TITLE 17 – ZONING

Chapter 17.02 - INTRODUCTION AND PURPOSE

17.02.010 - Purpose and intent.

The purpose and intent of the zoning ordinance is to consolidate and coordinate all existing zoning regulations and provisions into one comprehensive zoning plan in order to designate, regulate and control the location and use of buildings, structures and land; to regulate the height, number of stories and size of buildings and structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces and to regulate and limit the density of population; and for said purposes to divide the city into zones of such number, shape and area as may be deemed best suited to carry out these regulations and to provide for the enforcement thereof. This chapter is also intended to implement the provisions of The Planning and Zoning Law of the State of California; Division 1 (Planning and Zoning) of Title 7 (Planning and Land Use) of the California Government Code.

(Zoning ordinance § 17.02.010)

17.02.020 - Short title.

The ordinance codified in this chapter shall be known as the official "City of El Monte Zoning Ordinance," hereinafter referred to as the zoning ordinance.

(Zoning ordinance § 17.02.020)

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Chapter 17.04 - DEFINITIONS

17.04.010 - Purpose.

For the purpose of carrying out the intent of this title, certain terms and words are herein defined and they shall have the meaning ascribed to them as follows. Headings contained in this chapter shall not be construed to govern, modify, limit or in any manner affect the scope, meaning and/or intent of any definition thereof. When not inconsistent with the context, words used are in the present, words in the plural number include the singular number, and the masculine includes the feminine. The word "shall" is always mandatory and not merely directory. "Used" or "occupied" includes designated or arranged to be used or occupied.

(Zoning ordinance § 17.04.010)

(Ord. No. 2812, § 5, 1-22-2013)

17.04.020 - Definitions.

"Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot with the main building or use. Accessory buildings are not to be used for habitation.

“Accessory dwelling unit” or **“ADU”** means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. It shall include the following: (i) an efficiency unit, as defined in Health and Safety Code Section 17958.1; and (ii) a manufactured home, as defined in Health and Safety Code Section 18007.

"Accessory use" means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

"Adult day care program" means any community-based facility or program, licensed by the California Department of Social Services, that provides care to persons eighteen (18) years of age or older in need of personal services, supervision, or assistance essential for sustaining activities of daily living for the protection of these individuals on a less than twenty-four-hour basis, as defined by California Health and Safety Code Section 1502(a)(2).

"Adult entertainment establishments." See definition in Section 17.76.020 of this title.

"Alcoholism or drug abuse recovery or treatment facility" means any premises, place, or building approved and licensed by the State Department of Drug and Alcohol Programs that provides twenty-four-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services, as defined by California Health and Safety Code Section 11834.02.

"Alley" means a public way permanently reserved as a secondary means of access to an abutting property.

"Alternative financial service establishments" mean establishments that offer financial services outside traditional federally insured financial institutions, including, but not limited to check cashing outlets, payday lenders, and vehicle title lenders.

"Animal keeping" means providing food, water, or shelter to horses or large animals and includes the possessing, housing, controlling, exercising, maintaining, grazing, riding, leading, tying, tethering, hitching, stabling, harboring of such horses or large animals and the allowance of such horses or large animals to run at-large.

"Arcade" means any building or portion thereof designed, intended and equipped with five (5) or more electric or mechanical game machines or combination thereof except that a business with a valid certificate of occupancy and business license for another permitted use and with no more than ten (10) percent of the floor area of said business devoted to arcade machines shall not be classified as an arcade.

"Automobile parts and accessory store" means a retail place of business selling or furnishing automobile supplies and parts. No repair work of any kind may be conducted in conjunction with such use.

"Automobile rental or leasing" means a place of business used for the storage and display of complete and operative automobiles for the purpose of renting or leasing said vehicles on a short or long term basis.

"Automobile repair garage" means a business conducted within a fully enclosed building which services and repairs motor vehicles, but exclusive of all body and fender repair or painting, steam cleaning, mechanical and nonmechanical car washing, recapping of tires, engine or transmission overhauling or replacement and other major repairs.

"Automobile service station" means a retail place of business selling or furnishing automotive supplies and minor automobile parts and minor services, conducted within a fully enclosed building, essential to the customary operation of automobiles, including the dispensing of gasoline and motor oil, the sale and servicing of tires, batteries and automotive accessories and minor replacement items; the lubrication of automobiles; the polishing and hand washing of automobiles, but exclusive of all body and fender repair or painting, steam-cleaning, car washing by mechanical equipment, recapping of tires, engine or transmission overhauling or replacement and other major motor repairs.

"Basement" means a story partly or wholly under ground. A basement shall be counted as a story for purposes of height measurement where more than one-half (½) of its height is above the average level of the adjoining ground.

"Billboard" means a sign, signboard, or outdoor advertising display, as defined in the California Outdoor Advertising Act, including electronic billboards, which is used for advertising purposes or display purposes, except advertising displays used exclusively: (i) to advertise the sale or lease of the property upon which such advertising displays are to be placed; (ii) to designate the name of the owner or the occupant of the premises upon which such advertising

display is placed or to identify such premises; or (iii) to advertise good manufactured, produced, or for sale or services rendered on the property upon which such advertising is placed.

"Boarding or rooming house" means a residence or dwelling wherein three (3) or more rooms, with or without individual or group cooking facilities under two (2) or more written or oral agreements or leases whether or not an owner, agent, or rental manager is in residence, in accordance with California Attorney General Opinion No. 01-402. Excludes licensed alcoholism or drug abuse recovery or treatment facilities.

"Buffer use" means a use adjacent to a more intensive/predominant use either within the city or adjacent jurisdiction (at boundary). The purpose of the buffer use is to minimize, subject to proper safeguards, conflicts and frictions between transitioning uses. The objective to be achieved is stability — of land use, of desirability and of values — through minimizing adverse influences and impacts of two (2) dissimilar districts or uses. The City Council may conditionally permit buffer uses by making required findings as outlined in Section 17.24.050 of the Municipal Code.

"Building" means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or property of any kind.

"Building frontage" means that face of the building that is parallel to or is at a near parallel angle to the street.

"Building height" means a vertical distance measured from the average finished ground level of the site to the highest point of the structure.

"Cafe" means an establishment where tables and/or chairs are provided for patrons, and the principal business activity is the sale of brewed coffees and teas and other nonalcoholic beverage for on-site consumption. A limited menu of snacks or finger foods either packaged or fresh, may also be available for consumption at the establishment. Entertainment may also be provided pursuant to the appropriate sections of the El Monte Municipal Code. Cafes include, but are not limited to, coffeehouses, beverage houses and similar uses.

"Carport" means a permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

"Child family day care" means a facility for children under the age of eighteen (18) that is limited to a home that regularly provides care, protection and supervision for fourteen (14) or fewer children, in the provider's home, for less than twenty-four (24) hours a day while the parents or guardians are away, in accordance with California Health and Safety Code Section 1596.70.

"City Council" means the City Council of the city of El Monte.

"City Planning Commission" means the City Planning Commission of the city of El Monte.

"Collection Facility, Large." "Large collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public and is greater than four hundred (400) square feet in total area and occupies more than two (2) parking spaces.

"Collection Facility, Small." "Small collection facility" means a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment, occupies no more than four hundred (400) square feet in total area and not more than two (2) parking spaces and is located on the same parcel as the host use.

"Computer gaming and/or internet access center" means any facility within the city containing five (5) or more computers for the purpose of offering use of the computers to the public for:

1. Playing computer game software on those computers. Such play may be solo, or with or against other patrons, or with or against other players who are at other physical locations or on-line games by using the Internet or a proprietary network; or
2. Accessing the Internet and/or the world wide web on the computers.

"Community care facility" means a facility licensed by the California Department of Social Services pursuant to California Health and Safety Code Section 1500, et seq. where non-medical care and supervision are provided for children or adults in need of personal services and who are often mentally or developmentally disabled. Community care facilities serving adults provide care and supervision for persons between eighteen (18)—fifty-nine (59) years of age who need a supportive living environment. Services provided may include assistance in dressing and bathing; supervision of client activities; monitoring of food intake; or oversight of the client's property as set forth in California Code of Regulations Section 80001(c). Does not include adult day care programs or social rehabilitation facilities.

"Corral" means an area or yard that is enclosed to adequately confine animals.

"Correctional facility" means a facility, whether owned and/or operated by an individual, a for-profit, or not-for-profit entity used for housing or provision of services for persons who either (i) are serving a sentence from a federal, state or county court and are under restraint, supervision, or security (ii) have served a sentence or have been released from a federal, state or county prison or jail but are living under government supervision by a government funded program.

"Day nurseries" means any type of group daycare program, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, parent cooperative schools and programs covering after school care for school children; provided such establishment is licensed by the state and in accordance with state and city requirements.

"Department store" means any retail store with a minimum of twenty thousand (20,000) square feet operated by a single tenant.

"Digital billboard" shall mean a billboard utilizing digital message technology, capable of changing the static message or copy on the sign electronically or wirelessly via computer. This includes, without limitation, billboards also known as electronic billboards or LED billboards.

"Disabled person" means a person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code Section 12926.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of individuals, and there is a record of such impairment or the individual is regarded as having such impairment, but the term does not include current illegal use of, or addiction to, a controlled substance. The foregoing and related terms shall be interpreted in a manner consistent with the same or similar terms set forth in Code of Federal Regulations (CFR) Title 28, Section 35.104, as amended.

"Driveway" means that area of the lot or parcel covered by pavement extending from the abutting public right-of-way to a required garage or parking space.

"Dwelling" means a building or portion thereof designed for residential purposes and approved by the city and improved with full utility services including connection to a public sewer or local septic tank.

"Dwelling unit" means one or more rooms in a dwelling which are designed for and occupied by, or available for occupancy by, a single household, but not including guest rooms in hotels, motels or boarding and lodging houses. A dwelling unit is further defined as having only one kitchen.

"Educational institution" means an institution of learning giving general academic instruction equivalent to the standards prescribed the State Board of Education.

"Emergency shelter" means a facility that provides immediate and short term housing and supplemental services to homeless persons or families. Supplemental services may include food, counseling, and access to other social programs (per Health and Safety Code Section 50801).

"Fair housing laws" means the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

"Family" means one or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

“Family, One-” or **“Single-”** means a building containing one dwelling unit located on a single lot or property. This use includes mobile homes and factory-built housing. Additional dwelling units may be permitted on a single lot or property in the R-1B zone, depending on the lot or property’s lot width and square footage.

“Family, Two-” means two dwelling units on a lot or property that is not zoned R-1. Units can be attached or detached.”

“Family, Multi-” or **“Multiple-”** means three or more dwelling units on a lot that is not zoned R-1 or MMU. Units can be attached or detached.

"Fast food" means an eating establishment that is designed, intended, arranged and operated with seating for twelve (12) or fewer patrons and seating/waiting area which does not exceed five hundred (500) square feet.

"Financial institution" means a bank, savings and loan or other federal or state regulated financial institution which offers predominantly banking type services to its customers.

"Flag lot" means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

"Floor area/gross or gross floor area" means

1. For projects subject to the R development standards: the floor area between the floor and roof above it, as measured from the outside edge of the exterior walls of the main structure and all enclosed accessory structures, excluding the following: up to 650 square feet for enclosed parking, up to 120 square feet for one (1) storage structure, and any space where the floor-to-ceiling height is less than six (6) feet. Any portion of a structure, including stairwells, over seventeen (17) feet in interior height shall be counted twice; or
2. For all other projects: the total enclosed area of all floors of a building measured to the inside face of the exterior walls, including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet, but excluding areas used exclusively for vehicle parking or loading.

"Floor area ratio" means the ratio of the total gross floor area of a development to the total site area of the property on which the development is located.

"Freeway Overlay Zone" shall mean a zone that overlays the areas adjacent to the I-10 Freeway and California State Route 19 as shown on the official Freeway Overlay Zone map adopted by the El Monte City Council and, which allows for the placement of new and relocated billboards that conform to Chapter 17.88 (Freeway Overlay Zone) and the California Outdoor Advertising Act.

"Garage" means a building or portion of a building which is enclosed on three (3) sides and which has an openable garage door, in which motor vehicles used by the occupants or tenants of the main building or buildings on the premises are stored or kept.

"Ground level" means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within the five (5) feet of a sidewalk, said ground level shall be measured at the sidewalk.

"Guest house" means a detached accessory building located on the same lot as the main building with no utilities metered separately from those furnished to the main building, having no kitchen facilities, not used as a separate dwelling unit, and used only by the household occupying the main building, or by temporary guests of such main building occupant without charge or valuable consideration for such use.

"Home occupation" means an activity for compensation carried on in a residential zone by the occupant of a dwelling as a secondary use in connection with which there is no display, no stock in trade, no commodity sold upon the premises, no person employed upon the premises, and no mechanical equipment used except such as is necessary or customary for housekeeping

purposes. Furthermore, these activities are restricted to receipt of mail and use of telephone and facsimile only. Activities excluded are as follows: hairdressing, manicuring, barbering, laundering of clothes or other articles, massaging, physiotherapy, carpentry, automobile repairing, manufacturing and parts assembly. These activities are not home occupations if to any extent engaged in or carried on for profit or for anything of value, or if any of the products thereof are sold or exchanged for anything of value.

"Hospital" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, in-patient care, short-term care in acute medical, surgical, obstetrical services; the treatment of drug addiction, alcoholism and other psychiatric and psychological care.

"Host use" means an existing commercial use or community service facility in compliance with zoning, building and fire codes on which a recycling facility or large collection facilities is located.

"Hotel" means a building portion thereof with access provided through a common entrance, lobby, or hallway to one or more guest rooms, designed to be rented out for a period of between one and thirty (30) days, and which may include other facilities such as restaurants and meeting rooms. "Hotel" shall include bed and breakfast establishments and inns.

"Impound yard" means an area of land which is used for the short term storage of motor vehicles, not to exceed ninety (90) days. Vehicles stored in such lots shall be limited to those removed from public rights-of-way by public agencies, insurance companies, financial institutions, or other persons who may claim a property or security interest in the vehicle.

"Integrated household" means one or more persons living together who function as a united group.

“Junior accessory dwelling unit” or **“Junior ADU”** means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Karaoke" means an establishment or business where patrons sing along to musical and/or video tracks. The patrons may be in an open main room such as a bar or lobby or within smaller private rooms. Karaoke includes but is not limited to, Karaoke and K-TV.

"Kennel" means any lot, premises, building or structure in or on which four (4) or more dogs or cats over the age of four (4) months are kept, maintained or permitted.

"Lease space" means the floor area of a building or development which is occupied by a specific tenant.

"Lot" means a parcel of real property shown with a separate and distinct number on a plot or map recorded or filed with the Recorder of the county, or as otherwise deemed under the Subdivision Map Act.

Lot, Area. **"Lot area"** means the total horizontal area within the lot lines of a lot.

Lot, Corner. **"Corner lot"** means a lot situated at the intersection of two (2) or more streets, or upon two (2) parts of the same street forming an interior angle of more than one hundred thirty-five (135) degrees.

Lot, Coverage. **"Lot coverage"** means the square footage of all roofed areas on a lot, parcel or property, including accessory structures, porches, patios and lattice covers that are less than fifty (50) percent open to sky, but does not include overhangs of up to two (2) feet.

Lot, Interior**. "Interior lot"** means a lot other than a corner lot.

Lot, Key. **"Key lot"** means the first interior lot to the rear of a reversed corner lot whether or not separated by an alley.

Lot, Reversed Corner. **"Reversed corner lot"** means a corner lot the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

Lot, Through. **"Through lot"** means a lot having frontage on two (2) parallel or approximately parallel streets.

Lot Line, Front. **"Front lot line"** means the property line dividing a lot from a street, where the property is bounded by more than one street, the front shall be the narrowest portion of the lot.

Lot Line, Rear. **"Rear lot line"** means the property line opposite the front lot line.

Lot Line, Side. **"Side lot line"** means any lot line other than a front or rear lot line.

"Manufactured home" means a manufactured home as defined by Section 18007 of the California Health and Safety Code, generally defined as a structure constructed on or after June 15, 1976, transportable in one or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities.

"Massage establishment" means any enterprise or establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any of the activities set forth in the definition of "massage" in Chapter 5.56 of Title 5 of the El Monte Municipal Code.

"Medical marijuana" is defined as set forth in California Health and Safety Code Section 11362.5 et seq.

"Medical marijuana cooperative or collective" is where two (2) or more persons associate to collectively or cooperatively cultivate, use, transport, possess, administer, deliver, or give away medical marijuana.

"Medical marijuana cultivation" is defined as the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

"Medical marijuana dispensary" means any facility or location, whether fixed or mobile, where medical marijuana is made available to or distributed by or distributed to one or more of the following: a primary caregiver, a qualified patient, or a person with an identification card. The terms "primary caregiver," "qualified patient" and "person with an identification card" as

used within this definition shall be identified in strict accordance with California Health and Safety Code Section 11362.5 et seq., inclusive of California Health and Safety Code Section 11362.7. A medical marijuana dispensary shall not include the following uses, as long as the location of such uses is otherwise regulated by the El Monte Municipal Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a healthcare facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law, including, but not limited to, Health and Safety Code Section 11362.5 et seq.

"Mini-mall" means the subdivision of the floor area of a single business occupancy into multiple business occupancies whereby each occupant or tenant requires a separate certificate of occupancy and business license excluding those subdivisions whereby the primary occupant or tenant occupies a minimum of seventy-five (75) percent of the gross floor area.

"Mixed use development" means an area of development containing two (2) or more of the following uses: office, commercial, residential, restaurant, rapid transit facility, hotel or entertainment.

"Mobilehome" means a mobilehome as defined by Section 18008 of the California Health and Safety Code, generally defined as a structure constructed prior to June 15, 1976, transportable in one or more sections, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities. It also includes a recreation vehicle, as defined in Section 799.24 of the Civil Code and Section 18010 of the California Health and Safety Code. Mobilehome does not include a commercial coach as defined in Section 18001.8 of the California Health and Safety Code.

"Mobilehome park" means any lot designated, used, or intended to be used for the parking of two (2) or more mobilehomes. Mobilehome park includes trailer park.

"Motel" means a building or group of buildings including but not limited to buildings designated as motor hotels, hostels, auto courts, tourist courts, auto cabins, and motor courts containing individual sleeping units intended to be used solely to provide sleeping accommodations for short-term occupancy by transient travelers as defined in Section 3.16.010 of this Code. The portions of such buildings providing sleeping accommodations shall not be provided with cooking facilities and no cooking facilities shall be permitted therein, except in those rooms designated for the sole use by the manager of such facility, and except those portions of the building designed and used by the owner or lessee of the premises to prepare at a central location for all persons desiring the same.

"Multiple tenant development" means any nonresidential development site which is improved with multiple uses, retail sales, retail services, restaurants or a combination thereof. A commercial project which is designed and devoted to office use exclusively or which is

designed and devoted to manufacturing and industrial use exclusively is exempt from this definition.

"Nonconforming." See definitions in Section 17.14.020 of this title.

"Occupancy, Change of." "Change of occupancy" is a discontinuance of an existing use and the substitution thereof of a different kind of use.

"Occupied" means arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.

"Off-sale liquor establishment" means a business engaged in the retail side of alcoholic beverages, with or without other products, all alcoholic beverage items for consumption off the premises.

"On-sale liquor establishment" means a business engaged in the sale of alcoholic beverages for consumption on the premises whether or not accompanied by the sale, dispensing or consumption of food, where less than twenty (20) percent of the gross floor area of the building is designed, intended, equipped and used exclusively for the storage and preparation of food and nonalcoholic beverages for consumption on the premises.

"Open space" means land which is free of buildings, surface parking for vehicles or other improvements except for walkways less than four (4) feet wide or recreation facilities.

"Outdoor advertising structure" means a structure of any kind or character, including a billboard or digital billboard, erected or maintained by a state-licensed outdoor advertising company for outdoor advertising purposes, upon which any poster, bill, printing, painting, picture, statuary, symbol, or other advertisement of any kind whatsoever may be placed and, which:

1. Solicits public support or directs public attention to the sale, lease, hiring, or use of any objects, products, or services not produced, sold or otherwise available on the premises where such advertising sign is erected and maintained; or
2. Contains a visual message to the general public concerning candidates for public office, matters relating to elections, public service announcements or is placed by a public service agency for the purpose of fulfilling its public service mission.

“Pawnbroker” or **“Pawnshop”** is an individual or business that offers secured loans to people, with items of personal property used as collateral.

"Personal care facility" means a business use of property in which there may be as part of the services provided or performed direct physical contact between the patron and the proprietor and/or any employee. Personal care facilities include but are not limited to barbers, beauticians, cosmetologists, nail salons, skin care operators, tanning salons and personal fitness and training facilities. Personal care facilities shall not, however, include the offices or businesses of California state-licensed chiropractors, doctors, dentists and other state-licensed medical professionals. Personal care facilities do not include massage establishments as the term is defined under Section 17.04.020.

"Planning Services Manager" shall mean and refer to the City Planner.

Note— *Such definition shall apply to any and all references to the "Planning Services Manager" throughout this Code.*

"Pool hall" means any building or portion thereof designed, intended and equipped with five (5) or more pool tables, billiard tables or snooker tables or combination thereof except that a business with a valid certificate of occupancy and business license for another permitted use and with no more than ten (10) percent of the floor area of the business devoted to pool tables, billiard tables or snooker tables shall not be classified as a pool hall.

"Reasonable accommodation" means a change in rules, policies, practices or services that such a disabled person will have an equal opportunity to use and enjoy a residential use.

"Recyclable material" means reusable material including but not limited to metals, glass, cardboard and plastic which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(B)(4) of the California Health and Safety Code.

"Recyclable processing facility" means a separate property not appurtenant to a host use, not meeting the criteria of a reverse or bulk vending machine or mobile recycling unit. A processing facility may include power driven and nonpower driven processing, compacting, baking, shredding or outdoor storage activity and recycling.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recycling facilities include large and small collection facilities, single-feed reverse and bulk reverse vending machines and mobile recycling units.

Recycling Unit, Mobile. **"Mobile recycling unit"** means an automobile, truck trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

"Religious institution" means a building or structure and/or use, or group of buildings of structures, including, but not limited to, temples, rectories, monasteries, and convents, which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. Religious institutions shall include, but are not limited to, chapels, churches, mosques, synagogues and temples.

"Residential care facility for the elderly" means a housing arrangement licensed by the California Department of Social Services chosen voluntarily by persons sixty (60) years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care or health-related services are provided, based upon residents' varying needs as defined in California Health and Safety Code Section 1569 et seq. A residential care facility for the elderly may house residents less than sixty (60) years of age with compatible needs pursuant to California Health and Safety Code Section

1569.316 and provide health-related services pursuant to California Health and Safety Code Section 1569.70.

"Restaurant" means an establishment engaged in the sale of food and nonalcoholic beverages for consumption on or off the premises, and alcoholic beverages for consumption on the premises and where at least twenty (20) percent of the gross floor area of the building is designed, equipped and used exclusively for the storage and preparation of food and nonalcoholic beverages, and where at least fifty (50) percent of the gross floor area of the building is designed, equipped and used exclusively for seating of patrons for the purpose of serving meals. Meals means the usual assortment of foods commonly ordered at various hours of the day. Patrons means persons who come to a bona fide public eating place for the purpose of actually ordering and obtaining a meal therein. A maximum of thirty (30) percent of the gross floor area may be devoted to incidental uses including on-premise sale of alcoholic beverage, live entertainment, pool tables, restrooms and offices. The area designated for incidental use shall be physically separated from all dining and kitchen facilities. The sale of alcoholic beverages shall be incidental to the sale of food.

"Reverse vending machine" means an automated mechanical device occupying twenty-four (24) square feet or less of floor space which accepts at least one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles and issues a cash refund or a redeemable credit slip with a value of not less than the container's redemption value as determined by the state.

Reverse Vending Machine, Bulk**. "Bulk reverse vending machine"** means a reverse vending machine that occupies no more than fifty (50) square feet of floor space, is designed to accept more than one container at a time; and will pay by weight instead of by container.

"Satellite dish antenna" means any parabolic (bowl-shaped) antenna which: (i) has a diameter greater than two (2) feet; (ii) is designed to receive satellite transmissions; (iii) is incapable of transmitting electromagnetic waves, including but not limited to radio frequency signals; and (iv) is external to or attached to the exterior of any building.

School. **"Elementary school or high school"** means an institution of learning which offers introduction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state. High schools include junior high school and senior high school.

School, Trade. **"Trade school"** means a building, tenant space in excess of one thousand (1,000) square feet and seating more than ten (10) individuals used for the training or teaching of any personal improvement, professional or trade instructional services, including but not limited to photography, art, crafts, music, dance, driving, business and trade, reducing salons, health or fitness spas.

"Self-service laundry" means any establishment for laundering where there is no pickup or delivery service and no steam or hand laundry of any type.

"Single-room occupancy units (SRO)" means housing consisting of single-room dwelling units typically with no more than four hundred (400) square feet of habitable space that is the

primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both). An accessory structure (i.e. garage) does not qualify as an SRO. Also known as "efficiency units."

"Social rehabilitation facility" means any residential facility licensed by the California Department of Social Services that provides social rehabilitation services for no more than eighteen (18) months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. The foregoing and related terms shall be interpreted in a manner consistent with the same or similar terms set forth in California Health and Safety Code Section 1502(7).

"Spiritual specialty shop" means any establishment whose primary business is the sale of, or providing instruction on the use of natural herbs, dry goods, health products, charms, non-pharmaceutical medicinal type products, and religious or spiritual items. Spiritual specialty shop includes, but is not limited to, botanicas, herbal medicine stores with sales of spiritual items, and similar uses.

"Stable" means a building, portion of a building, or corrals designed or used to shelter and feed horses, ponies, or other large animals which are of the property of which the stable is situated. Private stables are stables that are not rented, used, or boarded on a commercial basis for compensation.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

"Street" means a public thoroughfare which affords the principal means of access to abutting property.

"Structurally altered" means to have had an alteration of any structural element, floor, frame, wall, or roof or any other stress bearing portion of a building and excludes alterations to or additions of interior nonbearing partitions and interior remodeling which does not affect the structural system.

"Structure" means anything constructed or erected, which requires location on the ground or attached to something having location on the ground, but not including fences, or walls used as fences, less than six (6) feet in height.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the 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 (per Health and Safety Code Section 50675.14(b)).

"Taxi service" means a place of business that has vehicles which provide private transportation to customers for compensation. Taxi service may have vehicle storage for operable taxis when not in use and may have associated minor repair, conducted within a fully enclosed building, and washing of taxis.

"Theater" means that portion of a building or other enclosure permanently enclosed on two (2) or more sides and equipped with a device for the projecting of moving pictures upon a screen for viewing by patrons admitted thereto for anything of value. Every such portion of a building or other enclosure thus equipped shall constitute a separate moving picture theater.

"Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people (per Health and Safety Code Section 50675.14(b)(3)).

"Top plate height" means the horizontal framing member that caps an exterior wall and supports rafters or roof framing.

