policy of the State to permit breeding and the maintaining of homing pigeons consistent with the preservation of public health and safety. For purposes of this Subparagraph, a "homing pigeon," sometimes referred to as a racing pigeon, is a bird of the order Columbidae. It does not fall in the category of "fowl or poultry" which includes chickens, ducks, geese, turkeys, and other domesticated birds other than homing pigeons.

5. Keeping of Horses Restricted

- a. No horse or pony shall be kept or maintained on any residentially or commercially zoned property having an area of less than one-half acre.
- b. Horses and ponies may be kept at a ratio of one horse or pony for each one-half acre of parcel area, with the maximum number limited to three.
- c. The horses and ponies shall be kept for the personal use and enjoyment of the occupants of the premises only.
- d. No horse breeding shall be allowed on the subject property.

6. Compliance with Health Regulations

- a. The keeping of domestic animals or poultry provided for in this Section, except household pets, shall conform to all provisions of the City's health ordinances governing the keeping of animals and poultry.
- b. No animal, poultry, or any barn, coop, corral, grazing area, pen, or stable shall be maintained within:
 - (1) 50 feet of any residence, dwelling, or structure used for human habitation;
 - (2) 50 feet of any public street;
 - (3) 30 feet of any portion of an adjoining residential zoned property, except where the residential properties are parcels containing one-half acre or more; or

- (4) 300 feet of any hospital, place of assembly, public park or school.
- c. All premises upon which animals or poultry are kept and all corrals, enclosures, pens, structures, and yards shall be kept in a clean, orderly, and sanitary condition so that they will not cause foul odors, breeding of flies, or any way become a public nuisance.
- d. All applicable Los Angeles County rules and regulations related to the keeping of animals shall be complied with.

10.50.050 – Cyber/Internet Cafés

A. Purpose and Applicability

This Section provides locational, developmental, and operational standards for cyber/internet cafés. The provisions in this Section shall apply to cyber/internet cafés where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards. The applicable provisions specified in Municipal Code Chapter 5.08 shall also apply.

B. Prohibited in Residential Zones

Cyber/internet cafés shall be prohibited in all residential zones of the City.

C. Definitions

The following words and phrases shall have the meaning specified in this Section:

1. Cyber/Internet Café

An establishment that provides four or more computers and/or other electronic devices, for access to that system commonly referred to as the "internet," E-mail, playing video games over the Internet, and/or access to other computer software programs, to the public for compensation and/or for public access. A cyber/internet café does not include a public use or internet learning center as defined below.

2. Public Use or Internet Learning Center

An establishment that provides computer access which is operated by the City, a school district, a library, a college district, or a private institution of learning which provides classes in computer instruction or uses computers to aid in academic instruction, or a nonprofit organization which does not receive compensation from individuals using the cyber/internet café in any form other than school tuition. However, this exception shall not be applicable if the Los Angeles County Sheriff's Department determines, on the basis of one or more incidents at the agency, that the implementation of the provisions concerning cyber/internet cafés is necessary for the public safety.

D. Locational and Operational Standards

1. Separation Requirements

a. Prohibited Locations

No cyber/internet café shall be located within an 800-foot radius of another cyber/internet café or any sensitive use as defined in Article 9 (Definitions),

disregarding the corporate boundary of the City, and as measured in compliance with Subparagraph b. (Measurement of Distance), below.

b. Measurement of Distance

The distance between a cyber/internet café and a sensitive use or another cyber/internet café shall be made in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or a portion of the structure, in which the cyber/internet café is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another cyber/internet café occurs or is located.

2. Curfew for Minors

Minors shall be accompanied by a parent or legal guardian after 10:00 P.M. and may not enter the facility during those times as the school district in which the facility is located is conducting its regular education program. These hours of operation shall be posted in a conspicuous place to the satisfaction of the Director.

3. Hours of Operation

Reasonable conditions may be imposed restricting hours of operation beyond those identified in Municipal Code Section 3.25.030, so as to protect the public health, safety, and welfare and surrounding property and uses.

4. Camera/Video Surveillance System

There shall be a camera/video surveillance system capable of delineating on playback of the system the activity and physical features of persons or areas within the premises. The system shall cover all entrances and exit points and all interior spaces, except for bathroom and private office areas. The system shall be subject to inspection by the City during business hours any day of the week. The system shall be maintained in good working order, including the recording of the videotape, at all times. The videotape shall be maintained for a minimum period of 72 hours.

5. Employees/Security Measures

a. Employees

All cyber/internet cafés shall provide full-time adult attendants or supervisors, 21 years of age or older, at a ratio of one attendant/supervisor for each 10 machines, plus one security guard for each 20 machines or fraction thereof or as otherwise directed by the Los Angeles County Sheriff's Department

b. Security Measures

- (1) Security measures may include, but are not limited to additional security guards, background investigations of the business applicants, and surveillance video equipment.
- (2) The provisions specified in Municipal Code Section 5.08.020 (e.g., fingerprinting requirement for background checks) shall also apply.

6. Adult Business Activities

Adult business activities and/or uses are prohibited, unless specifically approved in compliance with the requirements of Chapter 10.62 (Adult Businesses).

7. Fire Exit Plan

The owner shall submit and receive approval of an exit plan from the Los Angeles County Fire Department. The plan shall address all exiting requirements of the Uniform Building Code and Uniform Fire Code. This includes, but is not limited to, providing an existing plan showing equipment location, aisle locations, and dimensional widths, and having approved exit doors and panic hardware.

8. Lighting and Visibility

- a. Adequate lighting shall be maintained inside the business and parking areas. An interior and exterior lighting plan shall be reviewed and approved by the Director before occupancy.
- b. No window treatment(s) shall be installed or maintained that would prohibit the view of the interior during normal business hours.

9. Illegal Gambling Prohibited

Under no circumstances shall electronic game machines, which include computers and other amusement devices, be used for illegal gambling or gaming.

10. Pool Tables/Amusement Devices Prohibited

Pool tables or other amusement devices are prohibited.

11. Private Booths Prohibited

Any booth or individual computer use area within the cyber/internet café shall be visible from a continuous and accessible main aisle in a public portion of the cyber/internet café, and shall not be obscured by any door, curtain, wall, two-way mirror, or other device which would prohibit a person from seeing the entire interior of the booth/individual viewing area from the main aisle. Further, no one shall maintain any booth/individual viewing area in any configuration unless the entire interior where the computer that is being used is visible from one main aisle. No doors are permitted on a booth/individual viewing area. No partially or fully enclosed booth/individual viewing areas or partially or fully concealed booth/individual viewing areas shall be maintained.

12. Smoking/Alcoholic Beverages Prohibited

- a. No person shall be permitted to smoke or consume alcoholic beverages on the inside of the cyber/internet café premises.
- b. The sale of cigarettes and alcohol on the premises is prohibited.
- c. No intoxicated or disorderly persons shall be allowed to remain on the premises.
- d. Signs shall be posted stating this condition to the satisfaction of the Director.

13. Tournaments Prohibited

No tournaments, sweepstakes, or other exchange of prizes shall be allowed at any cyber/internet café.

10.50.060 – Day Care – Large Family (Seven to 14 children)**A. Purpose and Applicability**

This Section provides standards for the location, development, and operation of large family child day care homes for seven to 14 children in compliance with State law. The provisions in this Section shall apply to large family child day care homes which shall be allowed in all residential zones in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. State Requirements

These standards shall apply in addition to requirements imposed by the California Department of Social Services.

C. Codes and Standards

All large family child day care homes shall comply with the following standards and obtain a Zoning Clearance, in compliance with Subsection C. 9., below:

1. Licensing

Prior to commencing business as a large family child day care home, the operator of a large family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements), and a City Business License, in compliance with Municipal Code Chapter 5.04.

2. Care Provider's Residence

The large family child day care home shall be the residence of the care provider, in compliance with Health & Safety Code Section 1596.78, as the same may be amended from time to time.

3. Fire Protection Systems

Mandatory fire extinguishers and smoke detector devices shall be installed and maintained in compliance with Building Code and Fire Code standards, and State law.

4. Location

Large family child day care homes shall be permitted in all residential zones, and shall comply with all property development standards for the respective residential zone in which they are located.

5. Separation

- a. A large family child day care home proposed within a residential zone shall not be located within a 300-foot radius of another large family child day care home, other day care facility, or group home facility, disregarding the corporate boundary of the City.
- b. The Director may allow more than one large family child day care home within 300 feet of any another like facility specified in Subparagraph a., above, if the applicant first demonstrates one of the following to the satisfaction of the Director:

- (1) Any existing large family child day care home located within 300 feet is at capacity; or
- (2) The need exists for a particular or unique service not provided by an existing like facility specified in Subparagraph a. above, located within 300 feet of a proposed large family child day care home.

6. Parking and Drop-off/Pick-up Area

- a. The large family child day care home shall provide one off-street parking space for each permanent non-resident employee during business hours.
- b. A minimum of two off-street parking spaces shall be provided as a drop-off and pick-up area. The spaces shall be in addition to those required for the dwelling unit in compliance with Chapter 10.30 (Off-Street Parking and Loading). A driveway may be used to provide the spaces, provided that the City Traffic Engineer approves the arrangement based on traffic and pedestrian safety considerations.
- c. A passenger-loading plan shall be required to minimize noise and parking issues to the maximum extent possible.
- d. Additional parking may be required to minimize impacts on adjacent parcels.
- e. A facility located on a through street classified as a collector or arterial street shall provide a drop-off and pick-up area that does not require backing into the street.

7. Noise

In order to protect adjacent residential dwellings from noise impacts, a large family child day care home located within a residential zone may only operate a maximum of 17 hours each day between the hours of 6:00 A.M. and 11:00 P.M. and may only conduct outdoor activities between the hours of 8:00 A.M. and 8:00 P.M.

8. Signs

Signs shall comply with Chapter 10.34 (Signs).

9. Zoning Clearance Required

In compliance with the provisions specified in this Section, the applicant shall request that the Director issue a Zoning Clearance prior to the initiation or commencement of operation of the large family child day care home.

- a. **Change of Tenancy or Ownership.** A new Zoning Clearance shall be obtained for a change of lessee, operator, or owner even when the change does not involve a change in the use being conducted on the subject property. The purpose of this provision is to ensure that the new lessee, operator, or owner is made aware of the Zoning Code requirements applicable to large family child day care homes.
- b. **Zoning Clearance Approval.** The Director shall issue the Zoning Clearance after first determining that the request complies with all Zoning Code provisions applicable to the proposed use or structure.
- c. **Form of Approval.** An approval may be in the form of a stamp, signature, a letter to the applicant, or other certification, at the discretion of the Director.

- d. **Final Decision.** Decisions by the Director regarding the Zoning Clearance are final unless appealed to the Commission in compliance with Chapter 10.114 (Appeals).

10.50.070 – Day Care – Small Family (Eight or fewer children)

A. Purpose and Applicability

This Section provides provisions for the location and operation of small family child day care homes for eight or fewer children in compliance with State law. The provisions in this Section shall apply to small family child day care homes where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. State Requirements

1. These provisions shall apply in addition to requirements imposed by the California Department of Social Services.
2. The operator of a small family child day care home shall obtain and maintain a valid license from the California Department of Social Services in compliance with California Code of Regulations, Title 22, Division 12 (Child Care Facility Licensing Requirements).

C. Permitted by Right

As required by State law (See Health and Safety Code Section 1597.30 et seq. (Family Day Care Homes), small family child day care homes (eight or fewer children) shall be considered a residential use of property and shall be an allowed use permitted by right within a residence located in a residential zone with no City land use permits required.

10.50.080 – Day Care Centers – Children (15 or more children)

A. Purpose and Applicability

This Section provides standards for the location and operation of child day care centers for 15 or more children in compliance with State law. The provisions in this Section shall apply to child day care centers where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. State Requirements

These standards shall apply in addition to requirements imposed by the California Department of Social Services.

C. City Standards

Day care centers shall comply with the following standards, in addition to all of the standards identified in Section 10.50.060 (Day Care – Large Family), above:

1. Parcel Size

The minimum parcel size for a child day care center shall be 10,000 square feet.

2. Separation

The minimum separation between the main assembly building of the center and a residential zone shall be 30 feet.

3. Play Areas and Pools

- a. Each facility shall have both indoor and outdoor play areas in compliance with State requirements.
- b. An on-site outdoor play area of not less than 75 square feet per child for which the facility is licensed to accommodate, but in no case less than 450 square feet per facility, shall be required.
- c. The outdoor play area shall not be located in the front yard area.
- d. A minimum four-foot-high fence shall enclose an outdoor play areas and a minimum five-foot high fence shall enclose a pool.

4. Parking and Drop-off/Pick-up Standards

- a. Each facility shall provide an off-street parking space for each employee and a separate, off-street parking space for dropping-off and picking-up children.
- b. Spaces shall comply with the design and size requirements for parking spaces identified in Chapter 10.30 (Off-Street Parking and Loading).
- c. The design of the drop-off and pick-up area shall not require backing into any street.

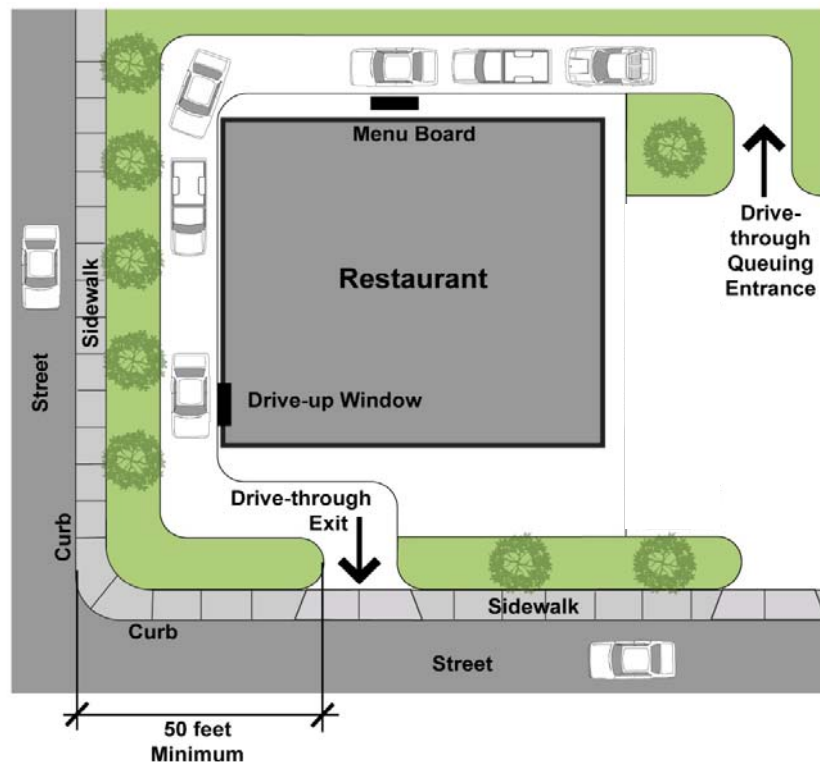
10.50.090 – Drive-through and Drive-up Facilities**A. Purpose and Applicability**

This Section provides locational and operational standards for retail trade or service uses providing drive-through and drive-up facilities which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness. The provisions in this Section shall apply to drive-through and drive-up facilities where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. Aisle Standards

1. Drive-through aisles shall have a minimum 10-foot interior radius at curves and a minimum 12-foot width.
2. Each drive-through entrance/exit shall be at least 50 feet from an intersection of public rights-of-way, measured from where the two intersecting street curbs come together at the corner, and at least 25 feet from the curb cut on an adjacent property.

**Figure 4-1
Drive-through Intersection Distance
Requirement**



3. Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs/pavement markings.

C. Curbing and Landscaping Required

Each drive-through aisle shall be separated by curbing and landscaping from the circulation routes necessary for ingress or egress from the property, or access to a parking space in compliance with Chapter 10.32 (Landscaping).

D. Pedestrian Walkways

Pedestrian walkways should not intersect the drive-through access aisles, but where they do, they shall have clear visibility and be emphasized by enhanced paving or markings.

E. No Reduction in Off-street Parking

The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.

F. Accommodation of Waiting Vehicles

The location and design of drive-through and drive-up access aisles shall be evaluated in compliance with Chapter 10.94 (Site Plan and Design Review).

1. All drive-through and drive-up facilities, except restaurants

Drive-through and drive-up access aisles shall provide sufficient space to accommodate waiting vehicles.

2. Restaurants

Each drive-through and drive-up access aisle for restaurants shall provide sufficient space before the menu board to accommodate at least four waiting vehicles and at least four waiting vehicles between the menu board and the drive up window. The Commission may modify this standard based on specific site characteristics.

G. Menu and Preview Boards

Menu boards and preview boards may only be installed in compliance with all of the following requirements.

1. Each drive-up lane shall be allowed a menu board at the ordering device in association with the drive-up window use. The size of the menu board shall be in compliance with Section 10.34.130 (Commercial and Industrial Zones - Number of Allowed Signs and Allowable Sign Area).
2. Each drive-up lane shall be allowed a preview board in addition to the menu board. The size of the preview board shall be in compliance with Section 10.34.130 (Commercial and Industrial Zones - Number of Allowed Signs and Allowable Sign Area).
3. Approval of a menu and preview sign board shall be subject to an approval of a Sign Plan or Master Sign Program in compliance with Chapter 10.34 (Signs) before installation of any signs on the subject site.
4. Loud speakers associated with a menu board shall be designed, installed, and maintained (both maximum noise level and direction) to ensure compliance with the regulations specified in Municipal Code Chapter 4.34 (Noise Regulations).
5. All menu and preview boards shall utilize low intensity illumination.
6. Any proposed carhop and/or walk-up menu boards shall not exceed six square feet in area and shall be located in areas approved through the required Conditional Use Permit process in compliance with Chapter 10.34 (Signs).

H. Prevention of Headlight Glare

Each drive-through aisle shall be appropriately screened with a combination of landscaping, low walls, and/or berms maintained at a height of three feet to prevent headlight glare from impacting adjacent streets and parking lots.

I. Wall Required When Adjoining Residential Uses

1. A minimum six-foot high solid decorative wall shall be constructed on each property line that adjoins a residentially zoned or occupied parcel.
2. The wall shall be appropriately finished on both sides.
3. A minimum five-foot deep landscaping strip shall be provided between the wall and any driveway in compliance with Chapter 10.32 (Landscaping).
4. The design of the wall and the proposed construction materials shall be subject to the review and approval of the Director.

10.50.100 – Game Arcades**A. Purpose and Applicability**

This Section provides locational, developmental, and operational standards for game arcades. The provisions in this Section shall apply to game arcades where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards. The applicable provisions specified in Municipal Code Chapter 5.08 shall also apply.

B. Prohibited in Residential Zones

Game arcades shall be prohibited in all residential zones of the City.

C. Locational and Operational Standards**1. Separation Requirements**

- a. No game arcade shall be located within a 300-foot radius of another game arcade or any sensitive use as defined in Article 9 (Definitions), disregarding the corporate boundary of the City, and as measured in compliance with Subparagraph b. (Measurement of Distance), below.
- b. The distance between a game arcade and a sensitive use or another game arcade shall be made in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or a portion of the structure, in which the game arcade is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another game arcade occurs or is located.

2. Containment of Game Arcade Areas

Game arcade areas shall be clearly defined and shall be totally contained within a structure.

3. Hours of Operation

Reasonable conditions may be imposed restricting hours of operation beyond those identified in Municipal Code Section 3.25.030, so as to protect the public health, safety, and welfare and surrounding property and uses.

4. Management Requirements

Game arcades shall provide full-time adult attendants or supervisors, 21 years of age or older, at a ratio of one attendant/supervisor for each 10 machines, plus one security guard for each 20 machines or fraction thereof or as otherwise directed by the Los Angeles County Sheriff's Department.

5. Reasonable Conditions

Reasonable conditions pertaining to both the construction of the facility and its maintenance shall be considered in order to minimize the effect of congregation, noise, parking, and other factors generated by the use, which may be detrimental to the public health, safety, and welfare of the surrounding community.

6. Adult Business Activities Are Prohibited

Adult business activities and/or uses are prohibited, unless specifically approved in compliance with the requirements of Chapter 10.62 (Adult Businesses).

7. Adequate Lighting Required

Adequate lighting shall be maintained inside the business and parking areas. An interior and exterior lighting plan shall be reviewed and approved by the Director before occupancy.

8. Window Treatment Restrictions

No window treatment(s) shall be installed or maintained that would prohibit the view of the interior during normal business hours.

9. Minors Utilizing the Facilities

Minors shall be accompanied by a parent or legal guardian after 10:00 P.M. and may not enter the facility during those times as the school district in which the facility is located is conducting its regular education program. These hours of operation shall be posted in a conspicuous place to the satisfaction of the Director.

10. Proof of Age Requirements

Patrons who appear under the age of 21 shall present proper identification to verify their age before using the facility, unless they are accompanied by a parent or legal guardian. Notice of this prohibition shall be posted at the entrance to the satisfaction of the Director.

11. Waiting and Seating Area Requirements

Establishments with internet access consisting of 25 percent or more of the gross floor area shall provide a waiting area with seating equal to one seat for every four computer stations.

- a. No waiting list may be maintained beyond the seating capacity of the waiting area.
- b. No outside waiting (loitering) or seating area shall be allowed and signs shall be posted stating this prohibition to the satisfaction of the Director.

12. Vehicle and Bicycle Parking Space Requirements

Vehicle and bicycle parking space and design requirements shall be in compliance with Chapter 10.30 (Off-Street Parking and Loading).

13. Floor Plan Approval from the Los Angeles County Fire Department Required

The applicant shall submit and receive an approved floor plan from the Los Angeles County Fire Department.

14. Security Plan Required

A security plan shall be subject to the review and approval of the Los Angeles County Sheriff's Department.

15. Security Measure Requirements

- a. Security measures may include, but are not limited to additional security guards, background investigations of the business applicants, and surveillance video equipment.
- b. The provisions specified in Municipal Code Section 5.08.020 (e.g., fingerprinting requirement for background checks) shall also apply.

10.50.110 – Home Occupations

A. Purpose and Applicability

This Section provides locational, developmental, and operational standards for the conduct of home occupations. The provisions in this Section shall apply to home occupations where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. Business Permit Required

The operator of the home occupation shall have first received a Business Permit issued in compliance with Municipal Code Chapter 5.08 (Business and Occupation Permits).

C. Compliance Required

All home occupations shall comply with the applicable locational, developmental, and operational standards identified in this Section.

D. City Standards

Each home occupation shall comply with all of the following standards.

1. Only the permanent resident(s) of the subject dwelling shall be employed on the premises in the conduct of a home occupation.
2. Except as provided for in Subparagraph 8., below, the home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
3. There shall be no direct on-site sale of products, either wholesale or retail.
4. Maintenance of associated tools and equipment shall take place out of public view and shall not be in violation of NPDES or the City's Noise Ordinance standards, and not disrupt the residential neighborhood.
5. The use shall not generate pedestrian or vehicular visits or traffic beyond that determined by the Director to be normal for the zone or neighborhood in which it is located.
6. A list of the type, quantity, and concentration of all hazardous materials and hazardous substances, as defined by the California Health and Safety Code, utilized in conjunction with a home occupation shall be provided to the Fire Department and Building Department. No quantity or concentration of these materials beyond what is allowed by the Los Angeles Fire Code or Building Code for residential structures shall be allowed.
7. There shall be no signs related to the home occupation visible outside of the dwelling.
8. Not more than one room or the equivalent of 20 percent of the floor area of the entire dwelling unit, whichever is greater, shall be employed for the home occupation. Use of

the garage or carport is allowed; provided, that all required vehicle storage is maintained in compliance with this Zoning Code (at least two parking spaces shall be continually maintained for parking purposes), and the garage doors shall be closed at all times when not in use.

9. The appearance of the dwelling or any accessory structure shall not be altered so that the dwelling may be reasonably recognized as serving a nonresidential use (either by color, construction, dust, hours of operation, materials, odors, lighting, noise, sounds, vibrations, etc. or that disturbs the peace). The existence of a home occupation shall not be apparent beyond the boundaries of the subject site.
10. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes as defined in the zone.
11. Visitation and deliveries incidental to the home occupation shall be limited to the hours of 7:00 A.M. to 7:00 P.M., Monday through Friday, 9:00 A.M. to 5:00 P.M., on Saturdays and Sundays.
12. Only one vehicle, in addition to the other vehicles registered to the occupant(s), owned or leased by the operator of the home occupation, which does not exceed an unladen weight of 6,000 pounds may be used by the occupant(s) directly or indirectly in connection with a home occupation.
13. Other than that specified in Subparagraph 12., above, the home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises in a manner different from normal residential usage, except for FedEx, UPS, or USPS-type home deliveries/pick-ups.
14. Trailers used in conjunction with the home occupation shall be stored within an entirely enclosed garage or in the side or rear setback area, behind a five to six-foot high solid fence or wall.
15. No waste receptacles contrary to those provided by the City's waste franchisee for the subject residential property shall be maintained on the premises.
16. Only one home occupation may be allowed in any dwelling.
17. All home occupations shall be subject to an annual inspection to ensure compliance with the requirements of this Section.
18. All pre-existing home occupations shall conform to all applicable Zoning Code requirements before or upon renewal of the annual Business Permit.
19. All Cottage Food Operations (i.e., an enterprise at a private home where low-risk food products are prepared and/or packaged for sale to consumers), conducted as a home occupation, shall be operated in compliance with the applicable provisions of this Section and Government Code Section 51035.

10.50.120 – Religious Assembly Uses in Residential Zones

A. Purpose and Applicability

This Section provides locational and operational standards for religious assembly uses, only when located in a residential zone. The provisions in this Section shall apply to religious assembly uses located in residential zones where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards).

B. City Standards

Except as specified in this Section, the premises on which a religious assembly use is located shall comply with the regulations and restrictions applicable to the residential zone in which it is located. Additionally, all new religious assembly uses allowed within residential zones shall comply with all of the following standards.

1. Parcel Size

The minimum parcel size shall be one acre or 43,560 square feet.

2. Location

A religious assembly use shall have frontage on a site with a minimum of two separate access points to secondary or larger roadways as designated in the City's General Plan.

3. Separation – On-Site

The main assembly hall and all other on-site structures shall be separated from the nearest parcel used for residential purposes by a minimum of 25 feet.

4. Circulation

- a. The location of the religious assembly use and the on-site improvements shall provide for safe and efficient pedestrian and vehicular circulation.
- b. Vehicular access shall be provided in compliance with Subparagraph 2. (Location), above.
- c. The applicable review authority may require the presence of one or more parking attendants and/or police officers to ensure the safe operation of parking facilities, pedestrian circulation, and traffic circulation on the public right-of-way.

5. Hours of Operation

The applicable review authority shall determine the allowable hours of operation for a religious assembly use, taking into consideration appropriate factors that include but are not limited to: size of the proposed facility, number of anticipated regular members, number and scope of the specific activities to be conducted on the site, the circulation pattern of the adjoining residential neighborhood, potential vehicular and pedestrian congestion, and proximity to adjoining residences.

6. Noise

- a. Regardless of the decibel level and taking into consideration the noise levels generated by religious assembly uses, all noise generated from a religious assembly use shall not unreasonably offend the senses or obstruct the free use and comfortable enjoyment of neighboring properties.
- b. Mitigation measures may be required to minimize noise impacts (e.g., approved location of parking and loading areas, the provision of sound attenuation barriers, etc.).
- c. All noise generated from a religious assembly use shall be in compliance with Municipal Code Chapter 4.34 (Noise Regulations).

7. Overconcentration

A religious assembly use shall not be located within a 300-foot radius of another existing religious assembly use, disregarding the corporate boundary of the City, unless the applicable review authority grants an exception. The review authority, in granting an exception, shall first find that the proposed concentration will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing in the neighborhood of the proposed use.

8. Parking

- a. Parking and loading requirements shall be in compliance with Chapter 10.30 (Off-Street Parking and Loading).
- b. Parking shall not be allowed within required front or street-side setback areas.
- c. An area for the safe and acceptable means of drop-off and pick-up of persons using the religious assembly facility shall be provided.

9. Signs

Signs shall be in compliance with the requirements of Chapter 10.34 (Signs).

10. Wall Required

A six-foot high solid decorative masonry wall shall be constructed and properly maintained along all property lines abutting residential zones, except in the front setback area or within a corner cutoff intersection area, in compliance with the requirements of Chapter 10.28 (Fences, Hedges, and Walls).

11. Site Plan and Design Review Required

A detailed site plan and architectural elevations shall be subject to the approval of a Site Plan and Design Review in compliance with Chapter 10.94 (Site Plan and Design Review).

10.50.130 – Public Dancing in Residential Zones**A. Purpose and Applicability**

This Section serves to prohibit public dancing operations within any of the residential zones of the City.

B. Public Dancing Prohibited

1. The advertising, conducting, holding, participating in, or promoting any entertainment or public dance within any of the residential zones of the City is prohibited.
2. The provisions of this Section shall not apply to bona fide charitable institutions, religious assembly uses, political organizations, public structures, and schools.
3. Local law enforcement officers shall enforce the provisions of this Section.

C. Definitions

For purposes of this Section, the following terms shall have the following meanings.

1. Bona Fide Charitable Institution

Bona fide charitable institution means and includes those institutions or organizations which qualify for a tax exempt certificate in compliance with State Revenue and Taxation Code Section 23701d.

2. Bona Fide Political Organization

Bona fide political organization means and includes any political organizations which qualify for a tax exempt certificate in compliance with State Revenue and Taxation Code Section 23701r, or any political group, organization, or person whose activities or proceeds are used exclusively for the benefit of a political candidate or issue, and which activities do not include dancing.

3. Entertainment

Entertainment means and includes any activity allowed, engaged in, or planned to occur for the purpose of or resulting in the attracting, entertaining, pleasing, or retaining customers or patrons, and shall specifically include, but not be limited to, the playing of any musical instrument by any human being, the playing of discs, records, tapes, or other musical reproduction devices, or performing the functions of a disc jockey.

4. Private Dance

Private dance means any dance conducted by the persons legally residing in a private residence for themselves, their immediate family, relatives, and guests, and which is not for profit or a commercial purpose, and to which the public is not admitted or allowed to participate, and to which the public is not invited or solicited by any form or invitation or advertisement, and for which no admission is required, or accepted and for which no collection, consideration, contribution, offering, or anything of value is accepted, requested, or required for admission or participation.

5. Public Dance

Public dance means any dance other than a private dance (see Private dance, above).

10.50.140 – Recycling Facilities**A. Purpose and Applicability**

This Section provides locational, developmental, and operational standards for various types and sizes of recycling facilities (e.g., reverse vending machine(s), small collection facilities, and large collection facilities). The provisions in this Section shall apply to recycling facilities where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. Permit Requirements

Recycling facilities are subject to permit review/approval in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards); provided, the following standards are met.

C. Locational, Developmental, and Operational Standards

Recycling facilities shall comply with the following standards.

1. Reverse Vending Machine(s)

Reverse vending machine(s) shall be allowed in compliance with all of the following standards.

- a. The machines shall be installed as an accessory use in compliance with the applicable provisions of this Zoning Code, and shall not require additional parking.
- b. If located inside of a structure, the machines shall be within 30 feet of the entrance and shall not obstruct pedestrian circulation.
- c. If located outside of a structure, the machines shall not occupy or block required parking spaces or drive aisles, shall be constructed of durable waterproof and rustproof material(s), and shall be appropriately screened from view from the public right-of-way, subject to the approval of the Director.
- d. The machine(s) shall be set back at least 20 feet from any property line, and not obstruct vehicular circulation or pedestrian access in compliance with Americans with Disability (ADA) regulations.
- e. The machines shall not exceed a floor or ground area of 50 square feet total, including any protective enclosure, nor eight feet in height.
- f. The machines shall have a maximum sign area of four square feet for each machine, exclusive of operating instructions.
- g. The machines shall have operating hours which are consistent with the operating hours of the primary use.
- h. The area in front of the machines shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn.

2. Small Collection Facilities (Up to 350 square feet in size)

Small collection facilities shall be allowed in compliance with all of the following standards.

- a. The facility shall not exceed a floor or ground area of 350 square feet nor one parking space, not including space that would be periodically needed for the removal of materials or exchange of containers.
- b. The facility shall not use power-driven processing equipment, except for reverse vending machines.
- c. The facility shall not be located within 50 feet of any parcel zoned or occupied for residential use.
- d. The facility shall be set back at least 10 feet from any property line, and not obstruct vehicular or pedestrian circulation.
- e. The facility shall accept only glass, metal, or plastic containers, paper, and reusable items.
- f. The facility shall use containers that are constructed with durable waterproof and rustproof material(s), secured from unauthorized removal of material, and shall be of a capacity sufficient to accommodate materials collected and the collection schedule.

- g. Collection containers and site fencing shall be of a color and design that would be compatible and harmonious with the character of their location.
- h. Signs may be provided as follows:
 - (1) Recycling facilities may have identification signs with a maximum area of 15 percent for each side of the structure or 12 square feet, whichever is greater. In the case of a wheeled facility, the side shall be measured from the ground to the top of the container.
 - (2) Signs shall be both compatible and harmonious with the character of their location.
 - (3) Directional signs without advertising messages may be installed with the approval of the Director.
- i. Additional parking spaces shall not be required for customers of a small collection facility located in the established parking lot of the primary use.
- j. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
- k. Use of parking spaces by the patrons and the attendant shall not reduce available parking spaces below the minimum number required for the primary use, unless the Director determines that existing capacity is not fully utilized during the time the recycling facility would be on the site.

3. Large Collection Facilities (Greater than 350 square feet in size)

Large collection facilities, which are larger than 350 square feet of floor or ground area, or located on a separate parcel not accessory to a primary use, are allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards), subject to Site Plan and Design Review, in compliance with Chapter 10.94 and all of the following standards:

- a. The facility shall not abut a parcel zoned or occupied for residential use.
- b. The facility shall be screened from public rights-of-way, by eight-foot high solid decorative masonry walls or located within an enclosed structure.
- c. Structure setbacks and landscaping shall be provided as required for the applicable zone.
- d. Exterior storage of material shall be in sturdy containers that are secured and maintained in good condition.
- e. The site shall be maintained clean, sanitary, and free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis.
- f. Containers provided for “after hours” donation of recyclable materials shall be permanently located at least 100 feet from any parcel zoned or occupied for residential use, constructed of sturdy, rustproof material(s), have sufficient capacity to accommodate materials collected, and be secured from unauthorized entry or removal of materials.
- g. Dust, fumes, odor, smoke, or vibration, above ambient levels, shall not be detectable on adjoining parcels.

10.50.150 – Secondhand Stores**A. Purpose and Applicability**

This Section provides operational standards for retail secondhand stores. The provisions in this Section shall apply to retail secondhand stores where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. City Standards

Except as specified in this Section, the premises on which a retail secondhand store is located shall comply with the regulations and restrictions applicable to the zone in which it is located.

1. Design Quality

A proposed retail secondhand store shall be of an architectural and visual quality and character that harmonizes with, or where appropriate, enhances the surrounding area.

2. Store Front Appearance

The store front of a retail secondhand store shall not be distinguishable from a store selling new merchandise other than by signs and merchandise displayed.

3. Display of Merchandise for Sale

All merchandise shall be displayed in a similar manner to that of a store selling new merchandise.

4. Completely Enclosed Structure

All available merchandise shall be displayed, sold, and stored within a completely enclosed structure.

5. Business Permit Required

A retail secondhand store shall receive and maintain a valid City Business Permit issued in compliance with Municipal Code Chapter 5.08 (Business and Occupation Permits).