"Transitional housing" and "transitional housing development" means temporary rental housing intended for occupancy by target populations transitioning to permanent housing that is operated under program requirements calling 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 (6) months (per Health and Safety Code 50675.2(h)).

"Use" means the purpose for which land or a building is designed, arranged or intended, or for which either is or may be occupied or maintained.

"Yard" means an open space other than a court, on a lot, unoccupied or unobstructed from the ground upward, except as otherwise provided in this chapter.

Yard, Front. **"Front yard"** means an area extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the main building closest to the front of the lot.

Yard, Rear. **"Rear yard"** means an area extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the rear lot line.

Yard, Side. **"Side yard"** means an area between the main building and the side lot line extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear yard and the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Yard, Street Side. **"Street side yard"** means an area between the main building and any adjacent public street right-of-way.

"Zoning clearance" means a ministerial certificate issued by the Planning Division prior to issuance of any building permit to ensure that the proposed improvement complies with all of

the provisions of the zone in which it is located, as well as all other applicable provisions of this chapter.

"Zoning map" means the officially adopted map of the city of El Monte showing zoning designations for all parcels of land.

(Ord. 2687 § 2, 2007; Ord. 2672 § 1, 2006; Ord. 2594 § 1, 2003; Ord. 2522 § 3, 2000; zoning ordinance §§ 17.04.020—17.04.465)

(Ord. No. 2739, § 5, 3-17-2009; Ord. No. 2779, §§ 7, 8, 10-18-2011; Ord. No. 2813, § 3, 1-22-2013; Ord. No. 2812, § 6, 1-22-2013; Ord. No. 2834, § 6(Exh. D), (Exh. E), (Exh. G), 1-14-2014; Ord. No. 2838, § 2, 5-27-2014; Ord. No. 2878, § 5, 4-15-2016; Ord. No. 2883, § 14, 6-21-2016; Ord. No. 2910, § 3, 4-18-2017; Ord. No. 2914, §§ 2, 3, 7-18-2017; Ord. No. 2920, § 3, 8-1-2017; Ord. No. 2928, §§ 2, 3, 5-15-2018; Ord. No. 2967, 2-4-2020; Ord. No. 2985, 10-20-2020)

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Chapter 17.06 - GENERAL REGULATIONS

17.06.010 - General.

The regulations specified in this title shall be subject to the following interpretation, application and exceptions specified in the following sections and subsections:

A. No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the respective zone in which such land, building or premises is located. No business, occupation or activity which is or may lawfully be conducted shall be altered, expanded or enlarged in any manner so as to make it nonconforming to any provision of law, ordinance or resolution applicable to the premises or to the property or the business or activity conducted thereon.

B. No building or structure shall be erected nor any existing building or structure be moved, reconstructed or structurally altered to exceed in height the limit established by this title for the zone in which such building or structure is located.

C. No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this title for the zone in which such building is located.

(Zoning ordinance § 17.06.010)

17.06.020 - Consistency with other plans.

A. Prior to the issuance of any land use entitlement the Planning Division must determine that the proposed building, structure or use is consistent with any applicable redevelopment plan, specific plan, and the city of El Monte general plan.

B. Where any provision of this title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance the provisions of this title shall govern.

(Zoning ordinance § 17.06.015)

17.06.030 - Residential density.

For the purpose of constructing residential units, the density shall be based upon the lot area after dedication, if any. The number of units permitted shall always be rounded down to the nearest whole number (e.g. 3.8 units = 3.0 units).

(Zoning ordinance § 17.06.020)

17.06.040 - Less restrictive uses prohibited.

The express enumeration and authorization in this title of a particular class of building, structure, premises or use in a designated zone shall be deemed a prohibition of such building, structure, premises or use in all zones of more restrictive classification, except as otherwise specified.

(Zoning ordinance § 17.06.025)

17.06.050 - Additional permitted uses.

Uses other than those specifically mentioned in this title as uses permitted in each of the zones may be permitted therein, provided such uses are similar to those mentioned, and are in the opinion of the Community Development Director, not more obnoxious or detrimental to the welfare of the community than the permitted uses specifically mentioned in the respective zones. The decision of the Community Development Director may be appealed to the City Planning Commission.

(Zoning ordinance § 17.06.030)

17.06.060 - Height of buildings.

A. No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, steeples, or other structures shall exceed the height limit provided in this title. Radio and television masts, flagpoles, chimneys and smokestacks may extend not more than twenty (20) feet above the height limit provided in this title, provided that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances.

B. With the exception of roof structures to the extent and height specifically authorized by any section of this title, no portion of any structure located less than one hundred (100) feet from property classified in zone R-2 or any more restrictive zone shall exceed forty (40) feet in height.

(Zoning ordinance § 17.06.035)

17.06.070 - Accessory building regulations.

The regulations specified below shall apply to the location of accessory buildings unless otherwise provided in this title:

A. Height. Accessory buildings located in any residential zone shall not exceed one story and sixteen (16) feet in height.

B. Floor area. Accessory buildings shall not exceed an area of eight hundred (800) square feet.

C. Lot Coverage and Floor Area Ratio (FAR). The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the maximum floor area of the accessory building. In addition, the lot coverage and square footage shall be included in the maximum lot coverage and FAR of the underlying zone.

D. Location. Accessory buildings located in any residential zone shall not be located at a distance less than fifty (50) percent of the depth of the lot from the front property line, or fifty (50) feet, whichever is less.

E. Setbacks. Accessory buildings located in any residential zone shall have a minimum side and rear yard setback of four (4) feet. On a corner lot, accessory buildings located in any residential zone shall have a minimum setback of ten (10) feet from the street side property line. For other zones, the setbacks shall meet the minimum required of that zone.

F. Bathrooms and Other Plumbing. Bathrooms and plumbing for washer and dryer hookups are permitted as part of an accessory structure located in R-1A, R-1B and R-1C zones provided that all of the following conditions are met:

1. The lot is a minimum of six thousand (6,000) square feet;
2. The lot meets all required enclosed and open parking requirements;
3. The bathroom does not contain a bathtub. Only a toilet, shower, and sink are permitted;
4. The bathroom is a maximum of forty (40) square feet;
5. The property is developed with only one single-family dwelling. The property may not be part of a Planned Residential Development, contain an accessory dwelling unit or junior accessory dwelling unit, or have a legal nonconforming guest house with a kitchen or bathroom;
6. The structure is consistent with the design of the dwelling and complies with all other requirements of Section 17.06.070; and
7. A covenant is signed and recorded against the property by the property owner stating that the structure will not be converted to an accessory dwelling unit or a sleeping/living quarter without obtaining necessary permits from the City and paying any required fees.

G. See Chapter 17.37 (Rurban Homestead Overlay District) of this title for additional standards and requirements for accessory buildings within the Rurban Homestead Overlay District (RHOD).

(Zoning ordinance § 17.06.040; Ord. No. 2883, § 12, 6-21-2016; Ord. No. 2928, §§ 4—6, 5-15-2018; Ord. No. 2967, 2-4-2020)

17.06.080 - Through lots.

On through lots the minimum yard setback from the public right-of-way shall be the average of the yards on adjoining lots, if adjoining lots are undeveloped, the minimum yard setback shall conform to the front yard setback for the zone in which the property is located.

(Zoning ordinance § 17.06.045)

17.06.085 - Floor area ratio.

The maximum gross floor area for a single-family dwelling or for any buildings used for dwelling purposes when located on any lot or parcel, excluding garage and similar accessory structures, shall not exceed the floor area ratio specified in the following subsection:

A. Maximum allowable floor area ratio in specified zone:

1. R1-A, R1-B, R-1C and RHOD	=	0.35 for properties with a lot size of up to 10,000 square feet; 0.30 or 3,500 square feet, whichever is greater, for properties with a lot size of 10,001 to 15,000 square feet; 0.25 for 4,500 square feet, whichever is greater, for properties with a lot size of 15,001 to 20,000 square feet; and 0.20 or 5,000 square feet, whichever is greater, for properties with a lot size of 20,001 square feet or greater
2. R-2	=	0.35 for lots less than 10,000 square feet; and 0.40 for lots greater than 10,000 square feet
3. R-3	=	0.35 for lots less than 9,500 square feet; and 0.40 for lots greater than 9,500 square feet
4. R-4	=	0.35 for lots less than 9,500 square feet; and 0.40 for lots greater than 9,500 square feet

(Ord. 2662 § 5(A)(part), 2006)

(Ord. No. 2743, § 6, 5-5-2009; Ord. No. 2883, § 13, 6-21-2016; Ord. No. 2928, § 7, 5-15-2018; Ord. No. 2967, 2-4-2020)

17.06.090 - Lot coverage.

The maximum coverage of all buildings and structures on a lot for all residential zones shall not exceed the lot coverage specified in the following subsection:

A. Maximum allowable lot coverage in specified zone:

1. R1-A	=	35 percent
2. R1-B	=	35 percent
3. R1-C and RHOD	=	35 percent
4. R-2	=	40 percent
5. R-3	=	45 percent
6. R-4	=	45 percent

(Ord. 2662 § 5(A)(part), 2006; Ord. No. 2928, § 8, 5-15-2018; Ord. No. 2967, 2-4-2020)

17.06.095 - Yard encroachments.

When yards are required in this title, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as permitted by the following subsections:

A. Cornices, chimney, canopies, bay windows, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side or rear yard not to exceed two (2) feet.

B. Mechanical equipment located in the interior side or rear yard may be no closer than three (3) feet to the property line. Mechanical equipment in the front or street side yard shall comply with the setbacks for structures in the respective zone.

(Ord. 2662 § 5(A)(part), 2006: zoning ordinance § 17.06.050)

17.06.100 - Outdoor storage in commercial zones.

In all commercial zones, the outdoor storage of material and equipment shall be permitted only when such storage is incidental to the proper use of an office, retail store, or other commercial building located on the front portion of the same lot, and upon condition that the following requirements be complied with at all times.

A. Storage shall not occupy any of the required parking or loading spaces.

B. Such storage shall be located on the rear one-half of the lot and shall occupy no more than twenty-five (25) percent of the entire lot area.

C. The storage area shall be completely enclosed by a solid masonry wall (with necessary gates constructed with approved screening material) not less than six (6) feet in height.

D. No material or equipment shall be stored to a height greater than that of the wall or fence enclosing the storage area.

(Zoning ordinance § 17.06.055)

17.06.110 - Outside storage in industrial zones.

In all industrial zones, the outside storage of products, materials, and equipment shall be permitted only when such storage is incidental to a permitted or conditionally permitted use for the zone in which it is located, except where storage is the permitted use as in a contractor's storage yard. All outside storage, including storage yards shall comply with the following requirements at all times.

A. Storage shall not occupy any of the required parking or loading spaces.

B. The storage area shall be completely enclosed by a solid masonry wall (with necessary gates constructed with approved screening materials) not less than six (6) feet in height.

C. No material or equipment shall be stored to a height greater than that of the wall or fence enclosing the storage area.

(Zoning ordinance § 17.06.060)

17.06.120 - Fences, walls and hedges.

A. For all residential uses no fence, wall or hedge located in the rear or interior side yards shall exceed a height of six (6) feet. Furthermore, no solid fence, solid wall or hedge located in the required front yard of such parcel shall exceed a height of four (4) feet. Except that a maximum five-foot fence may be constructed provided that it is at least fifty (50) percent decorative wrought iron with decorative block pilasters.

B. For all residential uses, fences located within the ten (10) feet of a street side yard shall not exceed a height of four (4) feet. Except that a maximum five-foot fence may be constructed provided that it is at least fifty (50) percent decorative wrought iron with decorative block pilasters.

C. For all residential uses no barbed, pointed, spiked, razor, piercing or other similar materials may be attached to any wall or fence.

D. Barbed, pointed, spiked, razor, piercing or other similar type wire may be attached to walls and fences of commercial zoned and used property or industrial zoned and used property except along, parallel to, and/or within twenty-five (25) feet of any public right-of-way. Where such zones or uses abut any residentially zoned property the above referenced materials are prohibited. The overall height of any wall or fence and wire shall not exceed eight (8) feet in height.

E. In all commercial, office and industrial zones, fences and/or walls located along the front or street side property line shall be located behind the required landscaping.

(Zoning ordinance § 17.06.065)

17.06.130 - Security bars and gates.

A. Security bars, gates, and similar security devices for all commercial and industrial buildings and/or uses must be located in the interior of buildings whenever possible. If gates or grills are located on the exterior of buildings, they shall be retractable during business hours and they shall be decorative in style.

B. Commercial and industrial buildings and/or uses are prohibited from having security window grills installed, located and/or maintained on the exterior of a building.

(Zoning ordinance § 17.06.070)

17.06.140 - Commercial and industrial separation.

A. When a commercial or industrial use abuts a property classified or used for residential purposes it shall be separated therefrom by a solid masonry wall six (6) feet in height, using an average grade between adjacent lots. Separation walls located along the front property line of the abutting R-classified property shall be four (4) feet in height.

B. All fences located in the required front and street side yards for commercial and industrial uses shall be solid masonry or wrought iron. All fencing shall be set back from any street property line a minimum of seven (7) feet clear and the seven (7) foot strip shall be landscaped and maintained and an underground irrigation system shall be installed.

(Zoning ordinance § 17.06.075)

17.06.150 - Satellite dish antenna.

Every satellite dish antenna as defined under Section 17.04.020 of Chapter 17.04 (Definitions) of this title shall comply with the following requirements:

A. For all residential uses satellite dish antennas with a diameter greater than two (2) feet shall not be attached to the roof or wall of any building; no pole mounted antennas are permitted; no ground mounted dish antennas shall be located in the area between the main building and the front property line or between the building and the side property line on the street side of a corner lot; no ground level satellite dish antenna shall exceed sixteen (16) feet in height; guy wires shall not be anchored within any front yard of any lot or within any side yard on the street side of a corner lot; dish antennas shall be screened from view from any public right-of-way with dense landscaping or other material approved by the Planning Services Manager.

B. For all nonresidential uses satellite dish antennas with bases attached on or to a building shall be located within the middle one-third of the roof of the building and shall be completely screened from view from any public right-of-way; dish antennas with bases of attachment on a building shall not exceed sixteen (16) feet in height above the grade of the roof; no ground-mounted dish antenna shall be located in the area between the main building and the front property line or between the main building and the side property line on the street side of a corner lot; all ground-mounted satellite dish antennas and supporting bases shall be screened from view from any public right-of-way with dense

landscaping or other material approved by the Planning Services Manager; no pole-mounted dish antennas are permitted which exceed sixteen (16) feet in height.

(Zoning ordinance § 17.06.080)

(Ord. No. 2739, § 2, 3-17-2009)

17.06.155 - Physical cart containment measures.

A. General Requirement. Any business establishment that uses carts in its operations, or that provides, or otherwise makes available carts for use by its customers, shall be required to employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from premises where they are located.

B. Containment Options. In the furtherance of subsection A of this section, each business establishment shall be required to employ and/or install one or more of the following physical containment measures:

1. Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;

2. Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;

3. Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used;

4. Installing a physical barrier system designed to reliably prevent the removal of carts from the territorial boundaries of the premises, provided, however, that such barrier system be designed to be architecturally and aesthetically consistent and compatible with other on premise improvements.

Nothing in this subsection shall prevent the El Monte Planning Commission, or the El Monte City Council on appeal, from requiring one or more of the containment measures enumerated above, or any other physical containment measures which are not so enumerated, as mitigating conditions for the approval of any discretionary land use authorization (e.g., conditional use permits, modifications, variances, design review approvals, subdivision maps, parcel maps and the like).

C. Approval by Planning Services Manager. Commencing upon the effective date of this section, below, every new or existing business establishment must either: (i) submit documentation which to the reasonable satisfaction of the Planning Services Manager proves that the business establishment has installed any one or more of the measures set forth under subsections (B)(1) through (B)(3) of this section and that such system is operational and in good working condition; or (ii) submit to the Planning Services Manager a proposal for the installation and construction of a barrier system as contemplated under

subsection (B)(4) of this section. The Planning Services Manager shall have thirty (30) calendar days from the date of submission to review any proposal for a barrier system contemplated under subsection (B)(4) of this section and may thereafter approve the proposal as proposed; deny the proposal as proposed; or approve the proposal subject to modifications and amendments aimed at enhancing its cart containment reliability and/or its architectural and aesthetic consistency with other on-premises improvements to the reasonable satisfaction of the Planning Services Manager. No new business establishment shall be issued a certificate of occupancy until the requirements of this section are satisfied. No existing business shall be issued a business permit as contemplated under Chapter 5.25 (Use of Shopping and Laundry Carts) of this Code until the requirements of this section are satisfied.

D. Implementation of Supplemental Measures. In addition to the physical containment option set forth under subsection (B)(4) of this section, the Permit Committee may require the employment and/or installation of any one of the options set forth under subsections (B)(1) through (B)(3) of this section, if the Permit Committee finds that the option set forth under subsection (B)(4) does not reliably prevent the removal of carts from the premises. If the number of carts removed from the premises, or otherwise found abandoned, exceeds eight (8) carts per month during any ten (10) months of the calendar year following the installation of the containment measure contemplated under subsection (B)(4) of this section, such containment measure shall not be considered reliable for purposes of this subsection. The Permit Committee may direct the employment and/or installation of the additional measures in the course of any renewal of a business permit or in the course of any revocation proceedings as both processes are set forth under Chapter 5.25 of this Code.

E. Compliance Period. All business establishments subject to subsection B of this section which are already in operation as of the effective date of this section, shall be required to comply with its provisions within twelve (12) months from the effective date of this section. Any premises or other real property occupied, or otherwise used by, a noncompliant business establishment shall be regarded as a nonconforming use which may be continued for a period of twelve (12) months following the effective date of this section. After such twelve (12) month period all such nonconforming uses shall be terminated except to the limited extent an extension of time has been granted in accordance with subsection F of this section, below.

F. Extension of Compliance Period. A business establishment and the owner of the premises upon which the business establishment is located (if different from the owner of the business establishment) may apply for an extension of time within which to comply with the mandate of subsection B of this section as follows:

1. Applicant. The application must be submitted by (i) the owner of the business establishment; or (ii) jointly by the owner of the business establishment and the owner of the premises upon which the business establishment is located, if different from the owner of the business establishment.

2. Time and Manner of Application. The application must be filed with the Planning Services Manager care of the City Clerk at least sixty (60) days but no more than one hundred eighty (180) days prior to the expiration of the twelve (12) month noncompliance period authorized under subsection E of this section. Upon the filing of a complete application, the Planning Services Manager shall designate a hearing officer to conduct a hearing on the extension request, make findings and issue a ruling thereupon.

3. Content of Application. The application shall (i) state the amount of additional time needed, provided such request does not exceed a period of four (4) additional months; (ii) state the specific basis for requesting an extension; and (iii) identify all substantive and tangible steps taken by the applicant(s) as of the date of the application to bring business establishment closer to compliance. The City Council may establish and from time to time amend fees for the processing of such applications. An application which fails to address any of the foregoing matters, shall be returned to the applicant, as incomplete and non-responsive, together with the application fee less any administrative costs of processing the application.

4. Hearing Procedure. The hearing to consider the extension of the twelve (12) month, noncompliance period shall be conducted informally and the legal rules of evidence shall not be applicable. The applicant(s) may be represented by legal counsel or any other duly designated representative(s). The hearing shall be conducted within thirty (30) days from the date a hearing officer is designated by the Planning Services Manager.

5. Approval of Extension. An extension under the provisions of this section shall be for a reasonable period of time not to exceed four (4) additional months. The hearing officer may grant the extension request as proposed; deny the extension request as proposed; or grant a modified extension, provided any such modified extension does not exceed four (4) additional months. In rendering its decision the hearing officer may consider (i) the written request of the applicant(s); (ii) the written reports or other communications of city staff and other commissions or committees of the city which are offered to the hearing officer for consideration, provided copies of such material are also made available to the applicant at or before the hearing; (iii) any written points and authorities submitted by the applicant(s) or the city, provided copies of such written points and authorities are filed with the hearing officer and served upon the opposing party no less than five (5) days prior to the date of the hearing; and (iv) the oral argument and testimony of the applicant and its representatives or consultants, the Planning Services Manager, and such other representatives or consultants as may be designated by the Planning Services Manager to speak on behalf of the city.

6. Findings. The hearing officer may grant an extension (including a modified extension) if all of the following is found by a preponderance of the evidence: (i) the applicant(s) would suffer undue hardship absent the grant of an extension; (ii) the applicant(s) has made a substantial and tangible effort to bring the business establishment and the

premises closer to full compliance with the requirements of this section as of the date of the application; (iii) the applicant is not in violation of any of the provisions of Chapter 5.25 of this Code or any cart containment plan approved thereunder; and (iv) authorizing an extension of time for a period not exceeding four (4) additional months would not unduly threaten the public health, safety or welfare in light of applicants compliance efforts to date.

7. Decision and Order. The decision of the hearing officer and supporting finding shall be in the form of a written order and shall be served upon the applicant(s) personally or by certified mail, return receipt requested, within ten (10) days after the decision is rendered.

G. Routine Cart Collection. All carts located on the premises of the business establishment (other than an establishment open for business twenty-four (24) hours per day) shall be collected at the end of each business day by employees of the business establishment and shall be collectively confined in a secure manner at a designated cart confinement area until the commencement of the next business day. All carts located on the premises of any business establishment open for business twenty-four (24) hours per day, other than carts then currently in use by a customer, shall be collected by employees of the retail establishment and returned to the designated cart confinement area on the premises at least twice per calendar day between the hours of one p.m. and five p.m. and the hours of eight p.m. and one a.m. for each day the business establishment is open for business. The provisions of this element shall not apply to carts which are physically confined within an enclosed building.

H. Definitions. For purposes of this section, the following terms and phrases shall have the meaning set forth below:

Business Establishment. The term **"business establishment"** refers to any person, as defined herein, engaged in for-profit or non-profit enterprise, undertaking or activity for which a city of El Monte business license and/or business permit is required, including, but not limited to, any for-profit commercial retail business or enterprise.

Cart. The term **"cart"** means either a shopping cart or a laundry cart as defined herein.

City Council. The term **"City Council"** means the City Council of the city of El Monte.

Laundry Cart. The term **"laundry cart"** means any basket or other like container of any size, dimension or material construction which is mounted on wheels and used in a cash operated laundry or dry cleaning business establishment by the customer, agents, employees typically, but not necessarily exclusively, for the purpose of transporting clothing, fabrics and/or the supplies necessary to process them.

Parking Area. The term **"parking area"** means any area within the perimeter of a premises as defined herein that is designated or otherwise used for the parking, stopping, loading or unloading of vehicles, including but not limited to any and all motor vehicles used by customers of the business establishment located on the premises.

Permit Committee. The term **"Permit Committee"** means the El Monte Permit Committee organized under Chapter 5.12 (Business Permits Generally) of this Code.

Person. The term **"person"** means and includes, but is not limited to, any natural person, individual, firm, association, organization, sole proprietorship, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, living trust, joint venture or any other legal entity. The term "person" as applied under this chapter is to be given the broadest possible meaning and is inclusive of any business establishment or cart owner.

Planning Services Manager. The term **"Planning Services Manager"** means the Planning Services Manager of the El Monte Planning Division or designee.

Premises. The term **"premises"** means the lot area or portion thereof owned, leased, managed, maintained, occupied or otherwise used by a business establishment, including all buildings, structures parking areas, public areas, common areas owned, leased, managed, maintained, occupied or otherwise used by the business establishment or the customers, agents or employees of a business establishment in connection with, or in the furtherance of, its operations.

Public Area. The term **"public area"** means any real property within the territorial boundaries of the city of El Monte that is open to, or otherwise accessible by, members of the general public, including, but not limited to, any public right-of-way, any public street and those areas of privately owned real property that are customarily open to, or otherwise accessible by, members of the general public such as the parking areas or common areas within a premises as defined herein.

Shopping Cart. The term **"shopping cart"** means any basket or other like container of any size, dimension or material construction which is mounted on wheels or a similar device and is typically (but not necessarily exclusively) used by the customers, agents or employees of a retail business establishment for the purpose of transporting goods of any kind.

(Ord. 2692 § 1, 2007)

17.06.165 - Accessory dwelling units (ADUs).

A. Purpose. The accessory dwelling units (ADUs) regulations set forth in this Section 17.06.165 are established to comply with the state standards and requirements set forth in Section 65852.2 of the California Government Code and other applicable state laws. All provisions set forth in this Section 17.06.165 shall be subject to the applicable preemptive limitations set forth in such Government Code Section 65852.2, unless stated otherwise.

B. Accessory Dwelling Unit (ADU). As set forth in El Monte Municipal Code Section 17.04.020, an “accessory dwelling unit,” or ADU, means an attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. It shall include the following:

1. An efficiency unit, as defined in California Health and Safety Code Section 17958.1; or

2. A manufactured home, as defined in California Health and Safety Code Section 18007. A trailer, motor vehicle, or other recreational vehicle may not be used as an ADU or maintained as a habitable unit or living area on a residential of multifamily lot.

C. Permitted Zones, Maximum Quantity and Minimum Lot Size:

1. The following shall be ministerially permitted on any lot zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling, subject to the restrictions set forth in this Section 17.06.165 (notwithstanding Section 17.06.165(Z)):

Zoning:	Existing Structures On-Site:	# of ADUs Permitted:	# of Junior ADUs Permitted:
Single-family	Single-family structure	One ADU	One Junior ADU
Multifamily or non-multifamily that allows residential	Single-family structure	One ADU	One Junior ADU
Single-family	Multi-family structure(s)	Two detached ADUs and permit up to 25% of the existing multifamily units in each building to provide an ADU within the existing dwelling, or one unit (whichever is greater) [1] [2]	None
Multifamily or non-multifamily that allows residential	Multi-family structure(s)		None

2. There shall be no minimum lot size to establish an attached ADU, attached Junior ADU or a detached ADU.

D. Occupancy. For new construction, the primary dwelling shall receive a certificate of occupancy at the same time or prior to the ADU receiving a certificate of occupancy.

E. Applications. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an ADU or a Junior ADU within sixty (60) days from the date the City receives a completed application if there is an existing single-family or multifamily

[1] Multifamily structures that are proposed to be developed with an ADU within the units must still comply with the minimum size of dweling units set forth in Sections 17.38.030(G), 17.40.020(G) and 17.42.020(G) of the El Monte Municipal Code.

[2] Portions of existing multifamily structures used as non-habitable space (such as boiler rooms, storage rooms, attics, basements, garages) may be converted into ADUs.

dwelling on the relevant lot. If the permit application to create an ADU or a Junior ADU is submitted with a permit application to create a new single-family dwelling on the relevant lot, the City may delay acting on the permit application for the ADU or the Junior ADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the ADU or Junior ADU shall be considered without discretionary review or hearing.

F. Fees/Utility Connections.

1. The property owner shall pay all applicable impact fees related to an ADU seven hundred fifty (750) square feet or larger, including but not limited to, parks, traffic, water and sewer impact fees. Such fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.

2. No new or separate utility connection or related fees or capacity charges shall be required for an ADU described in Section 17.06.165(Z)(1)(a) unless such ADU was constructed with a new single-family dwelling.

3. For ADUs not described in Section 17.06.165(Z)(1)(a), a new or separate utility connection may be required and related fees or capacity charges shall be proportionate to the burden of the proposed ADU based upon either its square feet or number of its drainage fixture unit ("DFU") values, upon the water or sewage system. Such fees or charges shall not exceed the reasonable cost of providing service.

G. Zoning Clearance. Proposed ADUs shall be subject to zoning clearance review under El Monte Municipal Code Chapter 17.18.

H. Design.

1. The architectural design and color of an ADU shall be similar and compatible to the architectural design and color of the existing single-family dwelling on the same lot.

2. All ADU exterior designs shall be compatible with the main dwelling unit in term of architectural style, building forms, materials used, color, exterior finishes, roof forms, and style of windows/doors. The ADU must retain the appearance of a single-family dwelling and shall be integrated into the design of the existing primary dwelling unit on the property.

3. All ADU façade elevations that are visible from the public right-of-way must provide windows or other architectural features that are compatible with the existing primary dwelling unit.

4. All ADUs shall comply with all design guidelines adopted by the city.

5. For attached ADUs, the entrance shall be located on the side or rear of the primary dwelling and whenever possible. The additional entrance is prohibited from being located on the front of the primary dwelling unit, facing the public right-of-way.

6. For ADUs converted from a garage, the garage door must be removed and replaced with windows and/or other design features that are consistent with the overall

architectural design of the ADU and the primary dwelling unit. In addition, a four (4) foot wide planter shall be installed between the ADU and any driveway.

7. For new ADUs attached to a garage, there shall be no direct access from the garage to the ADU.

8. The same design standards outlined above shall also apply to ADUs developed on a lot with multifamily dwellings.

I. Building, Fire and Other Codes. All ADUs shall comply with all provisions of the Municipal Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

J. Configuration. An ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessary structure or detached from the proposed or existing primary dwelling and located on the same lot as the existing dwelling.

K. Unit size.

1. The maximum square footage for an attached Junior ADU shall be five hundred (500) square feet.

2. The total square footage of an attached ADU shall not exceed fifty percent (50%) of the existing or proposed primary dwelling.

3. The maximum square footage for an attached or detached ADU shall be eight hundred fifty (850) square feet for an ADU that is a studio or one (1) bedroom and one thousand (1,000) square feet for an ADU with two (2) bedrooms.

4. Notwithstanding Section 17.06.165(K)(2) and (K)(3), above, and as required under state law, an efficiency unit, meeting the criteria defined in Health and Safety Code Section 17958.1 shall be permitted. For purposes of this Section 17.06.165(K)(4), an efficiency unit is a unit for occupancy by no more than two (2) persons which has a minimum floor area of one hundred fifty (150) square feet and which may also have partial kitchen or bathroom facilities. (Health & Saf. Code, § 17958.1.)

5. Unless otherwise limited by state law, an ADU shall have no more than two (2) bedrooms.

L. Lot Coverage and Floor Area Ratio (FAR). The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the FAR limits of the underlying zone.

M. Density. ADUs shall not exceed the maximum allowable density identified in the City's General Plan for the lot in which the ADU is proposed. However, an ADU unit that conforms to this Section 17.06.165 shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

N. Building Height. A detached ADU shall not exceed a height of sixteen (16) feet.

O. Minimum Structure Separation for a Detached ADU. A minimum ten (10) foot separation must be maintained between a detached ADU and single-family dwelling.

P. Setbacks. The minimum interior side yard and rear yard setback for a detached ADU shall be four (4) feet, unless the ADU is:

1. Converted from an existing legal or legal non-conforming structure; or

2. A new structure constructed in the same location and to the same dimensions as an existing legal or legal non-conforming structure.

Q. Parking.

1. One (1) parking space shall be required for each ADU bedroom or ADU unit, whichever is less. Such required parking shall supplement additional parking requirements for the existing dwelling. Such parking may be provided as tandem parking on an existing driveway.

2. When a garage, carport, or covered parking structure is demolished, or required parking otherwise ceases to exist, in conjunction with the construction of an ADU, replacement of the lost off-street covered parking shall not be required to be replaced.

3. The parking standards set forth above in Section 17.06.165(Q)(1) shall not apply to ADUs in any one of the following circumstances:

a. The ADU is located within one-half (1/2) mile of public transit. For purposes of this Section 17.06.165, "public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;

b. The ADU is located within an architecturally and historically significant historic district;

c. The ADU is part of the proposed or existing primary residence or an accessory structure;

d. When on-street parking permits are required but not offered to the occupant of the ADU; or

e. When there is a car share vehicle located within one (1) block of the ADU.

R. Driveways. A property developed with an ADU, whether located on a corner lot or an interior lot may only maintain one driveway approach and one driveway. When a property is accessible by both a public street and a public alley right-of-way at the rear or side property line, one additional driveway opening may be maintained only from the alley right-of-way.

S. Sprinklers. ADUs shall not be required to install fire sprinklers if they are not required for the existing single-family dwelling.

T. Nonconforming Zoning Conditions. The correction of nonconforming zoning conditions shall not be required as a condition for ministerial approval of a permit application for the creation of an ADU or a Junior ADU.

U. Rental Term. Any rental of any ADU created pursuant to this Section 17.06.165 shall be for a duration longer than thirty (30) consecutive calendar days.

V. Request for Delay of Building Enforcement. Subject to compliance with California Health and Safety Code Section 17980.12, upon request by an owner of an ADU owner, the City shall delay enforcement of building standards for five (5) years if not necessary to protect health and safety for:

1. Any ADU built before January 1, 2020; or

2. Any ADU built on or after January 1, 2020 before adoption of Urgency Ordinance No. 2967 and approval thereof by State HCD if such request is made after adoption of such Urgency Ordinance No. 2967 and approval thereof by State HCD.

W. Separate Conveyance of ADUs Prohibited. No ADU may be sold or otherwise conveyed separate from the primary residence.

X. Owner Occupancy Requirement: Junior ADUs and ADUs.

1. Junior ADU: Either the existing primary dwelling or Junior ADU on a lot shall be occupied by the owner of the primary residence, unless the owner is another governmental agency, land trust, or housing organization. A covenant shall be signed and recorded against the property by the property owner stating that the existing primary dwelling or Junior ADU will be occupied by the property owner.

2. All other ADUs: Effective January 1, 2025, either the existing primary residence or ADU on a lot shall be occupied by the owner of the primary residence. Such restriction shall apply to ADUs permitted as of January 2, 2025.

Y. Other Development Standards. For all other development standards not specified in Sections 17.06.165(A) through 17.06.165(X), the development standards of the base zoning shall apply.

Z. Exempt Units. Notwithstanding any development standard or other limitation set forth in Sections 17.06.165(A) through 17.06.165(X), the City shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following units:

1. Single-Family.

a. One (1) internal ADU (internal to the existing or proposed single-family dwelling or existing accessory structure) or Junior ADU per lot with a proposed or existing single-family dwelling, if all of the following apply:

i. The ADU or Junior ADU is within the square footage of a proposed single-family dwelling, or within the square footage of an existing single-family dwelling or existing accessory structure.

ii. For an existing accessory structure, an addition of up to one hundred and fifty (150) square feet may be permitted beyond the physical dimensions of the existing accessory structure. Any such addition shall be limited to accommodating ingress and egress.

iii. The maximum square footage for the attached ADU shall not exceed eight hundred (800) square feet or fifty percent (50%) of the existing or proposed single-family dwelling, whichever is less.

iv. The minimum interior side and rear yard setbacks shall be sufficient for fire and safety.

v. The attached ADU or Junior ADU shall have exterior access from the proposed or existing single-family dwelling.

vi. The Junior ADU complies with the requirements of California Government Code Section 65852.22.

b. One (1) detached, new construction, ADU per lot with a proposed or existing single-family dwelling, if all of the following apply:

i. The minimum interior side yard and rear yard setbacks shall be four (4) feet.

ii. The maximum square footage for the ADU shall be eight hundred (800) square feet.

iii. The maximum height of the ADU shall be sixteen (16) feet.

iv. The ADU may be combined with a Junior ADU described in Section 17.06.165(Z)(1)(a)(i) above.

2. Multifamily, including multifamily in mixed-use zones:

a. Attached ADUs to an existing multifamily building:

i. Multiple ADUs within portions of existing multifamily structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with state building standards for dwellings.

ii. ADUs equal to a maximum of twenty-five (25%) percent of the units within an existing multifamily building, with a minimum of one (1) ADU per building. Fractions shall be rounded down to the nearest whole number.

b. Detached ADUs on a lot with existing multifamily units:

i. A maximum of two (2) ADUs shall be permitted.

i. The maximum square footage for the ADU shall be eight hundred (800) square feet.

ii. The maximum height of the ADU shall be sixteen (16) feet.

iii. The minimum interior side yard and rear yard setbacks shall be four (4) feet.

(Ord. 2634 § 13 (part), 2004: Ord. 2585 § 9, 2003)

(Ord. No. 2751, § 7, 1-19-2010; Ord. No. 2910, § 4, 4-18-2017; Ord. No. 2967, 2-4-2020)

17.06.170 - Failure to comply.

A. Any individual, entity, company or corporation who fails at any time to comply with, or violates the provisions of this chapter and/or any requirements imposed as a condition of being granted a land use entitlement, shall be subject to the enforcement provisions as enumerated in Chapter 17.28 of this title.

B. Failure to properly and completely construct or install all improvements required as a condition of being granted a land use entitlement, or to correct any violations of this chapter prior to occupying a building or structure and/or commencing operation of the use, shall be subject to the enforcement provisions as enumerated in Chapter 17.28 et seq. of this title.

(Zoning ordinance § 17.06.100)

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Chapter 17.08 - PARKING REQUIREMENTS

17.08.010 - Purpose.

These off-street parking requirements are established to provide properly designated parking areas adequate in design, capacity and location to prevent traffic congestion and avoid hazards to the public's safety and welfare. Off-street parking areas are to be established in proportion to the needs of the facilities served and in such a manner as to ensure their usefulness, protect the public safety and, where appropriate, buffer adjacent land uses from their impact.

(Zoning ordinance § 17.08.010)

17.08.020 - General requirements.

A. Any parking spaces or loading zones that were required when the building was originally constructed or subsequently expanded shall be continually maintained.

B. All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Landscaped planters shall be permanently maintained with healthy nursery stock. Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this chapter.

C. In all zones, parking plans for off-street parking facilities shall be submitted for approval to the Planning Division prior to the issuance of building permits or certificates of occupancy. All plans shall clearly indicate the proposed development, including parking location, size, design, lighting, landscaping, curb cuts, ingress and egress.

D. Any restriping or other changes made to a parking lot shall be reviewed and approved by the Planning Division prior to such work being commenced.

E. Required parking spaces shall not be rented separately.

F. In lieu of providing on-site parking the Planning Commission may, on a project by project basis, establish a fee equivalent to the cost of acquiring the required parking. These fees shall be used for the acquisition and the construction of parking facilities in the immediate vicinity of the project, and/or for the acquisition and improvement of accessways to parking facilities in the immediate vicinity of the project.

G. Parking shall be based upon gross floor area, except for office buildings in excess of one story, the parking ratio shall be based on net floor area, which is gross floor area minus elevator shafts, stairwells, open courtyards and balconies. Fractional spaces may be rounded to the nearest whole parking space.

H. Whenever a nonresidential structure is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading area required, additional spaces shall be provided. Furthermore, for all existing uses or structures, including residential, hereafter expanded by twenty-five (25) percent or more of the

existing gross floor area, the required off-street parking for the entire property or development shall conform to the most current parking standards.

I. Nothing in this chapter shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use.

J. All required parking spaces shall be used exclusively for operable, currently licensed motor vehicles of tenants, occupants, or visitors of the property.

K. No parking area shall be counted as both a required parking stall and a loading space.

L. Requirements for uses not specifically listed in this chapter shall be determined by the City Planner, based upon the requirements for comparable uses and upon particular characteristics of the use. Additional parking over and above that required in this chapter, may be required upon determination of the Planning Commission that the specific type of business or user generates a greater demand for more parking than the requirement in this chapter.

(Ord. 2662 § 5(B), 2006; Ord. 2576 § 3 (part), 2002; zoning ordinance § 17.08.015)

17.08.030 - Parking lot design.

A. All off-street parking facilities shall be designed so as to provide safe and reasonable maneuverability for vehicles within the parking area and enable a vehicle entering the parking area to move from one location to any other location within the parking area without entering a public street. All off-street parking facilities shall be designed in accordance with the city parking standards.

B. Where off-street parking facilities abut any property zoned or used for residential purposes, such facilities shall be separated therefrom by a solid masonry wall six (6) feet in height, provided the wall shall be four (4) feet in height from the front property line to a depth equal to the required front yard setback for the abutting residential zone.

C. All parking lots and driveways shall be surfaced with asphaltic concrete to a minimum thickness of three (3) inches over a minimum aggregate base of six (6) inches or surfaced with Portland Cement concrete with a minimum thickness of five (5) inches over a three (3) inch aggregate base. After review of the probable vehicular traffic and the soils report for the project, additional material may be required at the discretion of the City Engineer.

D. All paved parking areas shall be sloped to drain to a public street, alley, storm drain or natural drainage course and shall not pass over a public sidewalk. Where a drain beneath a sidewalk is used, such drain shall conform to the most recently adopted Standard Specifications for Public Works Construction.

E. All parking areas shall be provided with exterior lighting at one footcandle for the entire surface area. Lighting shall be designed, arranged and installed so as to confine direct rays on to the premises and to direct light away from adjacent structures, premises or streets. Lighting fixtures shall be of an energy saving type.

F. Concrete wheel stops or a six (6) inch high concrete curb shall be installed where parking stalls abut fences, walls or buildings.

G. Directional arrows shall be required for all parking areas in excess of five thousand (5,000) square feet.

H. All parking areas shall be screened from any street through the use of a minimum seven (7) foot planter.

I. In all zones no vehicle, other than a vehicle emerging from a single-family dwelling site, shall have to back into any public street.

(Zoning ordinance § 17.08.020)

17.08.040 - Parking stall size.

A. Open stalls	The minimum size for each space shall be not less than 8 feet 6 inches in width by 18 feet in length.
B. Enclosed stalls	The minimum size for each enclosed parking space shall be not less than 10 feet in width by 20 feet in length.
C. Open spaces adjacent to walls in excess of 30 inches in height	Increase above stall width by 2 feet.
D. Space over-hanging landscaping	May be reduced by 2 feet with a minimum 7-foot wide planter.
E. Turning radius and aisle width	See city of El Monte parking standards sheet, as amended from time to time by resolution of the Planning Commission (see page 44-46)

(Zoning ordinance § 17.08.025; Ord. 2576 §§ 2, 3 (part), 2002; Ord. No. 2883, § 15, 6-21-2016)

17.08.050 - Parking location.

A. Parking spaces provided for residential uses shall be located on the same property as the use it serves, except where joint use or reciprocal parking and access agreements have been approved by the Planning Commission.

B. For projects with more than one unit on a lot, the garage shall not face or open onto a public street.

C. No vehicle shall overhang a public right-of-way or encroach into any public or private easement utilized for ingress or egress. Neither a required side yard abutting a street nor a required front yard shall be used for off-street parking. Where no street side yard setback is required, vehicles shall be parked no closer than six (6) feet to the right-of-way.

D. All required off-street parking shall be located on the same property as the use it serves, except where joint use or reciprocal parking and access agreements have been approved by the Planning Commission.

E. All vehicles must park on paved or otherwise improved surfaces. Surfaces that are paved with materials other than asphalt concrete or Portland Cement concrete are subject to approval by the City Engineer.

(Zoning ordinance § 17.08.030)

17.08.060 - Vehicle location and storage.

A. For all property zoned and/or used for residential purposes, no person shall park any recreational vehicle (including but not limited to, motor home, dune buggy, camper, camper bus, RV trailer) in any required front or street side yard areas except upon an approved paved driveway access to the garage/carport structure or upon any other approved paved area in the front or street side yard area. A maximum of one recreational vehicle may be parked in the required front or street side yard area; all recreational vehicles must have a valid registration and be registered to the location where stored or parked and shall be in an operable condition; and no vehicle shall park on or extend over any public sidewalk, parkway right-of-way, or any public right-of-way. Notwithstanding the above, no recreational vehicle (including but not limited to, motor home, dune buggy, camper, camper bus, RV trailer) shall be approved for storage in any required front or street side yard setback if there is room and access to the rear yard for that vehicle. However, in no case shall vehicle access to the garage be obstructed. 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.

B. For all property zoned and/or used for residential purposes, no person shall park any automobile in any required front or street side yard areas except upon an approved paved driveway access to the garage/carport structure or upon any other paved area in the front or street side yard area. The paved area including driveways shall not exceed fifty (50) percent of the total area of the required front or street side yard area; no vehicle shall be parked on, or extend over any public sidewalk or parkway right-of-way.

C. For all property zoned and/or used for residential purposes, no person shall use the front yard or required street side yard areas for the placement of any of the following:

    1. Any motor vehicle in an inoperable condition, whether assembled or disassembled;

    2. Any boat, trailer, camper, truck camper shell;

    3. Storage of construction-related equipment, building products or other materials for a period in excess of forty-eight (48) hours, unless a valid building permit is in effect for construction on the premises.

D. No owner or occupant of property zoned and/or used for residential purposes shall maintain or permit to remain on the site: (1) a mobile vendor vehicle, or (2) any commercial vehicle with a manufacturer's specified gross vehicle weight greater than six thousand four hundred (6,400) pounds.

E. For all property zoned and/or used for residential purposes, inoperable vehicles must be located, parked or stored on such parcel of property within an enclosed garage building,

with the exception that one inoperable vehicle may be located in the area between the main building and the rear lot line, provided the inoperable vehicle is screened from view from any public, street or residentially used property.

(Ord. 2638 § 5, 2004; zoning ordinance § 17.08.035)

17.08.070 - Driveways.

A. Driveways serving one dwelling unit shall be a minimum of ten (10) feet in unobstructed width. Driveways serving two (2) to four (4) dwelling units shall be a minimum of twelve (12) feet in width; with an unobstructed height of not less than thirteen and one-half (13.5) feet. Driveways serving five (5) or more dwelling units shall be a minimum of sixteen (16) feet in width; with an unobstructed height of not less than thirteen and one-half (13.5) feet. However, if the distance between the curb face and the rear most structure is greater than one hundred fifty (150) feet the driveway width shall increase to twenty (20) feet.

B. Ingress/egress for commercial or industrial uses shall be not less than twenty-five (25) feet in unobstructed width. Along major arterials, as designated in the circulation element of the general plan, the minimum shall be increased to thirty (30) feet.

C. Each entrance and exit to an off-street parking facility shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than ten (10) feet to a pedestrian approaching such entrance or exit.

D. Driveway entrances and drive aisles shall be broken up through the use of stamped concrete or different pavement colors or textures.

E. Driveways used exclusively for ingress and egress shall not exceed fifteen (15) percent slope. Parking stalls and vehicle maneuvering areas shall not exceed five (5) percent slope.

(Zoning ordinance § 17.08.040; Ord. No. 2883, § 16, 6-21-2016)

17.08.080 - Handicapped parking and access.

Handicapped parking shall be provided in accordance with the following requirements:

Total Spaces Required:	Handicapped Stalls Required:
1—40	1
41—80	2
81—120	3
121—160	4
161—300	5

Spaces shall be not less than nine (9) feet wide, with a five-foot wide landing, by eighteen (18) feet in length. Additionally, the project must comply with all applicable handicapped parking requirements of the State of California Building Code, Title 24 and the Americans with Disabilities Act.

(Zoning ordinance § 17.08.045; Ord. No. 2883, § 17, 6-21-2016)

17.08.090 - Parking requirements for specific land uses.

Residential Uses:	
R-1A, R-1B & R-1C	Two (2) parking spaces within a fully enclosed garage. One (1) additional open parking space is required for a dwelling unit with a gross floor area greater than 2,000 square feet or having more than four (4) bedrooms. For units with more than four bedrooms, one (1) open parking space shall be required for each bedroom after the first four bedrooms.
RHOD	Two (2) parking spaces within a fully enclosed garage. One (1) additional open parking space is required for a dwelling unit with a gross floor area greater than 2,000 square feet or having more than four bedrooms. For units with more than four bedrooms, one (1) open parking space shall be required for each bedroom after the first four bedrooms.
R-2, R-3, R-4	Two (2) parking spaces within a fully enclosed garage for the first 1,200 square feet of gross floor area. Additional parking spaces are required at a rate of 1 space per each additional 300 square feet of gross floor area or portion thereof. For multi-family developments of 10 or more units in R-3 and R-4 zones. Ten (10) percent of the total required parking shall be reserved for guest parking.
Senior housing	One (1) parking space per unit for developments of 20 units or less. For developments of 21 units or more, the parking shall be 0.5 spaces per dwelling unit, or 20 spaces, whichever is greater. Additional guest parking shall be provided at 1/10 spaces per unit.
Very low and lower income housing units	One (1) parking space per very low or lower income unit. This parking ratio only applies to those units which are designated for very low or lower income. Additional guest parking shall be provided at 1/10 spaces per unit.

Moderate income housing units	Two (2) parking spaces within a fully enclosed garage. This parking ratio only applies to those units which are designated for moderate income. Additional guest parking shall be provided at 1/8 spaces per unit.	
All residential types	Furthermore, for all residential zones all garages shall have an automatic garage door opener. For single-family homes, either on separate lots or within a planned development, the additional spaces may be located on the garage apron for the dwelling unit provided that the space does not interfere with the common driveway and each additional space is a minimum of 9 feet wide and twenty (20) feet deep.	
Non-Residential Uses:		
Auditorium/multi-purpose room	1 space per 75 square feet of usable assembly area.	
General retail/office	1 space per 250 square feet of floor area for the first 20,000 square feet of gross floor area, 1 space per 400 square feet of floor area for the next 30,000 square feet of gross floor area and 1 space per 500 square feet of floor area after the first 50,000 square feet.	
Group occupancies	1 space per 2 guest rooms in rooming houses and dormitories.	
Health institution	1 space per 500 square feet of gross floor area for office/administrative use plus 0.5 spaces per bed, for hospitals, sanitariums, convalescent homes and homes for the aged.	
Hotel/motel	1 space shall be provided for each living or sleeping unit of each auto court, tourist court, motel, hotel or other transient occupancy.	
Indoor entertainment	1 space per 3 seats for movie theaters or 1 space per 75 square feet of usable floor area for other uses where no fixed seating is provided (dance halls, clubs, etc.)	
Industrial/warehouse	Square Feet of GFA:	Parking Ratio:
	Up to 5,000	1 to 400 = 13
	5,001 to 10,000	1 to 500 = 10
	10,001 to 25,000	1 to 750 = 20
	25,001 and up	1 to 1,500

Industrial/warehouse (continued)	(This is a cumulative requirement: for example a 25,000 sq. ft. building requires 13 + 10 + 20 = 43 spaces) (Offices not occupying more than 25% of the total floor area are counted as industrial/warehouse space)
Off-street loading	For nonresidential uses, one 15-foot by 25-foot space shall be required for every building over 25,000 square feet, 1 full size loading space (15 feet wide, 40 feet long with a 14-foot clearance) per 25,000 square feet of gross floor area shall be required. Full size loading spaces shall be screened from view of adjacent streets.
On-sale liquor establishment	1 space per 50 square feet of gross floor area.
Outdoor display	1 space per 2,500 square feet of open areas devoted to display, rental or sales. A minimum of 2 off-street spaces shall be required. This requirement applies, but is not limited to, plant nurseries, garden centers, equipment rentals and contractor storage yards.
Religious institution	1 space per 40 square feet of main assembly area. Additional spaces are required at a rate of 1 space per additional 250 square feet of gross floor area or portion thereof.
Restaurant	1 space per 150 square feet of gross floor area. For outdoor dining, the first 400 square feet or an area equal to 100 percent of the indoor dining area, whichever is less, shall not require any parking. Outdoor dining in excess of what is noted shall require 1 space per 250 square feet of outdoor area.
Self-storage	Parking shall be provided along 30-foot-wide parking/driving lanes adjacent to the storage buildings and a minimum of 10 spaces adjacent to the leasing office.
Vehicle Related Uses:	
Auto repair	1 space per 250 square feet of gross floor area.
Auto sales/leasing	1 space per 500 square feet of gross floor area of building plus 1 space per 2,500 square feet of outdoor display and storage area.
RVs and related	1 space per 500 square feet of gross floor area plus 1 space per 2,500 square feet of outdoor display and storage area.

(Ord. 2634 § 13 (part), 2004; Ord. 2585 § 11, 2003; zoning ordinance § 17.08.050)

(Ord. No. 2743, § 7, 5-5-2009; Ord. No. 2883, § 18, 6-21-2016; Ord. No. 2928, § 9, 5-15-2018; Ord. No. 2985, 10-20-2020)

17.08.100 - Reduction of required spaces.

A. The alternating use of parking facilities may be approved in cases where parties wish to cooperatively establish and operate parking facilities and where these uses generate parking demands primarily during hours when the remaining uses are not in operation (for example, if one use operates during the daytime or on weekends and the other use operates during the evenings or weekdays only). The burden of proof for a reduction in the total number of required parking spaces, however, shall remain with the applicant, and documentation shall be submitted substantiating the reasons for these requested parking reductions. An alternating use agreement may be approved by the City Planning Commission upon finding that such a reduction is appropriate and only under the following circumstances:

   1. That a sufficient number of spaces shall be provided to meet the greatest parking demand of the alternating uses;

   2. That satisfactory statements have been submitted by the parties operating such facilities, describing the nature of the uses and times when such uses operate so as to indicate the lack of conflict between them;

   3. That additional documents or agreements as may be deemed necessary in each particular case to assure provision for and the maintenance of the required parking spaces have been provided; and

   4. That a deed restriction is placed upon the property specifying permitted uses and other restrictions as deemed appropriate.

B. Parking requirements for a secondary use within the same building as the primary use (for example, a restaurant in a hotel or a shop 7within a sport facility) may be reduced by up to one-half, upon the determination by the Planning Division that such a reduction is justified.

C. The City Planning Commission may reduce the number of parking spaces required for senior housing by up to fifty (50) percent based upon a finding that the proposed development is located in proximity to commercial activities and services, and is adequately served by public transportation systems.

D. The City Planning Commission may permit up to one-half of the required parking spaces to be uncovered for dwelling units provided exclusively for low- and moderate-income and senior citizen households.

E. The City Planning Commission, based upon a finding that such is appropriate, may count city-owned public parking facilities within one thousand two hundred (1,200) feet of a use, measured from the use's nearest public access to such parking, in waiving all or part of the parking requirements if the sum of the required parking for such facilities is less than the existing parking provided.

F. See also Section 17.14.90, Parking and expansion or remodeling of structure, or change in use in the nonconforming provisions, Chapter 17.14.