10.50.160 – Service Stations**A. Purpose and Applicability**

This Section provides locational and operational standards for retail automotive service stations. The provisions in this Section shall apply to retail automotive service stations where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. City Standards

Except as specified in this Section, the premises on which a retail automotive service station use is located shall comply with the regulations and restrictions applicable to the zone in which it is located.

1. Parcel Size

The minimum parcel size shall be 16,000 square feet.

2. Minimum Street Frontage

The minimum street frontage shall be 120 feet. If located on a corner, at least one street frontage shall measure 120 feet.

3. Allowed Uses

The primary use of land allowed shall be the dispensing of motor fuels, lubricants, and oils, vehicle recharging, and the exchange of motor vehicle parts in kind. Limited vehicle/equipment repair shall be limited to the hours of 7:00 A.M. to 7:00 P.M., daily.

4. Prohibited Uses

- a. Activities involving automobile and/or truck body painting and/or general vehicle/equipment repair (as defined in Article 9 [Definitions]) shall not be allowed.
- b. Products and/or merchandise, excluding service station equipment, stored outside of any structure shall not be allowed.

5. Sale of Alcoholic Beverages

The sale of alcoholic beverages and/or other items unrelated to the operation of motor vehicles are only allowed subject to the approval of a Conditional Use Permit in compliance with Chapter 10.84 (Conditional Use Permits and Minor Use Permits).

6. Within Enclosed Structure(s)

All operations, except services rendered directly to the occupant of a motor vehicle (e.g., airing of tires, pumping of fuel), shall be conducted in an entirely enclosed structure.

7. Restroom Facilities

The restroom facility entrances shall be completely screened from public view.

8. Off-Street Parking Requirements

Off-street parking spaces shall be provided in compliance with Chapter 10.30 (Off-Street Parking and Loading).

9. Landscaping Requirements

A minimum of 10 percent of the total project site shall be adequately landscaped in compliance with Chapter 10.32 (Landscaping).

10. Mechanical Equipment Screening Requirements

All exterior mechanical equipment, except for the fuel pumps, shall be properly screened from public view to the satisfaction of the Director.

11. Solid Waste and Recyclable Storage Areas

- a. At least 72 square feet of solid waste and recyclable storage area(s) shall be provided.
- b. The solid waste and recyclable storage area(s) shall be properly enclosed to the satisfaction of the Director.

12. On-site Lighting

Adequate on-site lighting shall be provided in compliance with Section 10.38.080 (Outdoor Light and Glare).

13. Mixed Uses

In the case of mixed uses/occupancies or uses of a business premises:

- a. The applicable review authority may allow mixed uses/occupancies with retail automotive service stations as specifically allowed in the conditions of approval of the Conditional Use Permit or Minor Use Permit; provided, the added use(s) are allowed in the subject zone.
- b. The total number of off-street parking spaces shall be the sum total required for the various uses computed separately, in compliance with Chapter 10.30 (Off-Street Parking and Loading). Spaces located adjacent to fuel pumps shall not be counted toward meeting the off-street parking requirements.
- c. It shall first be adequately demonstrated that each approved use/occupancy meets the applicable development standards and will not interfere with the independent operation of other occupancies or use(s) of land on the subject site.

10.50.170 – Smoke Shops**A. Purpose and Applicability**

This Section provides location and operational standards for smoke shops, including those selling e-cigarettes. The provisions in this Section shall apply to smoke shops where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards.

B. Applicable Provisions and Prohibitions**1. Prohibited Locations**

No smoke shop shall be located within an 800-foot radius of another smoke shop or any sensitive use as defined in Article 9 (Definitions), disregarding the corporate boundary of the City, and as measured in compliance with Subparagraph 2 (Measurement of distance), below.

2. Measurement of Distance

The distance between a smoke shop and a sensitive use or another smoke shop shall be made in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or a portion of the structure, in which the smoke shop is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another smoke shop occurs or is located.

3. Accessory Use

A smoke shop is not and shall not be approved as an accessory use to any other use allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards).

10.50.180 – Tattoo and Body Piercing Establishments

A. Purpose and Applicability

1. This Section provides standards for tattoo and body piercing establishments. The provisions in this Section shall apply to tattoo and body piercing establishments where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards) and the following standards. To promote the public health, safety and welfare and to ensure the appropriate mix of land uses within the City, it is appropriate to establish land use and zoning regulations, as well as locational, developmental, and operational standards and regulations for tattoo and body piercing establishments.
2. Extreme body modification may pose serious negative health risks and complications including bleeding, infections, toxic shock syndrome, meningitis, and staph infections. Moreover, amongst adolescents, tattooing has been associated with delinquency, substance abuse, engagement in risk-taking behavior, and may contribute to youth dropping out of school. The time place and manner restrictions specified in this Section, assist in mitigating the negative secondary effects associated with tattoo and body piercing establishments.

B. Definitions

The following words and phrases shall have the same meanings as specified in California Health and Safety Code Section 119300 et seq. as the same may be amended from time to time, and whenever used in this Section shall be construed as defined in this Section:

1. Body piercing

Body piercing means and includes the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not limited to, piercing of an ear, lip, tongue, nose, or eyebrow. Body piercing does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

2. Body piercing establishment or parlor

Body piercing establishment or parlor means and includes any establishment where body piercing is conducted.

3. Branding

Branding means and includes any method, including, but not limited to, the use of heat, cold, chemical compound, or cauterizing to apply a scar to the body for the purpose of creating a permanent mark or design on the skin.

4. Extreme body modification

Extreme body modification means and includes the practice of modifying the physical body using the techniques of branding and scarification.

5. Permanent cosmetics

Permanent cosmetics means and includes the application of pigments to or under the skin of a human being for the purpose of permanently changing the color or appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

6. Scarification

Scarification means and includes any method used to alter skin texture by cutting the skin and controlling the body's healing process in order to produce wounds which result in permanently raised welts or bumps, or any other technique that changes the contour, or level plane of the skin and/or results in a scar on the skin.

7. Tattooing

Tattooing means and includes to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.

8. Tattoo establishment or parlor

Tattoo establishment or parlor means and includes any establishment where tattooing is conducted.

C. Extreme Body Modification Services Prohibited

Business enterprises which engage in the performance of extreme body modification services, as defined in this Section, are prohibited in all zones throughout the City. No permit or any other applicable license or entitlement for use, including but not limited to the issuance of a Business License, shall be approved or issued for the establishment, maintenance, or operation of any business enterprise that engages in the performance of extreme body modification services within the City limits. The establishment, maintenance, or operation of any business enterprise which conducts extreme body modification services within the City limits is declared to be a public nuisance.

D. Separation Requirements

1. A tattoo and body piercing establishments shall not be located within an 800-foot radius of another tattoo and body piercing establishment or any sensitive use as defined in Article 9 (Definitions), disregarding the corporate boundary of the City.
2. The distance between a tattoo and body piercing establishment and a sensitive use or another tattoo and body piercing establishment shall be made in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or a portion of the structure, in which the tattoo and body piercing establishment is located, to the property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another tattoo and body piercing establishment occurs or is located.

E. Prohibited Hours

A tattoo and body piercing establishments shall not operate between the hours of 10:00 P.M. and 7:00 A.M. each and every day.

F. Minors Prohibited

The tattoo and body piercing establishment operator shall not allow minors to patronize the business, unless accompanied by an adult.

G. Alcoholic Beverage Use and Smoking Prohibited

1. No person shall be permitted to smoke or consume alcoholic beverages on the inside of a tattoo and body piercing establishment. The sale of cigarettes and alcohol on the

premises is prohibited. No intoxicated or disorderly persons shall be allowed to remain on the premises.

2. Signs shall be posted stating this prohibition to the satisfaction of the Director.

H. Security Plan Required

The business operator shall submit a security plan which shall be subject to the review and approval of the Director.

I. Compliance with State and County Laws and Licensing Requirements Required

Full compliance with all applicable State and County laws and licensing requirements is required.

10.50.190 – Vehicle Sales

A. Purpose and Applicability

This Section provides location, developmental, and operational standards for the conduct of motor vehicle sales facilities. The provisions in this Section shall apply to vehicle sales facilities where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development and Design Standards).

B. City Standards

All vehicle sales facilities shall comply with all of the following standards.

1. Minimum Parcel Size Required

Newly established vehicle sales facilities shall require a minimum parcel size of 16,000 square feet.

2. Permanent Sales Structures Required

- a. All vehicle sales transactions, except for outdoor sales and displays, shall be conducted in permanent structures only.
- b. All on-site structures shall be architecturally consistent on all sides and architecturally related to each other.
- c. Showrooms shall be oriented toward major public streets.
- d. No portable/mobile structures shall be used for the vehicle sales office/facility.

3. Accessory Activities

- a. All parts, accessories, etc., shall be stored within a fully enclosed structure(s).
- b. All repair or installation activities (if proposed and allowed) shall be conducted between the hours of 7:00 A.M. and 7:00 P.M. daily.
- c. Motor vehicle repair or service work (if proposed and allowed) shall not occur outside of a fully enclosed and properly designed and constructed structure.
- d. Service bays (if proposed and allowed) with individual access from the exterior of the structure shall not directly face or front on a public right-of-way and shall be designed to minimize the visual intrusion onto adjoining properties.

- e. Outdoor hoists shall be prohibited.
- f. An adequate on site queuing area for service customers (if proposed and allowed) shall be provided. Required off-street parking spaces may not be counted as queuing spaces.
- g. Outside storage or parking of any disabled, wrecked, or partially dismantled vehicle (if proposed and allowed) shall only be allowed in an approved area(s) enclosed by solid decorative walls and screened from view from adjacent properties and public streets, subject to the approval of the Director.
- h. All outside equipment storage areas (if proposed and allowed) shall be screened from view from the public street and any adjacent residential area.
- i. Public address systems shall not be used in outdoor areas. Cell phones and/or personal paging devices can be used if it necessary to contact employees outdoors.
- j. Compressors and similar equipment (if proposed and allowed) shall be located within a fully enclosed structure.

4. Off-Street Parking Required

- a. Off-street parking requirements shall be established during initial project review to adequately accommodate all on-site uses including showroom, office, parts and service areas (if proposed and allowed), as well as employee and customer parking.
- b. Sufficient space shall be provided for service drop-offs (if proposed and allowed) to prevent stacking of waiting vehicles onto a public street.
- c. All off-street parking shall be designed, constructed, and operated in compliance with Chapter 10.30 (Off-Street Parking and Loading).

5. Outdoor Vehicle Displays

All outdoor vehicle display areas shall be provided with a landscaped buffer of at least five feet in width located adjacent to the front setback/right-of-way.

6. Outdoor Vehicle Storage

- a. For purposes of this Section, "vehicle storage" is defined as the keeping of vehicles in an area not normally accessible to customers except with the authorization and/or accompaniment of facility employees.
- b. All storage areas shall be completely screened from public view with a combination of landscaping, trellises, and walls as appropriate, subject to the approval of the Director.

7. Lighting

- a. Night lighting shall be limited to signs, outdoor vehicle sales displays, the indoor showroom, and incidental security lighting.
- b. All on-site lighting shall be in compliance with Section 10.38.080 (Outdoor Light and Glare).

8. Paved Surfaces Required

- a. All vehicles associated with the business shall be displayed, parked, or stored on-site on paved surfaces only and not in adjoining streets or alleys
- b. Auxiliary off-site storage of vehicles (if proposed and allowed) shall only be at appropriate locations with appropriate paving and screening, subject to the approval of the Director.

9. Loading/Unloading of Vehicles

All loading and unloading of vehicles shall occur on site and not in adjoining public rights-of-way.

10. Perimeter Landscaping Required

- a. A landscaped planter at least five-feet wide in inside dimension shall be provided along the front and street side property lines, except for openings required for vehicular and pedestrian circulation. On corner parcels, an on-site planter area of not less than 200 square feet shall be provided at the corner of two intersecting streets.
- b. Landscaping shall comprise a minimum of 10 percent of the entire site area. This landscaping is in addition to the required residential buffers and street frontage landscaping.
- c. Wherever a vehicle sales facility is located adjacent to a residential zone or use, a solid decorative screening wall at least seven feet in height shall be provided.
- d. All landscaping shall be installed and permanently maintained in compliance with Chapter 10.32 (Landscaping).

11. On-Site Master Sign Program Required

- a. All allowed on-site signs shall require the review and approval of a Master Sign Program in compliance with Chapter 10.34 (Signs).
- b. All permanent signs shall be designed, installed, and permanently maintained in compliance with Chapter 10.34 (Signs).
- c. All temporary signs shall be designed, installed, and properly maintained in compliance with Section 10.34.150 (Temporary Signs).

12. On-Site Fence/Wall Standards

- a. Fences and walls shall be architecturally compatible with the on-site structures.
- b. All fences and walls shall be designed, constructed, and permanently maintained in compliance with Chapter 10.28 (Fences, Hedges, and Walls).

10.50.200 – Wireless Communications Facilities**A. Purpose and Intent**

1. The purpose of this Section is to regulate the installation, operation, and maintenance of personal Wireless Communications Facilities in the City. The City recognizes that the unrestricted installation of redundant personal Wireless Communications Facilities is contrary to the City's efforts to stabilize economic and social aspects of neighborhood

environments, and to promote safety and aesthetic considerations, family environments, and a basic residential character within the City in enacting this Section, the City intends to:

- a. Promote and protect the health, safety, comfort, convenience and general welfare of residents and business in compliance with this Zoning Code;
 - b. Protect the benefits derived by the City, its residents, and the general public from access to personal wireless services while minimizing, to the greatest extent feasible, the redundancy of personal Wireless Communications Facilities in the City;
 - c. Balance these goals by permitting the installation and operation of personal Wireless Communications Facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety, and/or aesthetic impacts on nearby properties and the community as a whole; and
 - d. Comply with applicable law, including the 1996 Telecommunications Act.
2. In enacting this Section, it is the intent of the Council that no additional rights or entitlements be conferred to construct or maintain personal Wireless Communications Facilities, other than those rights or entitlements existing under applicable State or Federal law.
 3. This Section is intended to regulate all uses of wireless communications in the City, including uses by public utilities, to the extent of the City's power to regulate the use of land under State or Federal law, but not to exceed the scope of the City's authority.

B. Applicability

This Section applies to all proposed antennas and modifications and related personal Wireless Communications Facilities, as follows:

1. All applications for approval of the installation of new personal Wireless Communications Facilities in the City.
2. All facilities for which applications were received by the Director but not approved prior to the effective date of the ordinance codifying this Section, shall comply with the regulations and guidelines of this Section.
3. All facilities for which applications were approved by the City on or prior to the effective date of the ordinance codifying this Section shall be exempt from this Section, except for the requirements of Subparagraph C.6.c.

All facilities for which applications have been previously approved, but are now or hereafter:

- a. Expanded;
- b. Modified by the installation of additional antennas, larger antennas or more powerful antennas; or
- c. When one or more new bands of service are activated shall comply with this Section.

C. Standards for All Personal Wireless Communications Facilities

All personal Wireless Communications Facilities shall comply with the following requirements:

1. Permit Requirements

No personal Wireless Communications Facility shall be installed, expanded, modified by the installation of additional antennas, larger antennas or more powerful antennas, or when one or more new bands of service are activated, until the applicant or operator has obtained:

- a. The required permits or other City authorizations,
- b. An Encroachment Permit from the Public Works Department (if applicable), and
- c. Any other permit required by the Municipal Code including a Building Permit or Electrical Permit. Applications for new facilities and substantial modifications to existing facilities shall be first reviewed by the Director. All discretionary permits will be scheduled for public hearing in compliance with this Section. The applicable Review Authority shall determine if a proposed project is the least intrusive means to close a significant gap in the applicant's service coverage.

2. Application Content

Applications for the approval of personal Wireless Communications Facilities shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the City for a discretionary permits or authorizations application in compliance with Chapter 10.82 (Permit Application Filing and Processing):

- a. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in compliance with the location requirements of Subparagraph C.3., below;
- b. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the applicable review authority in assessing the visual impacts of the proposed facility and its compliance with the provisions of this Section;
- c. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the City. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two years of submittal of the application. Applicants may not file, and the City shall not accept, applications that are not consistent with the master plan for a period of two years from approval of applicable discretionary permit or authorization unless: (i) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a personal Wireless Communications Facility site not shown on a master plan submitted to the City within the prior two years or (ii) the applicant establishes before the applicable review authority that a new personal Wireless Communications Facility is necessary to close a significant gap in the applicant's personal Communications service, and the proposed new installation is the least intrusive means to do so;
- d. A siting analysis which identifies a minimum of five other feasible locations within or without the City which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis shall include at least one collocation site;

- e. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Operational Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands shall be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power;"
- f. A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application;
- g. A noise study, prepared by a qualified engineer, for the proposed personal Wireless Communications Facility including, but not limited to, equipment (i.e., air conditioning units and back-up generators);
- h. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed personal Wireless Communications Facility wherever technically and economically feasible and aesthetically desirable;
- i. Other information as the Director shall establish from time to time in compliance with the Permit Streamlining Act, Government Code Section 65940, or to respond to changes in law or technology; and
- j. An application for a personal Wireless Communications Facility in a public right-of-way for which the applicant claims entitlement under California Public Utilities Code Section 7901 shall be accompanied by evidence satisfactory to the Director that the applicant is a telephone corporation or has written authorization to act as an agent for a telephone corporation.

3. Preferred Zones and Locations

When doing so would not conflict with one of the standards specified in this Subsection or with Federal law, personal Wireless Communications Facilities shall be located in the most appropriate location as described in this Subparagraph, which range from the most appropriate to the least appropriate. Nothing in this Section shall detract from the requirements of Subparagraph C.4.a., below.

- a. Collocation on an existing facility in a commercial zone;
- b. Collocation on an existing structure or utility pole in a commercial zone;
- c. Location on a new structure in a commercial zone;
- d. Collocation on an existing facility in a public facility or recreation zone;
- e. Location on an existing structure or utility pole in a public facility or recreation zone; or
- f. Location on a new structure in a public facility or recreation zone.

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the applicable Review Authority that no more

appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the applicable review authority may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

4. Design and Development Standards

Personal Wireless Communications Facilities shall be designed and maintained as follows:

- a. All new personal Wireless Communications Facilities shall be set back at least 1,000 feet from schools, dwelling units, and parks, as measured from the closest point of the personal Wireless Communications Facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal Communications service, and the proposed personal Wireless Communications Facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal Wireless Communications Facility, or of its antennas, located less than 1,000 feet from a school, dwelling unit, or park shall establish that the increase is necessary to close a significant gap in the applicant's personal Communications service, and the proposed increase is the least intrusive means to do so.
- b. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
- c. Unless otherwise prohibited by State or Federal law, all equipment not located on a roof shall be underground; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.
- d. The facilities shall not bear any signs or advertising devices other than certification, warning, or other signage required by law or expressly permitted by the City.
- e. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 10.38.060 (Noise) at the facility's property line; provided, however, that for any facility located within 500 feet of any property zoned residential, or improved with a residential use, the equipment noise shall at no time be audible at the property line of any residentially zoned, or residentially improved property.
- f. If the majority of radio frequency coverage from the proposed facility is outside the City limits, the applicant shall, in addition to the other requirements of this Section, prove that the applicant is unable to locate the proposed facility within the locale(s) that will receive the majority of the coverage from the proposed personal Wireless Communications Facility, and that no other feasible location for the facility exists outside of the City limits. The fact that an applicant for a discretionary permit in the City has been denied a wireless facility, antenna, or wireless coverage in another jurisdiction shall not be considered evidence or proof that the applicant is unable to locate in another jurisdiction.

5. Independent Expert Review

The City shall retain an independent, qualified consultant to review any application for a permit for a new personal Wireless Communications Facility or modification to an existing personal Wireless Communications Facility. The review is intended to be a review of technical aspects of the proposed Wireless Communications Facility or modification of an existing Wireless Communications Facility and shall address any or all of the following:

- a. Whether the proposed Wireless Communications Facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
- b. The accuracy and completeness of submissions;
- c. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
- d. The applicability of analysis techniques and methodologies;
- e. The viability of alternative sites and alternative designs; and
- f. Any other specific technical issues designated by the City.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, established by the Director.

6. Conditions of Approval

All facilities approved under this Section shall be subject to the following conditions:

a. Facilities

Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signs, or as expressly authorized by the City.

b. Abandonment

- (1) Personal Wireless Communications Facilities that are no longer operating shall be removed at the expense of the applicant, operator, or owner no later than 90 days after the discontinuation of use. Disuse for 90 days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this Zoning Code or any predecessor to this Code.
- (2) The Director shall send a written notice of the determination of non-operation to the owner and operator of the personal Wireless Communications Facility, who shall be entitled to a hearing on that determination before the Commission, provided that written request for a hearing is received by the Department within 10 days of the date of the notice. Any hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings), although no further appeal from the decision of the Commission may be had other than in compliance with Code of Civil Procedure Section 1094.5. Upon a final decision of the Commission or the running of the time for a request for a hearing without such a request, the operator shall have 90 days to remove the facility.
- (3) The operator of a facility shall notify the City in writing of its intent to abandon a permitted site. Removal shall comply with applicable health

and safety regulations. Upon completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.

- (4) All facilities not removed within the required 90-day period shall be in violation of this Zoning Code. In the event the City removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the City incurs for the removal of the facilities, including legal fees and costs.

c. Indemnification

The applicant, operator of a facility and property owner (when applicable) shall defend, indemnify and hold the City and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages arising from the City's review and/or approval of the design, construction, operation, location, inspection or maintenance of the facility.

d. Removal of Unsafe Facilities

If, at any time after 10 years of the issuance of a Building Permit or Encroachment Permit, or any shorter period permitted by Government Code Section 65964(b), any personal Wireless Communications Facility becomes incompatible with public health, safety or welfare, the applicant or operator of the facility shall, upon notice from the City and at the applicant's or operator's own expense, remove that facility. Written notice of a determination in compliance with this Subparagraph shall be sent to the owner and operator of the personal Wireless Communications Facility, who shall be entitled to a hearing on that determination before the Commission, provided that written request for a hearing is received by the Department within 10 days of the date of the notice. Any hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings), although no further appeal from the decision of the Commission may be had other than in compliance with Code of Civil Procedure Section 1094.5. Upon a final decision of the Commission or the running of the time for a request for a hearing without such a request, the operator shall have 90 days to remove the facility.

e. Monitoring Requirements

The owner or operator of any personal Wireless Communications Facility approved in compliance with this Subsection shall cooperate with the Director to verify that the facility conforms with relevant building and safety requirements, and verify that the facility complies with the requirements of this Section.

f. Performance Bond

Before the issuance of a Building Permit or Encroachment Permit, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the Director on a case-specific basis and in an amount reasonably related to the

obligations required under this Zoning Code and all conditions of approval, and shall be specified in the conditions of approval.)

g. Nontransferability

An applicant shall not transfer a permit to any person or entity before completion of construction of a personal Wireless Communications Facility.

h. As-built Photographs

The applicant shall submit as-built photographs of the facility within 90 days of installation of the facility, detailing the installed equipment.

7. Findings

In addition to the findings required in Chapter 10.84 (Conditional Use Permits and Minor Use Permits) no proposed personal Wireless Communications Facility may be approved unless the applicable review authority first finds all of the following:

- a. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. The evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility.
- b. The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of this Section.
- c. The facility satisfies the location requirements of Subparagraph C.3., above.

8. Violations

The City may revoke a discretionary permit for any personal Wireless Communications Facility in violation of this Section in compliance with Chapter 10.122 (Permit Revocations and Modifications). The remedies specified in this Section shall be cumulative, and the City may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

D. Standards for Personal Wireless Communications Facilities Not Located Within a Public Right-of-Way

In addition to the requirements specified in Subsection C., above, all personal Wireless Communications Facilities not located within a public right-of-way shall comply with the following requirements:

1. Location Requirements

To minimize aesthetic and visual impacts on the community, personal Wireless Communications Facilities shall be located in compliance with the following standards:

a. General Requirements

A freestanding Wireless Communications Facility tower or monopole shall be set back a distance of at least 150 percent of the height of the tower from the nearest property line of any residentially zoned or occupied lot.

b. Restricted Locations – Stealth Facilities Required

Personal Wireless Communications Facilities located within any nonresidential zone on a site that contains a legally established residential use shall be designed as a stealth facility:

c. Prohibited Locations

No personal Wireless Communications Facility shall be established within any residential or open space zone.

(1) Residential Zones

No facility shall be located within a residential zone, including areas set aside for open space, parks, or playgrounds.

(2) Open Space

No facility shall be located within an open space zone or park.

Any Wireless Communications Facility proposed for a site within any open space zone shall not be deemed a "public utility" as that term is otherwise defined and understood in the Municipal Code regarding development in open space zones.

d. Guidelines for Placement on Structures

Antennas shall be mounted on structures utilizing the methods described below. If an antenna cannot be mounted as specified in Subparagraph (1), it may be mounted in compliance with Subparagraph (2). If an antenna cannot be mounted as specified in either Subparagraph (1) or (2), it may be mounted in compliance with Subparagraph (3):

- (1) A stealth facility mounted on an existing structure or collocated on an existing tower;
- (2) A stealth facility mounted on an existing steel or concrete pole, including a light standard; or
- (3) A stealth facility mounted on a new steel, wood, or concrete pole.

2. Design and Development Standards

Personal Wireless Communications Facilities shall be designed and maintained as follows:

- a. Building-mounted facilities shall be designed and constructed to be fully screened in a manner that is compatible in color, texture and type of material with the architecture of the structure on which the facility is mounted.
- b. All accessory equipment associated with the operation of a personal Wireless Communications Facility shall be located within a building enclosure or underground vault that complies with the development standards of the zone in which the accessory equipment is located.

3. Exception to Location Restrictions - Council Approval Required

Notwithstanding Subparagraph D.1.c., above, personal Wireless Communications Facilities may be allowed in a prohibited location only if the applicant obtains a

Conditional Use Permit from the Council following a public hearing and recommendation from the Commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the City, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap.

E. Standards for Personal Wireless Communications Facilities Located within Public Rights-of-Way

In addition to the requirements in Subsection C., above, all personal Wireless Communications Facilities located within public rights-of-way shall comply with the following requirements to the fullest extent permitted by State and Federal law.

1. Construction

These standards are intended to exert the maximum authority available to the City in the regulation of personal Wireless Communications Facilities under applicable State and Federal law but not to exceed that authority. Accordingly, this Section shall be construed and applied in light of any limits on the City's authority. The purpose of this Subsection is to regulate personal Wireless Communications Facilities proposed for sites within public rights-of-way consistently with the rights conferred on telephone corporations by Public Utilities Code Sections 7901 and 7901.1 and to address the aesthetic and safety concerns unique to such proposals due to their highly visible location in rights-of-way that must be safely shared with pedestrians, motorists and other utility infrastructure.

2. Application Content

Applications for the approval of personal Wireless Communications Facilities within the public right-of-way shall include the following information, in addition to all other information required by Subparagraph C.2., above. The applicant shall provide certification that the facility is for the use of a telephone corporation or state the basis for its claimed right to enter the right-of-way. If the applicant has a Certificate of Public Convenience and Necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a copy of its CPCN.

3. Guidelines

All personal Wireless Communications Facilities located within a public right-of-way shall be designed as follows:

- a. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the applicable review authority.
- b. Pole-mounted equipment shall not exceed six cubic feet.
- c. Pole-mounted antennas shall adhere to the following guidelines:
 - (1) If an antenna cannot be mounted as specified in Subparagraph (a), it may be mounted in compliance with Subparagraph (b). If an antenna cannot be mounted as specified in either Subparagraph (a) or (b), it may be mounted in compliance with Subparagraph (c).:
 - (a) A stealth facility mounted on an existing, collocated monopole or tower;
 - (b) A stealth facility mounted on an existing steel or concrete pole, including a light standard; or

- (c) A stealth facility mounted on a new steel, wood, or concrete pole but only if an operator shows that it cannot otherwise close a significant gap in its service coverage, and that the proposal is the least intrusive means of doing so.
 - (2) All installations shall be engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with existing antennae.
 - (3) The maximum height of any antenna shall not exceed 24 inches above the height of a pole or tower other than a streetlight pole, nor six feet above the height of a streetlight pole, nor shall any portion of the antenna or equipment mounted on a pole be less than 16 feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95 as it now exists or may hereafter be amended.
 - (4) A freestanding Wireless Communications Facility tower or monopole shall be set back a distance of at least 150 percent of the height of the tower to the nearest structure designed for occupancy.
- d. Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of a public right-of-way, or safety hazards to pedestrians and motorists. In no case shall ground-mounted equipment, walls, or landscaping be less than 18 inches from the front of the curb.
 - e. Facilities shall not be located within 500 feet of another Wireless Communications Facility on the same side of a street.
 - f. No facility shall be built so as to cause the right-of-way in which the facility is located to fail to comply with the Americans with Disabilities Act.

4. Findings

In addition to the findings specified in Subparagraph C.7., above, no proposed personal Wireless Communications Facility within a public right-of way may be approved unless all of the following findings are first made:

- a. The proposed facility has been designed to blend with the surrounding environment, with minimal visual impact on the public right-of-way.
- b. The proposed facility will not have an adverse impact on the use of the public right-of-way, including but not limited to, the safe movement and visibility of vehicles and pedestrians.

5. Conditions of Approval

In addition to compliance with the guidelines specified in Subparagraph 3., above, and the conditions of approval listed in Subparagraph C.6., above, all facilities approved under this Subsection shall be subject to the following conditions:

- a. Any approved Wireless Communications Facility located within a public right-of-way shall be subject to conditions, changes or limitations as are from time to time deemed necessary by the City Engineer to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the

City Engineer imposes conditions, changes, or limitations in compliance with this Subparagraph 3., above, the City Engineer shall notify the applicant or operator, in writing, by mail to the address specified in the application or other address as may be on file with the City. The change, new limitation or condition shall be effective 24 hours after deposit of the notice in the United States mail.

- b. The applicant or operator of the personal Wireless Communications Facility shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the prior written consent of the owner of that facility. No structure, improvement or facility owned by the City shall be moved to accommodate a personal Wireless Communications Facility unless: (i) the City determines, in its sole and absolute discretion, that the movement will not adversely affect the City or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the City's facilities. Every applicant or operator of any personal Wireless Communications Facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work in compliance with an Encroachment Permit issued for any personal Wireless Communications Facility within a public right-of-way, an applicant shall provide the City with documentation establishing to the City's satisfaction that the applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.
- c. Should any utility company offer electrical service to a Wireless Communications Facility which service does not require the use of a meter cabinet, the applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.

F. Standards for Satellite Antennas

Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with diameters larger than one meter in residential zones and two meters in nonresidential zones shall also comply with the following requirements, provided these provisions do not conflict with applicable State and Federal regulations.

1. Application—Plans

Plans for satellite antennas shall be submitted with applications for a Building Permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the Director.

2. Location

No satellite antenna shall be located within any required front yard or street side yard setbacks in any zone. In addition, no portion of a satellite antenna shall extend beyond a property line.

3. Color

A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color such as an earth tone, gray, or black.

4. Wiring

All wiring shall be placed underground whenever possible.

5. Residential Zones

In any residential zone, satellite antennas shall be subject to the following standards:

- a. Satellite antennas shall not exceed 15 feet in height, as measured from the finished grade or other surface on which the antenna is placed;
- b. Only one satellite antenna may be allowed on any single-family residential site;
- c. Only one antenna shall be allowed per dwelling unit on any multi-family residential site;
- d. A satellite antenna shall be separated from adjacent properties by at least a six-foot-high solid wall or fence or by trees or other plants of equal minimum height;
- e. Any satellite antenna that is taller than an adjacent property-line fence shall be located away from the side or rear property line a distance equal to or greater than the height of the antenna;
- f. The diameter of a satellite antenna shall not exceed two meters. This provision may be modified by the Director if the applicant provides a sufficient technical study prepared by a qualified engineer demonstrating to the Director's satisfaction that strict compliance would result in no satellite reception; and
- g. A satellite antenna shall be used for private, noncommercial purposes only.

6. Nonresidential Zones

In any nonresidential zone, satellite antennas may be roof- or ground-mounted and shall be subject to the following standards:

- a. If roof-mounted, satellite antennas shall be screened from ground view by a parapet or other screening approved by the Director. The minimum height and design of a parapet, wall, or other screening shall be subject to the approval of the Director;
- b. If ground-mounted, satellite antennas shall not be located between a structure and an adjacent street, and shall be screened from public view and neighboring properties;
- c. The location and height of satellite antennas shall comply with all requirements of the underlying zone; and
- d. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless screened from view.

G. Standards for Amateur Radio Antennas

All amateur radio antennas shall be designed, constructed, and maintained as follows:

1. The maximum height shall not exceed 40 feet, measured from finished grade;
2. Any boom or other active element or accessory structure shall not exceed 25 feet in length;
3. Antennas may be roof- or ground-mounted; and

4. Antennas may not be located in any front or side setbacks.
5. These standards in Subsection F. are subject to modification or waiver by the Director on a case-by-case basis where required for the City to comply with FCC PRB-1 and California Government Code Section 65850.3 and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the City.

H. Effects of Development on Antenna Reception

The City shall not be liable if development within the City after installation of an antenna impairs antenna reception, transmission, utility, or function to any degree.

I. Private Enforcement

In addition to any other remedy available to the City under this Zoning Code, at law, or in equity, violations of this Section may be remedied as follows:

1. The City Attorney may bring a civil action to enforce this Section and to obtain the remedies specified below or otherwise available in equity or at law.
2. Any person acting for the interests of himself, herself, or itself, or of its members, or of the general public (hereinafter "a private enforcer") may bring a civil action to enforce this Section with the remedies specified below, if both the following requirements are met:
 - a. The action is commenced more than 60 days after the private enforcer gives written notice of an alleged violation of this Section to the City Attorney and to the alleged violator.
 - b. No person acting on behalf of the City has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.
3. A private enforcer shall provide a copy of his, her, or its action to the City Attorney within seven days of filing it.
4. Upon settlement of or entry of judgment in an action brought in compliance with Subparagraph 7., below, the private enforcer shall give the City Attorney a notice of that settlement or judgment. No private enforcer may settle such an action unless the City Attorney or the court determines the settlement to be reasonable in light of the purposes of this Section. Any settlement in violation of this requirement shall be set aside upon motion of the City Attorney to a court of competent jurisdiction.
5. Upon proof of a violation of this Section, the court shall award the following:
 - a. Appropriate injunctive relief and damages in the amount of either:
 - (1) Upon proof, actual damages; or
 - (2) With insufficient or no proof of damages, a minimum of \$500 dollars for each violation of this Section (hereinafter "statutory damages"). Unless otherwise specified in this Section, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this Section, no private enforcer suing on behalf of the general public shall recover statutory damages based upon a violation of this Section if a previous claim brought on behalf of the general public for statutory damages and based upon the same violation has been adjudicated,

whether or not the private enforcer was a party to that earlier adjudication.

- b. Restitution to the appropriate party or parties of gains obtained due to a violation of this Section.
- c. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for public health and safety.
- d. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.

Any damages awarded in an action brought by the City Attorney shall be paid into the City's general fund, unless the court determines that they should be paid to a damaged third party.

- 6. Upon proof of at least one violation of this Section, a private enforcer, the City Attorney, any peace officer, or Zoning Code enforcement official may obtain an injunction against further violations of this Section or, as to small claims court actions, a judgment payable on condition that a further violation of this Section occur within a time specified by the court.
- 7. Notwithstanding any legal or equitable bar, a private enforcer may bring an action to enforce this Section solely on behalf of the general public. When a private enforcer does so, nothing about such an action shall act to preclude or bar the private enforcer from bringing a subsequent action on his, her, or its own behalf based upon the same facts.
- 8. Nothing in this Section shall prohibit a private enforcer from bringing an action to enforce this Section in small claims court, provided the relief sought is within the jurisdiction of that court.