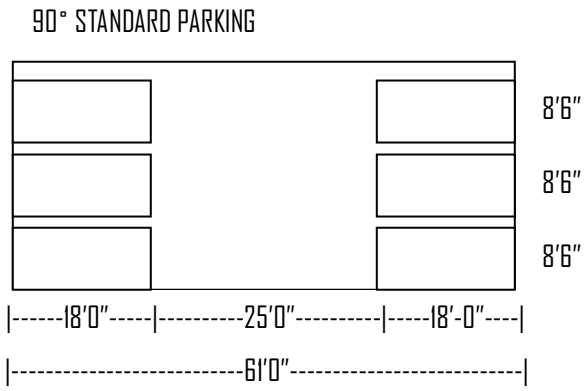
(Zoning ordinance § 17.08.055; Ord. No. 2883, § 19, 6-21-2016)

PARKING STANDARDS SHEET

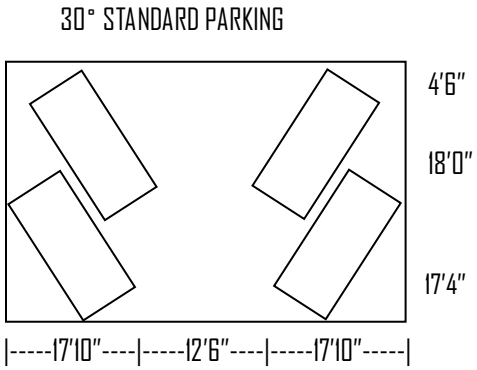
(pages 44 through 46 were presented to Planning Commission June 28, 2016)

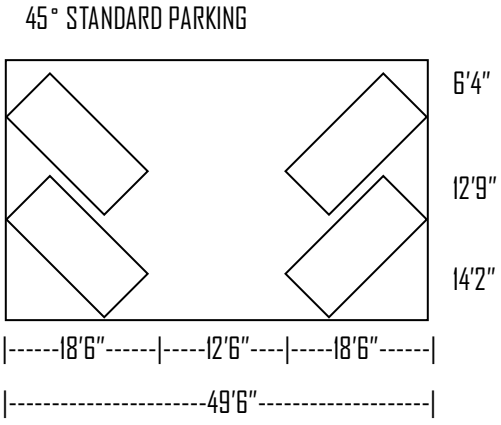
90 Degree Parking. (additional width may be required for fire access)

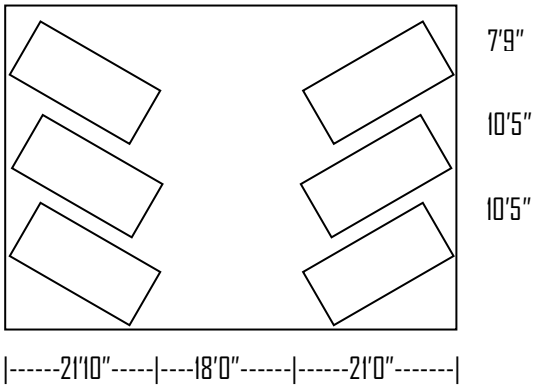
Minimum Parking Stall Width	Minimum Aisle Width
8.5’	25.0’
8.75’	24.5’
9.0’	24.0’
9.25’	23.5’
9.5’	23.0’



30, 45 and 60 Degree Parking.







Driveway and Approach Widths. (additional width may be required for fire access)

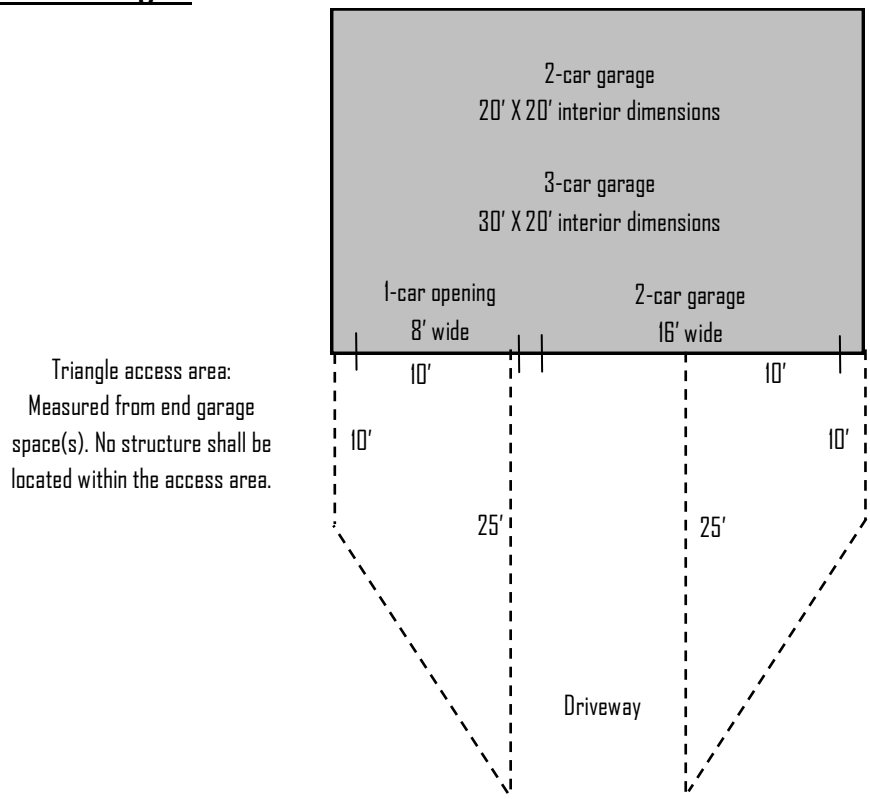
Non-Residential Developments:

- Minimum 30’ approach width along arterial streets
- Minimum 25’ approach width along all other streets

Residential Developments:

- 1 dwelling on a site: minimum 10’
- 2 to 4 dwellings: minimum 12’
- 5 or more units: minimum 16’
- If the rear most structure is greater than 150’ from street PL (regardless of number of units): minimum 20’

Turning Radius for Residential Garages.



Additional Standards.

1. Free & Clear: All dimensions shall be free and clear of any walls, posts or other obstructions.

2. Striping: All open spaces shall be double striped per City specifications.

3. Bumper Guards: Shall be provided for open spaces to protect fences, walls and buildings.

4. When abutting a solid obstruction: The width of spaces shall be increased by 2' for spaces that abut fences, buildings or other solid obstruction greater than 30" in height.

5. When abutting a column: An additional stall width of 1' shall be provided for each space that abuts columns. If the columns are set back away from the aisle, the 1' requirement may be reduced by 6" for each foot the columns are set back from the aisle.

6. Space Overhangs: Space depth may be reduced by 2' if located within a minimum 7' wide planter.

7. End Aisles: If spaces are located at the end of an aisle, the aisle shall extend 2' beyond the last space in the aisle.

8. Vertical Clearance: Minimum 7'. Clearance can be reduced to 4'6" for residential spaces for the front 4' of a parking space.

9. Slopes: Maximum of 5% slope for areas used for vehicular maneuvering and 15% slope for driveway ingress/egress areas.

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Chapter 17.10 - LANDSCAPING REQUIREMENTS

17.10.010 - Purpose.

A. To establish a procedure to review landscape and irrigation plans consistently;

B. To establish landscape development standards, irrigation methods and suggested plant species to develop a measure of uniformity in overall landscaping design;

C. To promote the value and long-term benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

D. To establish a structure for designing, installing, and maintaining water efficient landscapes for expansion of the existing buildings and new projects.

(Zoning ordinance § 17.10.10)

17.10.020 - General provisions.

A. The city does not have a required list of planting materials, however, the city encourages the use of native or indigenous plant material and does have a suggested plant list which is consistent with the city's goal for water efficient landscapes.

B. Landscape and irrigation plans shall be required for all projects involving new building construction or expansions to buildings over fifty (50) percent of existing floor area, with the exception of additions to existing single-family residences, for which landscape and irrigation plans shall be required for new building construction or expansions to buildings over one hundred (100) percent of existing floor area or one thousand (1,000) square feet, whichever is less. Such plans shall be submitted for approval to the Planning Division.

C. Installation of all landscaping and irrigation in accordance with the approved plans is required prior to final occupancy approval.

D. Landscape and irrigation plans shall be prepared by a licensed landscape architect or other person qualified by education or experience as being capable of preparing such plans.

E. Landscaping shall consist of combinations of trees, shrubs and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

F. Landscaping shall be maintained in an orderly and healthy condition. This shall include proper pruning, staking, sowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering.

G. No tree shall be planted within five (5) feet of any structure, or under any eave, overhang or balcony.

H. Landscape materials shall not be located such that at maturity: (1) they interfere with safe site distances for vehicular, bicycle or pedestrian traffic; (2) they conflict with overheadutility lines.

I. All required setbacks including interior and side yards fronting a public right-of-way shall be landscaped (except for walks and driveways which provide access from a public right-of-way).

J. Trees, shrubs, walls, berms and planting islands should be used as much as possible to beautify and break up large expansive parking areas, while at the same time help to channelize traffic.

K. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six (6) inch Portland Cement concrete curb. Other materials which accomplish the same purpose may be approved by the Planning Division.

L. Additional landscaping, in excess of the minimum area required herein, may be deemed necessary to:

1. Screen adjacent uses from parking or storage areas, trash enclosures, on-site utilities, and other similar land uses or elements that could cause a negative impact on adjacent uses based on aesthetics, noise, odors, etc.; or

2. Provide landscaping which is compatible with neighboring uses;

3. Relieve solid, unbroken elevations and soften continuous wall expanse.

(Zoning ordinance § 17.10.15)

(Ord. No. 2751, § 8, 1-19-2010)

17.10.030 - General landscape requirements.

A. Residential Requirements.

1. All required front yard setbacks, entry patios and rear setbacks, excepting those driveway areas providing ingress and egress, shall be landscaped with a mixture of trees and ground covering, and a plumbing stub out for a future irrigation system.

2. All required private open space shall contain one twenty-four (24) inch box size tree for every six hundred (600) square feet, or portion thereof; and one five (5) gallon shrub for every fifty (50) square feet of planter area, or portion thereof.

3. A three (3) foot wide driveway planter shall be planted with low growth, wide-spreading ground cover material or clustered five (5) gallon dwarf evergreen shrubs. Trees may be planted only if the driveway planter is six (6) or more feet in width.

4. A minimum of one twenty-four (24) inch box specimen tree shall be planted along the required front yard and street side yard setback for every forty (40) lineal feet of lot frontage, or portion thereof, including driveways.

B. Commercial/Industrial Requirements (Except Auto Dealerships).

1. For parking lots with ten (10) spaces or more, a minimum of five (5) percent of the total off-street parking area shall be landscaped with a mixture of trees, shrubs, and ground cover. Said landscaping shall be distributed throughout the parking area and

shall be in addition to the required street setback landscaping. All landscape planters shall be a minimum clear width of four (4) feet.

2. The depth of parking stalls may be reduced by two (2) feet if the minimum planter width is six (6) feet, or seven (7) feet if two (2) rows of vehicles are overhanging the planter.

C. Plants.

1. Trees.

   a. A minimum of one twenty-four (24) inch box specimen tree of a two and one-fourth (2 ¼) inch caliper trunk diameter, ten (10) feet in height and five-foot head diameter, shall be required for every ten (10) parking spaces, or portion thereof, and shall be located throughout the parking area;

   b. A minimum of one twenty-four (24) inch box specimen tree shall be required for every twenty-four (24) linear feet of lot frontage, including driveways. Such twenty-four (24) inch box trees shall be planted in a planter having no less than ten (10) feet in width; and

   c. A sixty (60) inch box specimen tree of a ten (10) inch caliper trunk diameter, twenty (20) feet in height and ten (10) foot head diameter, shall be required as a replacement for every fully mature and established tree, which is damaged or is destroyed during construction.

2. Shrubs.

   a. A minimum of one shrub shall be provided for every twenty (20) square feet of landscaped area or other turf areas. Seventy-five (75) percent of the required shrubs shall be a minimum of five (5) gallons.

   b. The number of required shrubs may be reduced by the Planning Services Manager when it is determined that an alternative design will meet the intent of the landscaping requirements.

   c. All five (5) gallon size shrubs, when planted as high ground cover, shall be of low, spreading type evergreen shrubs placed eighteen (18) inches on center.

   d. All one gallon size shrubs, when planted as high ground cover, shall be of low, spreading type evergreen shrubs placed eighteen (18) inches on center.

3. Ground Covers.

   a. Materials such as crushed rock, redwood chips, pebbles and stones are not satisfactory substitutes for live plant materials although their limited use may be approved by the Planning Services Manager.

   b. Artificial plant material is not acceptable.

   c. Depending on the type of ground cover planted, ground cover should be spaced at a maximum of one foot on center.

d. Ground cover areas shall be planted with well rooted cuttings or container stock. Turf areas shall be planted with field-grown established sod or hydroseed.

(Zoning ordinance § 17.10.20)

17.10.040 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.040 which pertained to water efficient landscape requirements and derived from § 17.10.25 of the zoning ordinance. See ch. 17.11.

17.10.050 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.050 which pertained to water efficient landscape definitions and derived from § 17.10.30 of the zoning ordinance.

17.10.060 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.060 which pertained to landscape documentation package and derived from § 17.10.35 of the zoning ordinance.

17.10.070 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.070 which pertained to water efficient landscape criteria and derived from § 17.10.40 of the zoning ordinance.

17.10.080 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.080 which pertained to existing landscape and derived from § 17.10.45 of the zoning ordinance.

17.10.090 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.090 which pertained to minor deviations and derived from § 17.10.50 of the zoning ordinance.

17.10.100 - Reserved.

Editor's note— Ord. No. 2751, § 9, adopted Jan. 19, 2010, repealed § 17.10.100 which pertained to waivers and derived from § 17.10.55 of the zoning ordinance.

Chapter 17.11 - WATER EFFICIENCY

17.11.010 - Purpose.

A. The state legislature has found that:

1. The waters of the state are of limited supply and are subject to ever increasing demands;

2. The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

3. It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

4. Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and

5. Landscape design, installation, maintenance and management can and should be water efficient; and

6. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

B. Consistent with these legislative findings, the purpose of this model ordinance is to:

1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;

2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;

3. Establish provisions for water management practices and water waste prevention for existing landscapes;

4. 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;

5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

6. Encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and

7. Encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

C. Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:

1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits.

2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, §§ 2, 3, 6-21-2016)

Authority cited: Section 65593, Government Code.

Reference: Sections 65591, 65593, 65596, Government Code.

17.11.020 - Applicability.

A. After December 1, 2015, and consistent with Executive Order No. B-29-15, this section shall apply to all of the following landscape projects:

1. New construction projects with an aggregate landscape area equal to or greater than five hundred (500) square feet requiring a building or landscape permit, plan check or design review;

2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred (2,500) square feet requiring a building or landscape permit, plan check, or design review;

3. Existing landscapes limited to Sections 17.11.220, 17.11.230, and 17.11.240; and

4. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 17.11.080, 17.11.150, and 17.11.160; and existing cemeteries are limited to Sections 17.11.220, 17.11.230, and 17.11.240.

B. For local land use agencies working together to develop a regional water efficient landscape ordinance, the reporting requirements of this section shall become effective December 1, 2015 and the remainder of this section shall be effective no later than February 1, 2016.

C. Any project with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with the performance requirements of this section or conform to the prescriptive measures contained in Appendix D.

D. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than two thousand five hundred (2,500) sq. ft. of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (5). This section does not apply to:

1. Registered local, state or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Existing plant collections, as part of botanical gardens and arboretums open to the public.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 4, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.030 - Definitions.

The terms used in this section have the meaning set forth below:

"Applied water" means the portion of water supplied by the irrigation system to the landscape.

"Automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

"Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

"Certificate of completion" means the document required under Section 17.11.130.

"Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the

U.S. Environmental Protection Agency's Watersense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

"Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's Watersense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

"Check valve" or **"anti-drain valve"** means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

"Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

"Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

"Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

"Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

"Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

"Effective precipitation" or **"usable rainfall"** (Eppt) means the portion of total precipitation which becomes available for plant growth.

"Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

"Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two (2) years of growth.

"Establishment period of the plants" means the first year after installing the plant in the landscape or the first two (2) years if irrigation will be terminated after establishment. Typically, most plants are established after one or two (2) years of growth. Native habitat mitigation areas and trees may need three (3) to five (5) years for establishment.

"Estimated Total Water Use" (ETWU) means the total water used for the landscape as described in Section 17.11.080.

"ET adjustment factor" (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant

factors and irrigation efficiency, two (2) major influences upon the amount of water that needs to be applied to the landscape. The ETAF for a new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

"Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"Flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

"Flow sensor" means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

"Friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

"Fuel Modification Plan Guideline" means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

"Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

"Hardscapes" means any durable material (pervious and non-pervious).

"Hydrozone" means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

"Infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

"Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

"Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an

irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

"Irrigation efficiency" (IE) 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 irrigation efficiency for purposes of this section are 0.75 for overhead spray devices and 0.81 for drip systems.

"Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

"Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

"Landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

"Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape 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 contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

"Landscape documentation package" means the documents required under Section 17.11.070.

"Landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this section, meeting requirements under Section 17.11.050.

"Landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

"Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

"Local agency" means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the section. The local agency is also responsible for the enforcement of this section, including but not limited to, approval of a permit and plan check or design review of a project.

"Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

"Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

"Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

"Master shut-off valve" is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

"Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 17.11.080. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF × LA) + (1-ETAF) × SLA)]

"Median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

"Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

"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.

"Mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

"New construction" means, for the purposes of this section, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

"Non-residential landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

"Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

"Overhead sprinkler irrigation systems" or **"overhead spray irrigation systems"** means systems that deliver water through the air (e.g., spray heads and rotors).

"Overspray" means the irrigation water which is delivered beyond the target area.

"Parkway" means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

"Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

"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, estimates the amount of water needed by plants. For purposes of this section, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 00.1 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 this section are derived from the publication "Water Use Classification of Landscape Species." Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

"Project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 17.11.070, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

"Rain sensor" or **"rain sensing shutoff device"** means a component which automatically suspends an irrigation event when it rains.

"Record drawing" or **"as-built"** means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

"Recreational area" means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

"Recycled water," "reclaimed water," or **"treated sewage effluent water"** means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

"Reference evapotranspiration" or **"ETo"** means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances so that regional differences in climate can be accommodated.

"Regional water efficient landscape ordinance" means a local ordinance adopted by two (2) or more local agencies, water suppliers and other stakeholders for implementing a

consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

"Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 17.11.020, and the modified landscape area is equal to or greater than two thousand five hundred (2,500) square feet.

"Residential landscape" means landscapes surrounding single or multifamily homes.

"Run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

"Soil moisture sensing device" or **"soil moisture sensor"** means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event,

"Soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

"Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

"Sprinkler head" or **"spray head"** means a device which delivers water through a nozzle.

"Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

"Station" means an area served by one valve or by a set of valves that operate simultaneously.

"Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

"Submeter" means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

"Turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses, Bermudagrass, Kikuyugrass, 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 the irrigation system.

"Water conserving plant species" means a plant species identified as having a very low or low plant factor.

"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 landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices

that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

"Watering window" means the time of day irrigation is allowed.

"WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 5, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Sections 65592, 65596, Government Code.

17.11.040 - Provisions for new construction or rehabilitated landscapes.

A local agency may designate by mutual agreement, another agency, such as a water purveyor, to implement some or all of the requirements contained in this section. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this section.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 6, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.050 - Compliance with landscape documentation package.

A. Prior to construction, the local agency shall:

   1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
   2. Review the landscape documentation package submitted by the project applicant;
   3. Approve or deny the landscape documentation package;
   4. Issue a permit or approve the plan check or design review for the project applicant; and
   5. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to the local water purveyor.

B. Prior to construction, the project applicant shall:

   1. Submit a landscape documentation package to the local agency.

C. Upon approval of the landscape documentation package by the local agency, the project applicant shall:

   1. Receive a permit or approval of the plan check or design review and record the date of the permit in the certificate of completion;
   2. Submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and

3. Submit a copy of the water efficient landscape worksheet to the local water purveyor.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.060 - Penalties.

A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.070 - Elements of the landscape documentation package.

A. The landscape documentation package shall include the following six (6) elements:

1. Project information:
    a. Date;
    b. Project applicant;
    c. Project address (if available, parcel and/or lot number(s));
    d. Total landscape area (square feet);
    e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
    f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
    g. Checklist of all documents in landscape documentation package;
    h. Project contacts to include contact information for the project applicant and property owner;
    i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape documentation package";
2. Water efficient landscape worksheet:
    a. hydrozone information table;
    b. water budget calculations;
        (i) Maximum Applied Water Allowance (MAWA);
        (ii) Estimated Total Water Use (ETWU);
3. Soil management report;

4. Landscape design plan;
5. Irrigation design plan; and
6. Grading design plan.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.080 - Water efficient landscape worksheet.

A. A project applicant shall complete the water efficient landscape worksheet in Appendix B which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of special landscape areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The maximum applied water allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The estimated total water use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

   1. In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the ETo values from the reference evapotranspiration table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS reference evapotranspiration zones map, Department of Water Resources, 1999.

B. Water budget calculations shall adhere to the following requirements:

   1. The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

   2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

   3. All special landscape areas shall be identified and their water use calculated as shown in Appendix B.

   4. ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 7, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.090 - Soil management report.

A. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

1. Submit soil samples to a laboratory for analysis and recommendations.

    a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

    b. The soil analysis shall include:

        (i) Soil texture;

        (ii) Infiltration rate determined by laboratory test or soil texture infiltration rate table;

        (iii) pH;

        (iv) Total soluble salts;

        (v) Sodium;

        (vi) Percent organic matter; and

        (vii) Recommendations.

    c. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of one in seven (7) lots or approximately fifteen (15) percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one in seven (7) lots.

2. The project applicant, or his/her designee, shall comply with one of the following:

    a. If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the landscape documentation package; or

    b. If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the certificate of completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with certificate of completion.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 8, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.100 - Landscape design plan.

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. Plant Material.

a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. Methods to achieve water efficiency shall include one or more of the following:

(i) Protection and preservation of native species and natural vegetation;

(ii) Selection of water-conserving plant, tree and turf species, especially local native plants;

(iii) Selection of plants based on local climate suitability, disease and pest resistance;

(iv) Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and

(v) Selection of plants from local and regional landscape program plant lists.

(vi) Selection of plants from local fuel modification plan guidelines.

b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Subsection 17.11.110(a)(2)(D).

c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

(i) Use the sunset western climate zone system which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

(ii) Recognize the horticultural attributes of plants i.e., mature plant size, invasive surface roots to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and

(iii) Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

d. Turf is not allowed on slopes greater than twenty-five (25) percent where the toe of the slope is adjacent to an impermeable hardscape and where twenty-five (25) percent means one foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run × 100 = slope percent).

e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local fuel modification plan guidelines.

g. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

h. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

2. Water Features.

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as a source for decorative water features.

c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

d. Pool and spa covers shall be used when pool or spa is not in use to minimize the loss of water due to evaporation.

3. Soil Preparation, Mulch and Amendments.

a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 17.11.090).

c. For landscape installations, compost at a rate of a minimum of four (4) cubic yards per one thousand (1,000) square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six (6) percent organic matter in the top six (6) inches of soil are exempt from adding compost and tilling.

d. A minimum three inch (3) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five (5) percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

e. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

f. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

B. The landscape design plan, at a minimum, shall:

1. Delineate and label each hydrozone by number, letter, or other method;

2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

3. Identify recreational areas;

4. Identify areas permanently and solely dedicated to edible plants;

5. Identify areas irrigated with recycled water;

6. Identify type of mulch and application depth;

7. Identify soil amendments, type, and quantity;

8. Identify type and surface area of water features;

9. Identify hardscapes (pervious and non-pervious);

10. Identify location, and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 17.11.190.

11. Identify any applicable rain harvesting or catchment technologies, as discussed in Section 17.11.190 and their 24-hour retention or infiltration capacity;

12. Identify any applicable graywater discharge piping, system components and area(s) of distribution;

13. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan;" and

14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and

Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code).

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 9, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code and Section 1351, Civil Code.

17.11.110 - Irrigation design plan.

A. This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. System.

a. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of one thousand (1,000) sq. ft. but not more than five thousand (5,000) sq. ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of five thousand (5,000) sq. ft. or greater. A landscape water meter may be either:

(i) A customer service meter dedicated to landscape use provided by the local water purveyor; or

(ii) A privately owned meter or submeter.

b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

(i) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

(ii) Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of five thousand (5,000) sq. ft. or larger.

h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 17.11.080 regarding the maximum applied water allowance.

m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

n. It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

o. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

p. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

q. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

s. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

t. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

u. Overhead irrigation shall not be permitted within twenty-four (24) inches of 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 mulch, gravel, or other porous material. These restrictions may be modified if:

   (i) The landscape area is adjacent to permeable surfacing and no runoff occurs; or

   (ii) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or

   (iii) The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria in Subsection 17.11.110 (a)(1)(H), (I). Prevention of overspray and runoff must be confirmed during the irrigation audit.

v. Slopes greater than twenty-five (25) percent shall not be irrigated with an irrigation system with a application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone.

   a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

(i) Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

(ii) The plant factor of the higher water using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

B. The irrigation design plan, at a minimum, shall contain:

1. Location and size of separate water meters for landscape;

2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. Static water pressure at the point of connection to the public water supply;

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

5. Recycled water irrigation systems as specified in Section 17.11.180;

6. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

7. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 10, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.120 - Grading design plan.

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

   1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

      a. Height of graded slopes;

      b. Drainage patterns;

      c. Pad elevations;

      d. Finish grade; and

      e. Stormwater retention improvements, if applicable.

   2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:

      a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

      b. Avoid disruption of natural drainage patterns and undisturbed soil; and

      c. Avoid soil compaction in landscape areas.

   3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.130 - Certificate of completion.

A. The certificate of completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

   1. Project information sheet that contains:

      a. Date;

      b. Project name;

      c. Project applicant name, telephone, and mailing address;

d. Project address and location; and

e. Property owner name, telephone, and mailing address;

2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package;

a. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

3. Irrigation scheduling parameters used to set the controller (see Section 17.11.140).

4. Landscape and irrigation maintenance schedule (see Section 17.11.150).

5. Irrigation audit report (see Section 17.11.160); and

6. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see Section 17.11.090).

B. The project applicant shall:

1. Submit the signed certificate of completion to the local agency for review;

2. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor and property owner or his or her designee.

C. The local agency shall:

1. Receive the signed certificate of completion from the project applicant;

2. Approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 11, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.140 - Irrigation scheduling.

A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local

water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
    a. The plant establishment period;
    b. The established landscape; and
    c. Temporarily irrigated areas.
5. Each irrigation schedule shall consider for each station all of the following that apply:
    a. Irrigation interval (days between irrigation);
    b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
    c. Number of cycle starts required for each irrigation event to avoid runoff;
    d. Amount of applied water scheduled to be applied on a monthly basis;
    e. Application rate setting;
    f. Root depth setting;
    g. Plant type setting;
    h. Soil type;
    i. Slope factor setting;
    j. Shade factor setting; and
    k. Irrigation uniformity or efficiency setting.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.150 - Landscape and irrigation maintenance schedule.