J. Additional Notice to Neighbors

- 1. After an application to allow the installation of a Wireless Communications Facility in compliance with this Section is complete, the City shall endeavor to provide property owners at least 10 days' prior notice of the initial public hearing on the matter.
- 2. Written notice shall be mailed to the record owner of each property located within 1,500 feet of the proposed site in compliance with Chapter 10.116 (Public Notices and Hearings).
- 3. Failure of the City to provide notice in compliance with this Subsection shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.

Article 5: Nonconformities

Table of Contents

Chapter 10.60 – General Nonconforming Provisions.....	5-1
10.60.010 – Intent and Purpose.....	5-1
10.60.020 – Establishment of Lawful Nonconforming Status: Nonconforming Uses, Structures and Parcels	5-1
10.60.030 – Continuation of Incidental Nonconformity	5-2
10.60.040 – No Reversion to Nonconformance.....	5-2
Chapter 10.63 – Nonconforming Parcels	5-3
10.63.010 – Continuation of Nonconforming Parcel	5-3
10.63.020 – Modification of Nonconforming Parcels	5-3
10.63.030 – Use of Nonconforming Parcels for Single-Unit Dwellings.....	5-3
Chapter 10.64 – Nonconforming Structures	5-5
10.64.010 – Continuation of Nonconforming Structure.....	5-5
10.64.020 – Modifications or Expansions of Nonconforming Structure.....	5-5
10.64.030 – Destruction of Nonconforming Structure.....	5-6
10.64.040 – Seismic Retrofitting	5-7
10.64.050 – Off-site Relocation	5-7
Chapter 10.66 – Nonconforming Uses.....	5-9
10.66.010 – Continuation of Nonconforming Use	5-9
10.66.020 – Modifications or Expansions of Nonconforming Uses	5-9
10.66.030 – Nonconforming Use May Not Be Substituted with another Nonconforming Use	5-9
10.66.040 – Discontinuance of Nonconforming Use	5-9
Chapter 10.68 – Nonconforming Signs	5-11
10.68.010 – Nonconforming Signs.....	5-11
Chapter 10.72 – Miscellaneous Nonconforming Provisions	5-13
10.72.010 – Nonconforming Parking	5-13

- This page intentionally left blank -

Chapter 10.60 – General Nonconforming Provisions

Sections:

10.60.010 – Intent and Purpose

10.60.020 – Establishment of Lawful Nonconforming Status: Nonconforming Uses, Structures and Parcels

10.60.030 – Continuation of Incidental Nonconformity

10.60.040 – No Reversion to Nonconformance

10.60.010 – Intent and Purpose**A. General**

The purpose of this Article 5 is to establish uniform provisions for the regulation of nonconforming land uses, structures and parcels. It is the intent of this Article 5 to bring nonconformities, such as nonconforming uses, structures, and parcels, into conformity with the provisions of this Zoning Code and to eliminate the long-term continuance of such nonconformities. This Article is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of this Zoning Code in a manner that promotes the public health, safety, and welfare and does not conflict with the goals and objectives of the General Plan.

B. Applicability

The provisions of this Article shall apply to any structure, use, or parcel that was legally established prior to the adoption of this Zoning Code but fails to meet any provisions contained herein, or any subsequent amendments.

C. Existing Permits Not Affected

Nothing contained in this Article or Zoning Code shall be deemed to require any change in the plans, construction, or designated use of any structure for which a building permit or land use entitlement has properly been issued in accordance with the provision of ordinances then in effect and upon which actual construction or use has been started prior to the date the nonconformity was established, provided that in all such cases regarding construction, actual construction shall be diligently carried on until completion of the structure.

10.60.020 – Establishment of Lawful Nonconforming Status: Nonconforming Uses, Structures and Parcels

- A. A legal nonconforming use, structure, or parcel is one that was lawfully established or lawfully existing prior to the effective date of this Zoning Code and continuing since that time, but which no longer conforms to the provisions of this Zoning Code due to a change in zoning regulations, change in zone district boundaries, or change in other applicable regulations of this Code. Such legal nonconforming use, structure, or parcel may continue subject to the requirements of this Article.

- B. Uses, structures, and parcels that were illegally or unlawfully established, constructed, or divided shall not be considered legal or lawful nonconforming uses, structures, or parcels.
- C. A nonconformity may result from any inconsistency with the requirements of this Zoning Code including but not limited to, location, density, floor area, height, yard, usable open space, buffering, performance standards, or the lack of an approved Conditional Use Permit or other required authorization, permit, or approval.

10.60.030 – Continuation of Incidental Nonconformity

Any structure or use that has nonconforming parking, landscaping, accessory structures, setbacks or yard area, or structure height may continue indefinitely, provided no improvements, other than routine maintenance, are performed. However, at the time any application is filed for a building permit or any other permit required or authorized by this Zoning Code to modify or expand the structure or use, a good faith effort shall be made to correct the incidental nonconformity. Exceptions include structure height and setbacks, which can be continued in a nonconforming state, provided that the nonconformity is not increased, and off-street parking spaces, which shall otherwise comply with the provisions of Chapter 10.72 (Miscellaneous Nonconforming Provisions).

10.60.040 – No Reversion to Nonconformance

When any nonconformity is eliminated or brought into conformance with the current regulations of this Zoning Code, the nonconforming rights and privileges with respect to that nonconformity are terminated and shall not be restored.

Chapter 10.63 – Nonconforming Parcels

Sections:

- 10.63.010 – Continuation of Nonconforming Parcel
- 10.63.020 – Modification of Nonconforming Parcels
- 10.63.030 – Use of Nonconforming Parcels for Single-Unit Dwellings

10.63.010 – Continuation of Nonconforming Parcel

Any lawfully created parcel, described in the official record on file in the office of Los Angeles County Recorder as a parcel of record, which becomes nonconforming with regard to parcel area, street frontage, parcel width, parcel depth, or accessibility may continue indefinitely with such nonconformity. A nonconforming parcel may be developed and used as if it were a conforming parcel, provided that any development or use complies with all applicable provisions of this Zoning Code.

10.63.020 – Modification of Nonconforming Parcels

Any lawful nonconforming parcel may not be modified in any manner, including but not limited to subdivision or parcel line adjustment, where the modification increases the degree of nonconformity.

10.63.030 – Use of Nonconforming Parcels for Single-Unit Dwellings

- A. In any zone in which single-unit dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-unit dwelling and allowed accessory buildings may be erected on any single legal nonconforming parcel of record. This provision shall apply even though such parcel may fail to meet the requirements for area or width, or both, that are generally applicable in the underlying zone. However, the required setback and yard dimensions and other requirements not involving area or width, or both, of the parcel shall conform to the regulations for the zone in which such parcel is located.
- B. Notwithstanding paragraph A above, when two or more of such nonconforming parcels or any combinations of such nonconforming parcels and/or portions of parcels which are nonconforming are contiguous and under the same ownership, the combination of parcels or portions of the parcels shall be considered a single, individual parcel for the purposes of this Zoning Code, and no portions of that parcel shall be used, occupied, divided, or sold in any manner which would diminish compliance with the regulations of this Zoning Code or which would leave remaining any parcels that do not comply with the minimum parcel width, minimum area, or any other requirements of this Zoning Code.

- This page intentionally left blank –

Chapter 10.64 – Nonconforming Structures

Sections:

- 10.64.010 – Continuation of Nonconforming Structure
- 10.64.020 – Modifications or Expansions of Nonconforming Structure
- 10.64.030 – Destruction of Nonconforming Structure
- 10.64.040 – Seismic Retrofitting
- 10.64.050 – Off-site Relocation

10.64.010 – Continuation of Nonconforming Structure

- A. Any use or structure that was lawfully established prior to the effective date of this Zoning Code or of any subsequent amendments to its text or to the City's Zoning Map may be continued and maintained, provided there is no alteration, enlargement, or addition to any structure; no increase in occupant load; and/or no enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Article.
- B. The right to continue a nonconforming structure shall attach to the land and shall not be affected by a change in ownership.
- C. No alteration or other change in structures is permitted, except as otherwise provided in this Article.

10.64.020 – Modifications or Expansions of Nonconforming Structure**A. Additions**

A nonconforming structure may be added to, provided that the addition complies with all requirements of this Zoning Code, including but not limited to setbacks, building height, parcel coverage, and parking. However, the following modifications and expansions may be allowed without requiring conformance with established standards.

- 1. Single-family dwelling units that have nonconforming parking may be expanded to include additional square footage to the unit. However, where a new bedroom is proposed to be constructed, at least one additional parking space shall be provided.
- 2. Where a side yard setback is nonconforming, an addition to a structure with such nonconformity shall be allowed to maintain the nonconforming setback, provided any such addition does not, as determined by the Director, create any adverse impact on an adjoining property.
- 3. For any use other than a single-family residence, an expansion of up to 10 percent of the existing floor area may be allowed without any requirement to establish conformity of required setbacks, landscaping, structure height, loading spaces, or open space standards. However, additional parking spaces shall be required for any such addition to meet the requirements of this Title 10 for the additional floor area.

4. Conformance with minimum required landscape standards shall not be required for any addition or expansion.

B. Maintenance and Repair

General maintenance and repair of a nonconforming structure shall be allowed, provided there are no structural alterations. However, structural alterations which the Building Official has determined to be necessary for public health and safety purposes may be allowed.

C. Removal of Nonconformity during Modification or Expansion

In any instance where an existing nonconforming structure or any portion of a nonconforming structure is demolished in the course of maintenance and repair, expansion or addition, or other alteration or modification, all nonconforming portions of the structure so demolished shall be reconstructed in compliance with the applicable regulations of the zone for height, setback, yard, parcel coverage, and other applicable provisions of this Zoning Code.

10.64.030 – Destruction of Nonconforming Structure

A. General

The following provisions govern reconstruction of a nonconforming structure that is damaged or partially destroyed by fire, flood, wind, earthquake, or other act of nature or an act of the public enemy.

B. Destruction of 50 Percent or More

If the nonconforming structure is damaged to the extent of 50 percent or more of the appraised replacement value of the nonconforming structure, as determined by the Building Official, prior to the damage or partial destruction, or is voluntarily razed or is required to be razed, the structure shall only be restored in full conformity with the provisions of this Zoning Code and all applicable Building Codes.

C. Destruction of Less than 50 Percent

If the total cost of repairs, including structural alterations, required for reconstruction do not exceed 50 percent of the appraised replacement value of the nonconforming structure, as determined by the Building Official, prior to the damage or partial destruction, the damaged or partially destroyed portions of the nonconforming structure may be reconstructed without bringing all portions of the structure into conformance with the provisions of this Zoning Code.

D. Estimate of Damage and Cost of Reconstruction

The extent of damage or partial destruction shall be based upon the reasonable replacement value of the structure immediately prior to the damage or partial destruction, as determined by the City's Building Official. All appraised values referred to in this Section shall be determined by a State licensed appraiser and confirmed by the Building Official. Estimates of repairing or replacing the damaged portion of the structure for purposes of this Section shall be made by or shall be reviewed and approved by the Building Official, and shall be based on the minimum cost of construction in compliance with the Building Code.

E. Exemption for Single-Unit and Multi-Unit Residential Structures

Any legally established single-unit or multi-unit residential structure that experiences destruction of 50 percent or more of the appraised replacement value may be completely reconstructed to the extent it existed prior to such destruction. However, all efforts shall be made to comply with the provisions of this Zoning Code to the extent practicable and in particular, any off-street parking deficiencies that existed prior to such destruction shall be remedied to the greatest extent possible, as determined by the Director.

10.64.040 – Seismic Retrofitting

Reconstruction and retrofitting necessary to comply with earthquake safety standards shall be allowed without cost limitation, provided such work is limited exclusively to necessary compliance with earthquake safety standards.

10.64.050 – Off-site Relocation

When a structure is relocated to another parcel, it shall comply with the provisions of this Zoning Code and all other applicable laws and regulations.

- This page intentionally left blank -

Chapter 10.66 – Nonconforming Uses

Sections:

10.66.010 – Continuation of Nonconforming Use

10.66.020 – Modifications or Expansions of Nonconforming Uses

10.66.030 – Nonconforming Use May Not Be Substituted with another Nonconforming Use

10.66.040 – Discontinuance of Nonconforming Use

10.66.010 – Continuation of Nonconforming Use

Any use that was lawfully established prior to the effective date of this Zoning Code or of any subsequent amendments to its text or to the City's Zoning Map may only be continued and maintained provided there is no enlargement of the area, space, or volume occupied by or devoted to such use, except as otherwise provided in this Article. The right to continue a nonconforming use shall attach to the land and shall not be affected by a change in ownership. No substitution, expansion, or other change in use is permitted, except as otherwise provided in this Article.

10.66.020 – Modifications or Expansions of Nonconforming Uses

A nonconforming use shall not be enlarged, intensified, expanded, or extended in a way so as to occupy any part of the structure or site, or another structure or site, which it did not occupy at the time such use became nonconforming, except as may be permitted by other provisions of this Title 10.

10.66.030 – Nonconforming Use May Not Be Substituted with another Nonconforming Use

A nonconforming use shall not be substituted, replaced with, or modified to another nonconforming use, except as otherwise provided in this Article.

10.66.040 – Discontinuance of Nonconforming Use

A nonconforming use shall be deemed to be discontinued or abandoned when such use has ceased to operate or exist for a continuous period of 180 days. A nonconforming use shall not be resumed, reestablished, or reopened after it has been abandoned, discontinued, or changed to a conforming use. Evidence required to show continuous use shall include a valid business license, sales records, and utility bills.

- This page intentionally left blank –

Chapter 10.68 – Nonconforming Signs

Sections:

10.68.010 – Nonconforming Signs

10.68.010 – Nonconforming Signs

Nonconforming signs shall comply with the requirements of Section 10.34.200 (Nonconforming Signs, Amortization and Abatement of Signs) of this Zoning Code.

- This page intentionally left blank –

Chapter 10.72 – Miscellaneous Nonconforming Provisions

Sections:

10.72.010 – Nonconforming Parking

10.72.010 – Nonconforming Parking**A. Use May Continue**

Any use which is nonconforming in terms of required off-street parking facilities may continue in the same manner as if it were conforming. However, the number of existing off-street parking spaces shall not be reduced.

B. Expansion

When an existing structure or use with nonconforming parking is expanded, additional parking spaces shall be provided in compliance with the provisions of Chapter 10.30 (Off-Street Parking and Loading). However, the number of additional spaces shall be computed only to the extent of the enlargement or expansion in use, regardless of whether or not the number of previously existing spaces satisfies the requirements of Chapter 10.30 (Off-Street Parking and Loading).

C. Change in Use

1. When a nonconforming use is changed to a conforming use and additional parking is required per Chapter 10.30 (Off-Street Parking and Loading), the nonconformity shall cease and the new use shall provide all required off-street parking and loading in accordance with the provisions of Chapter 10.30 (Off-Street Parking and Loading). However, the Director shall have the authority to allow for a reduction in the required number of parking and/or loading spaces for the conforming use, provided the following findings can be made:
 - a. That the conforming use benefits the community by providing new economic development and job opportunities; and
 - b. That the conforming use will not adversely impact surrounding uses or public streets by increasing demand for on-street parking.
2. If the additional parking required by subparagraph 1 cannot be provided on the same site as the use it serves, the applicant may provide alternative parking facilities pursuant to Section 10.30.090.B (Parking Lot Location).

- This page intentionally left blank –

Article 6

Permit Procedures

Table of Contents

Chapter 10.80 – General Provisions	6-1
10.80.010 – Purpose and Intent	6-1
10.80.020 – Discretionary Permits and Actions.....	6-1
10.80.030 – Exemptions from Permit Requirements.....	6-3
10.80.040 – Additional Permits May Be Required.....	6-4
10.80.050 – Burden of Proof and Precedence	6-5
Chapter 10.82 – Permit Application Filing and Processing	6-7
10.82.010 – Purpose	6-7
10.82.020 – Authority for Land Use and Zoning Decisions	6-7
10.82.030 – Multiple Permit Applications	6-7
10.82.040 – Application Preparation and Filing.....	6-8
10.82.050 – Application Fees	6-9
10.82.060 – Applicant Indemnification.....	6-9
10.82.070 – Initial Application Review	6-10
10.82.080 – Project Evaluation and Staff Reports.....	6-11
10.82.090 – Environmental Review	6-11
Chapter 10.84 – Conditional Use Permits and Minor Use Permits.....	6-13
10.84.010 – Purpose	6-13
10.84.020 – Applicability	6-13
10.84.030 – Review Authority	6-13
10.84.040 – Application Requirements.....	6-14
10.84.050 – Project Review, Notice, and Hearing.....	6-14
10.84.060 – Findings and Decision	6-14
10.84.070 – Conditions of Approval	6-15
10.84.080 – Use of Property before Final Action.....	6-15
10.84.090 – Modification of Permit	6-15
10.84.100 – Periodic Review	6-15
10.84.110 – Permit to Run with the Land	6-15
10.84.120 – Post Decision Procedures	6-16
Chapter 10.88 – Planned Development Permits	6-17
10.88.010 – Purpose	6-17
10.88.020 – Applicability	6-18
10.88.030 – Application Filing, Processing, and Review.....	6-18
10.88.040 – Review Authority	6-18
10.88.050 – Project Review, Notice, and Hearing.....	6-18
10.88.060 – Findings and Decision	6-19
10.88.070 – Planned Development Permit Amendments	6-20
10.88.080 – Specific Development Standards	6-20
10.88.090 – Development Schedule	6-21
10.88.100 – Conditions of Approval	6-21
10.88.110 – Use of Property before Final Action.....	6-21

10.88.120 – Post Decision Procedures	6-21
Chapter 10.90 – Reasonable Accommodations.....	6-23
10.90.010 – Purpose	6-23
10.90.020 – Applicability	6-23
10.90.030 – Application Requirements.....	6-23
10.90.040 – Review Authority.....	6-24
10.90.050 – Review Procedures.....	6-24
10.90.060 – Findings and Decision	6-24
Chapter 10.94 – Site Plan and Design Review	6-27
10.94.010 – Purpose and Intent	6-27
10.94.020 – Applicability	6-27
10.94.030 – Review Authority	6-28
10.94.040 – Application Filing, Processing, and Review.....	6-30
10.94.050 – Findings and Decision	6-31
10.94.060 – Conditions of Approval	6-32
10.94.070 – Issuance of Other Required Permits and Approvals	6-32
10.94.080 – Minor Changes by the Director.....	6-33
10.94.090 – Post Decision Procedures	6-33
Chapter 10.96 – Temporary Use Permits.....	6-35
10.96.010 – Purpose	6-35
10.96.020 – Definition	6-35
10.96.030 – Applicability	6-35
10.96.040 – Exempt Temporary Uses.....	6-35
10.96.050 – Allowed Temporary Uses	6-36
10.96.060 – Application Filing, Processing, and Review.....	6-37
10.96.070 – Director’s Review.....	6-38
10.96.080 – Findings and Decision	6-38
10.96.090 – Conditions of Approval	6-38
10.96.100 – Extensions for Temporary Use Permits.....	6-40
10.96.110 – Condition of Site Following Temporary Use	6-40
10.96.120 – Post Decision Procedures	6-40
Chapter 10.98 – Variances and Minor Variances	6-41
10.98.010 – Purpose	6-41
10.98.020 – Applicability	6-41
10.98.030 – Review Authority	6-42
10.98.040 – Application Filing, Processing, and Review.....	6-42
10.98.050 – Findings and Decision	6-44
10.98.060 – Denial of Minor Variance	6-45
10.98.070 – Precedents.....	6-45
10.98.080 – Burden of Proof.....	6-45
10.98.090 – Conditions of Approval	6-45
10.98.100 – Use of Property before Final Action.....	6-45
10.98.110 – Post Decision Procedures	6-45
Chapter 10.100 – Zoning Clearances.....	6-47
10.100.010 – Purpose	6-47
10.100.020 – Applicability	6-47
10.100.030 – Review Procedure	6-48
10.100.040 – Post Decision Procedures	6-48
Chapter 10.102 – Permit Implementation, Time Limits, and Extensions	6-49
10.102.010 – Purpose	6-49
10.102.020 – Conformance to Approved Plans.....	6-49
10.102.030 – Effective Dates of Permits	6-49

10.102.040 – Acknowledgement and Acceptance of Conditions	6-50
10.102.050 – Applications Deemed Approved	6-50
10.102.060 – Permits to Run with the Land	6-50
10.102.070 – Expiration.....	6-51
10.102.080 – Time Extensions	6-52
10.102.090 – Changes to an Approved Project.....	6-53
10.102.100 – Resubmittals	6-54
10.102.110 – Covenants for Easements	6-55

Tables

Table 6-1 Review Authority..... 6-8

Table 6-2 Review Authority for Site Plan and Design Review..... 6-29

Table 6-3 Types of Minor Variances Allowed 6-42

Chapter 10.80 – General Provisions

Sections:

- 10.80.010 – Purpose and Intent
- 10.80.020 – Discretionary Permits and Actions
- 10.80.030 – Exemptions from Permit Requirements
- 10.80.040 – Additional Permits May Be Required
- 10.80.050 – Burden of Proof and Precedence

10.80.010 – Purpose and Intent

This Chapter establishes the overall form and structure for the application, review, and action on permits and approvals and further identifies and describes the permits required by this Zoning Code.

10.80.020 – Discretionary Permits and Actions**A. Administrative Permits and Approvals**

Except as specified in Section 10.82.070 (Initial Application Review), the Director shall be the designated review authority for the following permits and approvals, in compliance with Table 6-1 (Review Authority) and Table 6-2 (Review Authority for Site Plan and Design Review). Additionally, the Director has primary administrative authority over certain activities which require the determination of compliance with applicable zoning provisions.

1. Minor Use Permits

An administrative permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code (Chapter 10.84 [Conditional Use Permits and Minor Use Permits]).

2. Minor Variances

An administrative action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with (Chapter 10.98 [Variances and Minor Variances]).

3. Reasonable Accommodations

An administrative permit authorizing limited modifications to residential properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards (Chapter 10.90 [Reasonable Accommodations]).

4. Sign Permits

An administrative permit authorizing a variety of signs for promotional advertising in compliance with specific provisions and conditions of this Zoning Code (Section 10.34.060 [Permit Required]). Temporary signs may also be approved in conjunction with a Temporary Use Permit (Chapter 10.96 [Temporary Use Permits]).

5. Site Plan and Design Review

An administrative review process providing for review of projects for compliance with the provisions of this Zoning Code and compliance with any site plan or architectural design guidelines adopted by the City (Chapter 10.94 [Site Plan and Design Review]).

6. Temporary Use Permits

An administrative permit authorizing specific limited-term uses in compliance with specified conditions and performance criteria identified in Chapter 10.96 (Temporary Use Permits).

7. Zoning Clearances

An administrative plan check process of nonexempt uses and structures that do not otherwise require review to determine compliance with applicable provisions of this Zoning Code (Chapter 10.100 [Zoning Clearances]).

8. Zoning Code Interpretations/Determinations

An administrative interpretation of certain provisions of this Zoning Code in an effort to resolve perceived ambiguities in the regulations and to ensure their consistent application (Chapter 10.04 [Interpretation of the Zoning Code]).

B. Commission Permits and Approvals

Except as specified in Section 10.82.030 (Multiple Permit Applications), the Commission is the designated review authority for the following permits and approvals. A public hearing is required for the following Commission actions in compliance with Chapter 10.116 (Public Notices and Hearings):

1. Conditional Use Permits

A permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Code (Chapter 10.84 [Conditional Use Permits and Minor Use Permits]).

2. Planned Development Permits

A permit authorizing a special plan addressing the development of land that may not conform to the underlying zoning map or district regulations, but which complies with the goals and policies of the General Plan for a particular area (Chapter 10.88 [Planned Development Permits]).

3. Variances

An action granting exception to the development standards of this Zoning Code in cases where strict compliance would result in a unique hardship in compliance with (Chapter 10.98 [Variances and Minor Variances]).

4. Abatement/Extension of Nonconforming Uses/Structures

An action requiring the abatement or authorizing the extension of nonconforming uses or structures in compliance with provisions of Article 5 [Nonconformities]).

C. Legislative Actions

The designated review authority for all legislative actions is the Council. A public hearing is required for the following legislative actions in compliance with Chapter 10.116 (Public Notices and Hearings):

1. Development Agreements and Amendments

An agreement between the City and a party with legal or equitable interest in the real property relating to the development of property in compliance with Chapter 10.118 (Development Agreements).

2. General Plan Text/Map Amendments

An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property(s) in compliance with Chapter 10.112 (Amendments).

3. Specific Plans and Amendments

A regulatory document prepared in compliance with Government Code Section 65450 et seq. for the systematic implementation of the General Plan for a particular area (Chapter 10.120 [Specific Plans]).

4. Zoning Code Text/Map Amendments

An action authorizing either a text amendment to this Zoning Code or a map amendment changing the zoning designation of particular property in compliance with the General Plan (Chapter 10.112 [Amendments]).

D. Subdivisions and Other Building Regulations

In addition to the permits listed in this Zoning Code, regulations governing the subdivision of land are established in Municipal Code Title 11 (Division of Land Ordinance). Provisions for construction and building are established in Municipal Code Title 8 (Building Regulations).

10.80.030 – Exemptions from Permit Requirements

The following activities and uses of land and/or structures are exempt from the land use and development permit requirements of this Zoning Code. However, the activities and uses shall comply with all other applicable provisions of this Zoning Code and may require other permits in compliance with the Municipal Code.

A. Accessory Structures

Accessory structures, as defined in Article 9 (Definitions), that are smaller than 120 square feet in size, not located within the required front setback area, and have no portion of the structure equal to or greater than eight feet in height.

B. Activities/Uses

1. Yard sales in residential zones and neighborhoods when operated in compliance with Municipal Code Chapter 5.50 (Yard Sales).
2. Emergency public health and safety needs and land use activities including, but not limited to emergency utility and response facilities.

C. Decks and Paths

Decks, platforms, and on-site paths that are less than 30 inches above natural grade, are not over any basement or story below, and are unenclosed except for a safety railing with a maximum height of 42 inches.

D. Fences in Residential Zoning Districts

Certain fences in residential zoning districts are exempt from land use permit requirements in compliance with Chapter 10.28 (Fences, Hedges, and Walls).

E. Interior Remodeling

Interior alterations that do not increase the gross floor area within the structure or change/expand the allowed use of the structure.

F. Portable Spas, Hot Tubs, Fish Ponds

Portable spas, hot tubs, fish ponds, and similar structures that are less than 120 square feet in area (including related equipment), contain less than 2,000 gallons of water, and are less than three feet in total depth.

G. Repairs and Maintenance

Ordinary repairs and maintenance, if:

1. The work does not change the approved land use of the site or the structure or add to, enlarge, or expand the area occupied by the land use, or the floor area of the structure;
2. Within a parking lot, the work does not alter the number or configuration of parking and/or landscape planters in any manner; or
3. All exterior repairs employ the same materials and design as the original construction.

H. Solar Collectors

The addition of solar collection systems to the roofs of existing structures.

I. Utilities

The alteration, construction, erection, or maintenance by a public utility or public agency of underground or overhead utilities intended to service existing or nearby approved developments (e.g., electric, gas, telecommunication, or water supply or disposal systems, including cables, conduits, drains, fire-alarm boxes, hydrants, mains, pipes, police call boxes, sewers, traffic signals, wires, and similar facilities and equipment), but not including new transmission lines and structures. Satellite and cellular telephone antennas are instead subject to Section 10.50.200 (Wireless Communications Facilities).

10.80.040 – Additional Permits May Be Required**A. Municipal Code Provisions**

A land use or activity on property that complies with the permit requirement or exemption provisions of this Zoning Code shall also comply with any applicable permit requirements of the Municipal Code and/or any permit requirements of other agencies before construction or use of the property is commenced.

B. Timing of Permits

All necessary permits shall be obtained before starting work or establishing a new use.

10.80.050 – Burden of Proof and Precedence**A. Burden of Proof**

The burden of proof to establish the evidence in support of the required finding(s) for any permit or approval in compliance with this Chapter is the responsibility of the applicant.

B. Precedence

Each permit shall be evaluated on a case-by-case basis. Consequently, the granting of a prior permit does not create a precedent and is not justification for the granting of a new permit.

- This page intentionally left blank –

Chapter 10.82 – Permit Application Filing and Processing

Sections:

- 10.82.010 – Purpose
- 10.82.020 – Authority for Land Use and Zoning Decisions
- 10.82.030 – Multiple Permit Applications
- 10.82.040 – Application Preparation and Filing
- 10.82.050 – Application Fees
- 10.82.060 – Applicant Indemnification
- 10.82.070 – Initial Application Review
- 10.82.080 – Project Evaluation and Staff Reports
- 10.82.090 – Environmental Review

10.82.010 – Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the land use permit applications required by this Zoning Code.

10.82.020 – Authority for Land Use and Zoning Decisions

Table 6-1 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Zoning Code.

10.82.030 – Multiple Permit Applications**A. Concurrent Filing**

An applicant for a development project that requires the filing of more than one application (e.g., Zoning Map Amendment and a Conditional Use Permit, etc.), shall file all related applications concurrently, together with all application fees required by Section 10.82.090 (Application Fees), below, unless the concurrent filing requirements are waived by the Director.

B. Concurrent Processing

Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest review authority designated by this Zoning Code for any of the applications (i.e., a project for which applications for Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the Council, instead of the Commission acting upon the Conditional Use Permit as otherwise required by Table 6-1). In the example cited, the Commission would still hear each application (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the Council.

TABLE 6-1 REVIEW AUTHORITY	Applicable Code Chapter/ Section	Role of Review Authority (1)		
Type of Action		Director	Commission	Council
Administrative and Legislative Actions				
Development Agreements and Amendments	10.118		Recommend	Decision
General Plan Amendments	10.112		Recommend	Decision
Interpretations/Determinations	10.04	Decision (2)	Appeal	Appeal
Specific Plans and Amendments	10.120		Recommend	Decision
Zoning Code Amendments	10.112		Recommend	Decision
Zoning Map Amendments	10.112		Recommend	Decision
Planning Permits and Approvals				
Conditional Use Permits	10.84		Decision	Appeal
Minor Use Permits	10.84	Decision (2)	Appeal	Appeal
Minor Variances	10.98	Decision (2)	Appeal	Appeal
Planned Development Permits	10.88		Decision	Appeal
Reasonable Accommodations	10.90	Decision (2)	Appeal	Appeal
Sign Permits	10.34	Decision (2)	Appeal	Appeal
Site Plan and Design Review (See Table 6-2 for specified thresholds.)	10.94	Decision (2)	Decision/ Appeal	Appeal
Temporary Use Permits	10.96	Decision (2)	(3)	Appeal
Variances	10.98		Decision	Appeal
Zoning Clearances	10.100	Decision	Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision making body, in compliance with Chapter 10.114 (Appeals).
- (2) The Director may choose to refer the application to the Commission for review and final decision, as authorized by this Zoning Code.
- (3) The City Manager shall serve as the first line of appeal for Temporary Use Permits in compliance with Subsection 10.96.080 D. (City Manager to Act as Appeal Review Authority).

10.82.040 – Application Preparation and Filing**A. Pre-Application Conference**

1. A prospective applicant is strongly encouraged to request a pre-application conference with the Director before completing and filing a land use permit application.
2. The purpose of this conference is to generally:
 - a. Inform the applicant of City requirements as they apply to the proposed project;
 - b. Review the City's review process, possible project alternatives, or modifications; and
 - c. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project.
3. Neither the pre-application review nor the provision of information and/or pertinent policies shall be construed as either a recommendation for approval or denial of the application or project by any City staff.

4. Failure by City staff to identify all required studies or all applicable requirements shall not constitute a waiver of those requirements. Additionally, the provision of incorrect information by City staff does not waive the Zoning Code requirements.

B. Application Contents

Each application for a permit or other approval pertaining to this Zoning Code shall be filed with the Department on a City application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date Department handout for the specific type of application and/or as specified by the Director. Applicants are encouraged to contact the Director before submitting an application to verify which materials are necessary for application filing.

C. Eligibility for Filing

1. An application may only be filed by the owner of the subject property or a lessee or authorized agent of the owner with the written consent of the property owner.
2. The application shall be signed by the owner of record or may be signed by the lessee or by an authorized agent if written authorization from the owner of record is filed concurrently with the application.

10.82.050 – Application Fees

A. Fee Schedule

The Council shall establish, by resolution, a schedule of fees for the processing of the applications required by this Zoning Code, hereafter referred to as the Planning Fee Schedule. The Planning Fee Schedule is intended to allow recovery of all costs incurred by the City in processing permit applications to the maximum extent allowed by law.

B. Timing of Payment

Applications shall not be deemed complete, and processing shall not commence, on any application until all required fees or deposits have been paid. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for denial or revocation of any permit or other requested approval, notwithstanding any other provisions of this Zoning Code.

C. Refunds and Withdrawals

Application fees cover City costs for public hearings, mailings, staff time and the other activities involved in processing applications. Consequently, no refund due to denial shall be allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal in compliance with the Planning Fee Schedule.

10.82.060 – Applicant Indemnification

A. Applicant Agreement

As part of this application, applicant agrees to defend, indemnify, release and hold harmless from any and all claims, actions, proceedings or liability of any nature whatsoever arising out of, or in connection with, the City's review or approval of the proposed project, or the acts or omissions of the applicant, its agents, employees or contractors. This obligation shall also extend to any effort to attack, set aside, void, or annul any action or decisions of the City in connection with this application, including any contention the project approval is defective because a City ordinance, resolution, policy, standard, or plan is not in compliance with local, State or Federal law. This indemnification shall include damages, fees and/or costs awarded against the City, if any, and

cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, the City, and/or the parties initiating or bringing the proceeding. If a defense right is exercised, the City Attorney shall have the absolute right to approve any and all counsel employed to defend the City. The modification of the proposed project by the applicant or the imposition of conditions by the City shall not alter the effectiveness of this indemnity obligation.

B. City Notification of Applicant

In the event that an action, claim, or proceeding referred to in Subsection A., above is brought, the City shall promptly notify the applicant and land owner of the existence of the action, claim, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action, claim, or proceeding.

C. City Participation in Defense

Nothing in this Section shall prohibit the City from participating in the defense of any action, claim, or proceeding if the City elects to bear its own attorneys' fees and costs and defends the action in good faith.

10.82.070 – Initial Application Review

A. Review for Completeness

The Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in any pre-application conference (see Section 10.82.040 [Application Preparation and Filing]) and/or during the initial application review period.

1. Notification of Applicant

As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be informed in writing, either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in the Director's letter, shall be provided.

2. Appeal of Determination

Where the Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the Director's determination in compliance with Chapter 10.114 (Appeals).

3. Submittal of Additional Information

- a. When the Director determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur.
- b. Upon submittal of additional information, the Director shall have an additional 30 days to review the additional information in order to determine application completeness.

4. Expiration of Application

- a. If an applicant fails to provide the additional information specified in the Director's letter within 45 days following the date of the letter, or shorter time frame as determined by the Director, the application shall expire and be deemed withdrawn without any further action by the City, unless an extension is approved by the Director for good cause shown.
- b. After the expiration of an application, future City consideration shall require the submittal of a new, complete application and associated filing fees.

5. Environmental Information

After an application has been accepted as complete, the Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with the CEQA and Section 10.82.090 (Environmental Review), below.

B. Referral of Application

At the discretion of the Director, or where otherwise required by this Zoning Code or State or Federal law, an application may be referred to any public agency that may be affected by or have an interest in the proposed project.

10.82.080 – Project Evaluation and Staff Reports**A. Staff Evaluation**

The Director shall review all discretionary applications filed in compliance with this Chapter to determine whether they comply and are consistent with the provisions of this Zoning Code, other applicable provisions of the Municipal Code, the General Plan, and any applicable specific plan.

B. Staff Report

The Director shall provide a written recommendation to the Commission and/or Council (as applicable) as to whether the application should be approved, approved subject to conditions, or denied.

C. Report Distribution

Each staff report shall be furnished to the applicant at the same time as it is provided to the review authority before action on the application.

10.82.090 – Environmental Review**A. CEQA Review**

After acceptance of a complete application, the project shall be reviewed in compliance with the CEQA to determine whether:

1. The proposed project is exempt from the requirements of CEQA;
2. The proposed project is not a project as defined by CEQA;
3. A Negative Declaration is appropriate and may be prepared;
4. A Mitigated Negative Declaration is appropriate and may be prepared; or

5. An Environmental Impact Report (EIR) shall be required.

B. Compliance with CEQA

These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with the CEQA. The applicant shall be responsible for all costs related to the CEQA review, in compliance with Section 10.82.050 (Application Fees).

C. Special Studies Required

A special study, paid for in advance by the applicant, may be required to supplement the City's CEQA compliance review, in compliance with Section 10.82.050 (Application Fees).

Chapter 10.84 – Conditional Use Permits and Minor Use Permits

Sections:

- 10.84.010 – Purpose
- 10.84.020 – Applicability
- 10.84.030 – Review Authority
- 10.84.040 – Application Requirements
- 10.84.050 – Project Review, Notice, and Hearing
- 10.84.060 – Findings and Decision
- 10.84.070 – Conditions of Approval
- 10.84.080 – Use of Property before Final Action
- 10.84.090 – Modification of Permit
- 10.84.100 – Periodic Review
- 10.84.110 – Permit to Run with the Land
- 10.84.120 – Post Decision Procedures

10.84.010 – Purpose**A. Purpose**

The purpose of a Conditional Use Permit or Minor Use Permit is to provide sufficient flexibility in the use regulations in order to further the objectives of this Zoning Code.

B. Process for Reviewing Uses

A Conditional Use Permit or Minor Use Permit provides a process for reviewing uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

C. Special Consideration

Certain types of land uses require special consideration in a particular zone or in the City as a whole because they possess unique characteristics or present special problems that make automatic inclusion as permitted uses either impractical or undesirable.

10.84.020 – Applicability

A Conditional Use Permit or Minor Use Permit is required to authorize proposed land uses identified by Article 2 (Zones, Allowable Uses, and Development and Design Standards) as being allowable in the applicable zone subject to the approval of a Conditional Use Permit or Minor Use Permit.

10.84.030 – Review Authority**A. Conditional Use Permits**

Conditional Use Permits shall be approved, denied, or modified by the Commission.

B. Minor Use Permits

1. Minor Use Permits shall be approved, denied, or modified by the Director.
2. The Director may choose to refer any Minor Use Permit application to the Commission for review and final decision.

10.84.040 – Application Requirements

An application for a Conditional Use Permit and/or Minor Use Permit shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Conditional Use Permit or Minor Use Permit applications, as applicable, together with the required fee in compliance with the Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10.84.060 (Findings and Decision), below.

10.84.050 – Project Review, Notice, and Hearing

Each application shall be reviewed by the Director to ensure that the proposal complies with all applicable requirements of this Zoning Code.

A. Conditional Use Permits

1. The Commission shall conduct a public hearing on an application for a Conditional Use Permit before a decision on the application.
2. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings).

B. Minor Use Permits

1. The Director shall conduct a public hearing on an application for a Minor Use Permit before a decision on the application.
2. Notice of the hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings). However, use of a 300-foot radius shall be used for noticing purposes.

C. Appeals

The applicable review authority's decision is appealable in compliance with Chapter 10.114 (Appeals).

10.84.060 – Findings and Decision**A. Review Authority's Action**

An application for a Conditional Use Permit or Minor Use Permit may be approved, approved in modified form, conditionally approved, or denied by the review authority.

B. Required Findings

The review authority may approve a Conditional Use Permit or Minor Use Permit only after first making all of the following findings:

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of:
 - a. Its design, location, shape, size, and operating characteristics of the proposed use;
 - b. The provision of public and emergency vehicle (e.g., fire and medical) access;
 - c. Public protection services (e.g., fire protection, police protection, etc.); and
 - d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).
5. The type, density, and intensity of use being proposed will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare, or be materially detrimental or injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

C. Failure to Make Findings

The review authority shall deny the application when it fails to make any one or more of the required findings.

10.84.070 – Conditions of Approval

In approving a Conditional Use Permit or Minor Use Permit, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by Section 10.84.060 (Findings and Decision), above.

10.84.080 – Use of Property before Final Action

Permits or approvals shall not be issued for any use proposed in an application for a Conditional Use Permit or Minor Use Permit until and unless the same shall have become final, in compliance with Section 10.102.030 (Effective Dates of Permits).

10.84.090 – Modification of Permit

An approved Conditional Use Permit or Minor Use Permit may be modified in compliance with Section 10.102.090 (Changes to an Approved Project).

10.84.100 – Periodic Review

The City may conduct a periodic review of the permit to ensure proper compliance with this Zoning Code and any developmental or operational conditions imposed by the review authority.

10.84.110 – Permit to Run with the Land

A Conditional Use Permit or Minor Use Permit approved in compliance with the provisions of this Chapter shall run with the land and continue to be valid upon a change of ownership of the business, parcel, service, structure, or use that was the subject of the permit application in the same area, configuration, and manner as it was originally approved in compliance with this Chapter.

10.84.120 – Post Decision Procedures

The procedures and requirements in Chapter 10.102 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Conditional Use Permit or Minor Use Permit application.

Chapter 10.88 – Planned Development Permits

Sections:

- 10.88.010 – Purpose
- 10.88.020 – Applicability
- 10.88.030 – Application Filing, Processing, and Review
- 10.88.040 – Review Authority
- 10.88.050 – Project Review, Notice, and Hearing
- 10.88.060 – Findings and Decision
- 10.88.070 – Planned Development Permit Amendments
- 10.88.080 – Specific Development Standards
- 10.88.090 – Development Schedule
- 10.88.100 – Conditions of Approval
- 10.88.110 – Use of Property before Final Action
- 10.88.120 – Post Decision Procedures

10.88.010 – Purpose

The purpose of this Chapter is to provide a process for approving a Planned Development Permit that is intended to:

A. Achieve Greater Flexibility

Provide a method to achieve greater flexibility than may be available through compliance with conventional Zoning Code standards and regulations.

B. Ensure Efficient Use of Land and Better Living Environment

Provide a method whereby land may be designed and developed as a single unit by taking advantage of modern site planning techniques thereby resulting in a more efficient use of land, a better living environment, a better site plan and overall design than is otherwise possible through strict application of the development standards identified in Article 2 (Zones, Allowable Uses, and Development and Design Standards).

C. Encourage More Creativity

Encourage more creativity than may be available through compliance with conventional Zoning Code standards and regulations.

D. Encourage Various Types of Development

Encourage the incorporation of various types of development into the project's design that might not be available through conventional development regulations.

E. Ensure High Standards of Environmental Quality

Ensure development that meets high standards of environmental quality, public health and safety, the efficient use of the City's resources, and the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan; and

F. Provide for Enhanced Amenities

Incorporate a program of enhanced amenities (e.g., enhanced landscaping, LEED related standards, additional and enhanced open space, additional public art, improvements to an existing public facility [e.g., park or trail, etc.]) than typically required by this Zoning Code.

10.88.020 – Applicability**A. Allowed Development Projects**

A Planned Development Permit may only be requested for a residential, industrial, office, retail, mixed-use, or business campus-type development project.

B. Minimum Site Area

A Planned Development Permit may only be requested for a site(s) with a minimum of 20,000 square feet for residential projects and one acre for all others.

C. Uses Allowed

A Planned Development Permit may only authorize a land use activity that is allowed in the underlying zone as depicted on the City's Official Zoning Map.

D. Modification of Standards

1. The permit may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., building envelope [coverage, FAR, height, and setbacks], fence and wall heights, landscaping, open space, street layout, etc.) identified in this Zoning Code, with the exception of an increase in the applicable density or intensity above the allowable maximums identified in Article 2 (Zones, Allowable Uses, and Development and Design Standards).
2. Residential development projects with density or intensity standards increased above the maximums identified in Article 2 (Zones, Allowable Uses, and Development and Design Standards) may only be approved in compliance with Government Code Section 65915 and Section 10.10.090 (Density Bonus for Affordable Housing).

10.88.030 – Application Filing, Processing, and Review

An application for a Planned Development Permit shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Planned Development Permit applications, together with the required fee in compliance with the Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10.88.060 (Findings and Decision), below.

10.88.040 – Review Authority

The Commission may approve, approve in modified form, conditionally approve, or deny the Planned Development Permit application, based upon the findings contained in Section 10.88.060 (Findings and Decision), below.

10.88.050 – Project Review, Notice, and Hearing**A. Application Consistent with the Purpose of Chapter**

1. Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.

2. The Director shall submit a staff report and recommendation to the Commission for its consideration.

B. Notice and Hearings

1. A public hearing shall be required for the Commission's action on a Planned Development Permit application.
2. The public hearing shall be scheduled once the Director has determined the application complete in compliance with Section 10.82.070 (Initial Application Review).
3. Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings).

10.88.060 – Findings and Decision

A. Commission's Authority

The Commission may approve, approve in modified form, conditionally approve, or deny an application for a Planned Development Permit based on the findings specified in Subsection B., below.

B. Required Findings

The Commission may approve a Planned Development Permit application, with or without conditions, only after first making all of the following findings:

1. The proposed use and resulting design:
 - a. Is allowed within the subject base zone;
 - b. Is consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan and any applicable specific plan;
 - c. Is generally in compliance with all of the applicable provisions of this Zoning Code relating to both on-site and off-site improvements that are necessary to accommodate flexibility in site planning and property development and to carry out the purpose, intent, and requirements of this Chapter and the subject base zone, including prescribed development standards and applicable design guidelines, except for those provisions modified in compliance with this Chapter; and
 - d. Ensure compatibility of property uses within the zone and general neighborhood of the proposed development.
2. The proposed project will produce a comprehensive development with a better site plan and overall design (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, significantly increased amounts of landscaping and improved open space, improved solutions to the design and placement of parking and loading facilities, incorporation of a program of highly enhanced amenities [e.g., additional public art], LEED related standards, etc.) than might otherwise occur from more typical development applications;
3. Proper standards and conditions have been imposed to ensure the protection of the public health, safety, and welfare;

4. Proper on-site traffic circulation (e.g., pedestrian and vehicular) and control is designed into the development to ensure protection for fire suppression and police surveillance equal to or better than what would normally be created by compliance with the minimum setback and parcel width standards identified in Article 2 (Zones, Allowable Uses, and Development and Design Standards);
5. The subject parcel is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
6. Adequate public services and facilities exist, or will be provided, in compliance with the conditions of approval, to serve the proposed development and the approval of the proposed development will not result in a reduction of public services to properties in the vicinity to be a detriment to public health, safety, and general welfare;
7. The proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or their allowed use;
8. If the development proposes to mix residential and commercial uses whether done in a vertical or horizontal manner, the residential use is designed in a manner that it is appropriately buffered from the commercial use and is provided sufficiently enhanced amenities to create a comfortable and healthy residential environment and to provide a positive quality of life for the residents. The enhanced amenities may include better landscaping and private open space, private or separated entrances, etc; and
9. The design, location, operating characteristics, and size of the proposed development will be compatible with the existing and future land uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.

C. Failure to Make Findings

The review authority shall deny the application when it fails to make any one or more of the required findings.

10.88.070 – Planned Development Permit Amendments

A. Commission Action on Requested Changes

Requested changes in the Planned Development Permit, other than those allowed by this Section, shall be submitted to the Commission for review and approval.

B. Minor Changes by Director

Minor changes in the Planned Development Permit that do not involve an increase in the number of dwelling units or an increase in square footage may be approved by the Director in compliance with Section 10.102.090 (Changes to an Approved Project).

10.88.080 – Specific Development Standards

A. Landscaping

Landscaping shall be provided in compliance with Chapter 10.32 (Landscaping), unless modified in compliance with this Chapter.

B. Off-street Parking

Off-street parking provisions shall be provided in compliance with Chapter 10.30 (Off-street Parking and Loading), unless modified in compliance with this Chapter.

C. Signs

Signs shall be provided in compliance with Chapter 10.34 (Signs), unless modified in compliance with this Chapter.

10.88.090 – Development Schedule

An application for a Planned Development Permit shall include a development schedule in compliance with the following.

A. Permit Application shall Include Development Schedule

An application for a Planned Development Permit shall be accompanied by a development schedule clearly identifying the approximate time period, after the Planned Development Permit becomes effective in compliance with Section 10.102.070 (Expiration), when construction of the entire project, including all of the approved amenities, can be expected to begin, the anticipated rate of development, and the anticipated completion date.

B. Development Schedule for Phased Developments

The development schedule, if it shows the total project is to be developed in phases, shall indicate the open space and amenities proposed for each individual phase. The developer shall construct all amenities shown and landscape all open spaces within each phase as it is completed, and before occupancy of any structure located within each particular phase of the development.

C. Director to Review Overall Progress

From time to time, the Director shall compare the actual development accomplished in the planned development with the approved development schedule.

D. Commission May Extend Development Schedule

Upon a written request by the developer/property owner, for good cause shown, the Commission may extend the time limits of the development schedule; provided, that a complete application for the extension of time limits shall be filed with the Department no later than 30 days before the date of expiration in compliance with Section 10.102.080 (Time Extensions).

10.88.100 – Conditions of Approval

In approving a Planned Development Permit, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 10.88.060 (Findings and Decision), above.

10.88.110 – Use of Property before Final Action

Permits shall not be issued for any use or construction proposed in an application for a Planned Development Permit until and unless the Planned Development Permit shall have become final, in compliance with Section 10.102.030 (Effective Dates of Permits).

10.88.120 – Post Decision Procedures

The procedures and requirements in Chapter 10.102 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Planned Development Permit application.

This page intentionally left blank.

Chapter 10.90 – Reasonable Accommodations

Sections:

- 10.90.010 – Purpose
- 10.90.020 – Applicability
- 10.90.030 – Application Requirements
- 10.90.040 – Review Authority
- 10.90.050 – Review Procedures
- 10.90.060 – Findings and Decision

10.90.010 – Purpose

This Chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (also known as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

10.90.020 – Applicability**A. Eligible Applicants**

1. A request for Reasonable Accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment, as those terms are defined by the Acts.

B. Eligible Requests

1. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
2. A request for Reasonable Accommodation shall comply with Section 10.90.030 (Application Requirements), below.

10.90.030 – Application Requirements

An application for a Reasonable Accommodation shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Reasonable Accommodation applications, together with the required fee in compliance with the Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10.90.060 (Findings and Decision), below.

The contents of the application will be held confidential to the extent permissible under Public Records Act Section 6250 et seq.

10.90.040 – Review Authority

A. Director

A request for Reasonable Accommodation shall be reviewed, and a decision shall be made, by the Director if no approval is sought other than the request for Reasonable Accommodation.

B. Other Review Authority

A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

10.90.050 – Review Procedures

A. Director's Review

The Director shall make a written decision and either approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with Section 10.90.060 (Findings and Decision), below.

B. Other Review Authority

The written decision on whether to approve or deny the request for Reasonable Accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The decision to approve or deny the request for Reasonable Accommodation shall be made in compliance with Section 10.90.060 (Findings and Decision), below.

C. Request of Further Information

If necessary to reach a determination on the request for Reasonable Accommodation, the review authority may request further information from the applicant consistent with the Acts, specifying in detail the information that is required.

10.90.060 – Findings and Decision

A. Findings

The applicable review authority may approve a request for Reasonable Accommodation, with or without conditions, only after first making all of the following findings:

1. The requested Reasonable Accommodation would be consistent with the Acts specified in Section 10.90.010 (Purpose), above;
2. The housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
3. The request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
4. The requested Reasonable Accommodation would not impose an undue financial or administrative burden on the City;

5. The requested Reasonable Accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
6. There would be no potential impact on surrounding uses;
7. The physical attributes of the subject property and structure(s) would warrant approval of the requested Reasonable Accommodation; and
8. No other Reasonable Accommodations would provide an equivalent level of benefit.

B. Conditions of Approval

In approving a request for Reasonable Accommodation, the review authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by Subsection A. (Findings), above.

C. Failure to Make Findings

The review authority shall deny the application when it fails to make any one or more of the required findings.

- This page intentionally left blank –

Chapter 10.94 – Site Plan and Design Review

Sections:

- 10.94.010 – Purpose and Intent
- 10.94.020 – Applicability
- 10.94.030 – Review Authority
- 10.94.040 – Application Filing, Processing, and Review
- 10.94.050 – Findings and Decision
- 10.94.060 – Conditions of Approval
- 10.94.070 – Issuance of Other Required Permits and Approvals
- 10.94.080 – Minor Changes by the Director
- 10.94.090 – Post Decision Procedures

10.94.010 – Purpose and Intent**A. Purpose**

The purpose of this Chapter is to provide a process for the appropriate review of development projects.

B. Intent

The intent of this Chapter is to ensure that all approved site plans and structures:

1. Promote the orderly development of the City in compliance with the goals and objectives of the General Plan, any applicable specific plan, and the standards specified in this Zoning Code;
2. Protect property values and the health, safety, and welfare of the community at large;
3. Promote the aesthetic quality of development in the City;
4. Ensure the suitability of development for its intended purpose;
5. Exemplify the best professional high quality design practices;
6. Encourage the maintenance of a distinct neighborhood and/or community identity;
7. Minimize or eliminate negative or undesirable visual impacts; and
8. Ensure safe and convenient access and circulation for pedestrians and vehicles.

10.94.020 – Applicability**A. Site Plan and Design Review Required**

No one shall construct any structure, or move, rebuild, relocate, or enlarge or modify any existing structure or site (including accessory structures, façade improvements, and fences and walls) (as determined by the Director), unless a Site Plan and Design Review application is first reviewed,

and approved or conditionally approved by the applicable review authority in compliance with this Chapter.

B. Referral to Director

The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Chapter.

C. Compliance with Chapter Required

Building or Grading Permits, Business Licenses, or Certificates of Occupancy shall not be issued until the requirements of this Chapter have been met.

10.94.030 – Review Authority

A. Required Before Issuance of Other Required Permits

Site Plan and Design Review approval shall be required before the issuance of a Building or Grading Permit, Business License, or Certificate of Occupancy for any new structure and existing structures to be reconstructed or remodeled (including accessory structures, façade improvements, and fences and walls) (as determined by the Director), or to increase structure height.

B. Applicable Review Authority

1. The applicable review authority shall be as specified in Table 6-2 (Review Authority for Site Plan and Design Review), below.
2. Definition of terms used in Table 6-2.
 - a. Minor is defined as up to and including 25 percent.
 - b. Major is defined as over 25 percent.

TABLE 6-2 REVIEW AUTHORITY FOR SITE PLAN AND DESIGN REVIEW		Role of Review Authority (1)(2)(3)	
Type of Construction Activity		Director (Minor Review)	Commission (Major Review)
RESIDENTIAL CONSTRUCTION AND IMPROVEMENTS			
Single-family residential construction, including expansion, second story, and accessory structures		Decision	Appeal
Multi-family residential expansion, including accessory structures and second stories up to a maximum of 25 percent of the existing gross floor area, but no additional dwelling units		Decision	Appeal
Multi-family residential expansion, including accessory structures and second stories, over 25 percent of the existing gross floor area			Decision
Multi-family residential construction, including second stories, proposing up to a maximum of 2 dwelling units		Decision	Appeal
Multi-family residential construction, including second stories, proposing 3 or more dwelling units			Decision
NON-RESIDENTIAL CONSTRUCTION AND IMPROVEMENTS			
Nonresidential expansion, including accessory structures, not visible from the public right-of-way, up to a maximum of 25 percent of the existing gross floor area		Decision	Appeal
Nonresidential expansion, including accessory structures, over 25 percent of the existing gross floor area			Decision
Nonresidential construction - all			Decision
FAÇADE IMPROVEMENTS			
Residential façade improvements		Decision	Appeal
Nonresidential façade improvements			Decision
FENCES AND WALLS			
Fences and walls, except as specified below		Decision	Appeal
Fences and walls for multi-family projects, with up to 2 dwelling units, proposing a fence within the front yard setback over 42 inches in height		Decision	Appeal
Fences and walls for multi-family projects, with 3 or more dwelling units, proposing a fence within the front yard setback over 42 inches in height			Decision
SIGNS AND MASTER SIGN PROGRAMS			
Sign Permits in compliance with Chapter 10.34 (Signs), except for free standing signs over 15 feet in height		Decision	Appeal
Sign Permits in compliance with Chapter 10.34 (Signs) for free standing signs over 15 feet in height			Decision
Master Sign Programs in compliance with Chapter 10.34 (Signs)		Decision	Appeal
OTHER TYPES OF CONSTRUCTION AND IMPROVEMENTS			
Nonconforming Structure Additions/Expansions			
Up to a 20 percent expansion of gross floor area of a nonconforming detached single-family residential dwelling		Decision	Appeal
Up to a 20 percent expansion of gross floor area of a nonconforming structure in a commercial or industrial zone		Decision	Appeal
The extension of a nonconforming setback of an existing structure along the same property line as the existing structure		Decision	Appeal
An increase in building height to allow the roof of the proposed addition to match the roofline of the existing nonconforming structure, provided such increased building height does not create any additional habitable space		Decision	Appeal
Parking lot and/or landscaping modifications		Decision	Appeal
Solar and wind turbine equipment		Decision	Appeal
Wireless telecommunication associated ground mounted equipment		Decision	Appeal

Note:

- (1) "Decision" means that the Review Authority makes the final decision on the matter; "Appeal" means that the Review Authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 10.114 (Appeals).
- (2) The Review Authority may defer action and refer the request to the next higher Review Authority for review and final decision.
- (3) Any decision of the Commission is appealable to the Council in compliance with Chapter 10.114 (Appeals).

10.94.040 – Application Filing, Processing, and Review

A. Application Filing

An application for a Site Plan and Design Review shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10.94.050 (Findings and Decision), below.

B. Review with Other Land Use Applications

If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), the applicant shall file the information required by Subsection A. (Application Filing), above, together for concurrent review with the application for discretionary approval. Only the formal application and associated fee for the other discretionary approval shall be required in order to comply with the Site Plan and Design Review filing requirements. If any other discretionary approval is requested, the entire application package (if a Conditional Use Permit is requested, the package would include the Conditional Use Permit and the Site Plan and Design Review applications) goes to the review authority responsible for action on the discretionary approval. In the example cited, the Commission would be the review authority for the entire package of applications.

C. Application Review

Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Zoning Code; and any adopted design guidelines and policies that may apply.

1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable review authority in order to conduct a thorough review of the proposed project.
2. Upon receipt of a complete application the applicable review authority shall review the location, design, site plan configuration and the effect of the proposed development on adjacent properties, streets, and alleys by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies.
3. Within 30 days after the Site Plan and Design Review application has been deemed complete in compliance with Section 10.82.070 (Initial Application Review), the review authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and general welfare and ensure compliance with this Chapter and all applicable City regulations and policies.
4. The following criteria shall be considered during the review of a Site Plan and Design Review application:
 - a. Compliance with this Chapter, this Zoning Code, Municipal Code Title 8 (Building Regulations), and all other applicable City regulations and policies;
 - b. Efficiency of site layout and design;
 - c. Compatibility with neighboring properties, streets, alleys, and developments;
 - d. Efficiency and safety of public pedestrian and vehicular access and parking;

- e. The arrangement and relationship of proposed structures and signs to one another and to other developments in the vicinity and whether the relationship is harmonious and based on good standards of design;
- f. The compatibility in scale and aesthetic treatment of proposed structures with public areas;
- g. The adequacy of proposed driveways, landscaping, parking spaces, potential on-site and off-site parking, circulation, and traffic impacts, and other potential impacts upon the environment;
- h. Appropriate open space and use of water efficient landscaping;
- i. Consistency with the General Plan and any applicable specific plan; and
- j. Consistency with any adopted design guidelines/policies.

D. On-Site Inspection

An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions identified in this Chapter.

E. Public Hearing and Appeal Provisions

1. Neither a notice nor a public hearing shall be required for the Director's or Commission's decision on a Site Plan and Design Review application, except for second story residential construction identified in Subparagraph 2., below.
2. The Director's and Commission's decision on a Site Plan and Design Review application for second story residential construction shall require notice of a public meeting, with mailings to all property owners located within 300 feet of the exterior boundary of the subject property. The applicant is responsible for all costs related to the mailed notice.
3. Companion applications shall receive notice in compliance with their respective requirements.
4. The review authority's decision may be appealed, in compliance with Chapter 10.114 (Appeals).

10.94.050 – Findings and Decision

A. Meets Requirements of this Chapter

The review authority shall determine whether or not the application meets the requirements of this Chapter in compliance with Section 10.82.070 (Initial Application Review).

B. Referral to the Commission

The Director may refer the Site Plan and Design Review application to the Commission for review and final decision at the Director's sole discretion.

C. Other Review Authority

The decision to approve or deny the Site Plan and Design Review shall be made by the authority responsible for reviewing the other discretionary land use application (e.g., Conditional Use Permit, etc.) in compliance with the applicable review procedure for the other discretionary

review. The decision to approve or deny the Site Plan and Design Review shall be made in compliance with Subsection D. (Required Findings), below.

D. Required Findings

The review authority may approve a Site Plan and Design Review application, only after first making all of the following findings. The proposed development:

1. Is allowed within the subject zone;
2. Is in compliance with all of the applicable criteria identified in Subparagraph 10.94.040 C. 4., above;
3. Is consistent with or an improvement to the character of the neighborhood, in terms of the structure(s) general appearance;
4. Provides adequate consideration of applicable factors (e.g., noise, traffic, vehicular and pedestrian safety, vibration, etc.) including measures which are reasonably efficient and satisfactory in protecting the public health and safety; and
5. Ensures that the:
 - a. Architectural design and functional plan of the structure(s) and related improvements are of reasonable aesthetic quality and consistent with or an improvement to adjacent developments; and
 - b. Structure(s) and related improvements are suitable for the proposed use of the property and provide adequate consideration of the existing and contemplated uses of land and orderly development in the general area of the subject site.

E. Failure to Make Findings

The review authority shall deny the application when it fails to make any one or more of the required findings.

10.94.060 – Conditions of Approval

In approving a Site Plan and Design Review application, the review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 10.94.050 (Findings and Decision), above.

10.94.070 – Issuance of Other Required Permits and Approvals

A. Permits for Building and Grading

Upon approval or conditional approval of a Site Plan and Design Review, or a revised Site Plan and Design Review, the proposed project shall be eligible for filing of all required Building, and Grading Permits.

B. Compliance with Site Plan and Design Review

Grading shall not be commenced and no structure shall be altered, enlarged, erected, moved, or rebuilt subject to the provisions of this Chapter, except in compliance with the approved Site Plan and Design Review and the conditions imposed on the review.

10.94.080 – Minor Changes by the Director

Minor changes in a Site Plan and Design Review that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 10.102.090 (Changes to an Approved Project).

10.94.090 – Post Decision Procedures

The procedures and requirements in Chapter 10.102 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Site Plan and Design Review application.

- This page intentionally left blank –

Chapter 10.96 – Temporary Use Permits

Sections:

- 10.96.010 – Purpose
- 10.96.020 – Definition
- 10.96.030 – Applicability
- 10.96.040 – Exempt Temporary Uses
- 10.96.050 – Allowed Temporary Uses
- 10.96.060 – Application Filing, Processing, and Review
- 10.96.070 – Director's Review
- 10.96.080 – Findings and Decision
- 10.96.090 – Conditions of Approval
- 10.96.100 – Extensions for Temporary Use Permits
- 10.96.110 – Condition of Site Following Temporary Use
- 10.96.120 – Post Decision Procedures

10.96.010 – Purpose

The purpose of this Chapter is to allow for short term activities that would be compatible with adjacent and surrounding uses when conducted in compliance with this Chapter.

10.96.020 – Definition

For purposes of this Chapter, a temporary land use activity is defined as a land use that is interim, non-permanent, and/or seasonal in nature, and generally not conducted for more than 30 consecutive days in duration.

10.96.030 – Applicability

A Temporary Use Permit allows short term activities that might not meet the normal development or use standards of the applicable zone, but may otherwise be acceptable because of their temporary nature.

10.96.040 – Exempt Temporary Uses

The following minor and limited duration temporary uses are exempt from the Temporary Use Permit requirement. Uses that do not fall within the categories defined below shall comply with 10.96.050 (Allowed Temporary Uses), below.

A. Construction yards - On-site

1. On-site contractors' construction yard(s), in conjunction with an approved construction project on the same parcel.
2. One adult caretaker may be present during non-construction hours.
3. The construction yard shall be removed upon completion of the construction project, or the expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Emergency Facilities

Emergency public health and safety needs/land use activities, as determined by the Council.

10.96.050 – Allowed Temporary Uses

The following temporary uses are allowed, subject to the issuance of a Temporary Use Permit, and only when conducted in compliance with Section 10.96.090 (Conditions of Approval), below.

A. Contractors' Construction Yards - Off-site

The permit may be effective for up to 12 months, or upon expiration of the companion Building Permit, authorizing the construction project, whichever first occurs.

B. Events

1. Amusement rides, arts and crafts exhibits, auctions, carnivals, circuses, concerts, fairs, farmer's markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets for no more than 14 days within a 12-month period.
2. Outdoor display and sale events (i.e., side walk and parking lot sales) conducted by a retail business holding a valid Business License may be allowed a maximum of four outdoor sale events (excluding City sponsored activities) within a 12-month period. Items offered for sale shall be limited to the items covered by the Business License. For purposes of this Subsection an outdoor sale event shall be no longer than a total of 40 aggregate days in duration, with a minimum of 60 days between events.
3. Outdoor meetings and group activities (i.e., neighborhood community gatherings and religious retreats) for seven consecutive days or less, within any 12-month period.
4. Seasonal sales (i.e., Halloween pumpkin sales and Christmas tree sale lots) only by businesses holding a valid Business License; provided, the activity may only be held from October 1st through October 31st, of the same year for the pumpkin sales, and from the day after Thanksgiving through December 28th, of the same year for Christmas tree sales.

C. Temporary Real Estate Sales Office

One temporary real estate office may be located in any new subdivision in any zone in the City.

1. A temporary real estate office (e.g., trailer) may be used for temporary sales activities (e.g., model home sales, etc.) related only to the subdivision.
2. The temporary real estate office shall be removed within 10 days after the sale of all units in the new subdivision.

D. Temporary Structures

A temporary classroom, office, or similar portable structure, including a manufactured or mobile unit, may be approved as an accessory use for up to 12 months, for the following activities:

1. During construction of a development project in a commercial or industrial zone; or
2. As a temporary replacement structure to be used during reconstruction activities for places of religious assembly or private schools.

E. Temporary Work and/or Storage Site

1. A trailer, mobile home, or other acceptable temporary structure may be used as a temporary work and/or storage site for employees of a business during construction or remodeling of a permanent commercial, industrial, or mixed-use structure, when a valid Building Permit is in force and upon demonstration by the applicant that the temporary work site is a short-term necessity, while a permanent work site is being obtained.
2. A permit for temporary work and/or storage trailer(s)/structure(s) may be approved for up to 12 months and shall be removed within 30 days following issuance of the Certificate of Occupancy. The Director may extend the approval for up to an additional 12 months, if needed for very large construction projects.

F. Other Similar Temporary Uses

Similar temporary uses that, in the opinion of the Director, are compatible with the subject zone and surrounding land uses.

10.96.060 – Application Filing, Processing, and Review**A. Filing**

An application for a Temporary Use Permit shall be filed with the Department in the following manner:

1. An application for a Temporary Use Permit shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Temporary Use Permit applications, together with the required fee in compliance with the Planning Fee Schedule.
2. The application shall be filed with the Department at least:
 - a. Five business days before the date that the proposed temporary use is scheduled to take place for outdoor sales events; (See Subparagraph 10.96.050 B.2., above)
 - b. Forty-five days before the date that the proposed temporary use is scheduled to take place for events requiring a back ground check; and (See Municipal Code Chapter 5.08 (Business and Occupation Permits))
 - c. Thirty days before the date that the proposed temporary use is scheduled to take place for all other allowed activities specified in this Chapter.

B. Evidence

It is the responsibility of the applicant to establish evidence in support of the findings required by Section 10.96.080 (Findings and Decision), below.

C. Project Review Procedures

Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

D. Public Hearing Not Required

A public notice and hearing shall not be required for the Director's decision on a Temporary Use Permit application.

10.96.070 – Director’s Review

The Director may approve a Temporary Use Permit for a temporary use that would be operated in compliance with Section 10.96.090 (Conditions of Approval) below, deny the application, or may defer action and refer the application to the Commission for review and final decision.

10.96.080 – Findings and Decision**A. Director’s Review**

The Director shall review the application and shall record the decision in writing with the findings on which the decision is based.

B. Required Findings

The Director (or the Commission on a referral) may approve a Temporary Use Permit application, with or without conditions, only after first making all of the following findings:

1. The operation of the requested temporary use at the location proposed and within the time period specified will not jeopardize or endanger the public convenience, health, safety, or general welfare;
2. The proposed parcel is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the subject parcel;
3. The proposed parcel is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably be expected to generate; and
4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.

C. Failure to Make Findings

The Review Authority shall deny the application when it fails to make any one or more of the required findings.

D. City Manager to Act as Appeal Review Authority

Notwithstanding any other provisions of this Zoning Code, due to the short time frame related to Temporary Use Permits, the City Manager shall serve as the appeal review authority for Temporary Use Permits. The decision of the City Manager shall be final.

10.96.090 – Conditions of Approval**A. May Impose Conditions**

In approving a Temporary Use Permit application, the Director (or the Commission on a referral) may impose conditions that are deemed reasonable and necessary to ensure that the permit would be in full compliance with the findings required by Section 10.96.080 (Findings and Decision), above.

B. Sample Conditions

These conditions may address any pertinent factors affecting the operation of the temporary event, or use, and may include, but are not limited to, the following:

1. Fixed Period of Time

Unless otherwise stated in the permit, a provision for a fixed period of time not to exceed 30 days for a temporary use not occupying a structure, including promotional activities, or 12 months for all other temporary uses or structures, or for a shorter period of time as determined appropriate by the Director;

2. Operating Hours and Days

Regulation of operating hours and days, including limitation of the duration of the temporary use, as identified in Subsection 1., above;

3. Temporary Pedestrian and Vehicular Circulation

Provision for adequate temporary pedestrian and vehicular circulation, parking facilities (including vehicular ingress and egress), and public transportation, if applicable;

4. Regulation of Nuisance Factors

Regulation of nuisance factors including prevention of glare or direct illumination on adjacent parcels, dirt, dust, gases, heat, noise, odors, smoke, trash, and vibration;

5. Regulation of Temporary Structures

Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

6. Sanitary and Medical Facilities

Provision for sanitary and medical facilities, as appropriate;

7. Waste Collection, Recycling, and/or Disposal

Provision for solid, hazardous, and toxic waste collection, recycling, and/or disposal;

8. Police/Security and Safety Measures

Provision for police/security and safety measures, as appropriate;

9. Signs

Regulation of signs;

10. Performance Bond or Other Security

Submission of a performance bond or other security measures may be required in order to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition, or better, as determined by the Director;

11. Compliance with Applicable Provisions

A requirement that the approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of the Municipal Code and the successful approval of any/all required permits from any other department or governing agency; and

12. Other Conditions

Other conditions that would ensure the operation of the proposed temporary use in an orderly and efficient manner, and in full compliance with the purpose of this Chapter.