A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and

dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance,

C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

D. A project applicant is encouraged to implement established landscape industry sustainable best practices or environmentally-friendly practices for all landscape maintenance activities.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 12, 13, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.160 - Irrigation audit, irrigation survey, and irrigation water use analysis.

A. All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

B. In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one in seven (7) lots or approximately fifteen (15) percent will satisfy this requirement.

C. For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in Section 17.11.020:

1. The project applicant shall submit an irrigation audit report with the certificate of completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

2. The local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 14, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.170 - Irrigation efficiency.

For the purpose of determining estimated total water use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 15, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.180 - Recycled water.

A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.

B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

C. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 16, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.186 - Graywater systems.

A. Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Subsection 17.11.020(d) for the applicability of this section to landscape areas less than two thousand five hundred (2,500) square feet with the estimated total water use met entirely by graywater.

(Ord. No. 2884, § 17, 6-21-2016)

17.11.190 - Stormwater management and rainwater retention.

A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.

B. Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.

C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Subsection 17.11.100(a)(3).

D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: (1) the one-inch, twenty-four-hour rain event or (2) the 85th percentile, twenty-four-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

E. It is recommended that stormwater projects incorporate any of the following elements to improve on-site stormwater and dry weather runoff capture and use:

1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
2. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
6. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.
7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 18, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.200 - Public education.

A. Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
    1. A local agency or water supplier/purveyor shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

B. Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this section.
    1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.
    2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 19, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.210 - Environmental review.

The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 21082, Public Resources Code.

Reference: Sections 21080, 21082, Public Resources Code.

17.11.220 - Provisions for existing landscapes.

A local agency may, by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this section. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this section.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 20, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.230 - Irrigation audit, irrigation survey, and irrigation water use analysis.

A. This Section 17.11.230 shall apply to all existing landscapes that were installed before December 1, 2015 and are over one acre in size:

   1. For all landscapes in Subsection 17.11.230(a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8)(ETo)(LA)(0.62).

   2. For all landscapes in Subsection 17.11.230(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 21, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.240 - Water waste prevention.

A. Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

B. Restrictions regarding overspray and runoff may be modified if:

   1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

   2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

(Ord. No. 2751, § 6(Att. A), 1-19-2010)

Authority Cited: Section 65594, Government Code.

Reference: Section 65596, Government Code.

17.11.250 - Effective precipitation.

A local agency may consider effective precipitation (twenty-five (25) percent of annual precipitation) in tracking water use and may use the following equation to calculate maximum applied water allowance: MAWA = (ETo−Eppt) (0.62) [(0.55 × LA) + (0.45 × SLA)] for residential areas. MAWA = (ETo−EPPT) (0.62) [(0.45 × LA) + (0.55 × SLA)] for non-residential areas.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 22, 6-21-2016)

Authority Cited: Section 65595, Government Code.

Reference: Section 65596, Government Code.

17.11.260 - Reporting.

A. Local agencies shall report on implementation and enforcement by December 31, 2015. Local agencies responsible for administering individual ordinances shall report on their updated ordinance, while those agencies developing a regional ordinance shall report on their existing ordinance. Those agencies crafting a regional ordinance shall also report on their new ordinance by March 1, 2016. Subsequently, reporting for all agencies will be due by January 31 of each year. Reports shall be submitted to the Department of Water Resources.

B. The local agencies are to address the following:

   1. State whether you are adopting a single agency ordinance or a regional agency alliance ordinance, and the date of adoption or anticipated date of adoption.

   2. Define the reporting period. The reporting period shall commence on December 1, 2015 and the end on December 28, 2015. For local agencies crafting regional ordinances with other agencies, there shall be an additional reporting period commencing on February 1, 2016 and ending on February 28, 2016. In subsequent years, all local agency reporting will be for the calendar year.

3. State if using a locally modified Water Efficient Landscape Ordinance (WELO) or the MWELO. If using a locally modified WELO, how is it different than MWELO, is it at least as efficient as MWELO, and are there any exemptions specified?
4. State the entity responsible for implementing the ordinance.
5. State number and types of projects subject to the ordinance during the specified reporting period.
6. State the total area (in square feet or acres) subject to the ordinance over the reporting period, if available.
7. Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
8. Describe the procedure for review of projects subject to the ordinance.
9. Describe actions taken to verify compliance. Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
10. Describe enforcement measures.
11. Explain challenges to implementing and enforcing the ordinance.
12. Describe educational and other needs to properly apply the section.

(Ord. No. 2884, § 23, 6-21-2016)

Appendix A. Reference Evapotranspiration (ETo) Table*

County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
LOS ANGELES													
Burbank	2.1	2.8	3.7	4.7	5.1	6.0	6.6	6.7	5.4	4.0	2.6	2.0	51.7
Claremont	2.0	2.3	3.4	4.6	5.0	6.0	7.0	7.0	5.3	4.0	2.7	2.1	51.3
El Dorado	1.7	2.2	3.6	4.8	5.1	5.7	5.9	5.9	4.4	3.2	2.2	1.7	46.3
Glendale	2.0	2.2	3.3	3.8	4.7	4.8	5.7	5.6	4.3	3.3	2.2	1.8	43.7
Glendora	2.0	2.5	3.6	4.9	5.4	6.1	7.3	6.8	5.7	4.2	2.6	2.0	53.1
Gorman	1.6	2.2	3.4	4.6	5.5	7.4	7.7	7.1	5.9	3.6	2.4	1.1	52.4
Hollywood Hills	2.1	2.2	3.8	5.4	6.0	6.5	6.7	6.4	5.2	3.7	2.8	2.1	52.8
Lancaster	2.1	3.0	4.6	5.9	8.5	9.7	11.0	9.8	7.3	4.6	2.8	1.7	71.1

Long Beach	1.8	2.1	3.3	3.9	4.5	4.3	5.3	4.7	3.7	2.8	1.8	1.5	39.7
Los Angeles	2.2	2.7	3.7	4.7	5.5	5.8	6.2	5.9	5.0	3.9	2.6	1.9	50.1
Monrovia	2.2	2.3	3.8	4.3	5.5	5.9	6.9	6.4	5.1	3.2	2.5	2.0	50.2
Palmdale	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
Pasadena	2.1	2.7	3.7	4.7	5.1	6.0	7.1	6.7	5.6	4.2	2.6	2.0	52.3
Pearblossom	1.7	2.4	3.7	4.7	7.3	7.7	9.9	7.9	6.4	4.0	2.6	1.6	59.9
Pomona	1.7	2.0	3.4	4.5	5.0	5.8	6.5	6.4	4.7	3.5	2.3	1.7	47.5
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7	5.4	4.8	4.4	2.8	2.4	2.0	42.6
San Fernando	2.0	2.7	3.5	4.6	5.5	5.9	7.3	6.7	5.3	3.9	2.6	2.0	52.0
Santa Clarita	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Santa Monica	1.8	2.1	3.3	4.5	4.7	5.0	5.4	5.4	3.9	3.4	2.4	2.2	44.2
ORANGE													
Irvine	2.2	2.5	3.7	4.7	5.2	5.9	6.3	6.2	4.6	3.7	2.6	2.3	49.6
Laguna Beach	2.2	2.7	3.4	3.8	4.6	4.6	4.9	4.9	4.4	3.4	2.4	2.0	43.2
Santa Ana	2.2	2.7	3.7	4.5	4.6	5.4	6.2	6.1	4.7	3.7	2.5	2.0	48.2
RIVERSIDE													
Beaumont	2.0	2.3	3.4	4.4	6.1	7.1	7.6	7.9	6.0	3.9	2.6	1.7	55.0
Blythe	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Cathedral City	1.6	2.2	3.7	5.1	6.8	7.8	8.7	7.8	5.7	4.0	2.1	1.6	57.1
Coachella	2.9	4.4	6.2	8.4	10.5	11.9	12.3	10.1	8.9	6.2	3.8	2.4	88.1
Desert Center	2.9	4.1	6.4	8.5	11.0	12.1	12.2	11.1	9.0	6.4	3.9	2.6	90.0
Elsinore	2.1	2.8	3.9	4.4	5.9	7.1	7.6	7.0	5.8	3.9	2.6	1.9	55.0
Indio	3.1	3.6	6.5	8.3	10.5	11.0	10.8	9.7	8.3	5.9	3.7	2.7	83.9
La Quinta	2.4	2.8	5.2	6.5	8.3	8.7	8.5	7.9	6.5	4.5	2.7	2.2	66.2

Mecca	2.6	3.3	5.7	7.2	8.6	9.0	8.8	8.2	6.8	5.0	3.2	2.4	70.8
Oasis	2.9	3.3	5.3	6.1	8.5	8.9	8.7	7.9	6.9	4.8	2.9	2.3	68.4
Palm Desert	2.5	3.4	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.6
Palm Springs	2.0	2.9	4.9	7.2	8.3	8.5	11.6	8.3	7.2	5.9	2.7	1.7	71.1
Rancho California	1.8	2.2	3.4	4.8	5.6	6.3	6.5	6.2	4.8	3.7	2.4	1.8	49.5
Rancho Mirage	2.4	3.3	5.3	6.9	8.7	9.6	9.6	8.7	6.9	5.0	3.0	2.2	71.4
Ripley	2.7	3.3	5.6	7.2	8.7	8.7	8.4	7.6	6.2	4.6	2.8	2.2	67.8
Salton Sea North	2.5	3.3	5.5	7.2	8.8	9.3	9.2	8.5	6.8	5.2	3.1	2.3	71.7
Temecula East II	2.3	2.4	4.1	4.9	6.4	7.0	7.8	7.4	5.7	4.1	2.6	2.2	56.7
Thermal	2.4	3.3	5.5	7.6	9.1	9.6	9.3	8.6	7.1	5.2	3.1	2.1	72.8
Riverside UC	2.5	2.9	4.2	5.3	5.9	6.6	7.2	6.9	5.4	4.1	2.9	2.6	56.4
Winchester	2.3	2.4	4.1	4.9	6.4	6.9	7.7	7.5	6.0	3.9	2.6	2.1	56.8
SAN BERNARDINO													
Baker	2.7	3.9	6.1	8.3	10.4	11.8	12.2	11.0	8.9	6.1	3.3	2.1	86.6
Barstow NE	2.2	2.9	5.3	6.9	9.0	10.1	9.9	8.9	6.8	4.8	2.7	2.1	71.7
Big Bear Lake	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Chino	2.1	2.9	3.9	4.5	5.7	6.5	7.3	7.1	5.9	4.2	2.6	2.0	54.6
Crestline	1.5	1.9	3.3	4.4	5.5	6.6	7.8	7.1	5.4	3.5	2.2	1.6	50.8
Lake Arrowhead	1.8	2.6	4.6	6.0	7.0	7.6	8.1	7.4	5.4	4.1	2.4	1.8	58.6
Lucerne Valley	2.2	2.9	5.1	6.5	9.1	11.0	11.4	9.9	7.4	5.0	3.0	1.8	75.3
Needles	3.2	4.2	6.6	8.9	11.0	12.4	12.8	11.0	8.9	6.6	4.0	2.7	92.l
Newberry Springs	2.1	2.9	5.3	8.4	9.8	10.9	11.1	9.9	7.6	5.2	3.1	2.0	78.2
San Bernardino	2.0	2.7	3.8	4.6	5.7	6.9	7.9	7.4	5.9	4.2	2.6	2.0	55.6
Twentynine Palms	2.6	3.6	5.9	7.9	10.1	11.2	11.2	10.3	8.6	5.9	3.4	2.2	82.9

Victorville	2.0	2.6	4.6	6.2	7.3	8.9	9.8	9.0	6.5	4.7	2.7	2.1	66.2
VENTURA													
Camarillo	2.2	2.5	3.7	4.3	5.0	5.2	5.9	5.4	4.2	3.0	2.5	2.1	46.1
Oxnard	2.2	2.5	3.2	3.7	4.4	4.6	5.4	4.8	4.0	3.3	2.4	2.0	42.3
Piru	2.8	2.8	4.1	5.6	6.0	6.8	7.6	7.8	5.8	5.2	3.7	3.2	61.5
Port Hueneme	2.0	2.3	3.3	4.6	4.9	4.9	4.9	5.0	3.7	3.2	2.5	2.2	43.5
Thousand Oaks	2.2	2.6	3.4	4.5	5.4	5.9	6.7	6.4	5.4	3.9	2.6	2.0	51.0
Ventura	2.2	2.6	3.2	3.8	4.6	4.7	5.5	4.9	4.1	3.4	2.5	2.0	43.5

* The values in this table were derived from:

1) California Irrigation Management Information System (CIMIS);
2) Reference Evapotranspiration Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999;
3) Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922;
4) Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 24, 6-21-2016)

Appendix B. Sample Water Efficient Landscape Worksheet

WATER EFFICIENT LANDSCAPE WORKSHEET

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

Reference Evapotranspiration (ETo)_____

Hydrozone # /Planting Description [a]	Plant Factor (PF)	Irrigation Method [b]	Irrigation Efficiency (IE) [c]	ETAF (PF/IE)	Landscape Area (sq. ft.)	ETAF × Area	Estimated Total Water Use (ETWU) [d]
Regular Landscape Areas							

				Totals	(A)	(B)	
Special Landscape Areas							
				1			
				1			
				1			
				Totals	(C)	(D)	
						ETWU Total	
						Maximum Allowed Water Allowance (WAWA) [e]	

[a] Hydrozone #/Planting Description

E.g.

1. Front lawn

2. Low water use plantings

3. Medium water use planting

[b] Irrigation Method—Overhead spray or drip

[c] Irrigation Efficiency—0.75 for spray head/0.81 for drip

[d] ETWU (Annual Gallons Required) = ETo × 0.62 × ETAF × Area.

Where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

[e] MAWA (Annual Gallons Allowed) = (ETo)(0.62) [(ETAF × LA) + ((1−ETAF) × SLA)]

Where 0.62 is a conversion factor that converts acre-inches per acre per year, to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is 0.55 for residential areas and 0.45 for non-residential areas.

ETAF Calculations

Regular Landscape Areas

Total ETAF × Area	(B)

Total Area	(A)
Average ETAF	B ÷ A

Average ETAF for regular landscape areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

All Landscape Areas

Total ETAF × area	(B+D)
Total Area	(A+C)
Sitewide ETAF	(B+D)+(A+C)

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 25, 6-21-2016)

Appendix C. Sample Certificate of Completion

CERTIFICATE OF COMPLETION

This certificate is filled out by the project applicant upon completion of the landscape project.

PART 1. PROJECT INFORMATION SHEET

Date		
Project Name		
Name of Project Applicant	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Project Address and Location:

Street Address		Parcel, tract or lot number, if available.
City		Latitude/Longitude (optional)
State	Zip Code	

Property owner or his/her designee:

Name	Telephone No.	
	Fax No.	
Title	Email Address	
Company	Street Address	
City	State	Zip Code

Property owner

"I/we certify that I/we have received copies of all the documents within the Landscape Documentation Package and the Certificate of Completion and that it is our responsibility to see that the project is maintained in accordance with the Landscape and Irrigation Maintenance Schedule."

_____ Property Owner Signature	_____ Date

Please answer the questions below:

1. Date the Landscape Documentation Package was submitted to the local agency _____
2. Date the Landscape Documentation Package was approved by the local agency _____
3. Date that a copy of the Water Efficient Landscape Worksheet (including the Water Budget Calculation) was submitted to the local water purveyor _____

PART 2. CERTIFICATION OF INSTALLATION ACCORDING TO THE LANDSCAPE DOCUMENTATION PACKAGE

"I/we certify that based upon periodic site observations, the work has been substantially completed in accordance with the ordinance and that the landscape planting and irrigation installation conform with the criteria and specifications of the approved Landscape Documentation Package."

Signature*	Date
Name (print)	Telephone No.
	Fax No.
Title	Email Address
License No. or Certification No.	

Company	Street Address	
City	State	Zip Code

PART 3. IRRIGATION SCHEDULING

Attach parameters for setting the irrigation schedule on controller per Section 17.11.140.

PART 4. SCHEDULE OF LANDSCAPE AND IRRIGATION MAINTENANCE

Attach schedule of Landscape and Irrigation Maintenance per Section 17.11.150.

PART 5. LANDSCAPE IRRIGATION AUDIT REPORT

Attach Landscape Irrigation Audit Report per Section 17.11.160.

PART 6. SOIL MANAGEMENT REPORT

Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per Section 17.11.100.

Attach documentation verifying implementation of recommendations from soil analysis report per Section 17.11.100.

(Ord. No. 2751, § 6(Att. A), 1-19-2010; Ord. No. 2884, § 26, 6-21-2016)

Appendix D. Sample Certificate of Completion.

A. This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.

B. Compliance with the following items is mandatory and must be documented a landscape plan in order to use the prescriptive compliance option:

1. Submit a landscape documentation package which includes the following elements:
    a. Date;
    b. Project applicant;
    c. Project address (if available, parcel and/or lot numbers(s));
    d. Total landscape area (square feet), including a breakdown of turf and plant material;
    e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
    f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
    g. Contact information for the project applicant and proper owner;
    h. Applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWE-LO."

2. Incorporate compost at a rate of at least four (4) cubic yards per one thousand (1,000) square feet to a depth of six (6) inches into landscape area (unless contra-indicated by a soil test);

3. Plant material shall comply with all of the following:

    a. For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for seventy-five (75) percent of the plant area excluding edibles and areas using recycled water; for non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for one-hundred (100) percent of the plant area excluding edibles and areas using recycled water;

    b. A minimum of three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

4. Turf shall comply with all of the following:

    a. Turf shall not exceed twenty-five (25) percent of the landscape area in residential areas, and there shall be no turf in non-residential areas;

    b. Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four (4) feet of horizontal length;

    c. Turf is prohibited in parkways less than ten (10) feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

5. Irrigation systems shall comply with the following:

    a. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.

    b. Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

    c. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

    d. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

    e. All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

f. Areas less than ten (10) feet in width in any direction shall be irrigated with surface irrigation or other means that produces no runoff or overspray.

6. For non-residential projects with landscape areas of one thousand (1,000) sq. ft. or more, a private submitter(s) to measure landscape water use shall be installed.

C. At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

(Ord. No. 2884, § 27, 6-21-2016)

Chapter 17.12 - SIGN STANDARDS AND SIGNAGE REGULATION[3]

17.12.010 - Purpose.

The purpose of this chapter is to establish sign regulations that are intended to:

A. Aid the public's orientation and to advertise and identify business and activities;

B. Promote the appearance of the city as an attractive place to live, work, and trade by controlling and regulating the design, quality of materials, location, scale, illumination, and maintenance of signs; and

C. Provide minimum standards designed to safeguard the health, safety, and public welfare while encouraging flexibility, variety and compatibility.

D. Regulate signs in a constitutional manner that is content neutral as to messages which are within the protections of the First Amendment of the U.S. Constitution and corollary provisions of the California Constitution.

(Zoning ordinance § 17.12.010)

(Ord. No. 2831, § 5, 9-24-2013)

17.12.020 - General provisions and requirements.

A. The provisions contained within this chapter shall apply to the placement of signs on private property, the public thoroughfare and city property. The foregoing notwithstanding, provisions of this chapter regulating signage, other than temporary signs and inanimate signs, shall not apply to private property located within the so-called "Downtown El Monte Retail Core" as the same is defined under Chapter 17.72 (Downtown El Monte Retail Core Face Design Standards).

B. It is unlawful for any person, entity or corporation to affix, install, construct, reconstruct, display, alter or relocate any sign without first complying with the requirements of this chapter. Any person, entity or corporation affixing, installing, constructing, reconstructing, displaying, altering or relocating any sign not in compliance with this chapter shall be subject to the remedies contained in Chapter 17.06 and/or the remedies contained within this chapter.

C. All signs shall be professionally painted, lettered and installed and maintained in good condition at all times including the replacement of damaged or broken letters, faded colors, or missing lights from illuminated signs.

[3] Ord. No. 2831, § 4, adopted Sept. 24, 2013, changed the title of Ch. 17.12 from "Signs Standards" to "Sign Standards and Signage Regulations."

D. Signs shall be architecturally integrated into the overall building design and harmonious with the materials, color, texture, scale, size, shape, height, placement, and design of the building, property, and neighborhood of which it is a part.

E. Exterior or exposed raceway or conduit is prohibited.

F. Unshielded light bulbs in excess of twenty-five (25) watts per lamp which may be seen from the public street or any property line shall not be used in conjunction with any sign, except neon signs.

G. No sign may be designated, lighted, placed or displayed that would in any way simulate any type of traffic, emergency vehicle or emergency control or direction device or create a situation which is determined to be a traffic hazard by the City Engineer.

H. Every building must have a street number in arabic numerals at a size of six (6) inches and be readily visible from the street. Numbers any larger may be considered a sign.

I. Unless otherwise specified, a sign containing text or graphic material which can be viewed from not more than two (2) surfaces of a single structure shall be considered a single sign; provided that the maximum distance between the two viewing surfaces shall not exceed four (4) feet at any point.

J. With respect to private property located in the Downtown El Monte Retail Core as referenced under Chapter 17.72 (Downtown El Monte Retail Core Façade Design Standards) of the El Monte Municipal Code, only one commercial temporary sign shall be permitted on each exterior wall or window of a premises which abuts a street, alley, exit court, or public parking area indicating that a sale of goods or services is being conducted on said premises, provided that said sign does not exceed ten (10) square feet in area; its letters, numbers, or symbols do not exceed twelve (12) inches in height; and no such sign is maintained for more than thirty (30) days in any consecutive one-hundred-eighty-day period.

(Zoning ordinance § 17.12.015)

(Ord. No. 2831, §§ 6, 9, 9-24-2013)

17.12.030 - Definitions.

As used in this chapter:

"Abandoned sign" means any sign remaining in place or not maintained for a period of ninety (90) days which no longer identifies an ongoing business, product, or service available on the property where the display is located.

"Abatement" means the process by which the city requires removal of signs that do not conform to the provisions of this chapter and/or the process by which the city requires conformance to the provisions of this chapter.

"Awning or canopy sign" means a sign which is painted, sewn, stained, etc., onto the exterior surface of an awning or canopy and which does not extend beyond the edge(s) of said awning or canopy.

"Authorized city employee" means any city employee within an employment classification that has been duly authorized by the City Administrator to remove signs not in compliance with Section 17.12.130 of this chapter.

"Balloon sign" means a lighter than air or gas-filled balloon or similarly inflated device tethered to a fixed location which may or may not include text or graphics.

"Banner sign" means a cloth, paper or fabric sign suspended from a building, structure, light standard, or utility pole.

"Changeable copy sign" means a sign in which at least fifty (50) percent of the sign area is designed to be used with removable graphics to allow the changing of copy, including but not limited to electronic message centers.

"Channel letters" means individual three (3) dimensional letters or figures, with an open back or front, which may or may not be illuminated.

"City property" means any real property parcel owned or leased by the city of El Monte and all buildings, structures and improvements constructed thereupon, including, but not limited to, El Monte City Hall, the El Monte Aquatic Center, Grace Black Auditorium, the El Monte Public Works and Transportation Yard, any "park or recreational facility" within the meaning of Section 12.48.020 (Definitions) of the El Monte Municipal Code or any city-owned parking lot or parking structure.

"Construction sign" means a temporary sign erected on the site where the construction is taking place, during the period of such construction, indicating the name of individuals or firms having a role or interest in such project.

"Development project sign" means a temporary sign identifying a proposed development project or one under construction, and which is located on the site of the project.

"Directional sign" means an on-site sign limited to directional messages of a non-advertising nature: such as, address, "one way," "exit," and "entrance."

"Directory sign" means a freestanding or wall sign which vertically lists the names of all business tenants in a multitenant building or shopping center.

"Eave sign" or **"overhang sign"** means a sign applied to the face of a building facade eave or overhang, parallel to the subject facade and not extending above the building roof line.

"Election," when capitalized under this chapter, means any general municipal election or special municipal election called by the El Monte City Council or any other election administered by the Registrar/Recorder-County Clerk of the County of Los Angeles or a public agency for a public office whose jurisdiction includes all or part of the city of El Monte and/or a ballot or bond measure for which voters of all or part of the city of El Monte are entitled to vote.

"Election sign" means a sign that advertises a candidate for public office, a proposition or other issue to be voted on by the electorate.

"Facade area" means the area of the facade used to calculate the maximum allowable sign area. The calculation includes the width of the facade or lease line, whichever is less, multiplied by the height of the facade or lease line, whichever is less. The width and height measurement shall not include the height of a sloped or pitched roof or any architectural projection.

Facade, Primary. **"Primary facade"** means the facade containing the primary building or business entrance or the facade facing the primary street. The property owner shall determine the primary facade if the primary building or business entrance does not face the primary street. If a building faces two (2) or more streets, the primary facade shall be the facade facing the street where the building is addressed.

Facade, Secondary. **"Secondary facade"** means the facade facing a parking lot, alley or nonprimary street.

"Fence sign" means a sign which is mounted on a fence or wall other than a building wall.

"Fin sign" means a sign applied to or constructed as part of a vertical architectural element integral to the design and construction of a building facade.

"Flag" means any fabric, banner, or bunting containing distinctive colors, patters, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

"Flashing sign" means an illuminated sign which exhibits changing light or color effects by any means so as to provide a nonconstant level of illumination. Flashing signs include but are not limited to animated, blinking, and scintillating signs. However, changeable copy signs are excluded.

"Freestanding sign" means a sign permanently affixed to the ground by poles, pylons, braces or similar supporting structures and which is not a part of or attached to any building. Freestanding signs include monument signs, pole signs, and other similar signs.

"Garage sale sign" and **"yard sale sign"** means any temporary sign advertising a garage sale within the meaning of Chapter 5.44 (Garage Sales) of Title 5 (Business Licenses and Regulations) of the El Monte Municipal Code.

"Government sign" means a sign erected, installed, owned and maintained by a governmental agency, including but not limited to, a municipality, a county, the State of California, a joint exercise of powers authority or a school district and which is installed in the discharge of a governmental function and/or regulation. Examples of government signs that may be erected, installed, owned and maintained by a municipality and/or a county in the discharge of a governmental function and/or regulation, include, but are not limited to:

1. Traffic control and/or directional signage such as stop signs, no parking or restricted parking signs, pedestrian crossing signs, speed limit signs, yield signs, road closed signs, detour signs, school zone signs or signs warning motorists of the presence of children and the like;
2. Name signs for highways, boulevards, avenues, drives, streets, roads, ways, lanes, places, circles and courts and also inclusive of "major arterials," "secondary arterials,"

"collectors" and "local streets" as the same are defined and described under the 2011 General Plan for the city of El Monte; and

3. Signs advertising governmental agency sponsored events or activities or which identify governmental buildings or facilities, including parking facilities. Examples of government signs that may be erected, installed and maintained by a joint exercise of powers authority, include, but are not limited to bus stop signs.