10.96.100 – Extensions for Temporary Use Permits

The Director may extend the time for a Temporary Use Permit to run beyond the original approval. In no event shall the Temporary Use Permit exceed the number of days allowed by Section 10.96.050 (Allowed Temporary Uses), above, or a total of 30 days.

10.96.110 – Condition of Site Following Temporary Use

Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall continue to be used in compliance with this Zoning Code.

10.96.120 – Post Decision Procedures

The procedures and requirements in Chapter 10.102 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Temporary Use Permit application.

Chapter 10.98 – Variances and Minor Variances

Sections:

- 10.98.010 – Purpose
- 10.98.020 – Applicability
- 10.98.030 – Review Authority
- 10.98.040 – Application Filing, Processing, and Review
- 10.98.050 – Findings and Decision
- 10.98.060 – Denial of Minor Variance
- 10.98.070 – Precedents
- 10.98.080 – Burden of Proof
- 10.98.090 – Conditions of Approval
- 10.98.100 – Use of Property before Final Action
- 10.98.110 – Post Decision Procedures

10.98.010 – Purpose**A. Purpose**

Variances and Minor Variances are only approved when, because of special circumstances applicable to the property, the strict application of this Zoning Code denies the owner of the property privileges enjoyed by other property located nearby and in an identical zone.

B. Does not extend to Land Uses

1. The power and authority to approve Variances and Minor Variances does not extend to allowable land uses.
2. Flexibility in allowable land uses is provided in Chapter 10.84 (Conditional Use Permits and Minor Use Permits).

10.98.020 – Applicability**A. Variances**

The Commission may approve a Variance that allows adjustments from any of the development standards required by this Zoning Code.

B. Minor Variances

The Director may approve Minor Variances in compliance with Table 6-3 (Types of Minor Variances Allowed), below.

TABLE 6-3 TYPES OF MINOR VARIANCES ALLOWED	
Types of Minor Variances Allowed	Maximum Variance
1. Allowable height of a fence, hedge, or wall. An increase of the allowed maximum height of a fence, hedge, or wall located within a side or rear setback.	10 percent
2. Distances between structures. A decrease of the minimum required distances between detached accessory structures and main structures on the same site.	15 percent
3. Floor area ratio (FAR). An increase in the allowable floor area ratio.	10 percent
4. Lot coverage. An increase of the maximum allowable lot coverage.	10 percent
5. Parcel dimensions (e.g., area, depth, or width). A decrease in the minimum required parcel area, parcel depth, or parcel width.	10 percent
6. Parking space reduction. A reduction in the number of required parking spaces in nonresidential zones.	15 percent
7. Projections. An increase in the allowed projection of eaves, fireplaces, landings, masonry chimneys, overhangs, stairways, and steps into any required front, side, or rear setbacks.	10 percent
8. Reduction of landscape standards. Reduction of required on-site landscaping standards.	15 percent
9. Setbacks. A decrease of the maximum required setback areas (e.g., front, rear, and side) for structures.	10 percent
10. Signs. Sign regulations (other than prohibited signs).	10 percent
11. Structure heights. An increase in the maximum allowed height of structures.	10 percent

10.98.030 – Review Authority

A. Responsibility

The applicable review authority shall approve or deny Variance and Minor Variance applications, and impose conditions deemed reasonable and necessary to preserve the public convenience, health, interest, safety, or welfare; necessary to ensure that the Variance or Minor Variance does not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and zone of the subject property; and necessary to make the findings required by Section 10.98.050 (Findings and Decision) below.

B. Applicable Review Authority

Variances and Minor Variances may be approved in compliance with the following:

1. Variances

Variances shall be approved or denied by the Commission in compliance with this Chapter and State law.

2. Minor Variances

Minor Variances shall be approved or denied by the Director in compliance with this Chapter and State law. The Director may, however, defer action and refer the application to the Commission for review and final decision in compliance with this Chapter and State law.

10.98.040 – Application Filing, Processing, and Review

A. Filing

An application for a Variance or Minor Variance shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing). The application shall include the information and materials specified in the Department handout for Variance or Minor Variance applications, together with the required fee in compliance with the Planning Fee Schedule. It is

the responsibility of the applicant to provide evidence in support of the findings required by Section 10.98.050 (Findings and Decision), below.

B. Project Review Procedures

Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

C. Notice, Hearings, and Appeals

1. Variances – Public Hearing Required

A public hearing shall be required for the Commission's decision on a Variance application.

a. Notice

Notice of the public hearing shall be given and the hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings).

a. Appeals

The Commission's decision is appealable to the Council in compliance with Chapter 10.114 (Appeals).

2. Minor Variances – Public Hearing Not Required

Before a decision on a Minor Variance application, the City shall provide notice in compliance with this Section.

a. Notice

(1) Upon receipt of a complete application for a Minor Variance, the City shall send a notice of application review to the applicant/property owner and all property owners located within a 100-foot radius of the subject site. The notice shall include a description of the project, location, and request, and shall indicate the date a decision will be made. The date shall be no later than 10 days following release of the notice.

(2) Those receiving notice shall be given the opportunity to submit written comments supporting or opposing the request to the Director.

(3) Following the Director's decision on the Minor Variance request, a copy of the decision shall be mailed to those who received the original notice. The notice of decision shall include information regarding the action taken, findings, and conditions for the action as applicable, along with the appeal period and the provisions for filing an appeal to the Commission in compliance with Subparagraph b. (Appeals), below.

b. Appeals

The Director's decision is appealable to the Commission in compliance with Chapter 10.114 (Appeals).

10.98.050 – Findings and Decision

A. Authorized Actions

The Commission (Variance) or the Director (Minor Variance) shall record the decision in writing and shall recite the findings upon which the decision is based, in compliance with Government Code Section 65906 or as that Section may be amended from time to time. The Director may refer the application for a Minor Variance to the Commission for review and final decision.

B. Required Findings

The applicable review authority may approve, approve in modified form, conditionally approve, or deny a Variance or Minor Variance application, subject to all of the following findings.

1. General Findings

The review authority may approve a Variance or Minor Variance application only after first making all of the following findings:

- a. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features, etc.) that do not apply generally to other properties in the same zone and vicinity;
- b. Strict compliance with and application of Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- c. Approving the Variance or Minor Variance:
 - (1) Is necessary for the preservation and enjoyment of substantial property rights possessed by other property in the same vicinity and zone but which is denied to the subject property;
 - (2) Will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone;
 - (3) Will not adversely affect the health, safety, and general welfare of persons residing or working in the neighborhood, or be materially detrimental or injurious to property or improvements in the same vicinity and zone; and
 - (4) Will not be in conflict with the purpose and intent of this Chapter, this Zoning Code, the General Plan, or any applicable specific plan.
- d. The requested Variance or Minor Variance does not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.

2. Findings for Off-site Parking Variance

The approval of a Variance to allow some or all of the parking spaces required for a nonresidential project to be located off-site, or to allow in-lieu fees or facilities instead of the required on-site parking spaces, shall require that the review authority first make both of the following findings in compliance with Government Code Section 65906.5, instead of those required by Subparagraph B.1. (General findings), above:

- a. The Variance will be an incentive to, and a benefit for, the nonresidential development; and

- b. The Variance will facilitate access to the nonresidential development by patrons of public transit facilities.

C. Failure to Make Findings

The review authority shall deny the application when it fails to make any one or more of the required findings.

10.98.060 – Denial of Minor Variance

The Director's decision to deny a Minor Variance application shall not prohibit or affect the right of the applicant to file an application for a Variance in compliance with Subsection 10.98.020 A. (Variances), above.

10.98.070 – Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance or Minor Variance is not admissible evidence for the approval of a new Variance or Minor Variance.

10.98.080 – Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by Section 10.98.050 (Findings and Decision), above, is upon the applicant.

10.98.090 – Conditions of Approval

In approving a Variance or Minor Variance application, the applicable review authority may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by Section 10.98.050 (Findings and Decision), above.

10.98.100 – Use of Property before Final Action

Permits shall not be issued for any structure proposed in an application for a Variance or Minor Variance until and unless the same shall have become final, in compliance with Section 10.102.030 (Effective Dates of Permits).

10.98.110 – Post Decision Procedures

The procedures and requirements in Chapter 10.102 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the decision on a Variance or Minor Variance application.

- This page intentionally left blank –

Chapter 10.100 – Zoning Clearances

Sections:

- 10.100.010 – Purpose
- 10.100.020 – Applicability
- 10.100.030 – Review Procedure
- 10.100.040 – Post Decision Procedures

10.100.010 – Purpose

Zoning Clearance is the procedure used by the City to verify that a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure.

10.100.020 – Applicability

Where Article 2 (Zones, Allowable Uses, and Development and Design Standards) or another provision of this Zoning Code requires a Zoning Clearance as a prerequisite to establishing a land use or structure, a Zoning Clearance shall be required at the time of the Director's review of any of the following:

A. Initiation of a Land Use

A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.

B. Change of Use

1. Whenever a use is proposed to be changed from a use for which a Zoning Clearance has been issued, whether or not the new use involves a new lessee, operator, or owner, a new Zoning Clearance shall be obtained.
2. A Zoning Clearance shall also be required even if the lessee, operator, or owner of the previous use did not file for or receive a Zoning Clearance.

C. Change of Tenancy or Ownership

A new Zoning Clearance shall be obtained for a change of lessee, operator, or owner even when the change does not involve a change in the use being conducted on the subject property. The purpose of this provision is to ensure that the new lessee, operator, or owner is made aware of the Zoning Code requirements applicable to the subject use and any conditions of approval imposed on a discretionary permit authorizing the subject use.

D. Building Permit, Grading Permit, or Other Construction Permit

A Zoning Clearance shall be obtained before the City issues a new or modified Building Permit, Grading Permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure.

10.100.030 – Review Procedure**A. Director's Responsibility**

The Director shall issue the Zoning Clearance after first determining that the request complies with all Zoning Code provisions applicable to the proposed use or structure.

B. Form of Approval

An approval may be in the form of a stamp, signature, or other official notation on approved plans, a letter to the applicant, or other certification, at the discretion of the Director.

10.100.040 – Post Decision Procedures

The procedures and requirements in Chapter 10.102 (Permit Implementation, Time Limits, and Extensions), and those related to appeals and revocation in Article 7 (Zoning Code Administration) shall apply following the Director's action on a Zoning Clearance.

Chapter 10.102 – Permit Implementation, Time Limits, and Extensions

Sections:

- 10.102.010 – Purpose
- 10.102.020 – Conformance to Approved Plans
- 10.102.030 – Effective Dates of Permits
- 10.102.040 – Acknowledgement and Acceptance of Conditions
- 10.102.050 – Applications Deemed Approved
- 10.102.060 – Permits to Run with the Land
- 10.102.070 – Expiration
- 10.102.080 – Time Extensions
- 10.102.090 – Changes to an Approved Project
- 10.102.100 – Resubmittals
- 10.102.110 – Covenants for Easements

10.102.010 – Purpose

This Chapter provides requirements for the implementation or exercising of the permits or approvals required by this Zoning Code, including time limits and procedures for approving extensions of time.

10.102.020 – Conformance to Approved Plans**A. Compliance**

All work performed under a Building Permit for which project drawings and plans have been approved by the Department staff, Director, Commission, or Council shall be in compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority.

B. Changes

Changes to an approved project shall be submitted and processed in compliance with Section 10.102.090 (Changes to an Approved Project), below.

10.102.030 – Effective Dates of Permits**A. Approvals, Permits, and Variances**

1. A Site Plan and Design Review for other than second story construction and/or subject to the approval of the Director, Temporary Use Permit, and Zoning Clearance shall become effective immediately following its issuance.
2. A Conditional Use Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Reasonable Accommodation, Site Plan and Design Review for second story construction and/or subject to the approval of the Commission, or Variance shall become effective 10 days following the date the decision was rendered by the applicable review authority.

B. Plans/Amendments

1. Council actions to adopt or amend a development agreement, this Zoning Code, a specific plan (adopted by ordinance), or the Zone Map shall become effective on the 31st day following the date the ordinance is adopted by the Council, or at a future date as established by the Council.
2. Council actions to adopt or amend the General Plan or a specific plan (adopted by resolution) shall become effective immediately upon the adoption of a resolution by the Council, or at a future date as established by the Council.

C. Issued on the Effective Date

Permits and/or other approvals shall not be issued until the effective date; provided, that no appeal of the review authority's decision has been filed, in compliance with Chapter 10.114 (Appeals).

10.102.040 – Acknowledgement and Acceptance of Conditions**A. Full understanding and acceptance of conditions for all permits**

The applicant, upon receipt of the City approved copy of any permit with attached conditions, shall execute an Acknowledgment and Acceptance of Conditions agreement with the City, certifying full understanding and acceptance of the final conditions of approval.

B. Signed and Dated

1. The applicant shall return the Acknowledgment and Acceptance of Conditions agreement to the Department, properly signed and dated, within 30 days following the actual date the decision was rendered by the applicable review authority.
2. The approved permit shall not be effective until the City receives the signed and dated Acknowledgment and Acceptance of Conditions agreement.

C. Appeal

If the applicant wishes to appeal any or all of the final conditions of approval, the applicant shall file an appeal within 10 days following the actual date the decision was rendered by the applicable review authority in compliance with Chapter 10.114 (Appeals).

10.102.050 – Applications Deemed Approved

A permit application deemed approved by operation of law in compliance with Government Code Section 65956 (b) shall be subject to all applicable provisions of this Zoning Code, which shall be fully satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.

10.102.060 – Permits to Run with the Land**A. Run with the Land**

A Conditional Use Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Site Plan and Design Review, Temporary Use Permit, or Variance approval that is approved in compliance with Chapter 10.82 (Permit Application Filing and Processing) shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with Section 10.102.070 (Expiration), below.

B. Conditions Shall Apply

All applicable conditions of approval shall continue to apply after a change in property ownership.

10.102.070 – Expiration**A. Expiration of Permit or Approval, except Conditional Use Permits**

Unless otherwise specified in the permit or approval, all permits and approvals, except for Conditional Use Permits and Minor Use Permits, for projects not subject to the Subdivision Map Act shall comply with the following expiration provisions:

1. Exercised

- a. To ensure continued compliance with the provisions of this Zoning Code, the permit or approval shall be exercised within 12 months from the date of approval, or the permit or approval shall expire and be deemed void, unless an extension is approved by the applicable review authority, in compliance with Section 10.102.080 (Time Extensions), below. Additionally, if after construction commencement, work is discontinued for a minimum period of 12 months the permit or approval shall expire and be deemed void.
- b. If the application for the permit or approval also involves the approval of a tentative map, construction commencement shall follow the recordation of the companion final map.

2. Phasing

- a. Where the permit or approval provides for development in two or more phases or units in sequence, the permit or approval shall not be approved until the review authority has approved the final phasing plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the pre-existing base zone and then develop the remaining phases in compliance with this Chapter, without prior review authority approval.
- b. Pre-approved phases.
 - (1) If a project is to be built in pre-approved phases, each subsequent phase shall have 12 months from the previous phase's date of construction commencement to the next phase's date of construction commencement to have occurred, unless otherwise specified in the permit or approval, or the permit or approval shall expire and be deemed void.
 - (2) If the application for the permit or approval also involves the approval of a tentative map, the phasing shall be consistent with the tentative map and the permit or approval shall follow the recordation of the companion final map.

3. Shall Be Exercised before Expiration

A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:

- a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvements has commenced; or

- b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Director in preparation for the work described in Subparagraph a., above; and
- c. Diligently continued the approved grading and construction activities in a timely manner in compliance with the subject Building Permit; or
- d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval.

B. Effect of Expiration, except Conditional Use Permits

Where the permit or approval, except for Conditional Use Permits and Minor Use Permits, has expired and/or has been deemed void:

- 1. No further action is required by the City;
- 2. No further reliance may be placed on the previously approved permit or approval;
- 3. The applicant shall have no rights previously granted under the permit or approval;
- 4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and
- 5. Any security provided by the applicant under the previously approved permit or approval may be utilized by the City to provide suitable protection from any harm that may result from the terminated development.

10.102.080 – Time Extensions

Requests for a time extension for a permit or approval shall be filed and processed in the following manner:

A. Before Expiration

The applicant's written request for an extension of time shall be on file with the Department at least 30 days before expiration of the permit or approval, together with the filing fee required by the Planning Fee Schedule.

B. Public Hearing Not Required

- 1. A public hearing shall not be required for the applicable review authority's decision on an extension of time.
- 2. However, the applicable review authority may conduct a public hearing in compliance with Chapter 10.116 (Public Notices and Hearings) if deemed appropriate by the review authority.

C. Stay of Expiration

- 1. The filing of a written extension request shall stay the actual expiration of the permit or approval until the extension request has been acted upon by the Director, Commission, and/or Council, as applicable.
- 2. Building or Grading Permits shall not be issued in compliance with the permit or approval during the period of the suspension.

D. Director's Action on Extension

1. Upon good cause shown, an extension may be approved, approved with modifications, or denied by the Director, subject to the findings identified in Subsection F. (Required findings), below.
2. The Director's decision may be appealed to the Commission, in compliance with Chapter 10.114 (Appeals).
3. The permit or approval may be extended for additional 180-day periods, up to a maximum of 12-months beyond the expiration date of the original approval, unless otherwise allowed by State law.

E. Commission's and Council's Actions on Extension

1. Upon good cause shown, an extension may be approved, approved with modifications, or denied by recommendation of the Commission and action of the Council, subject to the findings identified in Subsection F. (Required findings), below.
2. The permit or approval may be extended for one additional 12-month period unless otherwise allowed by State law for an aggregate total of 24 months (e.g., 12 months by the Director and an additional 12 months by the Council) from the original date of approval.

F. Required Findings

An extension of the permit or approval may be granted only if the applicable review authority first makes all of the following findings:

1. There have been no changes in circumstances or law that would preclude the review authority from making the findings upon which the original approval was based; and
2. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) undertaken by the applicant.

10.102.090 – Changes to an Approved Project**A. Application**

1. A development or new land use allowed through a Conditional Use Permit, Minor Use Permit, Minor Variance, Planned Development Permit, Reasonable Accommodation, Relocation Permit, Site Plan and Design Review, Temporary Use Permit, or Variance shall be in substantial compliance with the approved drawings and plans, and any conditions of approval imposed by the review authority, except where changes to the project are approved in compliance with this Section.
2. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
3. Requested changes may involve changes to one or more conditions imposed by the review authority or actual changes to the project (e.g., hours of operation, expansion of a use, etc.) as originally proposed by the applicant or approved by the review authority.
4. Changes shall be approved before implementation of the changes, and may be requested either before or after construction or establishment and operation of the approved use.

B. Notice and Hearing

If the matter originally required a noticed public hearing, the Review Authority shall hold a public hearing, except for the minor changes outlined below (See Subsection C.), and shall give notice, in compliance with Chapter 10.116 (Public Notices and Hearings).

C. Minor Changes by Director

The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use only if the changes:

1. Are consistent with all applicable provisions of this Zoning Code and the spirit and intent of the original approval; and
2. Do not involve a feature of the project that was:
 - a. A basis for findings in a Negative Declaration or Environmental Impact Report for the project;
 - b. A basis for conditions of approval for the project; or
 - c. A specific consideration by the review authority (e.g., the Director, Commission, or Council) in granting the permit or approval.
3. Do not involve any expansion or intensification of the use or structure.

D. Major Changes

Major changes include changes to the project involving features specifically described in Subsection C., above, and shall only be approved by the original review authority through a new application, processed in compliance with this Zoning Code.

10.102.100 – Resubmittals**A. Resubmittal after Denial with Prejudice**

1. The Review Authority may deny an application for a discretionary permit or approval on the grounds that two or more similar applications by the same applicant and for the same site have been denied in the past two years (also known as denial with prejudice), or that another cause exists for limiting the refiling of the application.
2. For a period of 12 months following the actual date of denial with prejudice by the Director, Commission, or Council, or, if appealed, the actual date of denial by the applicable review authority considering the appeal, of a discretionary permit or approval, no application for the same or substantially similar permit or approval by the same applicant and for the same site shall be accepted by the City for the same site, or any portion thereof.

B. Exception to Subsection A., Above

The Director may allow exception to Subsection A., above, based on one or more of the following findings:

1. New evidence material to a revised decision will be presented that was:
 - a. Unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant; or

- b. Available or known to the applicant at the previous hearing(s), but the applicant was unaware of the significance and applicability of the evidence.
2. There has been a substantial and permanent change of circumstances since the previous hearing(s), which materially affects the applicant's real property.
3. A mistake was made at the previous hearing(s) that was a material factor in the denial(s) of the previous application.

C. Resubmittal after Denial without Prejudice

There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.

D. Director's Determination, Appeal

1. The Director shall determine whether a new application is for a permit or approval that is the same or substantially similar to a previously approved or denied permit or approval, and shall either process or reject the application in compliance with this Section.
2. The Director's determination may be appealed to the Commission, in compliance with Chapter 10.114 (Appeals).

10.102.110 – Covenants for Easements

A. Applicability

1. Covenant for Easement May Be Required

When necessary to achieve the land use goals of the City, the City may require a property owner holding property in common ownership to execute and record a Covenant for Easement in favor of the City, in compliance with Government Code Sections 65870 et seq.

2. Required Provisions

A Covenant for Easement may be required to provide for emergency access, ingress and egress, landscaping, light and air access, open space, parking, reciprocal access, or for solar access.

B. Condition of Approval

The Covenant for Easement may be imposed as a condition of approval by the applicable review authority.

C. Definitions

For purposes of this Section, the following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. Easement

An easement is usually for the benefit of other than the property owner, and is an interest in land that belongs to someone else and creates an encumbrance on that land. It is created by grant of easement and accompanied by a legal description and plat of the easement which are recorded against the property at the Office of the County Recorder.

2. Irrevocable Offer of Dedication

This is an actual offer of dedication for future right-of-way. The offer is recorded, but does not go into effect until the Council authorizes and accepts the right-of-way. The exhibits used are the same as for any other dedication, a legal description and a plat showing its location.

3. Partial Reconveyance

If a landowner has a loan against the subject property, there is a first deed of trust on the property. The City requires that all property purchased from a property owner be free and clear of all encumbrances. This requires a release (Partial Reconveyance) from the lender for that portion of the property the City is acquiring.

4. Reciprocal Access Easement

This is an agreement between parties owning adjacent properties. This allows all owners of property that have entered into this agreement the right of access over the owner's property. This instrument is used for ingress and egress, parking, sanitary sewer, water and storm drainage across, over, or under each property for the benefit of each party.

5. Right-of-Entry

Gives the City the right to enter across, over, under, or upon the grantor's property and is usually used to allow construction to proceed before right-of-way being acquired.

D. Form of Covenant

The form of the Covenant shall be approved by the City Attorney, and the Covenant for Easement shall:

1. Describe Property

Describe the real property subject to (i.e., burdened by) the easement;

2. Describe Property to be Benefited

Describe the real property to be benefited by the easement;

3. Planning Permit

Identify the City permit or approval that relied on or required the Covenant; and

4. Purpose of Easement

Identify the purpose(s) of the easement.

E. Recordation

The Covenant for Easement shall be recorded in the County Recorder's Office.

F. Effect of Covenant

From and after the time of its recordation, the Covenant for Easement shall:

1. Act as an Easement

Act as an easement in compliance with Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to the conveyance of the affected real property; and

2. Impart Notice

Impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding on, and the Covenant shall benefit, all successors-in-interest to the real property.

G. Enforceability of Covenant

The Covenant for Easement shall be enforceable by the successors-in-interest to the real property benefited by the Covenant and the City. Nothing in this Section creates standing in any person, other than the City, and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

H. Release of Covenant

The release of the Covenant for Easement may be affected by the Council, or under an appeal, following a noticed public hearing in compliance with Chapter 10.116 (Public Notices and Hearings).

1. May Be Released by City

The Covenant for Easement may be released by the City, at the request of any person, including the City or an affected property owner, on a finding that the Covenant, on the subject property, is no longer necessary to achieve the land use goals of the City.

2. Recordation of Notice

A notice of the release of the Covenant for Easement shall be recorded with the County Recorder's Office.

I. Fees

1. The City shall impose fees to recover the City's reasonable cost of processing a request for a release.
2. Fees for the processing shall be established by the Planning Fee Schedule.

- This page intentionally left blank -

Article 7

Zoning Code Administration

Table of Contents

Chapter 10.110 – Administrative Responsibility.....	7-1
10.110.010 – Purpose	7-1
10.110.020 – Planning Agency.....	7-1
10.110.030 – City Council.....	7-1
10.110.040 – Planning Commission.....	7-1
10.110.050 – City Manager	7-2
10.110.060 – Director	7-2
Chapter 10.112 – Amendments (General Plan, Zoning Code, and Zoning Map)...	7-3
10.112.010 – Purpose	7-3
10.112.020 – Initiation of Amendment.....	7-3
10.112.030 – Processing, Notice, and Hearings	7-3
10.112.040 – Commission's Action on Amendment.....	7-4
10.112.050 – Council's Action on Amendment.....	7-4
10.112.060 – Findings and Decision	7-5
10.112.070 – Effective Dates.....	7-6
Chapter 10.114 – Appeals.....	7-7
10.114.010 – Purpose	7-7
10.114.020 – Appeal Subjects and Jurisdiction.....	7-7
10.114.030 – Filing and Processing of Appeals	7-8
10.114.040 – Judicial Review	7-10
Chapter 10.116 – Public Notices and Hearings	7-11
10.116.010 – Purpose	7-11
10.116.020 – Notice of Hearing	7-11
10.116.030 – Scheduling of Hearing	7-13
10.116.040 – Hearing Procedure.....	7-13
10.116.050 – Recommendation by Commission.....	7-13
10.116.060 – Decision and Notice.....	7-14
10.116.070 – Effective Date of Decision	7-14
Chapter 10.118 – Development Agreements.....	7-15
10.118.010 – Purpose	7-15
10.118.020 – Application	7-15
10.118.030 – Application Filing, Processing, and Review.....	7-16
10.118.040 – Contents of Development Agreement	7-17
10.118.050 – Findings Required.....	7-18
10.118.060 – Execution and Recordation	7-19
10.118.070 – Amendment and Cancellation of Development Agreements	7-20
10.118.080 – Annual Review.....	7-20
10.118.090 – Effect of Development Agreements.....	7-22
10.118.100 – Approved Development Agreements.....	7-22

10.118.110 – Judicial Review - Time Limitation	7-23
Chapter 10.120 – Specific Plans.....	7-25
10.120.010 – Purpose	7-25
10.120.020 – Method of Adoption.....	7-25
10.120.030 – Applicability	7-25
10.120.040 – Minimum Project Area	7-25
10.120.050 – Initiation of Specific Plans.....	7-25
10.120.060 – Pre-Application Conference, Application Filing, and Initial Review	7-26
10.120.070 – Preparation and Content	7-27
10.120.080 – Application Processing	7-28
10.120.090 – Adoption of Specific Plan.....	7-28
10.120.100 – Amendment of Specific Plan	7-29
Chapter 10.122 – Permit Revocations and Modifications	7-31
10.122.010 – Purpose	7-31
10.122.020 – Revocations	7-31
10.122.030 – Modifications.....	7-31
10.122.040 – Authority to Revoke or Modify	7-31

Tables

Table 7-1 Applicable Government Code Sections7-11

- This page intentionally left blank –

Chapter 10.110 – Administrative Responsibility

Sections:

- 10.110.010 – Purpose
- 10.110.020 – Planning Agency
- 10.110.030 – City Council
- 10.110.040 – Planning Commission
- 10.110.050 – City Manager
- 10.110.060 – Director

10.110.010 – Purpose

The purpose of this Chapter is to describe the authority and responsibilities of the Council, Commission, City Manager, Director, Department, and Department staff in the administration of this Zoning Code.

10.110.020 – Planning Agency

As provided by State law, the Commission is designated as the Planning Agency and as the Advisory Agency, when required or authorized. The Director shall perform the functions of an Advisory Agency, as assigned, in compliance with State Law.

10.110.030 – City Council

The Council shall have the following authority:

A. Review Authority on Specified Planning Matters

Final decisions on development agreements, General Plan amendments, specific plans and amendments, Zoning Code amendments, Zoning Map amendments, related environmental documents, and other applicable policy or Zoning Code regulatory matters related to land use planning.

B. Appeals

1. The review of appeals of the Commission's actions.
2. Initiate appeals of the Commission's, Director's, or Department Staff's actions by the Council, acting as a full body.

C. Compliance

The above listed functions shall be performed in compliance with Table 6-1 (Threshold of Review) and the CEQA.

10.110.040 – Planning Commission

The Commission shall have the following authority:

A. Review Authority on Specified Planning Matters

The review of development projects specified in Table 6-1 (Threshold of Review) and Table 6-2 (Review Authority for Site Plan and Design Review), including referrals from the Director.

B. Appeals

The review of appeals of the Director's decisions.

C. Recommendations to Council

Make recommendations to the Council on development agreements, General Plan amendments, specific plans and amendments, Zoning Code amendments, Zoning Map amendments, related environmental documents, and other applicable policy or regulatory matters related to land use planning.

D. Compliance

The above listed functions shall be performed in compliance with Table 6-1 (Threshold of Review), Table 6-2 (Review Authority for Site Plan and Design Review), and the CEQA.

10.110.050 – City Manager

The City Manager shall perform the duties specified in this Zoning Code.

10.110.060 – Director

The Director shall have the following authority:

- A. Perform all of the functions designated by State law;
- B. Perform the duties and functions prescribed in this Zoning Code, including the review of administrative development projects, in compliance with Table 6-1 (Threshold of Review), Table 6-2 (Review Authority for Site Plan and Design Review), and the CEQA; and
- C. Perform other responsibilities assigned by the Council, Commission, or City Manager.

Chapter 10.112 – Amendments (General Plan, Zoning Code, and Zoning Map)

Sections:

- 10.112.010 – Purpose
- 10.112.020 – Initiation of Amendment
- 10.112.030 – Processing, Notice, and Hearings
- 10.112.040 – Commission's Action on Amendment
- 10.112.050 – Council's Action on Amendment
- 10.112.060 – Findings and Decision
- 10.112.070 – Effective Dates

10.112.010 – Purpose

This Chapter provides procedures for the amendment of the City's General Plan, this Zoning Code, or the City's Zoning Map.

10.112.020 – Initiation of Amendment

An amendment to the General Plan, Zoning Code, or Zoning Map may be initiated by the Council, the Commission, the Director, or the owner(s) or authorized agent(s) of property for which the amendment is sought.

10.112.030 – Processing, Notice, and Hearings**A. Application Filing and Processing**

1. If initiated by the filing of an amendment application in compliance with Section 10.112.020., above, the application shall be processed in compliance with Chapter 10.82 (Permit Application Filing and Processing).
2. The application shall include the information and materials specified in the Department handout for amendment applications, together with the payment of the required fee in compliance with the Planning Fee Schedule. Additionally, the applicant shall be responsible for all costs related to the CEQA review, in compliance with Section 10.82.050 (Application Fees).
3. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10.112.060 (Findings and Decision), below.

B. Review by Director

Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

1. If the Director finds that the application is complete, the Director shall accept it for filing.
2. If the Director finds that the application is incomplete, the Director shall promptly notify the applicant and identify the inadequacies of the application.

C. Timing of General Plan Amendments

The mandatory elements of the General Plan may be amended up to four times in a single calendar year, as authorized by and subject to the provisions of Government Code Section 65358.

D. Public Hearings Required

The Commission and Council shall each conduct one or more public hearings regarding the amendment.

E. Notice and Hearing

Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings) and as specified in Government Code Sections 65353, 65355, 65854, and 65856.

10.112.040 – Commission's Action on Amendment**A. Recommendation to Council****1. All Amendments**

Following the public hearing, the Commission shall adopt a resolution containing its written recommendation(s), and reasons for the recommendation(s), and forward the resolution to the Council specifying whether to approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 10.112.060 (Findings and Decision), below.

2. Recommendation for Approval of Zoning Code Text or Zoning Map Amendments

A recommendation for approval or approval in modified form of a Zoning Code or Zoning Map amendment shall require a majority vote of the total membership.

3. Recommendation for Approval of General Plan Amendments

A recommendation for approval or approval in modified form of a General Plan amendment shall require the affirmative vote of not less than a majority of the total membership of the Commission in compliance with Government Code Section 65354.

B. Denial by Commission

A recommendation against the proposed amendment shall require a majority vote of the total membership of the Commission.

10.112.050 – Council's Action on Amendment**A. Action to Approve or Deny Amendment****1. Time limit for Council's action**

The Council shall conduct a public hearing on an amendment request within 45 days of receipt of the Commission's recommendation.

2. General Plan Amendments

Upon receipt of the Commission's recommendation on a General Plan amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or

deny the proposed amendment based on the findings identified in Section 10.112.060 (Findings and Decision), below.

3. Zoning Code Text Amendments

Upon receipt of the Commission's recommendation on a Zoning Code text amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 10.112.060 (Findings and Decision), below.

4. Zoning Map Amendments

a. Action of Commission to Approve Amendment

Upon receipt of the Commission's recommendation to approve a Zoning Map amendment, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment based on the findings identified in Section 10.112.060 (Findings and Decision), below.

b. Action of Commission to Deny Amendment

The action of the Commission to deny a Zoning Map amendment shall be final and conclusive, unless an appeal is filed with the City Clerk in compliance with Chapter 10.114 (Appeals), provided, however, that the appeal shall be filed within five days of the Commission's adoption of the resolution denying a Zoning Map amendment in compliance with Government Code Section 65856.

B. Referral to Commission

1. If the Council proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 and 65857.
2. Failure of the Commission to report back to the Council within the time limits identified in Government Code Sections 65356 and 65857 following the referral shall be deemed approval by the Commission of the proposed modification(s).

10.112.060 – Findings and Decision

An amendment to the General Plan, this Zoning Code, or the Zoning Map may be approved only if all of the following findings are first made, as applicable to the type of amendment.

A. Findings for General Plan Amendments

1. The amendment is internally consistent with all other provisions of the General Plan.
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
3. For site specific General Plan amendments only, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

B. Findings for Zoning Code and Zoning Map Amendments

In addition to the findings specified in Subsection A. (Findings for General Plan Amendments), above, the following additional findings shall be made for all Zoning Code and Zoning Map amendments.

1. The proposed amendment is consistent with the General Plan and any applicable specific plan(s).
2. For Zoning Code Amendments only, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code.
3. For Zoning Map Amendments only, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zoning designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

C. Failure to Make Findings

The review authority shall deny the amendment when it fails to make any one or more of the required findings.

10.112.070 – Effective Dates**A. General Plan Amendments**

A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Council.

B. Zoning Code and Zoning Map Amendments

A Zoning Code or Zoning Map amendment shall become effective on the 31st day following the date the ordinance is adopted by the Council.

Chapter 10.114 – Appeals

Sections:

- 10.114.010 – Purpose
- 10.114.020 – Appeal Subjects and Jurisdiction
- 10.114.030 – Filing and Processing of Appeals
- 10.114.040 – Judicial Review

10.114.010 – Purpose

Unless otherwise provided for in this Zoning Code, the Municipal Code, or in the law, this Chapter establishes procedures for the appeal of determinations and decisions of the Director or Commission.

10.114.020 – Appeal Subjects and Jurisdiction**A. Code Administration and Interpretation**

The following determinations and actions of the Director and Department staff may be appealed to the Commission and then to the Council:

1. Interpretations

Any determination on the meaning or applicability of the regulations contained in this Zoning Code that are believed to be in error, and cannot be resolved with the Director; and

2. Enforcement Action

Any enforcement action in compliance with Chapter 10.124 (Enforcement).

B. Planning Permit Decisions

The following decisions and actions of the Director and Commission may be appealed in compliance with Table 6-1 (Review Authority) and the following:

1. Director's Decisions

Decisions of the Director on a Minor Use Permit, Minor Variance, Reasonable Accommodation, Sign Permit, Site Plan and Design Review, Temporary Use Permit, or Zoning Clearance may be appealed to the Commission.

2. Commission's Decisions

Any decision of the Commission, including the Commission's decisions on appeals, may be appealed to the Council.

10.114.030 – Filing and Processing of Appeals

A. Eligibility

1. An appeal in compliance with this Chapter may be filed by any aggrieved person(s), which includes a Council member acting as a private individual and in compliance with the provisions of this Chapter.
2. For purposes of this Chapter an aggrieved person(s) is a person who informed the City of his or her concerns about an application for a permit or approval at a public hearing, either in person or through a representative, or by other appropriate means (e.g., in writing), or was unable to do so for good cause and pays the applicable fee in compliance with the Planning Fee Schedule; and
 - a. Objects to the action taken on the permit or approval;
 - b. Completes the required City appeal form completely and accurately. The appeal will not be deemed complete and timely filed until all information on the appeal form is verified by the office receiving the appeal form; and
 - c. Wishes to appeal any appealable action to a higher review authority.
3. Any action or decision by the Commission, Director, or Department staff in compliance with this Zoning Code may be appealed by the Council, acting as a full body.

B. Timing and Form of Appeal

1. Form and Contents of the Appeal

An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal. The written appeal shall include all of the following:

- a. The name and address of the appellant(s);
- b. The decision that is being appealed, the date of the decision, and the name of the officer, Commission, or Department staff member rendering the decision;
- c. The specific reconsideration(s)/change(s) which the appellant seeks;
- d. A summary of the reason(s) why the appellant claims he or she is entitled to the reconsideration(s)/change(s) sought, including the pertinent facts and the basis for the appeal, which shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the previous review authority (e.g., Commission, Director, or other City official) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record, except for appeals filed by the Council acting as a full body; and
- e. Payment of the appeal filing fee, in compliance with the Planning Fee Schedule, except for appeals filed by the Council acting as a full body.

2. Filing of the Appeal

The written appeal shall be filed with the Commission Secretary or City Clerk, as applicable, within 10 calendar days following the actual date the decision was rendered.

- a. Appeals addressed to the Commission shall be filed with the Commission Secretary; and

- b. Appeals addressed to the Council shall be filed with the City Clerk.

3. Suspension of Project

Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision on the appeal is rendered.

C. Scope of Planning Permit Appeals

The formal written appeal regarding a decision on a permit or approval shall be limited to issues raised at the public hearing, if one was required, or in writing before the decision, or information that was not known by the applicable review authority at the time of the decision that is being appealed.

D. Report and Scheduling of Hearing

1. Upon receipt of a completed written appeal, together with the appeal fee, the appeal hearing shall be scheduled as follows:
 - a. Appeals addressed to the Commission shall be set by the Commission Secretary, within 60 days of the filing of the complete appeal; and
 - b. Appeals addressed to the Council shall be set by the City Clerk, within 45 days of the filing of the complete appeal.
2. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing, if required, by the appropriate review authority identified in Table 6-1 (Review Authority) and Section 10.114.020 (Appeal Subjects and Jurisdiction), above.
3. Notice of the hearing, if required, shall be provided, and the hearing shall be conducted, in compliance with Chapter 10.116 (Public Notices and Hearings).
4. Any interested party may appear and be heard regarding the appeal.

E. Decision

1. During the appeal hearing, the review authority shall not be limited to those issues raised by the appellant in the formal written appeal, and may include any aspect of the subject permit or approval, whether or not originally considered as part of the decision being appealed. The review authority may:
 - a. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or non compliance of the subject of the appeal with this Zoning Code;
 - b. Affirm the action and adopt additional, amended, and/or replacement conditions of approval; or
 - c. Deny the permit or approval approved by the previous review authority, even where the appellant only requested a modification or elimination of one or more conditions of approval.
2. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission, as applicable, for further consideration.

3. Within 30 days of the appeal hearing, the review authority shall render its written decision on the appeal, unless it is continued for good cause.
4. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.

F. Effective Date of Appeal Decision

1. Commission's Decision

A decision by the Commission is final and effective after close of business on the 10th day following the actual date the decision is rendered, when no appeal to the decision has been filed with the Council in compliance with Chapter 10.114 (Appeals).

2. Council's Decision

A decision by the Council is final and shall be effective on the date the decision is rendered.

10.114.040 – Judicial Review

No person shall seek judicial review of a City decision on a permit or approval made in compliance with this Zoning Code until all appeals to the Commission and Council have been first exhausted in compliance with this Chapter.

Chapter 10.116 – Public Notices and Hearings

Sections:

- 10.116.010 – Purpose
- 10.116.020 – Notice of Hearing
- 10.116.030 – Scheduling of Hearing
- 10.116.040 – Hearing Procedure
- 10.116.050 – Recommendation by Commission
- 10.116.060 – Decision and Notice
- 10.116.070 – Effective Date of Decision

10.116.010 – Purpose

- A. This Chapter provides procedures for public hearings required by this Zoning Code.
- B. Unless otherwise provided or required by the Zoning Code or applicable State law, when a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this Chapter.

10.116.020 – Notice of Hearing

When this Zoning Code requires a public hearing before a decision on a permit or approval application, General Plan amendment, Zoning Code amendment or adoption, Zoning Map amendment, or for any other matter, the public shall be provided notice of the hearing in compliance with the Government Code Sections specified in Table 7-1, below, Public Resources Code 21000 *et seq.*, and as provided by this Chapter.

TABLE 7-1 APPLICABLE GOVERNMENT CODE SECTIONS	
Types of Application	Government Code Section
Adoption or amendment of the General Plan	65090, 65091, 65092, 65355, and 65353,
Amendment to this Zoning Code or the Zoning Map	65090, 65091, 65092, 65854, and 65856
Planning actions that affect allowed uses of real property (e.g., CUP, MUP, Variance, revocation or modification, or the appeal of any of the listed actions)	65090, 65091, and 65092

A. Content of Notice

Notice of a public hearing shall include all of the following information, as applicable.

1. Hearing Information

The date, time, and place of the public hearing; the identity of the review authority, a brief description of the City's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number and

street address of the Department, where an interested person may call or visit to obtain additional information.

2. Project Information

The name of the applicant; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.

3. Statement on Environmental Document

If a proposed Negative Declaration, Mitigated Negative Declaration, Mitigation Monitoring Program, or final Environmental Impact Report has been prepared for the project in compliance with the CEQA, the hearing notice shall include a statement that the review authority will also consider approval or a recommendation for approval of the proposed Negative Declaration, Mitigated Negative Declaration, Mitigation Monitoring Program, or certification of the final Environmental Impact Report.

B. Method of Notice Distribution

Notice of a public hearing required by this Chapter for a permit, approval, or appeal shall be given as follows, and as specified in Table 7-1 (Applicable Government Code Sections), above.

1. Mailing

Notice shall be mailed or delivered a minimum of 10 days before the scheduled hearing to the following:

a. Project Site Owner(s) and the Applicant

The owner(s) of the property being considered in the application, the owner(s)' duly authorized agent, if any, and the applicant;

b. Local Agencies

Each local agency expected to provide or maintain roads, schools, utilities, or other essential facilities or services to the property which is the subject of the application;

c. Affected Owners

All owners of real property, as shown on the latest equalized assessment roll, located within a radius of 500 feet, unless stated otherwise in this Zoning Code, of the exterior boundaries of the parcel that is the subject of the hearing. In lieu of utilizing the latest assessment roll, the City and/or applicant may utilize records of the County Assessor or Tax Collector which contains more recent information than the assessment roll;

d. Persons Requesting Notice

Any person who has filed a written request for notice and has paid the required fee, if any, for the notice; and

e. Other Person(s)

Any other person(s), whose property might, in the judgment of the Director, be affected by the proposed project.

2. Alternative to Mailing

If the number of property owners to whom notice would be mailed or delivered, as required by Subparagraph B.1.c., above, is more than 1,000, the Director, in-lieu of mailed or delivered notice, may provide notice by placing a display advertisement at least 1/8 page in at least one newspaper of general circulation within the City, a minimum of 10 days before the public hearing.

3. Publication or Posting

a. Publication

Notice shall be published at least once in a newspaper of general circulation in the City a minimum of 10 days before the scheduled public hearing.

b. Posting

Notice shall be posted a minimum of 10 days before the scheduled hearing in a minimum of three public places within the City specified in Municipal Code Section 2.04.140 and on the subject property.

4. Additional Notice

In addition to the notices required by this Section, the Director may provide any additional notice with content or using a distribution method (e.g., posting on the City's web site) as the Director determines is necessary or desirable.

10.116.030 – Scheduling of Hearing

After the completion of any environmental document required by CEQA, and the Department's staff report, a matter requiring a public hearing shall be scheduled for public hearing in compliance with applicable law, but no sooner than any minimum time period established by State law.

10.116.040 – Hearing Procedure

A. Time and Place of Hearing

A hearing shall be held at the date, time, and place for which notice was given.

B. Continued Hearing

Any public hearing may be continued from time to time without further notice; provided, however, that the chair of the hearing body announces the date, time, and place to which the public hearing will be continued before the adjournment or recess of the public hearing.

10.116.050 – Recommendation by Commission

After a public hearing on a proposed amendment to the General Plan, this Zoning Code, the Zoning Map (except in the case of the Commission's action to deny the requested amendment), a development agreement, or a specific plan as specified in Table 6-1 (Review Authorities), the recommendation and findings of the Commission shall be forwarded to the Council within 45 days. A copy of the recommendation shall be mailed to the applicant at the address shown on the application.

10.116.060 – Decision and Notice**A. Decision**

1. The review authority may announce and record the decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting in compliance with Section 10.116.040 (Hearing Procedure), above.
2. At the conclusion of a hearing conducted by the Director, the Director may, instead of rendering a decision, refer the matter to the Commission for review and final decision.
3. The decision of the Council on any matter shall be the final City action.

B. Notice of Decision

Following the decision on an application required by this Zoning Code, the City shall provide a written copy of the review authority's adopted resolution to the applicant and to any person who specifically requested notice of the City's action.

10.116.070 – Effective Date of Decision**A. Director's or Commission's Decision**

The decision of the Director or the Commission is final and effective after close of business on the 10th day following the actual date the decision is rendered, when no appeal to the decision has been filed in compliance with Chapter 10.114 (Appeals).

B. Council's Decision

A decision of the Council is final and shall be effective on the date the decision is rendered.

Chapter 10.118 – Development Agreements

Sections:

- 10.118.010 – Purpose
- 10.118.020 – Application
- 10.118.030 – Application Filing, Processing, and Review
- 10.118.040 – Contents of Development Agreement
- 10.118.050 – Findings Required
- 10.118.060 – Execution and Recordation
- 10.118.070 – Amendment and Cancellation of Development Agreements
- 10.118.080 – Annual Review
- 10.118.090 – Effect of Development Agreements
- 10.118.100 – Approved Development Agreements
- 10.118.110 – Judicial Review - Time Limitation

10.118.010 – Purpose

This Chapter and regulations are adopted under the authority of State Planning and Zoning Law, Government Code Sections 65864 through 65869.5 and is intended to provide the procedures for the application, approval, modification, or termination of development agreements, as authorized by State law. A development agreement is intended to provide assurance to the applicant that an approved project may proceed subject to the policies, rules, regulations, and conditions of approval applicable to the project at the time of execution of the agreement, regardless of any changes to City policies, rules, and regulations after project approval, unless otherwise provided by the agreement. In return, the City is provided assurance that the project will further important citywide goals and policies that have been officially recognized by the Council, and provide the City with significant, tangible benefits beyond those that may be required by the City through project conditions of approval.

10.118.020 – Application**A. Qualified Applicant**

1. Only a qualified applicant may file an application to enter into a development agreement.
2. A qualified applicant is a person, including any authorized agent, who has a legal or equitable interest in the real property which is the subject of the development agreement; provided, that in all instances the owner(s) of fee title of the real property shall join in the application or the development agreement shall be conditional upon the close of escrow vesting fee title to the property to the developer.
3. The Director may require an applicant to submit proof of the applicant's interest in the real property and of the authority of any agent to act for the applicant.
4. The qualified applicant and any successor(s)-in-interest shall be referred to as "developer."

B. Fees

1. The applicant for a development agreement shall pay the processing fee established by the Planning Fee Schedule.
2. Additionally, appropriate fees shall be established and collected for amendments to a development agreement and the annual review identified in Section 10.118.080 (Annual Review), below.

10.118.030 – Application Filing, Processing, and Review**A. Application Form and Filing**

1. An application for a development agreement shall be filed with the Department in compliance with Chapter 10.82 (Permit Application Filing and Processing).
2. The Director shall prescribe the form for each application, notice and documents provided for or required by this Chapter for the preparation and implementation of development agreements.
3. The Director may require an applicant to submit information and supporting data as the Director considers necessary to process the application and comply with CEQA requirements.
4. The application shall be accompanied by a reimbursement agreement approved by the Director upon advice from the City Attorney.

B. Director's Review and Recommendations

1. The Director shall be empowered to receive, review, process, and prepare, together with recommendations for Commission's and then Council's consideration, all applications for development agreements.
2. The Director shall endorse on the application the date it is received.
3. Upon receipt of an application for a development agreement, the Director shall review the application and may reject it if it is incomplete or inaccurate for purposes of processing.
 - a. If the Director finds that the application is complete, the Director shall accept it for filing.
 - b. If the Director finds that the application is incomplete, the Director shall promptly notify the applicant.
4. The Director shall prepare a staff report and recommendation and shall state whether or not the development agreement proposed or in an amended form is consistent with the General Plan and any applicable specific plans.

C. Review Authority's Action

1. Upon determination by the Director that the application is complete and in compliance with the provisions of this Chapter, applicable State law, and the CEQA, the Director shall set the application, together with recommendations, for a public hearing before the Commission.
2. Following conclusion of the public hearing, the Commission shall make a written recommendation to the Council that it approve, conditionally approve, or deny the

application based on the findings specified in Section 10.118.050 (Findings Required), below.

3. Upon receipt of the Commission's recommendations, the Director shall set the application and written report of the Commission for a public hearing before the Council.
4. Following conclusion of the public hearing, the Council shall approve, conditionally approve, or deny the application, based on the findings specified in Section 10.118.050 (Findings Required), below.

D. Notice and Public Hearings

1. Public Hearings

A public hearing shall be held on the proposed development agreement by both the Commission and the Council.

2. Notice

Notice of the public hearings specified in this Chapter shall be given in the form of a notice of intention to consider approval of a development agreement in compliance with Government Code Section 65867 and Chapter 10.116 (Public Notices and Hearings).

3. State Law

- a. The notice requirements referred to in Subparagraphs 1 and 2, above, are declaratory of existing law under Government Code Section 65867 and Sections 65090 and 65091.
- b. If State law under these sections prescribes a different notice requirement, notice shall be given in that manner.

4. Additional Notice

The Commission or Council, as the case may be, may direct that notice of the public hearing shall be given in a manner that exceeds the notice requirements specified by State law.

5. Failure to Receive Notice

The failure of any person entitled to notice required by law or this Chapter to receive notice does not affect the authority of the City to enter into a development agreement.

10.118.040 – Contents of Development Agreement

- A. As authorized by Government Code Section 65865.2, or as that section may be amended from time to time, a development agreement shall include the following provisions:
 1. A development agreement shall provide that the applicant or developer is the legal or equitable owner of the subject property.
 2. A development agreement shall specify the location of the subject property, and that the property is located within the City or the City's sphere of influence, if applicable.
 3. A development agreement shall specify its duration, the allowed uses of the subject property, the density and/or intensity of use, the maximum height and size of proposed structures, provisions for reservation or dedication of land for public purposes, and

requirements for construction and maintenance of on-site and off-site improvements or payment of fees in lieu of dedication or improvements.

4. All development agreements shall contain an indemnity and insurance clause requiring the developer to indemnify and hold the City harmless against claims arising out of the development process, including all legal fees and costs.

B. A development agreement may include the following provisions:

1. A development agreement may include conditions, requirements, restrictions, and terms for subsequent discretionary actions (provided the conditions, requirements, restrictions, and terms do not prevent the development of the land subject to the development agreement for the uses and to the density or intensity of development specified in the agreement) but does not affect the developer's responsibility to obtain all land use approvals required by this Zoning Code or Municipal Code.
2. A development agreement may include conditions and restrictions imposed by the City with respect to the project, including those conditions and restrictions proposed in an Environmental Impact Report applicable to the project prepared and certified under the CEQA, in order to eliminate or mitigate adverse environmental impacts of the project.
3. A development agreement may provide that the project be constructed in specified phases, that construction shall commence within a specified time, and that the project or any phase of the project be completed within a specified time.
4. A development agreement may include a requirement for the developer's payment of ongoing operational costs of public services and for the developer's agreement to be included within a Mello-Roos District or other comparable district for financing ongoing operational costs of public services for the project.
5. If the development agreement requires developer's financing of necessary public facilities, it may include terms relating to subsequent reimbursements over time for the financing.
6. A development agreement may include conditions relating to financial guarantees for performance of obligations specified in the agreement.
7. A development agreement is a contract that is negotiated and voluntarily entered into by City and developer and may contain any additional or modified conditions, provisions, or terms agreed upon by the parties, including sanctions for failure to meet requirements.

10.118.050 – Findings Required

A. Findings Required for Commission and Council Action on Development Agreements

The Commission may recommend approval and the Council may approve the development agreement only after the Commission and Council first make all of the following findings:

1. The development agreement provides clear and substantial benefit to the residents of the City;
2. The development agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plan, and this Zoning Code;
3. The development agreement complies with the requirements of Government Code Sections 65865 through 65869.5, or as these sections may be modified from time to time;

4. The development agreement will promote the public convenience, health, interest, safety, and general welfare of the City and will not be detrimental to or cause adverse effects to adjacent property owners, residents, or the general public;
5. The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located;
6. The development agreement will not adversely affect the orderly development of property or the preservation of property values;
7. The development agreement will further important citywide goals and policies that have been officially recognized by the Council;
8. The development agreement will provide the City with important, tangible benefits beyond those that may be required by the City through project conditions of approval;
9. The development agreement will not be detrimental to the health, safety and general welfare; and
10. If the development agreement includes a subdivision, as defined in Government Code Section 66473.7 that the development agreement provides that any tentative map prepared for the subdivision will comply with the provisions of Government Code Sections 66473.7 through 66474.10.

B. Denial of Development Agreement

1. The Commission, in its sole discretion, may recommend denial of the development agreement on the grounds that, in its opinion, the proposed agreement is not in the best interest of the public.
2. The Council, in its sole discretion, may deny the development agreement on the grounds that, in its opinion, the proposed agreement is not in the best interest of the public.

C. If Property is Located Outside of the City

1. If the property is located outside the City limits, the application for a development agreement shall be acted upon by the City only if the property is located within the City's sphere of influence.
2. If the property is located within the City's sphere of influence, the agreement shall be conditional upon the property being annexed to the City and shall specify the time period for completion of annexation.
3. If annexation does not occur within the specified time period, the agreement shall be null and void.

10.118.060 – Execution and Recordation

A. Adoption of an Ordinance

1. If the Council approves the development agreement, it shall do so by the adoption of an ordinance.
2. The City shall not execute the development agreement until 30 days after the ordinance approving the development agreement is adopted.

B. Recordation of Agreement

1. Within 10 days after the City executes the development agreement, the City Clerk shall submit the agreement for recording with the Office of the County Recorder.
2. If the parties to the agreement or their successor(s)-in-interest, amend or cancel the agreement or if the City terminates or modifies the agreement for failure of the developer to comply in good faith with the terms or conditions of the agreement, the City Clerk shall record the notice of the action with the Office of the County Recorder.

10.118.070 – Amendment and Cancellation of Development Agreements**A. Proposed Amendment or Cancellation**

Unless otherwise provided in a development agreement, either party may propose an amendment to or cancellation, in whole or in part, of a development agreement previously entered into.

B. Procedures

The procedure, for proposing and adoption of an amendment to or cancellation, in whole or in part, of a development agreement shall be the same as the procedure for entering into an agreement in the first instance, including but not limited to the notice of and the public hearings as specified in this Chapter.

C. City Initiated Amendment or Cancellation

Where the City initiates the amendment or cancellation, in whole or in part, of the development agreement, it shall first give notice to the developer of the City's intention to initiate the proceedings in the manner specified in Chapter 10.116 (Public Notices and Hearings).

D. In the Event of Cancellation

1. In the event that a development agreement is canceled or terminated, all rights of the developer under the development agreement shall terminate.
2. Except as otherwise provided in the development agreement, the City may, at its sole discretion, retain any and all benefits, including reservation or dedications of land, improvements constructed, and payments of fees, received by the City.

E. Effect of Termination on Entitlements

Notwithstanding Subsection D., above, any termination of the development agreement shall not prevent the developer from constructing or completing a structure or other improvements authorized in compliance with other validly issued permits or approvals, but the City may take any action permitted by law to prevent, stop, or correct any violation of law occurring after cancellation of the development agreement.

10.118.080 – Annual Review**A. Annual Review**

1. Every development agreement approved and executed in compliance with this Chapter, shall be subject to City review, as specified in the development agreement, during the full term of the agreement, but in no case less than every 12 months from the date of execution of the agreement.

2. The time for review may be amended either by agreement between the parties or by initiation of the Council.

B. Purpose of Annual Review

1. The purpose of the annual reviews shall be for the applicant, developer/contracting party, or its successor(s)-in-interest to demonstrate good faith compliance with the conditions and terms of the development agreement.
2. The burden of proof shall be on the applicant, developer/contracting party, or its successor(s) to demonstrate compliance, to the full satisfaction of, and in a manner prescribed by, the City.

C. Notice of Annual Review

1. The Director shall initiate the review proceeding by giving a 30-day written notice to the applicant, developer/contracting party, or successor(s)-in-interest that the City intends to undertake an annual review of the development agreement.
2. The Director shall give the notice in compliance with Subsection 10.118.030 D. (Notice and hearings), above.

D. Review by the Council

Review shall be conducted by the Council.

1. The Council shall conduct a hearing at which the applicant, developer/contracting party, or its successor(s)-in-interest shall demonstrate good faith compliance with the conditions and terms of the development agreement.
2. The burden of proof of this issue is on the applicant, developer/contracting party, or its successor(s)-in-interest.

E. Findings upon Hearing

The Council shall determine, upon the basis of substantial evidence, whether or not the applicant, developer/contracting party, or its successor(s)-in-interest has, for the period under review, complied in good faith with the conditions and terms of the development agreement.

F. Procedure upon Findings

1. Has Complied

If the Council finds and determines, on the basis of substantial evidence, that the applicant, developer/contracting party or its successor(s)-in-interest has complied in good faith with the conditions and terms of the development agreement during the period under review, the review for that period is concluded, and a notice of that determination shall be sent to the applicant, developer/contracting party, or its successor(s)-in-interest.

2. Has not Complied

If the Council finds and determines, on the basis of substantial evidence, that the applicant, developer/contracting party, or its successor(s)-in-interest has not complied in good faith with the conditions and terms of the development agreement during the period under review, the Council may initiate modification or termination of the development agreement in compliance with Subsection G., below.

G. Modification or Termination of Development Agreement

1. Proceedings upon Modification or Termination

If, upon a finding under Subsection F. (Procedure Upon Findings), above, the Council determines to proceed with modification or termination of the development agreement, the City shall provide public notice in compliance with Chapter 10.116 (Public Notices and Hearings) of its intention to do so. The notice shall contain all of the following:

- a. The date, time, and place of the hearing, which shall be conducted by the Council;
- b. A statement as to whether or not the City proposes to modify or terminate the development agreement; and
- c. Other information that the City considers necessary to inform the applicant, developer/contracting party, its successor(s)-in-interest, and the general public of the nature of the proceedings.

2. Hearing on Modification or Termination of Development Agreement

- a. At the date, time, and place set for the hearing on modification or termination, the applicant, developer/contracting party, its successor(s)-in-interest, and the general public shall be given an opportunity to be heard.
- b. At the hearing, the Council may modify or terminate the development agreement, may continue the hearing for further consideration, and may impose conditions to the action it takes as it considers reasonable and necessary to protect the interests of the City.
- c. The decision of the Council on the modification or termination shall be final.

10.118.090 – Effect of Development Agreements

A. Rules in Force at the Time of Execution

Unless otherwise provided by the development agreement, the City's official policies, regulations, and rules governing allowed uses of the land or property, density, design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement shall be those City official policies, regulations, and rules in force at the time of execution of the agreement.

B. Application of New Rules

1. In compliance with Government Code Section 65866, a development agreement shall not prevent the City, in subsequent actions applicable to the property, from applying new policies, regulations, and rules that do not conflict with those policies, regulations, and rules applicable to the property as specified in the agreement.
2. Additionally, a development agreement shall not prevent the City from conditionally approving or denying any subsequent permit or approval, development project application, or authorization for the project on the basis of existing or new policies, regulations, and rules.

10.118.100 – Approved Development Agreements

Development agreements approved by the Council shall be on file with the City Clerk.

10.118.110 – Judicial Review - Time Limitation**A. Judicial Review**

Any judicial review of an ordinance approving a development agreement shall be by writ of mandate in compliance with Code of Civil Procedure Section 1085; and judicial review of any City action taken by the City in compliance with this Chapter, other than the initial approval of a development agreement, shall be by writ of mandate in compliance with Code of Civil Procedure Section 1094.5.

B. Time Limitation

Any action or proceeding to annul, attack, review, set aside, or void any decision of the City made in compliance with this Chapter shall not be maintained by any person unless the action or proceeding is commenced within 90 days after the date of the decision.

- This page intentionally left blank –

Chapter 10.120 – Specific Plans

Sections:

- 10.120.010 – Purpose
- 10.120.020 – Method of Adoption
- 10.120.030 – Applicability
- 10.120.040 – Minimum Project Area
- 10.120.050 – Initiation of Specific Plans
- 10.120.060 – Pre-Application Conference, Application Filing, and Initial Review
- 10.120.070 – Preparation and Content
- 10.120.080 – Application Processing
- 10.120.090 – Adoption of Specific Plan
- 10.120.100 – Amendment of Specific Plan

10.120.010 – Purpose

The purpose of this Chapter is to provide a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time.

10.120.020 – Method of Adoption

The specific plan shall be adopted by ordinance or by resolution of the Council, in compliance with Government Code Section 65453.

10.120.030 – Applicability**A. Specific Plan**

A specific plan may be initiated in compliance with Section 10.120.050 (Initiation of Specific Plans), below, and shall be prepared, processed, approved and implemented, or denied in compliance with this Chapter.

B. Flexibility and Innovation

A specific plan is designed to provide for flexibility, innovative use of land resources and development, a variety of housing and other development types, and an effective and safe method of pedestrian and vehicular circulation.

10.120.040 – Minimum Project Area

A specific plan may only be requested for a site(s) with a minimum of two acres.

10.120.050 – Initiation of Specific Plans

A specific plan may be initiated in the following manner:

A. Council

By the Council;

B. Commission

By the Commission; or

C. Property Owner(s)

By an application filed by the owner(s) of one or more parcels that would be the subject of the specific plan.

10.120.060 – Pre-Application Conference, Application Filing, and Initial Review

If initiated by a property owner(s), the following shall first occur.

A. Pre-Application Conference and Meeting Required**1. Pre-Application Conference Required**

A pre-application conference shall be conducted with the Director before the filing of a specific plan application.

2. Public Meeting(s) Required

- a. Before the preparation of the specific plan, the applicant shall host at least one public/neighborhood meeting which shall be held to inform the neighboring public about the proposal and to identify potential community impacts and concerns relating to the proposed plan.
- b. Notice of the meeting shall be provided to all owners of real property, as shown on the latest equalized assessment roll, located within the boundaries of the proposed specific plan and within a radius of 500 feet of the exterior boundaries of the proposed specific plan. In lieu of utilizing the latest assessment roll, the applicant may utilize records of the County Assessor or Tax Collector which contains more recent information than the assessment roll.

B. Application Filing

1. An application for a specific plan shall be filed and processed in compliance with Chapter 10.82 (Permit Application Filing and Processing).
2. The application shall include the information and materials specified in the Department handout for specific plan applications, together with the required fee in compliance with the Planning Fee Schedule.
3. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 10.120.090 (Adoption of Specific Plan), below.

C. Project Review Procedures

Following receipt of a completed application, the Director shall investigate the facts necessary for action consistent with the purpose of this Chapter.

1. If the Director finds that the application is complete, the Director shall accept it for filing.
2. If the Director finds that the application is incomplete, the Director shall promptly notify the applicant and identify the inadequacies of the application.

D. Notice and Hearings

1. Public hearings shall be required for the Commission's recommendation and the Council's action on a specific plan or an amendment.
2. The public hearings shall be scheduled once the Director finds the application complete.
3. Notice of the public hearings shall be given and the hearings shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings).

10.120.070 – Preparation and Content

If initiated by the City, the specific plan shall comply with all of the requirements specified in Government Code Section 65451. If initiated by a property owner(s), the specific plan application shall comply with all of the following.

A. Organization of Specific Plan

The applicant shall prepare a draft specific plan for review by the City that includes detailed information in the form of text and diagram(s), organized in compliance with Government Code Section 65451.

B. Required Information

All of the following information shall be provided:

1. The distribution, location, and extent of land uses proposed within the area covered by the specific plan, including open space areas;
2. The proposed distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed to be located within the specific plan area and needed to support the proposed land uses;
3. Standards, criteria, and guidelines by which development would proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;
4. A program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria;
5. Proposed design guidelines;
6. Analysis and description of past approvals of development entitlements, agreements, and property interests that may limit or constrain the scope or content of the specific plan;
7. A discussion of the relationship of the specific plan to the goals, policies, and actions of the General Plan; and
8. Additional information and/or contents deemed to be necessary by the Director based on the characteristics of the area to be covered by the specific plan; applicable goals, policies, and actions of the General Plan; or any other issue(s) determined by the Director to be significant.

C. Required Fees

The applicant shall submit the appropriate fee(s) and/or deposit(s) in compliance with Government Code Section 65456 and the Planning Fee Schedule.

10.120.080 – Application Processing

If initiated by a property owner(s), the draft specific plan shall be processed in the same manner as required for General Plans by State law, and as follows.

A. Director's Evaluation

1. After the filing of a draft specific plan, the Director shall review the draft specific plan to determine whether it is in compliance with the provisions of this Chapter.
2. If the draft specific plan is not in compliance, it shall be returned to the applicant with written specification(s) as to why it does not comply, and with suggested revisions to ensure compliance.

B. Environmental Review Required

The draft specific plan shall be subject to environmental review as identified in Section 10.82.090 (Environmental Review).

C. Staff Report

A written staff report shall be prepared for the draft specific plan that shall include detailed recommendations and, if appropriate, suggested changes to the text and/or diagrams of the specific plan, as determined to be necessary to make it acceptable for adoption.

10.120.090 – Adoption of Specific Plan

A. Commission and Council Review

An application for a specific plan shall be considered by the Commission and Council.

1. Commission

Following a public hearing, the Commission shall forward a resolution to the Council recommending that the Council approve, approve in modified form, or deny the proposed specific plan based on the findings identified in Subsection B. (Findings for Adoption), below.

2. Council

Upon receipt of the Commission's recommendation, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed specific plan based on the findings identified in Subsection B. (Findings for Adoption), below.

B. Findings for Adoption

A specific plan may be adopted only if all of the following findings are first made:

1. The proposed plan is consistent with the General Plan in compliance with Government Code Section 65454;
2. The subject property is physically suitable for the requested land use designation(s) and the anticipated land use development(s);
3. The proposed plan shall ensure development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood; and

4. The proposed plan will contribute to a balance of land uses so that local residents may work and shop in the community in which they live.

C. Method of Adoption

The specific plan shall be adopted by ordinance or by resolution of the Council, in compliance with Government Code Section 65453.

10.120.100 – Amendment of Specific Plan

A. Process for Amendment

A specific plan may be amended through the same procedure specified by this Chapter for the adoption of a specific plan.

B. Mandatory Finding for Amendment

A specific plan may only be amended if first found consistent with the General Plan in compliance with Government Code Section 65454.

C. Frequency of Amendments

The specific plan may be amended as often as deemed necessary by the Council, in compliance with Government Code Section 65453.

- This page intentionally left blank –

Chapter 10.122 – Permit Revocations and Modifications

Sections:

- 10.122.010 – Purpose
- 10.122.020 – Revocations
- 10.122.030 – Modifications
- 10.122.040 – Authority to Revoke or Modify

10.122.010 – Purpose

This Chapter provides procedures for securing revocation or modification of previously approved permits or approvals.

10.122.020 – Revocations

The City's action to revoke a permit or approval shall have the effect of terminating the permit and denying the privileges granted by the original approval.

10.122.030 – Modifications

The City's action to modify a permit or approval, may include any operational aspect of the project, including buffering for sight and sound control, duration of the permit or approval, hours of operation, landscaping and maintenance, lighting, parking, performance guarantees, property maintenance, signs, surface materials, traffic circulation, or any other aspect or condition determined to be reasonable and necessary to ensure that the permit is operated in a manner consistent with the original findings for the approval.

10.122.040 – Authority to Revoke or Modify**A. Permits**

A Conditional Use Permit, Minor Use Permit, Planned Development Permit, Reasonable Accommodation, Site Plan and Design Review, Temporary Use Permit or other City permit or approval (except a Variance or Minor Variance, see Subsection B., below) may be revoked or modified by the Review Authority (e.g., Director, Commission, or Council) that originally approved the permit, if the Review Authority first makes any one of the following findings:

1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and welfare require the revocation or modification;
2. The permit or approval was granted, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant's testimony presented during the public hearing, for the permit or approval;
3. One or more of the conditions of approval of the original permit or approval have not been fulfilled or have been violated;
4. The use for which the approval was granted is not being exercised;

5. The use for which the approval was granted has ceased to exist or has been suspended for at least 180 days;
6. The permit or approval granted is being, or recently has been exercised contrary to the terms of the conditions of the approval, or in violation of any State or Federal statutes or law, City ordinances, laws and regulations; or
7. The use for which the approval was granted was so exercised as to be detrimental to the public health, safety, or welfare, or so as to constitute a public nuisance.

B. Variances

A Variance or Minor Variance may be revoked or modified by the Review Authority which originally approved the Variance or Minor Variance, if the review authority first makes any one of the following findings, in addition to any one of the findings specified in Subsection A., above:

1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more findings necessary for the approval can no longer be made, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance; or
2. One or more of the conditions of the Variance or Minor Variance have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Minor Variance.

C. Hearings and Notice

1. The appropriate Review Authority shall hold a public hearing to revoke or modify a permit or approval granted in compliance with the provisions of this Zoning Code. The hearing shall be conducted in compliance with Chapter 10.116 (Public Notices and Hearings).
2. Ten days before the public hearing, notice shall be delivered in writing to the applicant for the permit or approval being considered for revocation or modification, and/or owner of the property for which the permit was granted. The only exception to the 10-day notice provision shall be for Temporary Use Permits which, because of their short term nature, shall only require a 24-hour notice.