Other examples of government signs include, but are not limited to, any informational signage, cautionary signage or emergency signage affixed to any public utilities, equipment and improvements by regulatory mandate of any governmental agency having approval authority over the construction and installation of the public utilities, equipment and improvements or any government agency having regulatory oversight over the ongoing use, operation and maintenance of such public utilities, equipment and improvements.

"Highway" means any **"highway," "freeway," "state highway"** or **"county highway"** within the meaning of Sections 23, 23.5, 24 and 25, respectively, of the California Streets and Highways Code.

"Illuminated sign" means a sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lighted signs and reflectorized, glowing, radiating or solar powered signs.

"Inanimate sign" means any sign that is not displayed by being continuously held by or otherwise attached to a natural person.

"Legal nonconforming sign" means a sign which was legally installed in conformance with ordinances in effect at the time the sign was installed, but which is in conflict with a subsequently adopted ordinance.

"Logo" means a trademark or company name symbol identifying the business or service provided and which may be all or part of a sign.

"Marquee" means a permanent, projecting structure attached to and supported by a building wall, which may project over a public right-of-way.

"Master sign plan" means a coordinated program of signage for new or existing commercial, office or industrial centers, complexes, or parks which contain more than one business establishment or tenant.

"Moving sign" means any sign or device which has any visible moving or revolving part or visible mechanical or non-mechanical movement.

"Mural" means a picture on an exterior surface of a structure that does not pertain to the business, product, or services on the premises.

"Nameplate" means a nonelectric on-premises identification sign which contains only the name and/or address of an occupant or group of occupants of a property.

"Off-site sign" means a sign identifying and/or advertising a business, service, use, product, trade show, dance event, social function, entertainment event, entertainment venue, sporting

event, sporting venue, real property rental or real property sale that is not offered or held on the property or site where the sign is displayed.

"On-site sign" means a sign identifying and/or advertising a business, service, use, product, trade show, dance event, social function, entertainment event, entertainment venue, sporting event, sporting venue, real property rental or real property sale that is offered or held on the property or site where the sign is displayed.

"Painted sign" means a sign which is painted directly onto a building facade.

"Parkway" means that area between the sidewalk and the curb of any roadway and, where there is not a sidewalk, that area between the edge of the roadway and the property line adjacent thereto.

"Pennant" means devices generally made of flexible materials, such as cloth, paper, plastic, or vinyl which may or may not contain copy and which are primarily intended to draw attention.

"Person" means any natural person, firm, association, organization, general partnership, limited partnership, corporation, limited liability company, limited liability partnership, business trust, business enterprise, living trust, joint venture, campaign committee, volunteer, non-profit corporation, non-profit organization, fraternal organization or publicly regulated utility.

"Political sign" means a sign advocating any political idea or message that is not voted on by the electorate.

"Portable sign" means a sign not permanently affixed to a building, structure or the ground.

"Primary street" is the greater of two (2) streets as defined in the El Monte general plan, master plan of roadways. Where two (2) streets of the same classification intersect, the primary street shall be the street with the greatest property frontage.

"Projecting sign" means a sign which is attached to and projects from, a structure or building facade, with the display surface of the sign possessing a plane not parallel to the building facade or structure to which it is attached.

"Public thoroughfare" means all that area dedicated to public use for public travel purposes, inclusive of highways, boulevards, avenues, drives, streets, roads, ways, lanes, places, circles, courts, cul-de-sacs and also inclusive of **"major arterials", "secondary arterials", "collectors"** and **"local streets"** as the same are defined and described under the 2011 General Plan for the city of El Monte. The defined term **"public thoroughfare"** encompasses and includes all roadways; parkways; street medians; sidewalks, vehicle and/or pedestrian overpasses and underpass structures and improvements, bridges, including railroad bridges and other similar improvements located within, over or under the all or any portion of the public thoroughfare.

"Public utilities, equipment and improvements" means any utilities, equipment or improvements owned, operated and/or maintained by (i) the city of El Monte; or (ii) any person whose operation, use and/or maintenance of such utilities, equipment or improvements is

regulated by the California Public Utilities Commission and/or the Federal Communications Commission; and/or (iii) any public mass transit authority or joint exercise of powers authority. Subject to the criteria set forth in the preceding sentence and for purposes of illustration, the defined term "public utilities, equipment and improvements" includes, but is not limited to, the following examples:

(i) Street lighting poles;

(ii) Telephone poles and any guy wires and above-ground utility cabinets or structures containing meters, devices and other equipment used in connection with the operation of the telephone lines that are carried by telephone poles;

(iii) Poles, lattice structures and other similar support structures used to carry electrical transmission lines and any guy wires and above-ground utility cabinets or structures containing meters, devices and other equipment used in connection with the operation of the electrical lines that are carried by such poles, lattice structures and other similar support structures;

(iv) Radio transmission towers and lattice structures and any guy wires and above-ground utility cabinets or structures containing equipment used in connection with the operation of such radio transmission towers and lattice structures;

(v) "Wireless facilities," "wireless telecommunications facilities," "wireless telecommunications collocation facilities," "support structures," "guyed structures," "lattice towers," "monopoles," "antenna," and "accessory equipment" as all of these terms are defined under Section 17.82.020 (Definitions) of Chapter 17.82 (Wireless Facilities) of the El Monte Municipal Code;

(vi) Poles and other support structures for traffic signals, traffic control devices and other like equipment as well as above-ground cabinets containing meters, devices and other equipment used in connection with the operation of such traffic signals traffic control devices and other like equipment;

(vii) Traffic control and/or directional signage, including, but not limited to, stop signs, no parking or restricted parking signs, pedestrian crossing signs, speed limit signs, yield signs, road closed signs, detour signs, school zone signs and the like, and any poles used to display such traffic control or directional signage;

(viii) Name signs and support poles for highways, boulevards, avenues, drives, streets, roads, ways, lanes, places, circles and courts and also inclusive of "major arterials," "secondary arterials," "collectors," and "local streets" as the same are defined and described under the 2011 General Plan for the city of El Monte;

(ix) Bus stop signs and poles used to support such signage, bus stop shelters and bus stop benches and chairs;

(x) Above-ground irrigation equipment, groundwater treatment and reinjection facilities and equipment, pumps, backflow prevention devices and other similar equipment.

For purposes of further clarification, privately owned light standards and lamp posts located on privately owned real property (e.g., to illuminate parking lot areas on private property) which are not owned, operated and/or maintained by the city of El Monte or any of the other varieties of entities identified above, do not constitute "public utilities, equipment and improvements."

"Real-estate sign" means a sign pertaining to the sale, lease or rental of the premises, or a portion of the premises, on which the sign is located.

"Roadway" means that portion of the public thoroughfare generally used for public use for public vehicular traffic.

"Roof sign" means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and any portion of which projects above the highest point of the roof line or main parapet of a flat roofed building.

"Sidewalk" means that portion of the public thoroughfare provided for the exclusive use of pedestrians, but which may be inclusive of driveway aprons used to provide vehicular ingress and egress to and from a public or private real property parcel and the roadway.

"Sign" means any object, device, display or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct, or attract attention to any object, person, institution, organization, business, project, service, event, or location by any means including but not limited to words, letters, graphics, figures, design symbols, fixtures, colors, illumination, or projected images.

"Sign area" means the entire area of a sign if enclosed by a frame, trim or outline or the area within a single, continuous perimeter enclosing the extreme limits of the sign copy.

"Sign copy" means any words, letters, graphics, numbers, text, figures, logos or other symbolic representation incorporated into a sign.

"Sign face" means the area of display used for a sign.

"Sign structure" means any edifice or framework which supports or is capable of supporting a sign.

"Street median" means the raised or unraised area located within the roadway, of varying width and length which is not used for vehicular traffic but which may contain trees, shrubs, plants and other landscaping, public street lighting poles, traffic signals, public utilities and equipment, pedestrian areas, public street name signs, public directional signage and public traffic control signage.

"Temporary sign" means a sign structure or device used for the public display of visual messages or images, which is easily installed with common hand tools, or without tools, and which is not intended for or suitable for long term or permanent display due to the lightweight or flimsy construction materials. The lightweight and/or flimsy construction materials typically used for temporary signs include, but are not necessarily limited to, vinyl, paper, cloth or fabric, polyboard, coroplast, corrugated plastic, poster board, plastic core, cardboard, wood and plywood. For purposes of illustration, "temporary signs" include, but are not limited to, the

following types of signs: placards, lawn signs, yard signs, bandit signs, snipe signs, roadside signs, banner signs, paper flyers and handbills and posters.

"Total sign area" means the combined area of each permanent sign located on the premises.

"Wall sign" means a sign which is mounted flush and affixed securely to a building wall, projecting no more than eighteen (18) inches from said wall and not extending sideways beyond the building face or above the highest line of the building wall to which it is attached.

"Window sign" means any sign which is painted, posted, or displayed on an exterior translucent or transparent surface including windows and doors, either permanently or temporarily, or which is placed within five (5) feet of the face of any window or door and is intended to be viewed from the outside or is oriented to the exterior of the building.

(Zoning ordinance § 17.12.020)

(Ord. No. 2831, §§ 10—13, 9-24-2013)

Editor's note— For outdoor advertising structures, off-site signs or billboards, see El Monte Municipal Code Chapter 17.70.

17.12.040 - Submittal procedures.

A. Freestanding Buildings. A sign permit shall be obtained from the Planning Division prior to the installation, alteration or relocation of any sign. The procedures for applying for a sign permit are as follows:

   1. Complete a sign permit application and pay the applicable fee;

   2. Submit three (3) copies of a site plan and building elevations indicating the street frontage, width and height dimensions of the building and photographs of the building and any freestanding signs;

   3. Submit three (3) copies of sign plans drawn to scale indicating the following:

      a. Overall sign dimensions,

      b. Letter colors (maximum four (4) colors),

      c. Background colors,

      d. Trim cap color,

      e. Letter styles,

      f. Method of illumination,

      g. Method of attachment, and typical cross-section,

      h. Reader panel on freestanding signs, if applicable, and

      i. Directional signs, if applicable.

B. Multiple Tenant Centers. All properties with more than one tenant or business shall receive approval for a master sign program prior to any permits for new signs being issued for

individual tenants (there is no fee to submit a master sign program). The property owner or authorized agent shall submit a master sign program containing:

1. Property owner/property management submittal requirements and approval procedures;
2. General sign criteria including:
    a. Permitted sign colors (maximum four (4) colors),
    b. Permitted background color (must be a uniform color),
    c. Permitted trim cap color,
    d. Permitted letter styles,
    e. Sign locations and spacing,
    f. Method of illumination,
    g. Method of attachment, and
    h. Typical cross-section.
3. Criteria for freestanding signs, directional signs, reader board signs (background color must be white or off-white), etc.
4. Property owners are strongly encouraged to name the commercial complex to assist future tenants and customers in identifying the commercial complex. It is further recommended that the name be prominently located on the freestanding sign occupying twenty-five (25) percent of the freestanding sign area.

(Zoning ordinance § 17.12.025)

17.12.050 - Permitted signs—All R, SH, RMP and PRD zones.

A. One identification sign per dwelling, not exceeding four (4) square feet in area, containing the names and/or the address of the occupant of the premises. No sign permit shall be required.

B. For properties developed with three or more units, one multifamily complex identification sign not to exceed thirty-two (32) square feet in area. Such sign shall be placed flat against the building, mounted on a block wall or shall be a freestanding monument sign not to exceed six (6) feet in height. Any illumination shall be limited to subdued spotlighting.

C. One non-illuminated temporary real estate sign, as described in Civil Code Section 713, per parcel with a maximum area of eight (8) square feet in area. Such signs shall only be allowed when the subject property is on the market and up to ten (10) calendar days following the close of escrow on the sale of the subject property.

D. A religious institution may locate one freestanding sign for each street frontage of at least fifty (50) lineal feet, provided the maximum sign area does not exceed forty (40) square feet or the sign's height does not exceed six (6) feet, unless other sign provisions are approved pursuant to law. Changeable copy shall be permitted on freestanding signs.

(Zoning ordinance § 17.12.030)

(Ord. No. 2831, § 14, 9-24-2013)

17.12.060 - Permitted signs—All office, commercial, industrial and mixed use zones.

A. Painted wall signs are permitted, however, no more than two (2) such signs per business are permitted. Painted wall signs shall be painted directly upon the surface of the building. Furthermore, painted wall signs cannot be mixed with other sign types (e.g. channel letters, canister signs, etc.) on a single facade.

B. Permanent window signs are permitted, but shall cover no more than twenty-five (25) percent of the individual window area. Additionally, temporary window signs are permitted but the total window sign area shall not exceed fifty (50) percent of the individual window area.

C. The total allowable sign area per facade for all permanent signs (including freestanding signs and reader panels, but excluding window signs) shall be determined as follows:

    1. Permitted sign area for occupancies with less than fifty (50) feet of primary facade:

        a. Fifteen (15) percent of the facade area for the primary facade.

        b. Ten (10) percent of the facade area for the secondary facade.

    2. Permitted sign area for occupancies fifty (50) feet or more of primary facade:

        a. Ten (10) percent of the facade area for the primary facade.

        b. Seven (7) percent of the facade area for the secondary facade.

    3. Properties with only one building and one tenant are entitled to an additional five (5) percent of total sign area if there is no pole sign.

D. The only sign permitted above the first floor of a multistory building is a building identification sign or major tenant sign as designated by the property owner.

(Zoning ordinance § 17.12.035)

17.12.070 - Freestanding signs.

A. Freestanding signs shall be proportional to the building height and the sign canister shall be proportional to the pole height. Furthermore, freestanding signs shall not exceed an overall height of twenty-five (25) feet unless the business is regional in nature and the sign is approved under a conditional use permit.

B. One freestanding sign for every one hundred fifty (150) feet of lot frontage or part thereof; provided, however, that no freestanding sign may be located less than one hundred (100) feet from another freestanding sign on the same parcel of property, and provided further that no freestanding sign shall be located less than twenty (20) feet or twenty-five (25) percent of the lot frontage, whichever is less, to the side property line. Every freestanding sign and supporting poles and structures shall be covered with a material to match or complement the main structure.

C. The maximum allowable freestanding sign area is one square foot per lineal foot of primary street frontage. However, in no case shall the total aggregate sign area exceed that permitted under Section 17.12.060.

D. Freestanding signs must be located within a landscaped area or island which is of a size that is at least one-half the area of the total sign area.

E. The clearance underneath freestanding signs projecting over a public right-of-way shall be as follows:

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 feet	1 foot
8 feet—16 feet	1 foot plus 6 inches for every foot over 8 feet
Over 16 feet	5 feet

However in no case shall signs project within two (2) feet to the curb face. An encroachment permit must be obtained for all signs projecting over a public right-of-way.

(Zoning ordinance § 17.12.040)

17.12.080 - Design guidelines.

A. Signs and sign copy shall not crowd the edges of the building, cornice line, architectural features or the sign canister which contains the sign copy.

B. A maximum of four (4) colors are permitted for the sign copy on any single sign and a maximum of four (4) colors are permitted for the sign copy on all signs within a multiple tenant center.

C. All signs within a multiple tenant center must have a uniform background color.

D. Signs must be evenly distributed throughout the tenant space and within the multiple tenant center.

E. Signs constructed of plywood, MDO, or MDF shall be finished as follows:

1. The material shall be approved for outdoor use;
2. The sign face and sides of the sign must be smooth;
3. The sign shall have a border painted on or attached to it;
4. The sign shall be mounted at least one inch away from the surface it is attached to;
5. All surfaces of the sign shall be finished with exterior quality finishes; and
6. The anchor bolts shall not be visible.

F. The maximum sign area permitted may be increased by up to ten (10) percent and the background color and the maximum number of colors on a sign may also be increased

subject to an administrative hearing by the Planning Services Manager. Approval shall be granted based upon unique building characteristics or design, unique sign design or unique site planning. Requests for increases greater than ten (10) percent, shall be subject to approval of a design review by the City Planning Commission pursuant to the provisions of this title. The fee for such design review requests shall be one-half the fee for other commercial requests.

G. Except as stated above, the standards contained herein are the maximum allowed. The Planning Services Manager has the duty and authority to review and approve all sign permits and to reduce the allowable sign area or to require relocation of the sign to improve the aesthetic or advertising value of the sign.

(Zoning ordinance § 17.12.045)

17.12.090 - Commercial temporary signs—On-site signs.

A. Exterior commercial temporary signs which also qualify as both on-site signs and inanimate signs shall be permitted only upon the issuance of a commercial temporary sign permit and shall be subject to the following requirements and restrictions:

1. Such signs shall be constructed of the following materials only: canvas, vinyl, nylon or similar mesh which is tear-resistant.

2. Such signs shall be limited to a maximum of thirty (30) days, within a one-hundred-eighty-day period.

3. A maximum of two (2) such signs shall be permitted for each single tenant commercial building located in a nonresidential zone and not more than one such sign shall be permitted for each tenant within a multiple tenant commercial building or commercial complex located in a nonresidential zone.

4. The total maximum sign area for such signs shall be thirty (30) square feet or five (5) percent of the primary facade area, whichever is greater.

5. Two (2) such signs not exceeding a total of one hundred (100) square feet in area identifying persons engaged in construction on a construction site, may be located in any nonresidential zone, as long as permitted construction is in progress, but not to exceed a twelve-month period.

B. Commercial temporary signs which are to be used window signs and which also qualify as both inanimate signs and on-site signs shall be permitted only upon the issuance of a commercial temporary sign permit and shall be subject to the following requirements and restrictions:

1. Such signs may be continuously displayed, however, sign copy must be changed or revised a minimum of every sixty (60) days;

2. Such signs may be constructed of paper (except newsprint paper computer printout paper), provided the signs are professionally printed and lettered on heavyweight art paper or similar materials;

3. A maximum of two (2) such signs shall be permitted for each single tenant commercial building located in a nonresidential zone and no more than one such sign shall be permitted for each tenant within a multiple tenant commercial building or commercial complex located in a nonresidential zone;

4. The total maximum sign area for such signs shall be thirty (30) square feet or twenty-five (25) percent of the window area, whichever is greater;

C. Garage sale or yard sale signs shall be displayed in accordance with all restrictions set forth under Chapter 5.44 (Garage Sales) of the El Monte Municipal Code, provided further that no garage sale or yard sale sign shall be displayed, posted or placed in the public thoroughfare or encroach upon the public thoroughfare or be affixed to any public utility, equipment or improvements located within the public thoroughfare.[4]

D. All commercial temporary signs authorized under this section shall be kept neat, clean and in good repair. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately replaced or removed.

(Zoning ordinance § 17.12.050)

(Ord. No. 2831, § 15, 9-24-2013)

17.12.100 - Exempt signs.

The provisions of this chapter shall not apply to the following type of signs:

A. Signs within buildings not constituting "window signs";

B. Temporary signs advertising community or civic events that are sponsored or co-sponsored by the city of El Monte which are located or placed on city property or city-owned public utilities and equipment located within the public thoroughfare designed for the posting or placement of such signage;

C. Noncommercial security or privacy signs located on private property and not exceeding six (6) square feet in area which convey messages such as "No Trespassing," "Private Property," "Beware of Dog," "Neighborhood Watch Program in Force," "No Soliciting" or which merely indicate that a building or facility is secured by a security alarm system provided by a private security alarm service provider;

D. Directional signs (excluding government signs) located on private property not exceeding eight (8) square feet, except as otherwise mandated or authorized by the Planning Commission, or the City Council on appeal or referral, as a condition of approval for any discretionary land use entitlement such as a conditional use permit, variance, modification, parcel map or subdivision map.

[4] For the full range of requirements and regulations applicable to garage sales or yard sales, please refer to Chapter 5.44 (Garage Sales) of the El Monte Municipal Code.

E. Menu boards for restaurants which display the actual customer menu, but not exceeding twelve (12) square feet;

F. A maximum of two (2) signs which identify a property or property improvement for sale, lease, or rent which are posted upon the subject property, when the area does not exceed sixteen (16) square feet per side;

G. Nameplates of four (4) square feet or less per occupant, and twenty (20) square feet in the aggregate, when affixed to entrance/exit doors of the business/building;

H. Government signs.

(Zoning ordinance § 17.12.055)

(Ord. No. 2831, § 17, 9-24-2013)

17.12.110 - Prohibited signs.

A. All signs not expressly permitted under this chapter or excepted or exempted from the regulations set forth under this chapter shall be prohibited. Such prohibited signs include, but are not limited to the following:

1. Excluding government signs, any type of sign located anywhere within the public thoroughfare including signs displayed, placed, posted, attached or affixed to any public utilities, equipment or improvements, as defined herein, that may also located within the public thoroughfare. A violation of the foregoing prohibition shall also occur in any instance where a prohibited sign (or portion thereof) protrudes and encroaches upon the public thoroughfare at any point from ground level up, even though the remaining part of the same sign is displayed, posted, placed, attached or affixed to property, buildings, structures, equipment or improvements that lie outside of the public thoroughfare.

2. Commercial signs, including but not limited to commercial temporary signs that qualify as inanimate signs, displayed from, posted to, placed upon and/or affixed to city property by any third party, except as expressly authorized by City Council ordinance or resolution or contract between the city of El Monte and said third party.

3. Excluding city-authorized government signs, noncommercial signs, including noncommercial temporary signs, displayed from, posted to, placed upon and/or affixed to city property by any third-party without the prior consent of the City Council by ordinance or resolution or agreement between the city and the third party, subject further to any and all state laws prohibited the use of public resources for political or campaign purposes.

4. Excluding government signs, signs displayed from, posted to, placed upon, attached to or affixed to any public utilities, equipment or improvements located on private property or on public property other than the public thoroughfare.

5. Commercial temporary signs which also qualify as both off-site signs and inanimate signs in all zones of the city of El Monte.

6. Blinking or flashing signs, except time and temperature signs.
7. Internally or externally illuminated temporary signs.
8. Moving, rotating or revolving signs.
9. Roof signs, including signs projecting above the eave or roof line; existing roof signs may remain if there is no other location for a freestanding sign and the City Planning Commission approves a design review application.
10. Windblown devices and balloons, except for vehicle sales lots.
11. Signs attached or affixed to any "protected tree" or "city-owned tree" within the meaning of Chapter 14.03 (Tree Protection and Preservation) of the El Monte Municipal Code.
12. Commercial signs painted or attached to plywood or similar material, except as specified in Section 17.12.080 E.
13. Any commercial sign constructed of paper or similar material which makes use of chalk, felt pen, fluorescent paint, grease pencil, or similar medium.
14. Any sign applied directly on the interior or exterior of a translucent or transparent surface including windows and doors by the use of chalk, felt pen, fluorescent paint, grease pencil or similar medium.
15. Signs attached to motor vehicles, except as follows:
    a. The sign is permanently or magnetically affixed to the vehicle; and
    b. The sign is not attached in a manner that renders the vehicle immobile, or in a manner that violates the California Vehicle Code.
16. Portable signs including, but not limited to, A-frame signs and sandwich boards;
17. Billboards or outdoor advertising structures, except as permitted by Chapter 17.88 of this Code.

B. All signs posted in violation of this Section 17.12.110 shall constitute a public nuisance within the meaning of Chapter 8.44 (Property Maintenance) and may be abated in accordance with the nuisance abatement procedures set forth therein and/or under this chapter.

(Ord. 2522 § 4, 2000; zoning ordinance § 17.12.060)

(Ord. No. 2831, § 18, 9-24-2013; Ord. No. 2914, § 4, 7-18-2017)

17.12.120 - Abatement of signs.

A. Abandoned Signs. Any sign or sign structure which is defined as abandoned when this chapter becomes effective shall be removed within eight (8) months of the effective date of the ordinance codified in this chapter.

B. Illegal Signs. Any sign or sign structure which was affixed, installed, moved or reconstructed illegally shall be removed within eight (8) months of the effective date of the ordinance codified in this chapter.

C. Legal Nonconforming Signs. Any sign or sign structure which is currently defined as legal nonconforming or is made legal nonconforming by adopting of the ordinance codified in this chapter, shall be made to conform to the requirements of this chapter based upon the following schedule:

1. Moving and flashing signs shall no longer move or flash after January 1, 1996.

2. Freestanding signs higher than twenty-five (25) feet which have not been granted a conditional use permit shall be removed or shall obtain a conditional use permit by March 12, 2000.

3. Roof signs and wall signs which project above the roof line shall be removed by March 12, 2000, except as specified above.

4. Wall signs in excess of seven-tenths square feet of display area for every lineal foot of building perimeter or two (2) square feet of display area for every lineal foot of lot frontage, whichever is less, shall conform by March 12, 2000.

(Zoning ordinance § 17.12.065)

(Ord. No. 2914, § 5, 7-18-2017)

17.12.130 - Temporary signs—Commercial off-site and noncommercial.

A. Off-Site Commercial Temporary Signs. Except as otherwise excepted or exempted under this chapter, commercial temporary signs which also qualify as both off-site signs and inanimate signs are prohibited in all zones of the city of El Monte, including all private residential and nonresidential real property parcels. Such shall signs shall constitute a public nuisance.

B. Noncommercial Temporary Signs—Residential Zones. In any residential zone, non-illuminated temporary signs which qualify as inanimate signs shall be permitted provided that no more than six (6) square feet in area at a maximum of four (4) feet in height may be displayed at any time. The foregoing notwithstanding, during the period of time beginning forty-five (45) days prior to an Election and ending forty-eight (48) hours following the date of the Election, the amount of allowable display area for noncommercial temporary signage shall be unrestricted. Flags shall not count toward the signage allowed under this subsection.

C. Noncommercial Temporary Signs—Nonresidential Zones. In any nonresidential zone (e.g., any commercial, industrial or manufacturing zone), non-illuminated temporary signs which qualify as inanimate signs shall be permitted provided that no more than twenty (20) square feet in area at a maximum of six (6) feet in height may be displayed at any time. The foregoing notwithstanding, during the period of time beginning forty-five (45) days prior to an Election and ending forty-eight (48) hours following the date of the Election, the amount

of allowable display area for noncommercial temporary signage shall be unrestricted. Flags shall not count toward the signage allowed under this subsection.

(Zoning ordinance § 17.12.070)

(Ord. No. 2831, § 19, 9-24-2013)

17.12.140 - Cost for the removal of signs.

Except as otherwise provided under Section 17.12.170 E of this chapter, any person who violates any provision of this chapter shall, in addition to any fines imposed under this chapter or elsewhere under the El Monte Municipal Code, be liable for costs of city labor, equipment and materials used to remove offending signs. The city shall substantiate its costs in the form of an invoice detail the labor, equipment and materials used to remove signs placed by a person or otherwise belonging to the person.

(Zoning ordinance § 17.12.075)

(Ord. No. 2831, § 20, 9-24-2013)

17.12.150 - Hearing.

A. Any person issued an administrative citation for a violation of any provision of this chapter may request a hearing, provided a written request for such a hearing is submitted with the Office of the City Clerk within fifteen (15) calendar days from the date of the administrative citation is issued. The hearing request must set forth in detail any objections to the citation and may include any relevant supporting evidence.