Article 8: Reserved

- This page intentionally left blank -

RESERVED

- This page intentionally left blank –

Article 9: Definitions

Table of Contents

Chapter 10.132 – Definitions	9-1
10.132.010 – General	9-1
10.132.020 – “A” Definitions	9-2
10.132.030 – “B” Definitions	9-5
10.132.040 – “C” Definitions	9-5
10.132.050 – “D” Definitions	9-7
10.132.060 – “E” Definitions	9-8
10.132.070 – “F” Definitions	9-11
10.132.080 – “G” Definitions	9-12
10.132.090 – “H” Definitions	9-12
10.132.100 – “I” Definitions	9-13
10.132.110 – “J” Definitions	9-13
10.132.120 – “K” Definitions	9-14
10.132.130 – “L” Definitions	9-14
10.132.140 – “M” Definitions	9-19
10.132.150 – “N” Definitions	9-20
10.132.160 – “O” Definitions	9-20
10.132.170 – “P” Definitions	9-21
10.132.180 – “Q” Definitions	9-23
10.132.190 – “R” Definitions	9-23
10.132.200 – “S” Definitions	9-25
10.132.210 – “T” Definitions	9-27
10.132.220 – “U” Definitions	9-28
10.132.230 – “V” Definitions	9-29
10.132.240 – “W” Definitions	9-30
10.132.250 – “X” Definitions	9-33
10.132.260 – “Y” Definitions	9-33
10.132.270 – “Z” Definitions	9-33

Figures

Figure 9-1 Alley	9-3
Figure 9-2 Attic	9-4
Figure 9-3 Berm	9-5
Figure 9-4 Fence	9-11
Figure 9-5 Lot Types	9-18
Figure 9-6 Lot Measurements	9-18
Figure 9-7 Setbacks	9-26
Figure 9-8 Structure Types	9-27

This page intentionally left blank.

Chapter 10.132 – Definitions

Sections:

10.132.010 – General
10.132.020 – “A” Definitions
10.132.030 – “B” Definitions
10.132.040 – “C” Definitions
10.132.050 – “D” Definitions
10.132.060 – “E” Definitions
10.132.070 – “F” Definitions
10.132.080 – “G” Definitions
10.132.090 – “H” Definitions
10.132.100 – “I” Definitions
10.132.110 – “J” Definitions
10.132.120 – “K” Definitions
10.132.130 – “L” Definitions
10.132.140 – “M” Definitions
10.132.150 – “N” Definitions
10.132.160 – “O” Definitions
10.132.170 – “P” Definitions
10.132.180 – “Q” Definitions
10.132.190 – “R” Definitions
10.132.200 – “S” Definitions
10.132.210 – “T” Definitions
10.132.220 – “U” Definitions
10.132.230 – “V” Definitions
10.132.240 – “W” Definitions
10.132.250 – “X” Definitions
10.132.260 – “Y” Definitions
10.132.270 – “Z” Definitions

10.132.010 – General

- A. This Chapter provides definitions of the technical and other terms and phrases used in this Title 10 as a means of providing consistency in the interpretation of the Zoning Ordinance. Where any definition in this Chapter may conflict with definitions in other titles of the La Puente Municipal Code, these definitions shall prevail for the purposes of this Title. If a word is not defined in this Chapter, or in other provisions of the Municipal Code, the most common dictionary definition is presumed to be correct.
- B. In addition to the definitions provided in this Chapter, definitions for signs are found in Chapter 10.34 (Signs).

10.132.020 – “A” Definitions

Accessory Donation Box. A temporary enclosed mobile container that is specifically intended for the purpose of the deposit and collection of used clothing and goods or similar items, and that is generally designed for use out of doors.

Accessory Use. A use incidental and subordinate to the principal use on the premises which does not alter the characteristics of the use considered as a whole and as related to other uses permitted in the same district. Accessory uses are permanent or long term in nature.

Accessory Structure. A detached structure which is subordinate to, and the use of which is customarily incidental to, that of the primary structure or use on the same lot. Detached structures that contain dwelling units shall not be considered accessory structures.

Acupressure, Acupuncture. A form of medical treatment involving the use of pressure, needles, or similar applications.

Adult-Oriented Businesses. See Chapter 5.12 (Adult Entertainment Businesses).

Alcohol Sales, Off-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption off the premises and which is applying for or has obtained a Department of Alcoholic Beverage Control (ABC) License Type 20 (off-sale beer and wine-package store) or License Type 21 (off-sale general-package store). References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

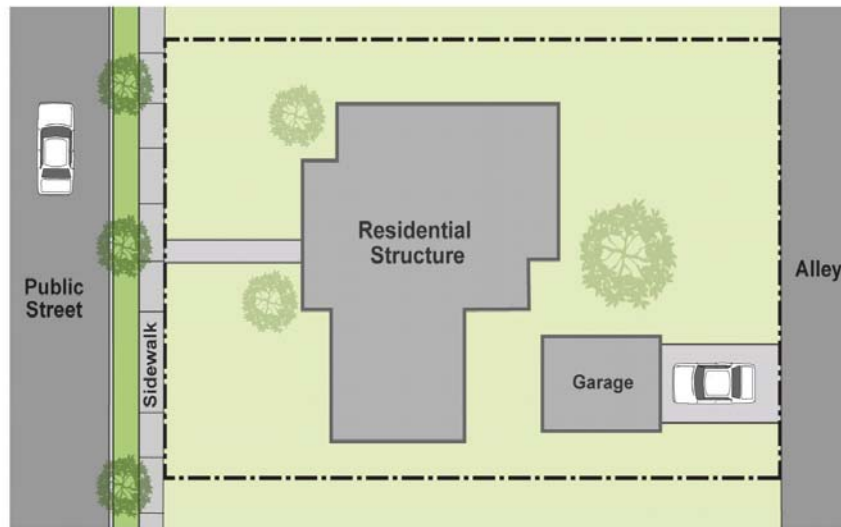
Alcohol Sales, On-Sale. Any establishment in which alcoholic beverages are sold, served, or given away for consumption on the premises and which is applying for or has obtained any Department of Alcoholic Beverage Control Licenses for on-site consumption. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Alcohol Sales, On-Sale, Accessory Only. Any establishment that has all of the following characteristics:

- A. Alcoholic beverages are sold, served, or given away for consumption on site.
- B. The establishment is applying for or has obtained a restricted license, seasonal license, or similar special purpose license (e.g., Department of Alcoholic Beverage Control [ABC] License Type 51 [Club], ABC License Type 57 [Special On-Sale General], ABC License Type 60 [On-Sale Beer – Seasonal], etc.).
- C. The establishment will sell or sells alcoholic beverages only as an accessory use to a commercial recreation use. Illustrative examples include snack bars and concession stands at facilities with outdoor tennis courts, boating and/or swimming facilities, and other field-type sport venues (e.g., baseball, football, rugby, soccer, etc.). For the purposes of this definition, a snack bar or concession stand is an establishment that sells confections, snacks, or other light meals for consumption on-site and that provides no inside seating or drive-through service for customers.

Alley. A public thoroughfare or way which affords only a secondary means of access to abutting property (see Figure 9-1).

**Figure 9-1
Alley**



Alternative Transportation. The use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking, and bicycling.

Ambulance Services. A base facility where ambulances and similar vehicles are stored, and from which they are dispatched, and/or where ambulance vehicles and crews not based at a hospital or fire department stand by for emergency calls

Amendment. A change in the wording, context, or substance of this Development Code, or a change in the zone boundaries upon the zoning map which is a part of this Title, in the manner prescribed by the Development Code.

Animal Sales and Services

Animal Boarding/Kennels. The commercial provision of shelter and care for dogs, cats, and other household animals permitted by this Title, including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

Animal Grooming. The commercial provision of bathing and trimming services for dogs, cats, and other household animals permitted by this Development Code.

Animal Retail Sales. The retail sales and boarding of household animals within an entirely enclosed building. These uses include grooming, if incidental to the retail use.

Veterinary Services. Establishments where household animals receive medical and surgical treatment and may be temporarily boarded in association with such medical or surgical treatment.

Animal, Small. Any domesticated animal ordinarily kept as a household pet and generally weighing less than 10 pounds, such as but not limited to fish, rabbits, hamsters, parrots, parakeets, lizards, and snakes.

Antenna Tower. See "Wireless Telecommunications Facilities."

Artist Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft, and producing custom-made works. Does not include handicraft industries (see "Handicraft Industries").

Assembly, Public or Private. A facility for public or private assembly and meetings. Illustrative examples of these uses include:

- banquet rooms
- civic and private auditoriums
- community centers
- conference/convention facilities
- meeting halls for clubs and other membership organizations

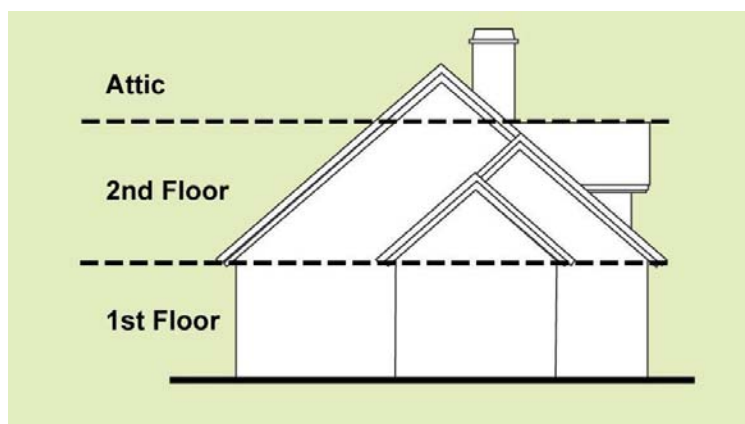
Also includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) Does not include conference and meeting rooms that are accessory and incidental to another principal use and typically used only by on-site employees and clients, and that occupy less floor area on the site than the offices they support (see "Offices").

Assembly, Religious. Any facility specifically designed and used to accommodate the gathering of persons for the purposes of fellowship, worship, or similar conduct of religious practices and activities. This definition includes functionally related internal facilities (i.e., kitchens, multi-purpose rooms, storage, etc.) and residences for clergy. Associated uses (i.e., day care centers, full-time or part-time schools, or emergency housing) may be allowed but require separate discretionary approvals pursuant to the requirements of this Zoning Code.

ATM (Automated Teller Machine). An automated device used by the public to conduct banking and financial transactions electronically (i.e., withdrawing cash from, or depositing cash or checks into, a bank, savings, credit union, credit card or similar account). Does not apply to retail point-of-sale transactions within a fully enclosed location. As used in this Development Code, refers to machines located on properties separate from financial institutions.

Attic. The area located between the top plate and the roof or ridge of a building, as further defined in the Building Code (see Figure 9-2).

Figure 9-2
Attic



Automatic Controller. A mechanical or solid-state irrigation system timer capable of operating irrigation valve stations to set the days and length of time of a water application.

10.132.030 – “B” Definitions

Bar. See “Eating and Drinking Establishments.”

Berm. A raised earthen area (see Figure 9-3).

Billiards Establishment. See Chapter 5.20 (Billiard Rooms). See also “Commercial Recreation and Entertainment.”

Boarding and Rooming Houses. A residential structure containing five or fewer guest rooms in which the owner or operator provides, for compensation, lodging and meals for not more than 10 persons. This definition does not include a community care facility.

Body piercing. The creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but is not to, piercing of an ear, lip, tongue, nose, or eyebrow. “Body piercing” does not include piercing an ear with a does not include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

Body piercing establishment or “parlor.” Any establishment where body piercing is conducted.

Branding. Any method, including but not limited to, the use of heat, cold, chemical compound, or cauterizing to apply a scar to the body for the purpose of creating a permanent mark or design on the skin.

10.132.040 – “C” Definitions

Canopy or Canopy Structure. A sheet of flexible material, fabric or membrane such as nylon, plastic, or other similar material that is supported by or attached to a frame having a location on the ground and made of fiberglass, metal, wood, or plastic or any other similar material, and generally used for the shielding or protection of vehicles or other equipment stored outside. Canopy structures include but are not limited to prefabricated canopies ready-made for simple assembly and canopies which are built, constructed, or composed of parts joined together in some definite manner. This definition excludes awnings attached to structures.

Caretaker Residence. A dwelling unit on the site of a commercial, industrial, public or semi-public, or public assembly use occupied by a guard or caretaker and which is limited a single housekeeping unit.

Carpool. A vehicle carrying two to six persons commuting together to and from work on a regular basis. See also “Buspool” and “Vanpool.”

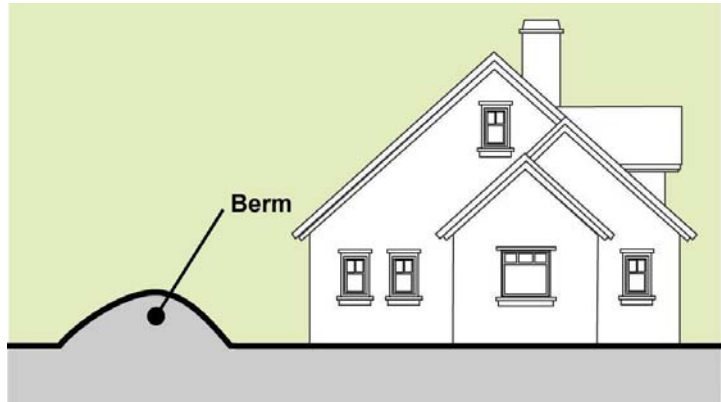
Catering Services. The business of providing food service at a remote site.

The California Environmental Quality Act (CEQA). See “Environmental.”

City. The City of La Puente, State of California.

City Facilities. See “Government Facilities.”

**Figure 9-3
Berm**



City Council. See “Council.”

City Manager. The City Manager for the City of La Puente, or designee.

City-owned property. Any property in which the City of La Puente is the owner of the majority of the fee title interest, and any property in which the City has a leasehold, easement, license, or other possessory interest.

Commercial Recreation and Entertainment. Establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee, admission charge, or other remuneration. Illustrative examples of these uses include, but are not limited to:

- arcades or electronic games centers having 10 or more coin-operated game machines
- amusement parks
- bowling alleys
- billiard parlors
- cinemas
- golf courses
- hookah lounge (See “Bars, Lounges, and Nightclubs”)
- ice/roller skating rinks
- miniature golf course
- pool rooms
- scale-model courses
- sports stadiums and arenas
- tennis/racquetball courts
- theaters

See also Chapter 5.24 (Entertainment) and Eating and Drinking Establishments.

Community Care Facilities.

Community Treatment Facility. Any residential facility that provides mental health treatment services to more than six children or adults in a group setting and that has the capacity to provide secure containment, with program components limited to those program standards developed and enforced by the State Department of Mental Health pursuant to Section 4094 of the Welfare and Institutions Code.

Foster Family Home. Any residential facility licensed or operating pursuant to the California Health and Safety Code Section 1502 et seq. that provides 24-hour care for six or fewer foster children that is owned, leased, or rented and is the residence of the foster parent or parents, including their family, in whose care the foster children have been placed. The placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or guardian.

Residential Care Facility for the Elderly. Any State-licensed facility that provides care, supervision, and assistance with activities of daily living, such as bathing and grooming, to persons 60 years of age and over and persons under 60 with compatible needs. Such facilities may also provide incidental medical services under special care plans. Also may be referred to as assisted living facilities, retirement homes, and convalescent homes.

Social Rehabilitation Facility. Any residential facility that provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling, with program components limited to those program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code.

Communication Facilities. Commercial and public communications facilities including radio and television broadcasting and receiving stations and studios, with facilities contained entirely within

structures. Does not include transmission and receiving apparatus, including antennas and towers (see "Wireless Telecommunications Facilities").

Contractor's Storage Yard. A facility for the storage and maintenance of contractor's supplies and operational equipment.

Council. The City of La Puente City Council, referred to in this Zoning Code as the "Council."

Crematorium. A mortuary building or facility that holds the equipment necessary for cremation.

Cultural Institutions. Any facility such as a museum or library that displays or preserves objects of community or cultural interest relating to one or more of the arts or sciences. This use includes libraries, museums, and art galleries.

Cyber or Internet Café. A commercial business or private club which provides internet access to the public or its members generally for a fee, and which may also provide food and drinks.

10.132.050 – "D" Definitions

Dances. See Chapter 5.22 (Dances) and Chapter 5.24 (Entertainment).

Day Care, Limited. Nonresidential, nonmedical care and supervision of 14 or fewer persons on a less than 24-hour basis.

A. Child day care.

Child Day Care, Small (8 or fewer children). Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for eight or fewer children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.

Child Day Care, Large (9 to 14 children). Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for nine to 14 children. Children under the age of 10 years who reside in the dwelling count as children served by the day care facility.

Fifteen or more children. See "Day Care, General" for facilities serving 15 or more children.

B. Adult day care

Adult Day Care, Small (6 or fewer). Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for six or fewer adults.

Adult Day Care, Large (7 to 14). Day care facilities located in single-unit dwellings where an occupant of the dwelling provides care and supervision for seven to 14 adults.

Fifteen or more adults. See "Day Care, General" for facilities serving 15 or more adults.

Day Care, General. Establishments that provide nonmedical care for 15 or more persons on a less than a 24-hour basis, including nursery schools, preschools, and day care centers for children or adults. General day care establishments may be accessory to an industrial, commercial or institutional use.

Developer. Any association, corporation, firm, joint venture, partnership, person, or any entity or combination of entities, which seeks City approvals for all or part of a development project.

Development. The construction or addition of new building square footage. All calculations shall be based on gross square footage.

Development Agreement. An agreement entered into between the City and a developer in compliance with Government Code Section 65864 et seq. and this Zoning Code.

Drive-through Facilities. A type of facility that allows customers to purchase products or provide services (e.g., banking services) without leaving their automobile. Also known as drive-up facilities.

Driveway. A paved surface that leads to a legal parking space.

Drug Store/Pharmacy (Medical Supplies). A place where prescription drugs are dispensed. Excludes “Medical Marijuana Dispensaries.”

Dwelling. A structure or portion thereof designed exclusively for residential purposes, but not including hotels or motels.

Accessory Dwelling Unit. A residential dwelling unit – either attached to the primary unit or a detached structure – that provides complete independent living facilities for one or more persons on the same parcel as a legal detached single unit. An accessory dwelling unit shall include permanent provisions that include, but are not limited to, living, sleeping, eating, cooking, and sanitation.

Detached Single Unit. A residential structure containing one dwelling unit.

Duplex. A residential structure containing two dwelling units.

Dwelling unit. One or more rooms in a dwelling designed for occupancy by one or more persons for living or sleeping purposes, and having kitchen facilities.

Manufactured Housing. A dwelling unit which is either wholly or mainly manufactured at an off-site location and is assembled on site. The definition does not include a mobile home, mobile accessory structure, or an automobile trailer or recreational vehicle.

Multi-Family. A residential structure, or portion thereof, containing two or more dwelling units, designed for occupancy by two or more housekeeping units living independently of each other.

10.132.060 – “E” Definitions

Eating and Drinking Establishments

Accessory Food Service. An establishment that sells food and/or beverages as an accessory use in a retail, office, or institutional structure and that does not change the character of the principal use.

Bar, Lounges, Nightclubs, Taverns (includes independent or accessory establishments). Any establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premise license from the Department of Alcoholic Beverage Control (ABC), such as ABC License Type 42 (On Sale Beer and Wine-Public Premises), ABC License Type 48 (On Sale General-Public Premises), and ABC License Type 61 (On Sale Beer-Public Premises), and in which persons under 21 years of age are restricted from the premises. References to the establishment shall include any immediately adjacent area that is owned, leased, or rented, or controlled by the licensee.

Fast Food. A type of food service establishment whose design or principal method of operation includes four or more of the following characteristics:

1. 45 percent or more of the floor area is devoted to food preparation, employee work space, and customer service area;
2. A permanent menu board is provided from which to select and order food;
3. If a chain or franchised restaurant, standardized floor plans are used over several locations;
4. Customers pay for food before consuming it;
5. A self-service condiment bar is provided;
6. Trash receptacles are provided for self-service bussing;
7. Furnishing plan indicates hard-finished, stationary seating arrangements; and
8. Most main course food items are prepackaged rather than made to order.

Outdoor Dining. A dining area with seats and/or tables located outdoors of a sit-down restaurant, fast food, or other food service establishment and that is:

1. Located entirely outside the walls of the contiguous structure; or
2. Enclosed on one or two sides by the walls of the structure with or without a solid roof cover; or
3. Enclosed on three sides by the walls of the structure without a solid roof cover.

Restaurant, Sit-down. An establishment engaged in the business of selling food and beverages, including alcoholic beverages, prepared on site for primarily on-site consumption and having all of the following characteristics:

1. Food and beverages are served to the customer at a fixed location (i.e., booth, counter, or table);
2. Food and beverages are ordered from individual menus; and
3. Customers typically pay for food and beverages after service and/or consumption.

The sale or service of sandwiches, whether prepared in the kitchen or made elsewhere and heated up on the premises, or snack foods, shall not constitute a sit-down restaurant.

Take-Out Service. An establishment that offers a limited variety of food or beverages and that has all of the following characteristics:

1. Transactions are sales principally for off-site consumption;
2. Customers are served either at a counter or service window; and

3. Incidental seating may be provided for limited on-site consumption of food or beverages.

Typical uses include bakeries, coffee stores, ice cream and frozen dessert stores, delivery-only pizza establishments, small delicatessens, and similar establishments.

Emergency Health Facility. Establishments that provide emergency medical service (i.e., outside normal physician office hours or before a physician appointment is available) with no provision for overnight or continuing care on an inpatient basis. Also includes "urgent care" facilities and walk-in clinics. Does not include hospitals (see "Hospitals").

Emergency Shelter. As defined in Health and Safety Code Section 50801(e), housing with minimal supportive services for homeless persons (e.g., food, counseling, access to other social programs, etc.) that is limited to occupancy of 6 months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Employee Parking Area. Means the portion of total required parking at a development used by onsite employees.

Entertainment Establishments. See Chapter 5.24 (Entertainment).

Environmental. The following terms are used in conjunction with environmental evaluation in compliance with the City of La Puente.

California Environmental Quality Act (CEQA). The California Environmental Quality Act (CEQA) is the State law contained in the California Public Resources Code, Section 2100 et seq.

Environmental Impact Report (EIR). A detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and discussing ways to mitigate or avoid the effects.

Exemption. An action that is not subject to CEQA is determined to be an exemption. This exempt status may be documented with a Notice of Exemption.

Initial Study. A preliminary analysis of the environmental effects of a proposed action used to determine whether an EIR, Subsequent EIR, Supplemental EIR, Addendum to an EIR, or a Negative Declaration must be prepared and used to identify the significant environmental effects to be analyzed. The Initial Study may also be used to streamline environmental review by determining that a previous EIR adequately analyzes the current proposed project or whether the project is part of a larger project, and a master, tiered, program, or focused EIR would be appropriate.

Mitigation. The term, as used in this Zoning Code and shall include the following:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Negative Declaration. A written statement briefly describing the reasons why a proposed project will not have a significant effect on the environment and why it does not require the preparation of an EIR. The accompanying Initial Study shall support the reasons.

Project. Under CEQA a project is the whole of an action that has the potential to result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment.

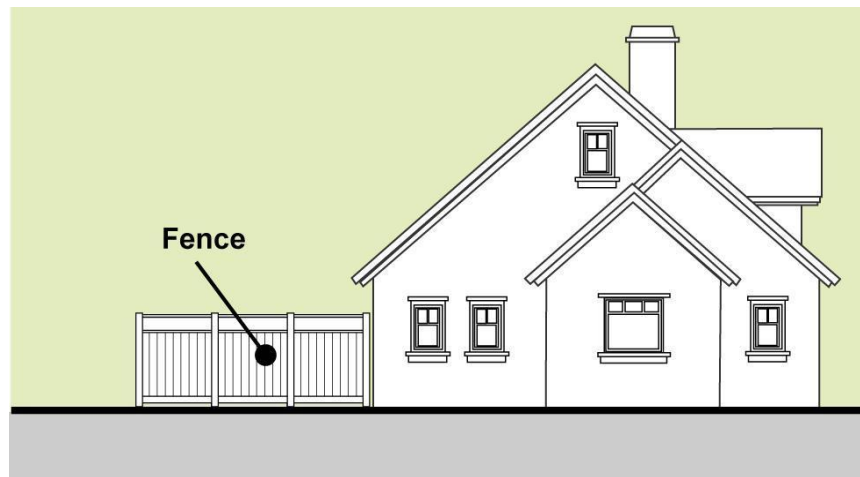
Extreme body modification. The practice of modifying the physical body using the techniques of branding and scarification

10.132.070 – “F” Definitions

Fee Schedule. A complete listing of fees for the City of La Puente, as established by resolution by the Council.

Fence. An artificially constructed barrier of any material (including shrubbery) or combination of materials erected to enclose or screen areas of land (see Figure 9-4). See also “Wall.”

**Figure 9-4
Fence**



Financial Institutions and Related Services. A bank, savings and loan, credit union, or other financial institution that provides retail banking services to individuals and businesses. These uses include only those institutions engaged in the on-site circulation of cash money.

Fire Station. Structure or other area set aside for storage of firefighting apparatus (i.e., fire engines and related vehicles), personal protective equipment, fire hose, fire extinguishers, and other fire extinguishing equipment. See also “Government Facilities”.

Floor Area, Gross. The gross floor area of a structure shall consist of the total enclosed square footage of all floors measured to the outside face of the exterior walls, and including halls, stairways, service and mechanical equipment rooms, internal shafts, and attic areas having a height of more than six feet six inches. Gross floor area does not include garages and basements.

Floor Area, Net. The area included within the surrounding walls of a structure, exclusive of vent shafts, elevator shafts, stairways, exterior corridors or balconies, rooms containing only mechanical and electrical equipment used for service of the structure, utility shafts and parking.

Food Processing. Establishments engaged in the manufacturing or processing of food or beverages for wholesale distribution.

Fortunetelling. See Chapter 5.28 (Fortunetelling).

Funeral Homes and Mortuaries. Establishments engaged in the provision of service involving the care, preparation, or disposition of human dead other than in cemeteries. May or may not include crematories and/or mortuaries. No internment is provided on site. May include areas for assembly services and living quarters for funeral home/mortuary manager (see “Caretaker Residence”).

10.132.080 – “G” Definitions

Game Arcade. A commercial establishment with coin-operated entertainment machines, including but not limited to video games, pinball machines, electro-mechanical games, redemption games, and merchandisers (such as claw cranes). Not the same as Cyber/Internet Café.

Accessory. A commercial establishment with nine or fewer entertainment machines.

Primary. A commercial establishment with 10 or more entertainment machines.

Garage and Yard Sales. As defined in Chapter 5.50 (Yard Sales) of the Municipal Code.

Golf Course. A commercial recreation facility that consists of a series of holes, each consisting of a teeing ground, fairway, rough and other hazards, and a green with a flagstick (pin) and cup, all designed for the game of golf. See also “Commercial Recreation and Entertainment.”

Government Facilities. A building or structure owned, operated or occupied by governmental agency (e.g., city, county, state, or federal government agencies) to provide a governmental service to the public.

Grocery Store. A foodstore that sells a general line of food products, such as canned and frozen foods; fresh fruits and vegetables; fresh and prepared meats, fish, and poultry; and nonfood grocery products. Included are supermarkets, superettes and small grocery stores, and convenience stores.

Small-scale. Grocery store that is 20,000 square feet or less.

Large-scale. Grocery store that is more than 20,000 square feet.

Group Home. Any residential care facility licensed by the State of California occupied by six or fewer persons.

Guidelines. As used in Chapter 10.42 (Prohibition of Medical Marijuana Cooperatives or Collectives), the term shall refer to the "Guidelines For The Security and Non-Diversion of Marijuana Grown for Medical Use" issued by the California Attorney General in August 2008, or as such guidelines may be amended from time to time.

Gun Dealers. See Chapter 5.32 (Gun Dealers).

10.132.090 – “H” Definitions

Health/Fitness Facilities

Small. An indoor facility of 2,000 square feet or less in size where passive or active exercises and related activities are performed using minimal muscle-building equipment or apparatus for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Examples of uses include Pilates, personal training, and yoga and studios.

Large. A full-service fitness center, gymnasium, or health and athletic club which is over 2,000 square feet in size and may include any of the following: sauna, spa or hot tub facilities; weight rooms; indoor tennis, handball, or racquetball courts; aerobic classes and other indoor sports activities; locker rooms and showers.

Height. See Section 10.24.040 (Height Measurement and Exceptions).

Home Occupation. The conduct of a business within a dwelling unit or residential site, with the business activity being incidental and clearly accessory to the principal residential use of the property. See Section 10.50.110 (Home Occupations).

Hospitals. A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes incidental facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees.

Hotel or Motel. A commercial establishment offering overnight visitor accommodations, but not providing room rentals on an hourly basis. A hotel or motel may include, as permitted, ancillary facilities such as common meeting rooms, dining facilities, and guest amenities.

10.132.100 – “I” Definitions

Industry. Establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals (“Vehicle/Equipment Rentals”), vehicle repair and service (“Vehicle Repair and Service”), vehicle sales (“Vehicle Sales”).

Light. The manufacture and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Light industries generally require limited amounts of raw materials to produce goods. Examples of light industries include, but are not limited to, the manufacture of clothes, shoes, furniture, consumer electronics, and household items.

Heavy. The manufacture and/or processing of materials and goods utilizing large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Heavy industry often sells output to other business users rather than consumers. Characteristics of heavy industry include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of large quantities of hazardous materials as defined by the U.S. Environmental Protection Agency, and requirement for specialized permits from federal and state occupational health and safety agencies.

Intensification of Use, Non-Residential. Any change or expansion of a non-residential use which will result in both an increase in parking need based on the requirements of Chapter 10.30 (Off-Street Parking and Loading) and which is determined by the Director likely to result in a significant new or increased impact due to potential traffic generation, noise, smoke, glare, odors, hazardous materials, water use, and/or sewage generation.

Internet Café. See Cyber Café.

10.132.110 – “J” Definitions

Junk or Salvage Yard. Any area, lot, parcel, building, or part thereof used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, vehicles, or other scrap or discarded materials, machinery, or other types of junk. Such uses include baling of cardboard and other

paper materials. This definition shall also include any tow or impound yard for vehicles, whether or not vehicles are stored on the premises.

10.132.120 – “K” Definitions

Reserved

10.132.130 – “L” Definitions

Laboratories. See Research and Development.

Landscaping. Any combination native or exotic plants, lawn, groundcover, trees, shrubs, and other plant materials, plus decorative outdoor and complementary elements such as pools, fountains, water features, paved or decorated walkways or surfaces of rock, stone, brick, block, or similar material (excluding driveways, parking, loading, or storage areas), and sculptural elements. Plants on rooftops or porches or in boxes attached to structures are not considered landscaping.

Landscaping Terms for Chapter 10.32 (Landscaping).

Annual reference evapotranspiration rate or **ET_o** means a standard measurement of environmental parameters which affect the water use of plants. ET_o is given expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Calculation of the ET_o shall be from the nearest monitoring site to the City as determined by the California Department of Water Resources

Applied water means the portion of water supplied by the irrigation system to the landscape. “Budget-based tiered-rate structure” means tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

Ecological restoration project means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Estimated Applied Water Use means the average annual total amount of water estimated to be necessary to keep plants in a healthy state. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

ET adjustment factor or **ETAF** is equal to the plant factor divided by the irrigation efficiency factor for a landscape project. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area. A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of $(0.7) = (0.5/0.71)$, which is the standard of water use efficiency generally required by Chapter 10.32 (Landscaping), except that the ETAF for a special landscape area shall not exceed 1.0.

Hardscape means any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscape for purposes of Chapter 10.32 (Landscaping).

Homeowner installed landscape means any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A

homeowner, for purposes of this ordinance, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject to the requirements applicable to developer-installed residential landscape projects.

Irrigation efficiency means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of Chapter 10.32 is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

Landscaped area means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape Documentation Package means the documents required to be provided to the City for review and approval of landscape design projects.

Landscape professional means a licensed landscaped architect, licensed landscape contractor or any other person authorized to design a landscape pursuant to Section 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code.

Landscape project means total area of landscape in a project, as provided in the definition of landscaped area, meeting the requirements under Chapter 10.32 (Landscaping).

Local water purveyor means any entity, including a public agency, city, county, or private water company that provides retail water service.

Mined-land reclamation projects means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

Maximum Applied Water Allowance or **MAWA** means the upper limit of annual applied water for the established landscaped area. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

New construction means, for the purposes of Chapter 10.32 (Landscaping), a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

Non-pervious means any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

Pervious means any surface or material that allows the passage of water through the material and into the underlying soil.

Plant factor or **plant water use factor** is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this Water Efficient Landscape Ordinance, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate

water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in Chapter 10.32 are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

Recycled water or reclaimed water means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features.

Rehabilitated landscape means any re-landscaping project that meets the applicability criteria of Chapter 10.32 where the modified landscape area is greater than 2,500 square feet, is 50 percent of the total landscape area, and the modifications are planned to be completed within one year.

Smart automatic irrigation controller means an automatic timing device used to remotely control valves that operate an irrigation system and which schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Special landscape area or SLA means an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, Seashore Paspalum, St. Augustine grass, Zoysia grass, and Buffalo grass are warm-season grasses.

Valve means a device used to control the flow of water in an irrigation system.

Water feature means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

Laundry and Dry Cleaning – Nonretail. A facility that specializes in the process of cleaning clothes and other fabrics; cleans the fabrics with equipment on the premises to which they are dropped off or delivered; and whose customers consist primarily of large commercial or institutional users such as restaurants, janitorial services, food service businesses, hotels/motels, hospitals, and medical and dental clinics.

Laundry and Dry Cleaning – Retail. A facility that specializes in the process of cleaning clothes and other fabrics that are dropped off by customers at the facility; cleans the fabrics either on site or at an off-site facility; and whose customer base generally consists of individuals and small local businesses.

Library. See "Cultural Institution."

Liquor Store. A retail establishment primarily engaged in the sale of beer, wine, and spirits, and regulated by the Department of Alcoholic Beverage Control.

Live Entertainment. Entertainment provided by one or more live performers, including musical, theatrical, dance, cabaret, or comedy acts. For purposes of this definition, a disc jockey is considered a performer, as is any other person whose performance is comprised of selecting or manipulating prerecorded music. Does not include the term "Adult Oriented Businesses." Does not include live musical

accompaniment to dining, in a restaurant by no more than two performers, including patrons, without any dancing, singing, or spoken words. See also “Eating and Drinking Establishments” and Chapter 5.24 (Entertainment).

Amplified. The increase in the degree of sound level of voices, instruments, or recorded music through electronic devices and equipment (e.g., speakers, loudspeakers, etc.).

Unamplified. Voices or instruments without sound boosting electronic devices and equipment.

Lot. (1) A parcel of real property delineated with a number or other designation on a plat recorded in the office of the County Recorder of Los Angeles County; or (2) a parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to law when recorded in the office of the County Recorder of Los Angeles County; or (3) a parcel of real property not delineated as in (1) or (2) above and containing not less than the prescribed minimum area for the zone in which it is located and which abuts at least one public street, which parcel has been divided pursuant to the provisions of Article 5 (Subdivisions) of the Municipal Code.

Lot, Corner. A lot situated at the intersection of two or more streets (see Figure 9-5).

Lot, Flag. A lot which is located to the rear of another lot and which has access to a public or private street via an extension of that lot consisting of a strip not less than 26 feet in width (see Figure 9-5).

Lot, Interior. A lot other than a corner lot or reversed corner lot (see Figure 9-5).

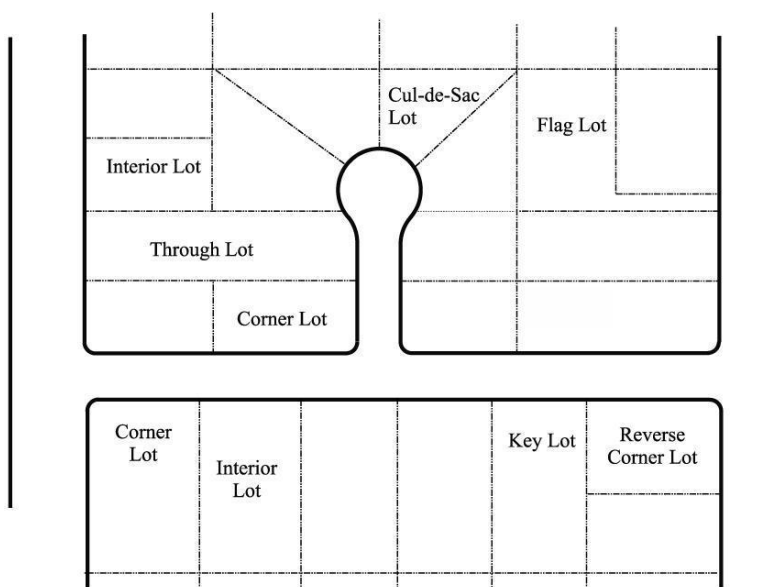
Lot, Key. The first lot to the rear or side of a corner lot, the front line of which is a continuation of the side line of the corner lot, exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street on which the corner lot fronts (see Figure 9-5).

Lot, Reversed Corner. A corner lot having its side street lot line substantially a continuation of the front lot line of the first lot to its rear (see Figure 9-5).

Lot, Through. A lot having frontage on two parallel or approximately parallel streets (see Figure 9-5). For the purposes of defining the front and rear lot lines on a through lot, the front lot line shall be established based upon the predominate orientation of properties within the same block as the lot in question. Where no predominate orientation exists, predominate shall mean 51 percent of the lots on the same block.

Lot Size or Area. The total horizontal area within the boundary lines of a lot, inclusive of any easements. On a flag lot, the access portion of the lot is not included in the calculation of the lot area.

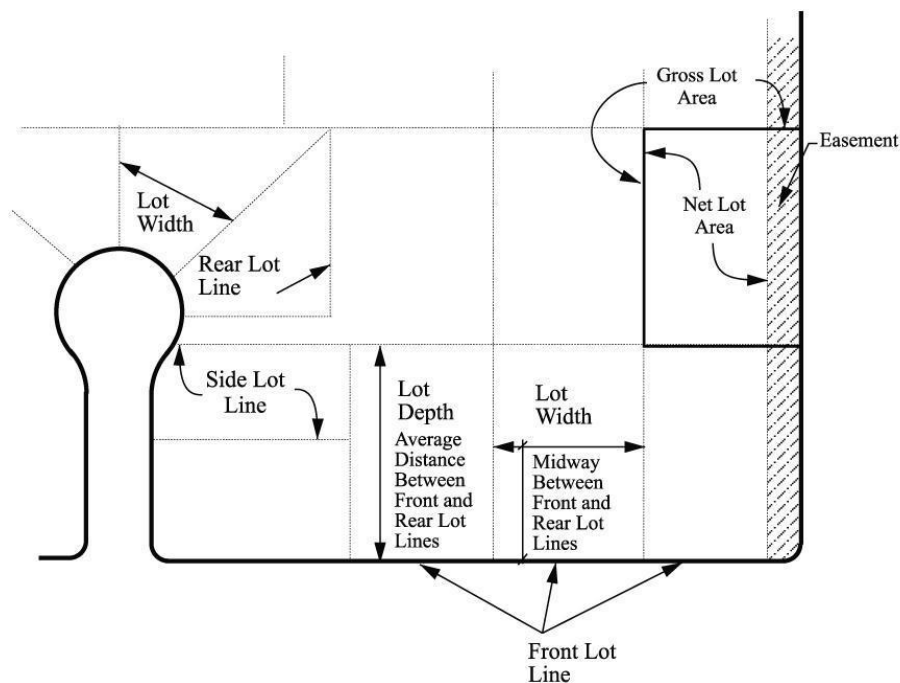
**Figure 9-5
Lot Types**



Lot Width. The horizontal distance between side lot lines, measured at the required front setback line streets (see Figure 9-6).

Lot Depth. The horizontal distance between the front and rear property lines, measured along a line midway between the side property lines. In the case of a lot having a curved front lot line, the lot front line (for purposes of measuring lot depth) shall be the line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines with the lot front line (see Figure 9-6).

**Figure 9-6
Lot Measurements**



Lot Coverage. The percentage of lot area covered by the primary and all accessory structures, including any enclosed patios.

10.132.140 – “M” Definitions

Maintenance and Repair Services. Establishments that provide home appliance and/or electronic or office equipment repair and maintenance, or building maintenance services. Does not include maintenance and repair of vehicles (see “Vehicle/Equipment Repair”).

Manufactured Housing. A dwelling unit built entirely in a factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD).

Manufacturing and Assembly of Parts and/or Finished Goods. Establishments engaged in the manufacturing of finished parts or products, either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, incidental office storage, sales, and distribution of the parts or products; and laundry and dry cleaning plants. Excludes vehicle/equipment rentals (“Vehicle/Equipment Rentals”), vehicle/equipment repair (“Vehicle/Equipment Repair”), vehicle/equipment sales (“Vehicle/Equipment Sales”), and vehicle/equipment services (“Vehicle/Equipment Services”).

Small. Establishments located in facilities that are 20,000 square feet or less in size.

Large. Establishments located in facilities that are over 20,000 square feet in size.

Massage. See Personal Services, General.

Medical Marijuana Cooperative or Collective. A collective, cooperative, association, or similar entity that cultivates, distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits, or gives away marijuana in the City for medicinal purposes to qualified patients, persons with an identification card, or primary caregivers pursuant to Health and Safety Code §§ 11362.5, 11362.7 - 11362.83 and/or the Guidelines (as defined in this Chapter), or as these laws may be amended from time to time.

Medical Marijuana Dispensary. The use of any property or structure to distribute, transmit, give, dispense, or otherwise provide marijuana in any manner.

Ministerial. A government decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the action, including the issuance of a permit.

Mobile Home. A transportable structure that is built on a permanent chassis and designed to function as a dwelling when connected to the required utilities, including plumbing, heating, air conditioning, and electrical systems (pursuant California Health and Safety Code Sections 18007 and 18008). Consistent with the California Health and Safety Code definitions, a mobile home is included in the definition of manufactured home.

Modeling Studios. See Chapter 5.38 (Modeling Studios).

Multifamily Housing. A type of housing where multiple separate housing units for residential inhabitants are contained within one building or several buildings within one complex.

Municipal Code. The Municipal Code of the City of La Puente.

Museum. See “Cultural Institution.”

10.132.150 – “N” Definitions

Newsrack or Newsstand. See Chapter 5.54 (Newsracks).

Nightclub. See “Eating and Drinking Establishments” and Chapter 5.24 (Entertainment).

Nonconforming Parcel. Any property created by a legal subdivision of land that was created in compliance with all applicable ordinances and laws at the time the property was subdivided but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the property is located.

Nonconforming Structure. Any structure, building, or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time it was erected but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the structure is located.

Nonconforming Use. Any use of land or activity that was lawfully established and in compliance with all applicable ordinances and laws at the time such use was initiated but which, due to subsequently enacted ordinances or laws, no longer complies with the applicable regulations and standards for the zone in which the use is located.

Nursery School. See “Child Day Care Facility.”

10.132.160 – “O” Definitions

Office.

Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

Business Professional, Corporate. An establishment providing direct, “over-the-counter” services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use does not include “Banks and Financial Services,” which are separately defined.

Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical and Dental. An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatral, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

Off-Street Loading Facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking Facilities (Vehicle Parking Area). A site or portion of a site, not including any public right-of-way, devoted to the parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas. Does not include “Parking Storage”.

Open Space, Common. The total land area within a residential development that is not individually owned nor dedicated for public use, and that is designed, intended, and reserved exclusively for the shared use of all the residents of the development and their guests. Examples include barbecue and

picnicking areas, play areas, swimming pools, tennis courts, turf areas, and other recreational or leisure features and facilities. Common Open Space does not include enclosed spaces/facilities such as a community center, meeting rooms, etc.

Open Space, Private. A usable open space adjoining and directly accessible to a dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.

Open Space, Usable. Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which in any direction is 10 feet, excluding required front yards not used for balconies or patios.

Outdoor Storage and Display. The storage of any materials outside of a structure other than fencing, either as an accessory or primary use.

Outpatient Surgery Facility. Outpatient surgery facility, also referred to as ambulatory surgery facility, is a medical facility where surgery is performed that does not require an overnight hospital stay. Patients may go home after being released following surgery and time spent in the recovery room.

10.132.170 – “P” Definitions

Parking Space. An unobstructed space or area other than a street or alley that is permanently reserved, maintained, and accessible for the parking of one motor vehicle.

Parks and Recreation Facilities. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including sports courts. May include passive outdoor recreation areas that also may be located in conservation areas. Does not include the same facilities that are privately-owned or commercial facilities ("Commercial Recreation and Entertainment" or "Parks and Recreation Facilities – Private").

Parks and Recreation Facilities.

Private. Facilities for various outdoor participant sports and types of recreation where a fee is charged for use, including but not limited to golf driving ranges independent from golf courses, go-cart and miniature auto race tracks, health and athletic clubs with predominately outdoor facilities, tennis courts, and swim and tennis clubs.

Public. Public parks, play lots, playgrounds, and athletic fields for non-commercial neighborhood or community use, including sports courts. May include passive outdoor recreation areas that also may be located in conservation areas. Does not include the same facilities that are privately-owned or commercial facilities ("Commercial Recreation and Entertainment" or "Parks and Recreation Facilities – Private").

Patio. A paved outdoor area that is used for lounging, dining, etc.

Patio Cover. A solid or open roof structure and covering a patio, platform, or deck area, and that is either detached from or attached to another structure.

Pawn Shop. A commercial establishment that sells secondhand personal property and in which the operator provides loans secured by such personal property.

Permanent cosmetics. the application of pigments to or under the skin of a human being for the purpose of permanently changing the color of appearance of the skin. This includes, but is not limited to, permanent eyeliner, eye shadow, or lip color.

Personal Services.

Personal Services, General. Establishments that provide general services of a personal nature. Examples of these uses include:

- barber and beauty shops
- clothing rental shops
- dry cleaning drop-off/pick-up stores with limited on-site cleaning equipment
- laundromats (self-service laundries)
- locksmiths
- massage (State-licensed only)
- nail salons
- shoe repair shops
- tailors and seamstresses
- tanning salons
- tattoo establishments

Personal Services, Restricted. Establishments that provide specialized services of a personal nature, generally involving direct physical contact between the patron and service provider. Examples of these uses include:

- acupuncture and acupressure services
- body piercing establishments
- day spas
- fortunetelling

Specifically excluded from these two definitions are any bona fide medical and dental offices, including chiropractic and podiatric offices.

Personal Storage (Mini Storage). A structure or collection of structures containing separate storage space that is designed to be leased or rented individually in an enclosed building. This use does not include outdoor storage or recreational vehicles, boats, personal watercraft, motorcycles, or trailers.

Planning Commissioner. The City of La Puente Planning Commission, referred to in this Zoning Code as the "Commission."

Planning Division. The Planning Division of the City of La Puente.

Planning Director. The Planning Director of the City of La Puente, referred to in this Zoning Code as the "Director."

Plant Nursery. A place where plants are propagated and grown to usable size. They include retail nurseries which sell to the general public, wholesale nurseries which sell only to businesses such as other nurseries and to commercial gardeners, and private nurseries which supply the needs of institutions or private estates.

Parks and Playground. See "Parks and Recreation Facilities".

Police Station. A building which serves to accommodate police officers and other members of staff. These buildings often contain offices and accommodation for personnel and vehicles, along with locker rooms, temporary holding cells, and interview/interrogation rooms. See also "Government Facilities".

Postal Services. Establishments that provide commercial postal services directly to the customer, including letter and parcel mailing, post office box rental, and related services.

Preferential Parking. Parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.

Printing and Duplicating Services. An establishment providing printing, blueprinting, photocopying, engraving, binding, or related services.

Property Owner. The legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.

Public Assembly. See “Assembly, Private or Public.”

Public Dances. See Chapter 5.22 (Dances) and Chapter 5.24 (Entertainment).

Public Utility Facility. A facility or support facility for the essential distribution, transmission, storage, supply and treatment of public services, such as electric, gas, telephone, water, and sewer.

Public Transmission Utility Facility and Support Facilities. See “Public Utility Facility.”

10.132.180 – “Q” Definitions

Queuing Space. A temporary waiting area for motor vehicles or persons obtaining a service or other activity.

10.132.190 – “R” Definitions

Recreation and Entertainment. See “Commercial Recreation.”

Recreational Vehicle (RV). A motor home, travel trailer, truck camper, camping trailer, or boat or other water sport vehicle with motive power designed for recreational purposes at a location other than a personal residence.

Recycling Facilities. This land use type includes a variety of facilities involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable domestic containers and other materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residentially, commercially, or industrially designated site used solely for the recycling of material generated on the site.

Collection facility (large). A facility that occupies an area of more than 350 square feet and/or includes permanent structures where the public may donate, redeem, or sell recyclable materials.

Collection facility (small). A facility that occupies an area of 350 square feet or less where the public may donate, redeem, or sell recyclable materials and may include:

1. A mobile unit.
2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet, is designed to accept

more than one container at a time, and issues a cash refund based on total weight instead of by container.

3. Kiosk-type units that may include permanent structures.

Reverse vending machine. An automated mechanical device which accepts at least one or more types of empty beverage containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by State law. These vending machines may accept aluminum cans, glass and plastic bottles, and other containers. The vending machines typically occupy an area of less than 50 square feet.

Processing Facility. A structure or enclosed space used for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as bailing, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning and remanufacturing.

Religious Assembly. See "Assembly, Religious."

Research and Development. Establishments engaged in industrial or scientific research, including product testing. Includes electronic research firms or pharmaceutical research laboratories. Excludes manufacturing, except of prototypes, or medical testing and analysis.

Restaurants. See "Eating and Drinking Establishments."

Retail Sales. Commercial enterprises or establishments, completely enclosed within structures, engaged in selling goods or merchandise to the general public for profit. Examples of these establishments and lines of merchandise include:

- | | |
|------------------------------------------------------|----------------------------------------------|
| ▪ antiques | ▪ locksmiths |
| ▪ appliances | ▪ luggage and leather goods |
| ▪ artists' supplies | ▪ medical supplies and equipment |
| ▪ automotive parts and accessories | ▪ musical instruments, parts and accessories |
| ▪ bakeries (retail only) | ▪ newsstands |
| ▪ bicycle sales and rentals | ▪ office supplies |
| ▪ books | ▪ orthopedic supplies |
| ▪ cameras and photographic supplies | ▪ paint and wallpaper |
| ▪ carpeting and floor covering | ▪ pharmacies |
| ▪ clothing and accessories | ▪ religious goods |
| ▪ convenience market | ▪ secondhand clothing sales |
| ▪ drug and discount stores | ▪ shoe stores |
| ▪ electronic equipment | ▪ small wares |
| ▪ fabrics and sewing supplies | ▪ specialty food and beverage |
| ▪ florists and houseplant stores (indoor sales only) | ▪ specialty shops |
| ▪ gift shops | ▪ sporting goods and equipment |
| ▪ grocery store | ▪ stationery |
| ▪ handcrafted items | ▪ supermarket |
| ▪ hardware | ▪ toys and games |
| ▪ hobby materials | ▪ travel services |
| ▪ jewelry | |
| ▪ kitchen utensils | |

Reverse Vending Machine. See “Recycling Facilities.”

Review Authority. The person or decision-making body with administrative responsibility for the consideration and action upon any permit or approval pursuant to the requirements of this Zoning Code.

10.132.200 – “S” Definitions

Scarification. Any method used to alter skin texture by cutting the skin and controlling the body's healing process in order to produce wounds which result in permanently raised welts or bumps, or any other technique that changes the contour or level plane of the skin and/or results in a scar on the skin.

Schools, Public and Private. A public or private academic educational institution, including boarding schools; colleges and universities; elementary, middle/junior, and high schools; military academies; and businesses providing instruction in arts and languages. This definition does not include trade schools or non-tuition part-time instruction at places of religious assembly.

Secondhand Store. A business involved in the retail sale of used goods and merchandise, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops.

Security Screens and Shutters. Screens and shutters, generally made of metal, including but not limited to roll-up shutters, sliding scissor gates, bars, fences, or similar devices attached to or covering a window or door, and which are intended to provide protection against vandalism and burglaries. Security screens and shutters shall not include roll-up doors and shutters typically used on commercial and industrial buildings that provide openings for such features as vehicle repair garage bays and loading docks.

Senior Citizen. Generally, any person 62 years of age or older. However, for purposes of any State or federal housing programs, the age may be 55 years or older.

Senior Citizen Housing, Congregate Care. A senior citizen housing development having a common dining facility and limited kitchen facilities in the individual living units.

Senior Citizen Housing, Independent Living. A senior citizen housing development comprised of self-contained dwelling units having one or more rooms with private bath and kitchen facilities.

Sensitive Use. Any kindergarten, elementary school, middle school, high school, public library, public park, or youth-oriented establishment characterized by either or both of the following: (1) the establishment advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors; or (2) the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors. Shall also include any place of religious assembly.

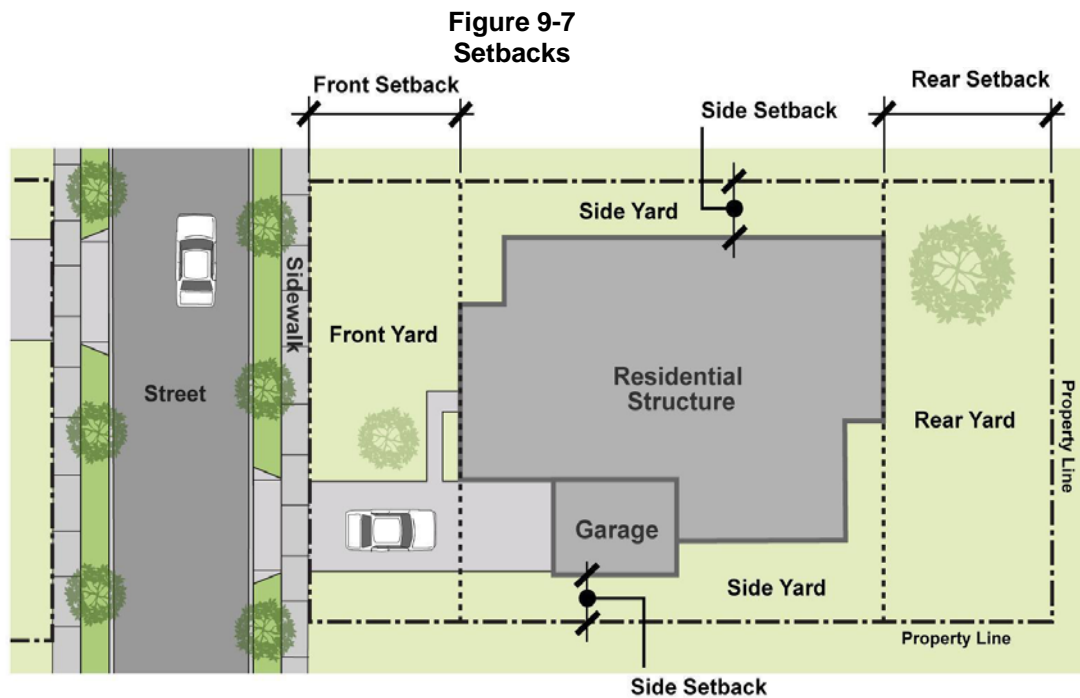
Service Station. See “Vehicle Equipment/Service.”

Setback. The distance from which a structure, parking area, or other development feature must be separated from a prescribed lot line, easement, or other structure or development feature (see Figure 9-7).

Front Setback. The minimum distance required between a structure and the front property line.

Side Setback. The minimum distance required between a structure and a side property line.

Rear Setback. The minimum distance required between a structure and the rear property line.



Sign. See Chapter 10.34 (Signs).

Smoke Lounge. An establishment that is dedicated, in whole or part, to providing tobacco or other substances for smoking by patrons on the premises for a fee, including but not limited to establishments known as cigar lounges, hookah lounges, tobacco clubs, tobacco bars, and vape lounges. Does not include a "smoke shop," which sells tobacco products, smoking accessories, and electronic or other smoking devices, but does not provide for on premises use of tobacco products.

Smoke Shop. A retail store or an establishment that either: (a) devotes more than 15 percent of its total floor space to cigarettes, cigars, tobacco products, electronic cigarettes and/or vaporizers (electronic devices containing a heating element, battery and electronic circuit, and a mouthpiece, which is intended to provide a vapor of liquid nicotine and/or other substances to enable inhalation by the user), and/or smoking accessories, or (b) devotes more than a two-foot by four-foot (two feet in depth maximum) section of shelf space for display for sale and sale of cigarettes, cigars, tobacco products, electronic cigarettes and/or vaporizers, and/or smoking accessories.

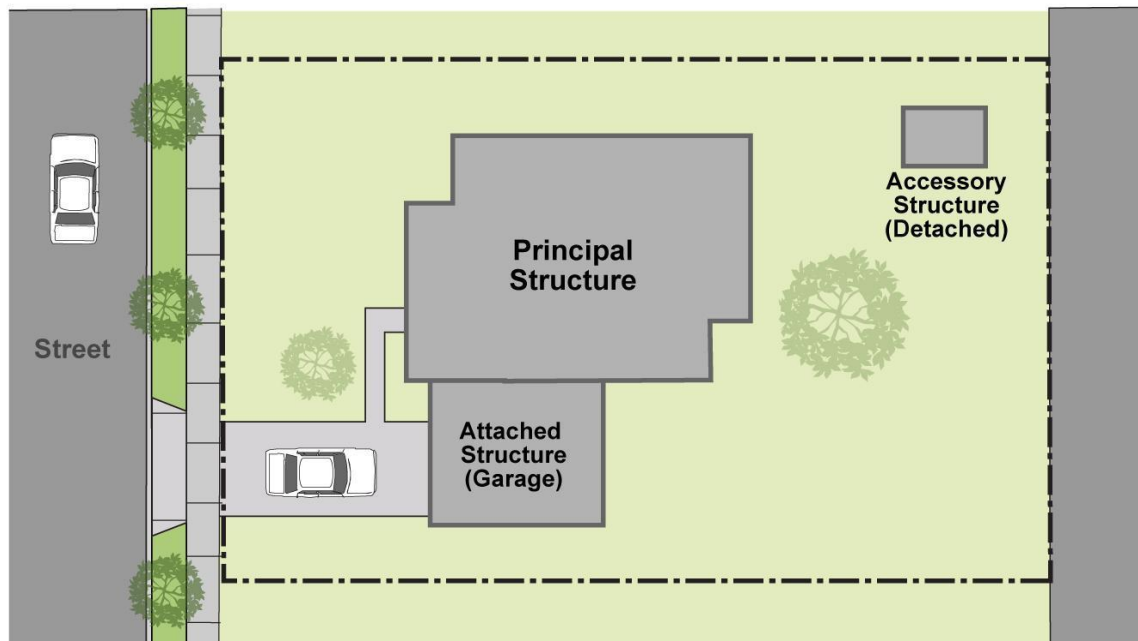
South Coast Air Quality Management District" (SCAQMD). The regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the non-desert portions of Los Angeles, Orange, Riverside, and San Bernardino Counties)

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

1. Structure, Accessory. See "Accessory Structure."
2. Structure, Attached. Any structure that does has a wall or roof in common with another structure.

3. Structure, Detached. Any structure that does not have a wall or roof in common with another structure.
4. Structure, Principal. A structure in which is conducted the principal use of the lot and/or building site (see Figure 9-8).

**Figure 9-8
Structure Types**



Studio - Dance, Martial Arts, or Similar Instruction. Small-scale instructional facilities, typically accommodating one group of students at a time, in no more than one instructional space. Examples include: individual and group instruction and training in the arts, production rehearsal, photography and the processing of photographs produced only by users of the studio facilities, martial arts training studios, and gymnastics instruction. Also includes production studios for individual filmmakers, musicians, painters, sculptors, photographers, and other artists. These uses may also include accessory retail sales of products related to the services provided. Does not include “Modeling Studio”, see Chapter 5.38 (Modeling Studios).

Supportive Housing. As defined in Health and Safety Code Section 50675.14(b), housing with no limit on length of stay, that is occupied by the target population as defined below (“Target Population”), and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

10.132.210 – “T” Definitions

Tattoo, Body Piercing, and Similar Establishments or Parlors. Place where people receive permanent decorative tattoos from a tattoo artist and/or body piercings, but does not include severe body mutilation.

Tattooing. To insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, to produce an indelible mark or figure visible through the skin.

Taxicab Operators. See Chapter 5.48 (Taxicab Operators).

Temporary Uses. See Chapter 10.96 (Temporary Use Permits).

Tenant. The lessee of facility space at an applicable development project.

Trade School. A vocational school (or career school), providing vocational education, is a school in which students are taught the specific skills needed to perform a particular job.

Trailer. An unpowered vehicle pulled by a powered vehicle.

Transitional Housing. As defined in Health and Safety Code Section 50675.2(h), structures configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Transportation Demand Management (TDM). The alteration of travel behavior, usually on the part of commuters, through programs of incentives, services, and policies. TDM addresses alternatives to single occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks)

Tree, Mature. Any self-supporting woody perennial plant which has a diameter four inches or greater measured six feet above the tree's base.

Trip Reduction. Reduction in the number of work-related trips made by single occupant vehicles.

Turf. Single-bladed grass or sod.

10.132.220 – “U” Definitions

Unit. See “Dwelling.”

Urgent Care Facility. A public or private hospital-based or free-standing facility, that includes x-ray and laboratory equipment and a life support system, licensed or legally operating as an urgent care facility, primarily providing minor emergency and episodic medical care with one or more physicians, nurses, and x-ray technicians in attendance at all times when the facility is open.

Use (Land Use). The purpose for which land or a structure is, arranged, designed, intended, maintained, or occupied.

Use, Accessory. See “Accessory Use.”

Use, Allowed. A use of land identified by Article 2 (Zones, Allowable Uses, and Development and Design Standards) as an allowed or conditional use that may be established with land use permit, subject to compliance with all applicable provisions of Article 2.

Use, Principal. The principal or predominant use of any lot, building, or structure.

Use, Nonconforming. See “Nonconforming Use.”

Utilities. All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable services by public utilities, and includes facilities for the generation of electricity. Does not include “Communications Facilities” or “Wireless Telecommunications Facilities.”

10.132.230 – “V” Definitions

Vanpool. A vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepay subscription basis. See also “Buspool” and “Carpool.”

Variance. A modification of the specific regulations of this Development Code granted by the City Council in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

Vehicle. Any motorized form of transportation, including but not limited to automobiles, vans, buses, and motorcycles.

Vehicle/Equipment Rentals.

General. Rental of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts.

Limited. Limited to the rental of bicycles, tricycles, quadricycles, or similar pedal-propelled or battery-propelled equipment. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent.

Office Only. Rental of automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles. Does not include the on-site storage of or incidental maintenance of vehicles.

Vehicle/Equipment Repair

General. A business involved in the major repair of automobiles, motorcycles, recreational vehicles, or trucks, including light-duty trucks (gross vehicle weights of less than 10,000 pounds) and heavy-duty trucks (gross vehicle weights of 10,000 pounds or more), with such repair including full-service motor vehicle repair, machine shops, towing services; and transmission repair and replacement. The definition also includes any use or activity included in Limited Vehicle/Equipment Repair below. The definition does not include vehicle dismantling or salvage, body repair, painting, or tire retreading or recapping.

Limited. A business involved in the minor repair of automobiles, motorcycles, recreational vehicles, or light trucks, vans or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds), including installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments, relining and repairs; oil and lube shops; wheel alignment and balancing, and tire sales and installation.

Vehicle/Equipment Sales (New and Used).

Vehicle/Equipment Sales. Sale of automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, storage,

maintenance, repair, and incidental rental of the vehicles and equipment. May include the sale, installation, and servicing of related equipment and parts.

Vehicles Sales, Office Only. Limited to an office for the sale of automobiles. Does not include on-site inventory, display, storage, maintenance, or repair of automobiles. May be subject to parking requirements of the Department of Motor Vehicles.

Vehicle/Equipment Service.

Automobile Washing/Detailing. Establishments engaged in the washing, waxing, or cleaning of automobiles or similar light vehicles.

Full Service. A car wash establishment where operating functions are performed entirely by an operator owner with the use of washing, waxing, and drying equipment supplemented with manual detailing by the operator owner.

Self Service or Accessory. An establishment where washing, drying, polishing, or vacuuming of an automobile is done by the car driver or occupant.

Service Stations – No Retail Sales of Non-Automotive Goods. Establishments engaged in the retail sale of gasoline, diesel, and alternative fuel, lubricants, parts, and accessories, including incidental "minor" maintenance and repair of automobiles and light trucks, vans, or similar size vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds). Does not include body and fender work or "heavy" repair of trucks or other motor vehicles (see "Vehicle/Equipment Repair, General").

Service Stations – With Limited Retail Sales of Non-Automotive Goods. 500 square feet or less of floor area for retail sales.

Service Stations – With Retail Sales of Non-Automotive Goods. More than 500 square feet of floor area for retail sales.

Vehicle Storage. The storage of operative or inoperative vehicles. These uses include storage of towed vehicles, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

Vending Machine. An automated machine that provides snacks, beverages, lottery tickets, movie rentals and other products to consumers without a cashier.

Veterinary Hospital/Clinic. See "Animal Sales and Services."

Visitor Accommodations. See "Hotel or Motel."

10.132.240 – "W" Definitions

Warehousing. Establishments engaged in providing facilities for the storage of furniture, household goods, products, or other commercial goods of any nature. Includes cold storage. Does not include personal storage (mini storage) facilities offered for rent or lease to the general public ("Personal Storage-Mini-Storage"); or warehouse facilities in which the primary purpose of storage is for wholesaling ("Wholesaling").

Small – Establishments located in facilities that are 5,000 square feet or less in size.

Large – Establishments located in facilities that are over 5,000 square feet in size.

Water-efficient Landscaping. Landscaping materials that are designed and maintained to function in a healthful and visually pleasing manner with limited water use, including plants which have minimal water requirements for subsistence, plants native to hot/dry environments, and xeriscape plants.

Water-efficient Irrigation System. A system which is scheduled and managed to supply moisture to a landscape without excess or waste.

Water Facilities. Facilities for the supply and distribution of water, including water wells, reservoirs, tanks, treatment plants, gauging stations and pumping stations. See also "Public Utility Facilities".

Wholesaling. The sale of commercial goods at or near production cost.

Wireless Communication Facilities

1. **Accessory equipment.** Any equipment installed, mounted, operated, or maintained in close proximity to a personal Wireless Communication Facility to provide power to the personal Wireless Communication Facility or to receive, transmit, or store signals or information received by or sent from a personal Wireless Communication Facility.
2. **Amateur Radio Antenna.** An antenna at a height and dimension sufficient to accommodate amateur radio service communications in compliance with Part 97 of Title 47 of the Code of Federal Regulations (or successor regulations).
3. **Antenna.** Any system of dishes, panels, poles, reflecting disks, rods, and wire or similar devices used for the transmission or reception of electromagnetic signals.
4. **Antenna Structure.** Any structure designed specifically to support an antenna and/or any appurtenances mounted on a structure or antenna.
5. **Cell Site.** A parcel of land that contains a wireless communication facility/ies.
6. **Co-Location.** The placement of two or more wireless communication facility on the same site, building, or structure where each facility is operated by a different carrier, operator, or owner.
7. **Communications tower.** A freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless communication facility antennas.
8. **In-kind call testing.** Testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing shall be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct the testing and the circumstances that prevented the applicant from conducting the testing. Claimed gaps in service for "in-vehicle" or "open-air" service may be demonstrated by call testing performed in vehicles or in the open.
9. **Least intrusive means.** The location or design of a personal wireless communication facility addresses a significant gap in an applicant's personal communication service while doing the least disservice to the policy objectives of Section 10.50.200. Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new personal wireless

communication facility on the site, pole, tower, or other structure of an existing personal wireless communication facility.

10. **Monopole.** A structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole..
11. **Mount.** A mount is the structure or surface upon which antennas are mounted. There are two types of mounts: (1) Ground mounted – mounted on the ground, including but not limited to, monopoles, and (2) structure mounted – mounted to the façade or roof of an existing structure.
12. **MPE.** Maximum permissible exposure.
13. **OET or FCC OET.** The FCC's Office of Engineering & Technology.
14. **Personal communication service.** Commercial mobile services provided under a license issued by the FCC.
15. **Personal Wireless Communication Facility, Wireless Communication Facility, or Wireless Facility.** A structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to cellular phone service, personal communication service and paging service.
16. **Significant gap.** As applied to an applicant's personal communication service or the coverage of its personal wireless communication facilities is intended to be defined in this Section consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:
 - a. A significant gap may be demonstrated by in-kind call testing.
 - b. The applicable review authority shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identity of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
 - c. A significant gap may be measured by:
 - i. The number of people affected by the asserted gap in service; and
 - ii. Whether a Wireless Communication Facility is needed to merely improve weak signals or to fill a complete void in coverage.

17. **Stealth and Stealthing.** Any personal wireless communication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment.
18. **Wireless Communication Facility/ies.** Wireless community facility/ties are any co-located, ground-mounted, roof-mounted, or stealth device or system used for transmitting and/or receiving electromagnetic signals, including, but not limited to, microwaves and radio waves for cellular technology, data transmission, e-mail, mobile services, paging systems, personal communications services, and related technologies. A wireless community facility includes antennas, antenna structures, microwave dishes, parabolic structures; wireless community facility support facilities that house support equipment; and other accessory development, equipment, improvements, and structures used to support the operation of the wireless community facility.
19. **WCF Support Facilities.** Wireless community facility support facilities are any enclosed box, cabinet, shed, or structure located on the cell site which houses, among other things, batteries, electrical, or other equipment necessary for the operation of the wireless community facility. This shall apply to any associated structures deemed necessary for the operation of the wireless community facility.

10.132.250 – “X” Definitions

Xeriscape. Landscape methods which conserve water through the use of drought-tolerant plants, mulching, irrigation, maintenance, limited turf, soil improvements, and design.

10.132.260 – “Y” Definitions

Yard. An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Title.

Yard Area. The horizontal area between a property line and a parallel line along the nearest structure located outside of the required setback area.

Yard Area, Required. The open space between a lot line and the building area within which no structure is permitted to be located.

Yard, Front. A yard extending across the full width of a lot abutting the front lot line, having at all points the minimum required depth, which shall be measured at right angles to the front lot line or by the radial line in the case of a curved front lot line

10.132.270 – “Z” Definitions

Zone. Any of the residential, commercial, industrial, special-purpose, or overlay districts established by Article 3 of this Zoning Code, within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.).

Zoning Administrator. The Zoning Administrator of the City of La Puente, or designee designated to perform the duties prescribed by this Zoning Code relating to zoning functions.

- This page intentionally left blank -