B. Upon receipt of a request for a hearing, the Director of Community Development shall set a hearing date within thirty (30) calendar days following receipt of such request. Notice of the hearing date shall be provided to such person not less than ten (10) calendar days prior to the date of the hearing. At the hearing the Director of Community Development shall hear such evidence as the person requesting the hearing shall present that such person was not responsible for the placement of the unlawful temporary sign(s) or that the amount invoiced for costs of removal of the sign(s) was excessive.

C. Within ten (10) calendar days following the conclusion of the hearing the Director of Community Development shall issue a determination regarding the person responsible for placement of the signs and/or the costs associated with the removal of the signs. The determination of the Director of Community Development shall be final and not subject to a further appeal.

(Ord. 2522 § 5, 2000; zoning ordinance § 17.12.080)

(Ord. No. 2831, § 21, 9-24-2013)

17.12.160 - Fees.

Fees for any sign or advertising device herein described shall be subject to the appropriate provisions of the El Monte Municipal Code unless otherwise specified in this title. Further, the City Council by resolution or ordinance may adopt and from time to time adjust and amend a schedule of fines and other penalties for any violation of this chapter.

(Amended during 1999 recodification; zoning ordinance § 17.12.085)

(Ord. No. 2831, § 22, 9-24-2013)

17.12.170 - Enforcement.

A. Any separate and distinct violation of this Chapter 17.12 shall be subject to the enforcement procedures and remedies outlined in the El Monte Municipal Code and applicable state and federal laws. Specific penalties include, but are not limited to, administrative fines as outlined in El Monte Municipal Code Chapter 1.18 (Administrative Citations) and criminal enforcement pursuant to El Monte Municipal Code Section 1.24.010(A) (Misdemeanors). It shall be a misdemeanor to install, erect, fail to remove, or maintain any sign in violation of this Chapter 17.12, which shall be punishable by a fine of not more than one thousand dollars ($1,000.00) per violation or by imprisonment not to exceed six (6) months in jail. Enforcement, whether through civil or criminal proceedings, nuisance abatement, injunction or any other means shall be cumulative.

B. In the absence of substantial evidence to the contrary, the person who is featured on a temporary sign or who otherwise benefits from its display shall be presumed to be the person who both owns the sign and was responsible for the placement of the sign. For example, nightclub promoters shall be presumed to be responsible for signs promoting his or her nightclub event, a political candidate shall be presumed to be responsible for signs promoting his or her candidacy, and a computer, tattoo, or other commercial expo promoter shall be responsible for signs promoting his or her expo.

C. Criminal Enforcement. It shall be illegal to install, mount, display, use, occupy or maintain signs in violation of this Chapter 17.12. Any violation or failure to comply with the provisions of this Chapter 17.12 constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such misdemeanor violations may be punished in accordance with the provisions of EMMC Chapter 1.24 (General Penalty) or any other remedies prescribed by law.

D. Civil and Administrative Penalties.

    1. Each separate and distinct violation of this Chapter 17.12 may be penalized pursuant to El Monte Municipal Code Chapters 1.18 (Administrative Citations) and 1.19 (Enforcement) and any other civil procedure authorized under the El Monte Municipal Code or state law.

    2. Each separate and distinct violation of this Chapter 17.12 shall (i) constitute violations as defined under Section 1.18.020; (ii) subject to administrative citation pursuant to Section 1.18.030; and (iii) not be eligible for notice of violation warnings.

    3. Notwithstanding subsection (D)(2)(iii), above, the City Attorney shall have the authority to waive any first offense within any one calendar year within forty-eight (48) hours of the issuance of administrative citation.

E. Abatement.

1. Nuisance Abatement. Signs not in compliance with this Chapter 17.12 are hereby declared to be a public nuisance, which may be abated in accordance with El Monte Municipal Code Chapter 8.44 (Property Maintenance) or by methods authorized by state law.

2. Summary Abatement/Removal.

   (i) In addition to any other enforcement procedures and remedies available to the city under this chapter or any other provision of the El Monte Municipal Code or state law, unauthorized signs which are displayed, placed or posted in the public thoroughfare or encroach upon the public thoroughfare or which are affixed to any public utilities, equipment and improvements located within the public thoroughfare may be immediately and summarily abated and removed by the city without prior notice to any person or entity.

   (ii) In addition to any other enforcement procedures and remedies available to the city under this chapter or any other provision of the El Monte Municipal Code or state law, signs (including unauthorized signs) which by virtue of their physical condition (as opposed to their graphic design or message content), pose a serious and immediate threat to public safety, may be summarily removed and retained by the city without prior notice to any person or entity. In such case, the city, after removal of the sign, shall promptly give written notice to the sign or property owner, if known, of the emergency confiscation and the cost of redemption.

F. Penalties and Abatement—Noncommercial Temporary Signs.

1. Notwithstanding subsections A through E of this section, enforcement of the regulations, restrictions and prohibitions of this chapter with respect to noncommercial temporary signs shall be governed by this subsection F.

2. Consistent with the prohibition set forth under Section 17.12.110 A.1 of this chapter, the city may immediately and summarily remove any noncommercial temporary sign which qualifies as an inanimate sign without first issuing a notice of violation or providing any other written or verbal notice to any person when such sign (i) is displayed, placed or posted in the public thoroughfare or upon city property; or (ii) encroaches upon the public thoroughfare or city property; or (ii) is affixed to any public utilities, equipment or improvements located within the public thoroughfare or owned by the city.

3. No fine or other penalty shall be imposed for any first offense which occurs during the period of time commencing forty-five (45) days prior to the date of an Election and ending forty-eight (48) hours after the date of an Election (hereinafter, "expanded posting period").

4. During each expanded posting period, the first single batch of noncommercial temporary signs belonging to a particular person, candidate, campaign committee or organization (hereinafter, a "responsible party") that have been removed by the city

shall collectively constitute the first violation for the responsible party. The City Manager or designee shall attempt to contact the responsible party that owns the subject signs based on information reasonably available and accessible to the City Manager or designee so that the signs may be retrieved. The foregoing notwithstanding, as a condition precedent to the release of the offending signs, the responsible party or an agent or representative of the responsible party who is duly authorized to bind the same contractually and act on the responsible party's behalf shall be required to execute an affidavit on a form prepared by the city declaring under penalty of perjury that:

(i) The released signs do in fact belong to the responsible party;

(ii) The responsible party understands the nature of the violation; and

(iii) The responsible party shall advise and instruct all persons working on behalf of the candidate, campaign committee, organization or entity on the proper placement of noncommercial temporary signs within the city.

If a responsible party fails to retrieve any removed signs or declines to sign the affidavit within fifteen (15) calendar days from the date of notification, the signs shall be deemed discarded and the City Clerk may dispose of the signs in any manner deemed by the City Clerk to be convenient or desirable.

5. If, during the same expanded posting period and following the execution of the affidavit referenced, above, additional noncommercial temporary signs are displayed, posted, placed or affixed in violation Section 17.12.110 A.1 of this chapter for a particular responsible party, the second single batch of signs belonging to the responsible party and removed by the city shall count as a second violation. The City Clerk shall contact the responsible party but will only release the removed signs on condition that the responsible party first reimburse the city for the cost of removing the signs, inclusive of staff time, the use of special equipment and other reasonable costs associated with removal. If the reimbursement costs are not paid within fifteen (15) calendar days from the date of notification, the signs shall be deemed discarded and the City Clerk may dispose of the signs in any manner deemed by the City Clerk to be convenient or desirable.

6. If, during the same expanded posting period and following the occurrence of a first and second violation of Section 17.12.110 A.1 of this chapter, addition noncommercial temporary signs for a responsible party are again displayed, posted, placed or affixed in violation of Section 17.12.110 A.1, then the city may prosecute the violation in accordance with the enforcement procedures of Chapter 1.18 (Administrative Citations) or Chapter 1.24 (General Penalty).

The foregoing notwithstanding, every fifty (50) signs belonging to a particular responsible party which are displayed, placed, posted or affixed in violation of Section 17.12.110 A.1 and removed by the city shall constitute a single violation. In prosecuting such violations the city may pursue any and all remedies available to it at

law, including fines, penalties and the reimbursement of actual costs associated with the removal of offending signs.

7. If, any noncommercial temporary sign is displayed, placed, posted or affixed in violation of Section 17.12.110 A.1 during any period of time other than an expanded posting period, such violations shall be prosecuted in the same manner as any other violation involving the posting of signs in the public thoroughfare or on city property.

8. For purposes of this subsection and in the absence of any other identifying information in a noncommercial temporary sign, there shall be a rebuttable presumption that noncommercial temporary signs in support of a specific candidate for elected office are owned jointly by the candidate and the candidate's campaign committee. If a candidate or candidate committee that provides substantial evidence in support of the assertion that the candidate or candidate committee is not the owner of a sign, signs removed by the city shall not be released to the candidate or candidate committee.

(Ord. No. 2831, § 23, 9-24-2013; Ord. No. 2865, § 4, 9-15-2015)

17.12.180 - Orientation for the placement of temporary signs.

A. At least once per calendar year, the city shall conduct a voluntary temporary sign placement orientation, advising stakeholders, including but not limited to nightclub promoters, candidates for elected office and/or commercial expo promoters, of the laws and regulations applicable to temporary signs in the city.

B. Attendance at the city's temporary sign orientation shall not constitute a condition precedent to the posting of signs in the city or other exercise of constitutionally protected speech, but a lack of knowledge of the city's sign regulations shall not serve as a defense to any violation of this chapter.

(Ord. No. 2831, § 24, 9-24-2013)

Chapter 17.14 - NONCONFORMING PROVISIONS

17.14.010 - General provisions.

The intent of this chapter is to permit nonconforming uses and structures to continue until they are removed, restricted or abandoned, but not to encourage their survival. Nonconforming uses and structures are declared to be incompatible with permitted uses in the same district. Nonconforming uses and structures shall not be enlarged upon, expanded or extended, except as expressly provided herein, nor shall the existence of a nonconforming use or structure be grounds for adding other uses or structures prohibited in the same district.

(Zoning ordinance § 17.14.10)

17.14.020 - Definitions.

"Nonconforming building or structure" means a building or structure which was lawful when brought into existence, but because of subsequent amendment to this chapter, or annexation into the city, could not be built because of restrictions on area, lot coverage, height, yards, setbacks, parking, design requirements, location on a lot, type or construction, or other similar requirements concerning the structure.

"Nonconforming land" means a use which was lawful when brought into existence, but by reason of subsequent amendment to this chapter, or annexation into the city, no longer conforms to the requirements for the district in which it is located.

"Nonconforming lot" means a lot the area, dimension or location of which was lawful when brought into existence, but by reason of subsequent amendment to this title, or annexation into the city, no longer conforms to the minimum lot size requirements.

"Nonconforming use" means the use of a property that was allowed under the zoning regulations at the time the use was established but which, because of a subsequent change in the zoning regulations, is no longer a permitted use or now requires a conditional use permit.

(Zoning ordinance § 17.14.20; Ord. No. 2883, § 20, 6-21-2016)

17.14.030 - Nonconforming buildings or structures.

A nonconforming building or structure may be continued in use as long as it remains otherwise lawful, subject to the following provisions:

A. It may not be enlarged, expanded or altered in any way which increases its nonconformity but may be altered to decrease its nonconformity.

B. Whenever a building or structure which is deemed to be nonconforming by virtue of this chapter is damaged to an extent of less than fifty (50) percent of its replacement cost immediately prior to such damage, the structure may be restored to its state prior to such damage, provided the restoration is started within one hundred eighty (180) days and diligently pursued to completion. This replacement cost shall be determined by the chief building official, whose decision may be appealed to the City Council. Except as specified in

Section 17.14.070, buildings or structures that are damaged greater than fifty (50) percent of the replacement cost shall conform to all current provisions of this title.

C. If a nonconforming use is maintained in a nonconforming structure, the provisions of this section and Section 17.14.050 shall apply; provided, that where a conflict between said sections exist, the more restrictive provision shall govern.

D. When a nonconforming building or structure is abandoned or vacated for a continuous period of twelve (12) months (three hundred sixty-five (365) days) or more, except for massage establishments, any subsequent use of the property shall conform to the regulations of the district in which the property is located. In order for the business to prove continued operation, the business must submit a valid city business license for the entire period in question, and may be supported by the following evidence subject to the review and approval by the City Planner:

   1. Receipts, invoices, payments, bank statements and other accounting records showing accounts payable and receivable for entire period in question. These must show actual and continuous business activity. These may be redacted to protect confidentiality of business clients or business bank account or credit card numbers; and/or

   2. Utility bills showing service to the specific business for the entire period in question.

E. Additions and structural alterations may be made to an existing building or structure that is nonconforming solely with respect to a required side yard setback provided;

   1. That the addition comply with the current side yard setback requirements; or

   2. That the alteration or addition not exceed fifty (50) percent of the existing floor area of the structure and that the side yard setback not be made further nonconforming. However, in no case may the side yard setback be less than three (3) feet for a main dwelling unit and one foot for an accessory structure, unless a modification has been reviewed and approved in accordance with this title.

F. Accommodation of Disabilities. An adjustment of any zoning regulation where the adjustment is necessary to allow improvements to an existing building or property in order to provide reasonable accommodations to individuals with disabilities. This adjustment is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require an adjustment

   1. Parking Amendments. The conversion of an existing parking space to an accessible parking space or access aisle for an accessible parking space does not require an adjustment of the parking requirement, even if the conversion results in fewer parking spaces on the lot than required under Chapter 17.08 as long as the accessible parking requirement is not triggered by a change of use or an expansion of the existing use.

   2. Setback, Open Yards and Distance between Main Buildings Encroachments. An adjustment of setback, lot area, floor area, street frontage, open yard, outdoor living space, or distance between buildings; requirements where the adjustment is consistent with the purposes and intent of this title, and is necessary to: (a) secure an

appropriate improvement on a lot; (b) prevent unreasonable hardship; (c) promote uniformity of improvement; or (d) the adjustment is necessary to comply with the Americans with Disabilities Act and/or California Code of Regulations, Title 24, requirements.

G. Reasonable Accommodation Process.

1. Director. The Economic Development Director, or designee, may permit an adjustment in accordance with subsections F.1 and 2, if the director, or designee, finds that:

a. The requested adjustment is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission. If the adjustment is part of one of these entitlements, then the accommodation will be reviewed by the Planning Commission;

b. If granted, the adjustment would not significantly affect persons or property owners other than those entitled to notice; and

c. The adjustment is solely for the purpose of accommodating ADA and/or California Code Regulations, Title 24 requirements to comply with accessibility requirements.

(Zoning ordinance § 17.14.30; Ord. No. 2883, §§ 21—23, 6-21-2016)

17.14.040 - Nonconforming lots.

A nonconforming lot may be constructed upon provided that, the lot was legally created and the structure or structures and uses conform to all other provisions of the El Monte Municipal Code.

(Zoning ordinance § 17.14.40)

17.14.050 - Nonconforming uses.

A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. It may not be enlarged, extended, moved or altered, except to change the use of a structure or land to a use permitted in the district in which it is located.

B. In the case of a nonconforming use of land not involving a structure, the use may not be moved in whole or in part to any portion of the lot or parcel on which it is located other than that occupied by the use at the time it became nonconforming.

C. If a nonconforming use of a structure or land is superseded by a permitted use, such use shall thereafter conform to the regulations for the district, and the nonconforming use may not be resumed.

D. When a nonconforming use of a structure or land is discontinued or abandoned for a continuous period of twelve (12) months (three hundred sixty-five (365) days) or more except for massage establishments, any subsequent use shall conform to the regulations of the district in which the property is located. In order for the business to prove continued

operation, the business must submit a valid city business license for the entire period in question, and may be supported by the following evidence subject to the review and approval by the City Planner.

1. Receipts, invoices, payments, bank statements and other accounting records showing accounts payable and receivable for entire period in question. These must show actual and continuous business activity. These may be redacted to protect confidentiality of business clients or business bank account or credit card numbers; and/or
2. Utility bills showing service to the specific business for the entire period in question.

E. Transitional Uses. In order to permit some flexibility with existing commercial and manufacturing uses located in residential zones, certain neighborhoods servicing uses may be permitted upon approval of a conditional use permit. These are listed as "transitional uses" in Section 17.24.040.

1. Transitional uses are limited to offices, businesses or professional offices or neighborhood serving uses. A neighborhood-serving use primarily serves nearby individual consumers and households and businesses, is generally pedestrian in design, and does not generate noise, fumes or truck traffic greater than that typically expected for uses with a local customer base.
2. These uses would be allowed with CUP and could continue in perpetuity.
3. These transitional uses are conditionally permitted in addition to all other uses already permitted in the zone.
4. If the commercial use converts to a residential use or other conforming use, it cannot thereafter convert to a nonconforming commercial use.
5. The conditional use permit may limit signage and hours of operation and hours of operation among other standards. Minor renovations to the building, including doors, windows, and facades, are permitted to accommodate neighborhood uses, but no additional square footage shall be permitted.
6. Parking allowances are permitted pursuant to Subsection 17.14.110.C
7. This section applies to existing structures only; new build projects must, adhere to current applicable zoning.
8. Applications for conditional use permits to allow transitional uses will only be accepted up to December 31, 2025. Thereafter, the property must comply with the current zoning and a conditional use permit will not be accepted.

F. Multi-Tenant Buildings. If an existing, nonconforming multi-tenant commercial and industrial building has vacancies of up to fifty (50) percent of the total gross square footage of the multi-tenant building, then permit the vacant units to be occupied by the most recently occupied use. This is permitted with a zone clearance. If an existing, nonconforming multi-tenant commercial building has vacancies over fifty (50) percent of the total gross square footage of the multi-tenant building, then the multi-tenant building

must convert to the current regulations of the zone related to those uses or provide uses pursuant to Sections 17.24.040 and 17.14.050.E above.

(Zoning ordinance § 17.14.50; Ord. No. 2883, §§ 24, 25, 6-21-2016)

17.14.060 - Repairs and maintenance.

On any nonconforming structure, or on any nonconforming structure containing a nonconforming use, routine maintenance work may be performed, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may take place; provided, that the value of repair or replacement work during any five-year period does not exceed fifty (50) percent of the replacement cost of the whole structure; and provided further, that the square footage of the structure, whether conforming or nonconforming, shall not be increased. In addition, no more than fifty (50) percent of the bearing walls may be repaired and/or replaced as part of repair and maintenance work for the structure.

(Zoning ordinance § 17.14.60; Ord. No. 2883, § 26, 6-21-2016)

17.14.070 - Nonconformity resulting from change in residential density regulations.

If a residential use is deemed nonconforming solely by virtue of its exceeding the allowable dwelling unit density of the parcel of land on which it is located, such residential use may, if destroyed or damaged greater than fifty (50) percent of its replacement costs through natural causes, be rebuilt to the original legal density subject to the following conditions:

A. Design review approval is granted by the City Planning Commission.

B. The rebuilt development shall comply with all current design and property development standards, to the extent feasible, except parking and open space.

(Zoning ordinance § 17.14.70)

17.14.080 - Loss of legal nonconforming status.

A. The right to continue a nonconforming use shall terminate when it is determined to be a public nuisance by order of the independent Hearing Officer pursuant to procedures provided in Chapter 8.44 of this Code or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or the order of the court. In addition to the specific grounds for finding a nuisance as set forth in Chapter 8.44 of this Code, a nonconforming use is a public nuisance if:

   1. The use interferes with the comfortable enjoyment of life or property in the neighborhood; or

   2. The use is a business establishment which permits persons to congregate for unreasonably long time periods in parking areas and/or pedestrian walkways resulting in unreasonable noise levels in residential areas during the hours of nine p.m. to seven a.m., or resulting in said persons obstructing or interfering with the free passageway in said parking areas or on said pedestrian walkways, or which becomes a place where an unreasonable number of violations of Chapter 9.12 of this Code (relating to public

consumption of alcoholic beverages) or violations of alcoholic beverage control regulations occur; or

3. The use is injurious to the health of persons in the neighborhood.

B. The right to continue the use of a nonconforming structure shall terminate when the structure and/or the parcel on which it is located is determined to be a public nuisance by order of the Hearing Officer made pursuant to Chapter 8.44 of this Code, or by judgment or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or order of the court. If the abatement of the nuisance required demolition of the structure the order, judgment or order of the court shall find that in fairness and in justice there is no other way reasonably to correct the nuisances other than by demolition of the structure.

C. Where it cannot be found that demolition of a structure is appropriate, the Hearing Officer shall permit the structure to remain in existence, but may impose one or more conditions to bring the structure into conformity with the requirements of this title so far as is reasonable in addition to any other conditions necessary to abate the public nuisance.

(Ord. 2552 § 1, 2002)

17.14.090 - Amortization and discontinuance of legal nonconforming massage establishments and alternative financial service establishments.

A. All massage establishments which have a valid massage establishment certificate under Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of this Code prior to May 5, 2016 and are located within the C-3 (General Commercial) and C-4 (Heavy Commercial) zone shall obtain a conditional use permit no later than May 5, 2019. Any such massage establishment that does not timely obtain a conditional use permit by May 5, 2019 must cease all operations as of May 6, 2019 and remove all signs, advertising and displays relating to such business within thirty (30) days thereafter.

B. No massage establishment may operate in zones other than C-3 and C-4, in accordance with the provision of subsection A of this Section 17.04.090 as of May 5, 2021 and must remove all signs, advertising and displays relating to such business within thirty (30) days thereafter.

C. All alternative financial service establishments validly operating the city as of August 31, 2017 that possess all requisite permits and in compliance with applicable laws and regulations, which are located within the C-3 (General Commercial) and C-4 (Heavy Commercial) zone shall obtain a conditional use permit no later than August 31, 2021, in accordance with Chapter 17.24 of this Code. Any such massage establishment that does not timely obtain a conditional use permit by August 31, 2021 must cease all operations as of September 1, 2021 and remove all signs, advertising and displays relating to such business within thirty (30) days thereafter.

D. No alternative financial service establishment may operate in zones other than C-3 and C-4, in accordance with the provision of subsection C of this Section 17.04.090 as of August 31,

2024 and must remove all signs, advertising and displays relating to such business within thirty (30) days thereafter.

E. A legal nonconforming massage establishment use or alternative financial service establishment use shall terminate in accordance with the discontinuance provisions of Section 17.14.050 (Nonconforming Uses) and be subject to the provisions of Chapter 17.14 (Nonconforming Provisions) of this Code.

(Ord. No. 2878, § 3, 4-5-2016; Ord. No. 2920, §§ 4, 5, 8-1-2017)

17.14.100 - Extension of massage establishment and alternative financial service establishment amortization periods.

A. An application for the extension of an amortization period set forth in Section 17.14.090 shall be made as provided herein.

B. The owner of the property on which the massage establishment or alternative financial service establishment is located, or the owner of the massage establishment or alternative financial service establishment, must submit a complete application for approval of an extension not later than six (6) months prior to the expiration of the amortization period, unless the Economic Developer determines that good cause is shown for late filing of the application. Such application shall be made in writing on a form prescribed by the Economic Development Director and shall be accompanied by the filing fee established by resolution of the City Council. The person requesting the extension of the amortization period shall bear the burden of proof in establishing that the amortization period established by Section 17.14.090 is unreasonable, and that the requested extension is a reasonable amortization period under the criteria set forth in subsection G of this Section 17.14.100. The person applying for the extension shall furthermore be required, in order to meet its burden of proof, to submit the documentation set forth in this section.

C. Not later than thirty (30) calendar days after submittal of an application to extend the amortization period, the Economic Development Director shall notify the applicant, in writing, if the application is not complete. The notice shall describe the manner in which the application can be made complete and shall be deemed given upon personal delivery to the applicant or upon deposit in the U.S. mail, first class, postage prepaid, addressed to the applicant at the address shown on the application. If a written determination is not provided to the applicant within thirty (30) calendar days after the application is submitted, the application shall be deemed complete. A complete application shall include:

1. The applicant's name and street address of business;
2. The address to which notice is to be mailed, at the applicant's option, a telephone number and/or email address;
3. The applicant's signature;
4. The term of the requested extension;
5. Documentation relevant to the factors listed in subsection G of this Section 17.14.100; and

6. The required filing fee.

D. Within sixty (60) days after a complete application is filed, the Planning Commission shall hear and act on the application and the secretary to the Planning Commission shall give the applicant written notice of the decision and findings made by the Planning Commission. Otherwise, the application shall be deemed granted by operation of law and the business shall be operated as a legal nonconforming use subject to Chapter 17.14 (Nonconforming Provisions). Notice shall be deemed given upon personal delivery to the applicant or upon deposit in the U.S. mail, first class, postage prepaid, addressed to the applicant at the address shown on the application. The secretary shall give the applicant at least ten (10) calendar days written notice of the time and place at which the application shall be heard by the Planning Commission, in the same manner that notice of the decision is to be given pursuant to this subsection.

E. A decision of the Planning Commission to deny the application may be appealed, in whole or in part, by filing a complete notice of appeal with the City Clerk within fifteen (15) days after notice of the decision was given to the applicant pursuant to subsection D of this section. To be deemed complete, the notice of appeal shall be signed by the appellant, shall state the grounds for disagreement with the decision of the Planning Commission, and shall be accompanied by the filing fee established by resolution of the City Council.

F. Within forty-five (45) calendar days after the appeal was filed, the City Council shall hear and act on the appeal, and the City Clerk shall give the appellant written notice of the decision and findings made by the City Council. Otherwise, the application shall be deemed granted by operation of law and the business shall be operated in accordance with the provisions of this chapter. Notice shall be deemed given upon personal delivery to the appellant and applicant upon deposit in the U.S. mail, first class, postage prepaid, addressed to the applicant at the address shown on the application. The notice shall include a written statement verified by oath or affirmation attesting to the date that the decision was mailed to the party by first class mail. The City Clerk shall give the appellant and applicant at least ten (10) calendar days written notice of the time and place at which the appeal shall be heard, de novo, by the City Council, in the same manner that written notice of the decision is to be given pursuant to this subsection.

G. In determining whether to grant an extension of the amortization period, and in determining the appropriate length of such an extension, the Planning Commission and, the City Council on appeal, shall consider:

1. The amount of investment in the business;
2. The present actual and depreciated value of business improvements;
3. The applicable Internal Revenue Service depreciation schedule or functional non-confidential equivalent;
4. The remaining useful life of the business improvements;
5. The remaining lease term;
6. The ability of the massage establishment and/or land owner to change the use; and

7. The opportunity for relocation to a legally permissible site and the cost of relocation.

H. The Planning Commission, or the City Council on appeal, shall receive and consider evidence presented by the appellant and any other persons, and shall make findings that the extension to the amortization period it establishes is reasonable in view of the evidence and the criteria set forth in subsection G. In no event shall the amortization period extension be longer than three (3) years for massage establishments (or by May 5, 2024) or two (2) years for alternative financial service establishments (or by August 31, 2026). The decision of the Planning Commission shall be final and conclusive, unless a timely and complete appeal is filed with the City Clerk pursuant to subsection E of this Section. The decision of the City Council on appeal shall be final and conclusive, unless timely judicial review is sought pursuant to Code of Civil Procedures Section 1094.6. In the event a timely action or proceeding is brought pursuant to Code of Civil Procedures Section 1094.6 from the decision to deny the requested extension, in whole or in part, the decision shall be automatically stayed pending a final decision on the merits by the trial court. As used in this subsection, final decision on the merits does not include rehearing or appellate procedures.

(Ord. No. 2878, § 4, 4-5-2016; Ord. No. 2920, §§ 6—8, 8-1-2017)

17.14.110 - Parking and expansion or remodeling of structure, or change in use.

A. When the use of a structure changes to a use that is required to have the same number of parking spaces as the immediately previous use, no additional parking spaces shall be required for the new use, regardless of the number of spaces actually provided by the previous use; provided that the previous use was legally established and the number of spaces has not decreased. For example, for a new restaurant going into a site where a previous restaurant existed. The new restaurant requires twenty (20) spaces but the old restaurant only had ten (10) spaces. The new restaurant can open with only ten (10) spaces.

B. When the floor area of an existing use is increased, additional parking spaces shall be provided on-site as required by this chapter only for the additional gross floor area. This applies to expansions that are a maximum of fifty (50) percent of the original floor area. Any expansion greater than fifty (50) percent requires the use to conform to current parking standards. For example, if a restaurant expands its floor area by five hundred (500) sq. ft., then they would need to provide additional parking for the five hundred (500) sq. ft., no matter how many spaces existed for the original structure.

C. Parking allowance for transitional uses, pursuant to Section 17.24.040, and subject to the approval of a conditional use permit. Transitional uses are permitted a twenty-five (25) percent parking reduction over the required number of spaces for the transitional use. A twenty-six (26) to fifty (50) percent reduction can be approved by the Planning Commission if substantiated by a parking study. Options for allowing this reduction include, but are not limited to, tandem parking, shared off-site parking, limitation of transitional uses to low impact uses, limitation of hours of operation, partial demolition of existing building and any

other method that can be substantiated by a parking study prepared by a licensed traffic engineer or transportation professional.

D. When a new trash enclosure is required the applicant must seek all feasible locations before considering removing required on-site parking to accommodate the new trash enclosure.

E. Nonconforming parking or loading. An existing use of land shall not be deemed to be a nonconforming use simply because of the lack of off-street parking or loading facilities required by Chapter 17.08. However, a structure with nonconforming parking that increases the number of parking or loading spaces shall not thereafter reduce that number of spaces unless the number of spaces after the reduction complies with the minimum requirements of Chapter 17.08.

(Ord. No. 2883, § 27, 6-21-2016)

Editor's note— Ord. No. 2883, § 27, adopted June 21, 2016, set out provisions intended for use as § 17.14.090. To avoid duplication of section numbers and at the editor's discretion, these provisions have been included as § 17.14.110.

Chapter 17.16 - CERTIFICATE OF OCCUPANCY

17.16.010 - Certificate of occupancy; temporary certificate of occupancy.

A. Certificate of Occupancy. No person shall occupy or otherwise use, or permit the occupancy or use of all or any portion of the following until a certificate of occupancy is applied for and then issued by the Building Official:

1. Any building, structure or other improvement constructed upon all or any portion of real property;

2. Any building, structure or other improvement that has been altered, added to, enlarged or moved upon all or any portion of real property;

3. Any real property, building, structure or other improvement that has been sold, exchanged, transferred or otherwise conveyed, excluding the sale, exchange, transfer or conveyance of any multi-family residential building containing five (5) or more residential dwelling units. (The property inspection report provisions of Section 17.16.060 shall also apply in the case of certain sales, exchanges, transfers and conveyances identified under that section);

4. All or any portion of any nonresidential building, structure or other improvement rented, leased, licensed or whose occupancy or reoccupancy is otherwise permitted by the owner or any agent of the owner;

5. All or any portion of any real property, building, structure or other improvement whose legally permitted use is changed.

B. Building Permit Application. An application for a certificate of occupancy must be submitted concurrently with an application for a building permit.

C. General Property Inspection. Once a complete and accurate application for a certificate of occupancy is submitted to, and accepted by, the Building Division, an inspection date for the real property in question shall be scheduled and the applicant shall thereafter make the real property available for such inspection by the Building Official on the date scheduled.

D. Issuance of Certificate of Occupancy. A certificate of occupancy shall be issued within ten (10) business days from the date the Building Official determines all of the following conditions are met:

1. A complete and accurate application for a certificate of occupancy is on file with the city of El Monte;

2. The real property complies with all discretionary land use authorizations affecting the real property; and all other real property related provisions of this Code, most notably the provisions of Title 15 (Building and Construction) and Title 17 (Zoning);

3. The real property in question complies with all other provisions, requirements and restrictions of this chapter; and

4. All violations and deficiencies identified in the course of the inspection have been corrected and approved by the Building Division.

E. Temporary Certificate of Occupancy.

1. Following the submission of a complete and accurate application for a certificate of occupancy but prior to the issuance of a certificate of occupancy, the Building Official may issue a temporary certificate of occupancy if:

a. The Building Official determines the real property in question is in substantial compliance with the requirements of this chapter and all other real property related provisions of this Code;

b. The applicant makes a clear and convincing showing of good faith efforts to timely complete the correction of all outstanding violations and deficiencies identified by the Building Official; and

c. The applicant posts a compliance bond with the city to guarantee the full and timely completion of all required corrections. The amount of the compliance bond shall be determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council resolution.

2. An applicant's failure to correct all deficiencies within the time period specified on the temporary certificate of occupancy shall constitute a violation of this chapter. No temporary certificate of occupancy shall set forth a time period for the completion of all corrections that is greater than one hundred eighty (180) calendar days. A temporary certificate of occupancy shall automatically expire fourteen (14) calendar days from the date in which all outstanding corrections were to be completed or automatically upon the issuance of a certificate of occupancy. Absent the issuance of a certificate of occupancy, no person may continue to occupy or otherwise use the real property that is the subject of a temporary certificate of occupancy upon the expiration of the temporary certificate of occupancy.

F. The property inspection report requirements of Section 17.16.040 shall only apply in the case of certain sales, exchanges, transfers or conveyances of real property.

(Ord. 2683 § 1 (part), 2007)

17.16.020 - Exceptions to certificate of occupancy requirement.

A. Changes in Residential Tenancies. The issuance of a new certificate of occupancy shall not be required for a simple change in tenancies with respect to any lawful dwelling or dwelling unit leased or otherwise rented for residential purposes.

B. Transient Occupancy. A certificate of occupancy shall not be required for the transient occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel or inn as part of its normal course of business. In order to be considered "transient" under this section, each individual occupancy or reoccupancy of an individual guest room/unit must be for a period of less than thirty (30) consecutive days

and no individual guest unit may be occupied or reoccupied by the same person for more than sixty (60) consecutive days total within any one hundred eighty (180) consecutive day period.

(Ord. 2683 § 1 (part), 2007)

17.16.030 - Vacant and unimproved real property.

A. An application for a certificate of occupancy must first be submitted and a certificate of occupancy issued by the Building Official before real property that is both vacant and unimproved may be occupied or used for any purpose.

B. Absent the issuance of a certificate of occupancy, real property that is both vacant and unimproved may only be used for the limited purpose of tilling soil and growing farm, garden or orchard products, provided such real property is lawfully zoned for such uses.

(Ord. 2683 § 1 (part), 2007)

17.16.040 - Property inspection report upon sale or transfer of real property.

A. Property Inspection Report. The title owner of real property or the duly authorized agent of the real property owner shall also apply to the Building Division for the preparation of a property inspection report in the case of any sale, exchange, transfer or conveyance of the real property in question. The property inspection report shall be prepared by the Building Official.

B. Exceptions. The requirements of this section shall not apply to the sale, exchange, transfer or conveyance of any of the following:

1. Multifamily residential buildings containing five (5) or more residential dwelling units;

2. Real property that is both vacant and unimproved; or

3. Real property that will soon be made vacant and unimproved and thereafter remain vacant and unimproved for an indefinite period of time, provided the owner or owner's agent posts a demolition compliance bond and provided all demolition and debris removal is completed within one hundred eighty (180) calendar days of the date sale, exchange, transfer or conveyance, whichever the case may be.

C. Mixed-Use Developments—Rented Units. If all residential dwelling units within the residential portion of a mixed-use development are owned by a single owner with each such unit being rented, leased, licensed or otherwise made available for residential purposes by the single owner (e.g., as would be the case with a multi-unit apartment complex), the requirements of this section shall not apply if the residential portion of the mixed-use development consists of five (5) or more residential dwelling units.

D. Mixed-Use Developments—Owned Units. If two (2) or more residential dwelling units within the residential portion of a mixed-use development are owned by different owners under an arrangement of separate ownership (e.g., as would be the case with a multi-unit condominium complex), the requirements of this section shall apply to the sale, exchange,

transfer or conveyance of any residential unit within the residential portion of the mixed-use development.

E. Demolition Compliance Bond. In the event of any sale, exchange, transfer or conveyance of real property that will soon be made vacant and unimproved with the aim of leaving said real property in a vacant and unimproved state for an indefinite period of time, the owner or owner's agent shall be required to post a demolition compliance bond to guarantee the full and timely demolition of all buildings, structures and other improvements upon the real property. The amount of the demolition compliance bond shall be determined by the Building Officials utilizing such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council resolution. Following the completion of such sale, exchange, transfer or conveyance as evidenced by close of escrow or the change in title, whichever is earlier in time, no person may continue to occupy or use the subject real property unless the Building Official issues a temporary certificate of occupancy which shall remain valid until the stated commencement of date of demolition activities. The Building Official may issue such a temporary certificate of occupancy using the issuance criteria set forth under subsection E of Section 17.16.010. Temporary certificates of occupancy issued pursuant to this subsection shall state the anticipated date upon which demolition will commence and shall expire upon the earlier of the following: (a) the date upon which demolition actually commences; or (b) the anticipated commencement date stated on the temporary certificate of occupancy. No temporary certificate of occupancy issued pursuant to this subsection shall set forth an anticipated demolition commencement date that is more than one hundred eighty (180) days from the date the temporary certificate of occupancy is issued.

F. Content of Property Inspection Report. The property inspection report shall contain the following information:

1. The street address and legal description of the subject real property;
2. The zone classification;
3. The legally authorized use of the subject real property;
4. As determined by the Planning Services Manager and/or the Building Official, the identification of all land use restrictions including, but not limited to, those imposed by way of variances, modifications, conditional use permits, subdivision maps, parcel maps and the like;
5. All corrections needed to bring the subject real property into compliance with provisions of this Code relating to building and construction standards; zoning requirements and restrictions; and housing restrictions; and
6. All other corrections needed to correct any other condition constituting a violation of this Code, including, but not limited to, provisions relating to public health and safety.

G. Completion Period. Each property inspection report shall be completed within ten (10) city business days from the date the real property in question is inspected and shall remain valid for a period of six (6) months from the date of its issuance by the Building Official. If a

property inspection report is not completed within the foregoing ten (10) day period, the requirements of this section shall be deemed waived. The foregoing notwithstanding, the waiver of the requirements of this section shall not constitute a waiver of any other requirements set forth under this chapter nor shall such waiver preclude the city from pursuing any and all remedies available to it at law or in equity in order to enforce the requirements and standards set forth under this Code.

H. Nonliability of City for Failure to Identify all Deficiencies. In issuing a property inspection report, neither the Building Official nor the Building Division warrant or represent that all outstanding code violations or deficiencies are stated therein. Violations and deficiencies identified in each property inspection report represent the Building Official's and Building Division's best attempt to identify all outstanding violations and deficiencies, but do not necessarily represent an exhaustive listing of such violations or deficiencies. The failure of the Building Official and/or the Building Division to identify a violation or deficiency in the property inspection report shall not prevent the city from taking all legal action available to it to cause such violation to be corrected, including, but not limited to, the issuance of criminal citations.

I. Nonliability of City for Failure to Identify Utility Charges. The failure of a property inspection report to identify delinquent utility charges for the subject real property shall not prevent the city from taking all legal action available to it to obtain payment of such charges.

J. Delivery of Report to Prospective Buyer. Each applicant shall deliver the property inspection report to the person attempting to acquire the subject real property (e.g., to the prospective buyer) and within fourteen (14) calendar days thereafter shall deliver to the Building Division a delivery confirmation receipt evidencing the successful delivery of the property inspection report. The delivery confirmation receipt form shall be provided to each applicant.

K. Time Period for Making Corrections to Property. If the subject real property is in need of corrections as specified in the property inspection report, the applicant shall initiate such corrections within thirty (30) calendar days of the date the property inspection report is issued and shall complete such corrections before a certificate of occupancy may be issued but in no event later than one hundred eighty (180) calendar days from the date the property inspection report is issued.

L. Parties Responsible for Corrections. The owner of real property that is the subject of a property inspection report shall be responsible for the completion of all needed corrections identified in the property inspection report. The person attempting to acquire the real property may assume legal responsibility for the completion of all corrections by execution and submission of an "Acknowledgement & Assumption Affidavit" coincident with the completion of the real property sale or exchange. The execution of an "Acknowledgement & Assumption Affidavit" notwithstanding, no new certificate of occupancy may be issued until all needed corrections are completed.

M. Compliance Bond. The execution of an "Acknowledgement & Assumption Affidavit" shall in turn require the posting by the buyer of a compliance bond with the city to guarantee the full and timely completion of all required corrections. The compliance bond shall be submitted at the same time as the submission of the "Acknowledgement & Assumption Affidavit" and no "Acknowledgement & Assumption Affidavit" shall be considered complete absent the posting of an adequate compliance bond. The amount of the compliance bond shall be determined by the Building Official using such criteria and methodology as may be adopted, and from time to time revised and/or modified, by City Council resolution. Following the Building Official's receipt of the posted compliance bond and pending the completion of all required corrections, the Building Official, in his or her discretion, may issue a temporary certificate of occupancy subject to the requirements of subsection E of Section 17.16.010 of this chapter in an effort to reasonably minimize any undue delay in the closing of escrow on the sale, exchange, transfer or conveyance of the subject real property.

N. Failure to Make Corrections. If any corrections prescribed in the property inspection report are not corrected within the time frame specified herein or within a temporary certificate of occupancy, such failure shall constitute a violation of this chapter and may be referred to the City Prosecutor for appropriate action.

(Ord. 2722 § 2, 2008; Ord. 2683 § 1 (part), 2007)

17.16.050 - Content of certificate of occupancy.

A. Content. Each certificate of occupancy pursuant to this chapter shall state:

1. The date of issuance;
2. The authorized occupancy for the subject real property;
3. The legally permitted use for the subject real property;
4. Restrictions as determined by the Planning Services Manager and/or the Building Official in the interest of safeguarding the public health, safety, morals, and welfare, and the identification of all land use restrictions including but not limited to those imposed by way of variances, modifications, conditional use permits, subdivision maps, parcel maps, modifications and the like;
5. The street address and legal description of the subject real property;
6. The name of the person to whom the certificate of occupancy is issued;
7. The certification that the subject real property complies with all provisions of this Code relating to zoning, building standards, and maintenance to the best knowledge of the Building Division at the time of issuance.

B. Nonconforming Properties. A certificate of occupancy issued for real property bearing the status of a nonconforming use shall also state that the subject real property is a nonconforming use. The requirements of this subsection shall apply to all real property bearing the status of a nonconforming use on or after the effective date of this chapter.

C. Maintenance of Records. Records of all certificates of occupancy and temporary certificates of occupancy shall be kept on file in the offices of the Building Official and the City Clerk.

(Ord. 2683 § 1 (part), 2007)

17.16.060 - Administrative fees.

A. Payment and Setting of Fees. Each applicant shall be required to pay administrative fees in connection with each application for a certificate of occupancy and a property inspection report. The amount of the administrative fees imposed shall be established and from time to time adjusted by City Council resolution. The purpose of the administrative fees shall be to recover the administrative costs and/or expenses associated with the enforcement of this chapter, including, but not limited to, costs and expenses associated with the processing and review of applications; the conduct of real property inspections; the preparation and processing of property inspection reports; the verification of the completion of all corrections; the processing, review and investigation of requests for reconsideration and/or appeals of the Building Official's decision on a requests for reconsideration.

B. Restriction on Amount of Fees. Any administrative fee(s) established, increased or otherwise adjusted pursuant to this section shall not exceed the reasonable estimated cost or expense of providing and/or performing the service, task, activity or set of services, tasks and activities for which the administrative fee is imposed.

(Ord. 2683 § 1 (part), 2007)

17.16.070 - Adoption of administrative policies and procedures; forms.

A. Adoption of Administrative Policies and Procedures. By resolution, the City Council may adopt and from time to time amend or update administrative rules, policies, procedures and guidelines for the enforcement and implementation of this chapter, provided such rules, policies, procedures and guidelines do not conflict with the express provisions of this chapter and are consistent with the purposes and objectives set forth herein.

B. Adoption of Forms. By resolution, the City Council may adopt, approve and from time to time update and amend forms for the application of certificates of occupancy, property inspection reports and such other forms and documents as may be necessary or desirable to enforce and/or administer this chapter.

(Ord. 2683 § 1 (part), 2007)

17.16.080 - Violation—Penalty.

A. Violation of Certificate of Occupancy/Temporary Certificate of Occupancy. No person shall violate or fail to comply with each and every term, condition, requirement or restriction set forth in a certificate of occupancy or temporary certificate of occupancy issued pursuant to this chapter.

B. Violation of Chapter. The violation of any provision of this chapter shall constitute a misdemeanor. Any person convicted of a violation of this chapter shall be punished by a

fine not exceeding one thousand dollars ($1,000.00) or by imprisonment in jail for a period not exceeding six (6) months, or a combination of both fine and imprisonment.

(Ord. 2683 § 1 (part), 2007)

17.16.090 - Request for reconsideration; appeals.

A. Request for Reconsideration. With respect to the enforcement of this chapter, any applicant aggrieved by a determination of the Building Official or the Building Division relating to the existence of violations or deficiencies or the failure to adequately correct or timely complete the correction of any violation or deficiency may request that the Building Official reconsider the determination in dispute. Requests for reconsideration must be made in writing filed with the City Clerk's Office within seven (7) calendar days from the date the Building Official notifies the applicant of the violation or deficiency or the failure to adequately correct or timely complete the correction of the violation or deficiency at issue. Each written request for reconsideration must specifically identify the determination in dispute; specifically state the basis for disputing the determination; and include tangible evidence and/or authority supporting the applicant's position.

B. Rendering of Decision on Reconsideration Request. The Building Official shall render a decision on the request for reconsideration within fourteen (14) business days of the submission of the request for reconsideration to the City Clerk. A specific initial determination that is not identified as being in dispute in the request for reconsideration will not be reconsidered by the Building Official and its omission from the request shall be interpreted as an acknowledgement that the initial determination was correct. The Building Official may deny a request for reconsideration if an applicant fails or refuses to permit a follow-up inspection of the real property requested by the Building Official in order to ascertain the merits of the applicant's reconsideration request.

C. Appeal of Reconsideration Determination. The decision of the Building Official with respect to a request for reconsideration may be appealed and such appeal shall be subject to an administrative hearing heard by an administrative hearing officer designated by the city. All such appeals must be made in writing and filed with the City Clerk within seven (7) business days of the date of the Building Official's decision on the request for reconsideration. The written appeal must identify the determination(s) at issue and the reason for disputing each determination and include all tangible evidence and authority supporting the applicant's position. The appeal hearing shall be heard within sixty (60) calendar days of the date of the appeal is filed but in no event sooner than fourteen (14) calendar days from the date the written appeal is submitted. Only determination disputes stated in the initial request for reconsideration and stated in the written appeal may be considered in the appeal hearing and the omission of such determinations from the initial reconsideration request or the written appeal shall be construed as an acknowledgement that the determination was correct. The decision of the administrative hearing officer shall be final.

D. Deadlines. All deadlines set forth in this section shall be deemed to run at five-thirty p.m. on the applicable deadline date. If any deadline set forth in this section falls on a date in

which the city is not open for business, the deadline shall be extended to five-thirty p.m. of the next day in which the city is open for business.

E. Tolling Pending Final Disposition. The correction period for all disputed violations or deficiencies identified by the Building Official or the Building Division pursuant to this chapter shall be tolled pending final disposition of a request for reconsideration or an appeal of the Building Officials decision regarding a request for reconsideration. Undisputed and/or unappealed violations or deficiencies must be corrected within the correction period set forth or otherwise authorized pursuant to the provisions of this chapter.

(Ord. 2683 § 1 (part), 2007)

17.16.100 - Definitions.

A. General Meaning. Except as otherwise provided under this section or elsewhere in this chapter, the words and phrases used herein shall have the same definition as set forth under Chapter 17.04 (Definitions) of this Code or such other chapter of Title 17 (Zoning), if no such definition is provided for under Chapter 17.04. If a term used in this chapter is not defined under this chapter or any chapter of Title 17 (Zoning) of this Code, the meaning of such term may be reasonably established by way of rules or policies established pursuant to Section 17.16.090 (Adoption of Administrative Policies and Procedures; Forms) of this chapter.

B. Special Definitions. For purposes of this chapter, the following words and phrases shall have the meaning set forth in this section:

"Applicant" means any person who applies for a certificate of occupancy and, if necessary, a property inspection report.

"Building Division" means the El Monte Building Division.

"Building Official" means the Chief Building Official for the city of El Monte or his or her duly designated, City-employed designee.

"City" means the city of El Monte, a municipal corporation and general law city.

"City Council" means the El Monte City Council the legislative body for the city of El Monte.

"Must" and **"shall"** when used in a sentence means that an action or prohibition set forth is imperative and mandatory.

"Nonresidential," when used as a modifying adjective to describe the type of use, occupancy or purpose associated with certain type of real property, building, structure, improvement or portion thereof, means real property, buildings, structures, improvements or portions of thereof that do not fall within the definition for "residential" as defined under this section. Use, occupancies and/or purposes considered "nonresidential" in nature include, but are not limited to, the following: industrial; commercial; retail or wholesale sale; manufacturing; office; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house provided the use

of each legally permitted guest unit satisfies the restrictions set forth under Section 5.48.080 of this Code; nonresidential portions of a mixed use developments; multiple tenant developments; and any type of use, occupancy or purpose for which a business license or combination of business license and business permit is required.

"Person" means any natural person or grouping natural persons such as tenants in common, husband and wife, joint tenants with right of survivorship and the like; any general partnership, limited partnership or limited liability partnership; any corporation or limited liability company whether for profit or not-for-profit; any organization whether for profit or not-for-profit; any business trust, living trust or joint venture; or any legal entity holding title to real property or serving as the agent for another person holding title to real property.

"Planning Services Manager" means the Planning Services Manager for the El Monte Planning Division or his or her duly designated, city-employed designee.

"Real property" means all or any portion of a parcel of real estate located within the city inclusive of any buildings, structures or other constructed thereupon.

"Residential," when used as a modifying adjective to describe the type of use, occupancy or purpose associated with a certain type of building, structure, improvement or portion thereof, shall necessarily refer to any building, structure, improvement or individual dwelling unit within such a building, structure or improvement which

(1) is specifically and exclusively designed for and occupied by, or available for occupancy by, a single household as a place of residence;

(2) contains one legally permitted kitchen per household residing in the building, structure, improvement or individual dwelling unit; and

(3) contains at least one bathroom equipped with a toilet and a shower or bath tub.

"Residential" when used as a modifying adjective to describe a certain type of real property, shall refer to real property or any portion thereof that is lawfully zoned for any of the types buildings, structures or improvements described in the preceding sentence. The foregoing notwithstanding, the use, occupancy or reoccupancy of a legally permitted guest room within a legally permitted hotel, motel, motor hotel, inn, boarding house, or lodging house in the normal course of business shall be considered "nonresidential" in nature, provided its use satisfies the restrictions set forth under Section 5.48.080 of this Code. Any residential dwelling or residential dwelling unit located within a mixed-use development shall also be considered "residential" in nature.

(Ord. 2683 § 1 (part), 2007)

17.16.110 - Effective date of chapter.

This chapter shall take effect on February 20, 2007. This chapter shall apply to all real property requiring a valid certificate of occupancy on or after the effective date of this chapter, excluding all such real property for which a complete and accurate application for a certificate of occupancy was submitted prior to the effective date but the issuance of a certificate of occupancy is still pending.

(Ord. 2683 § 1 (part), 2007)

17.16.120 - Reserved.

Editor's note— Ord. No. 2785, § 2, adopted Feb. 7, 2012, repealed § 17.16.120 which pertained to a five-year sunset clause and derived from Ord. No. 2683, § 1(part), 2007.

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Chapter 17.18 - ZONING CLEARANCE

17.18.010 - Purpose.

Zoning clearance review is a ministerial act that ensures development is consistent with the general plan and the zoning ordinance. The zoning clearance is intended to implement architectural standards, site planning, circulation, landscaping, and other zoning and planning policies. A zoning clearance shall be issued pursuant to this chapter prior to the issuance of any other planning or building permit for any building or structure hereafter erected, altered or modified.

(Zoning ordinance § 17.18.10)

17.18.020 - Authority.

The Director of Community Development or his/her designee shall be empowered to approve, conditionally approve or deny zoning clearance applications subject to the guidelines contained in Section 17.18.060.

(Zoning ordinance § 17.18.20)

17.18.030 - Procedures.

The rules and procedures for applications, records and investigations applicable to zoning clearance shall be as follows:

A. Application. The Director of Community Development shall determine the minimum filing procedures, content and form of materials which must be submitted before action is taken on a zoning clearance request. The filing procedures and applications shall be published and made available to the public.

B. Records. Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall be part of the official records of the Planning Division.

C. Investigation. It shall be the burden of the applicant to provide sufficient documents and exhibits that allow the Director of Community Development, or the City Planning Commission upon appeal, to render a decision upon the application under consideration. The Director of Community Development, or the City Planning Commission upon appeal, to render a decision on the request. The filing of an application also grants city staff the right to enter the property to make any inspections necessary to render a decision on the application. All inspections shall be conducted with the owners' knowledge and advance notice.

(Zoning ordinance § 17.18.30)

17.18.040 - Projects.

All buildings and structures hereafter erected, altered or modified shall have an approved zoning clearance prior to obtaining any other planning or building permit or prior to commencing work. Improvements subject to zoning clearance are as follows:

A. Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (Junior ADUs);

B. Building murals;

C. Decks that are more than two (2) feet above the adjacent grade at any point, gazebos, trellises, windscreens and similar improvements;

D. Exterior mounted security bars;

E. Exterior spas, hot tubs, or swimming pools;

F. New buildings and structures, or additions to existing buildings or structures;

G. Patio covers, breezeways, porch covers and similar structures;

H. Patio enclosures;

I. Pay telephones, automatic teller machines and vending machines;

J. Property line fences and walls that are more than two (2) feet above the adjacent grade; and

K. Storage structures and tool sheds in excess of one hundred twenty (120) square feet in area.

(Zoning ordinance § 17.18.40; Ord. No. 2967, 2-4-2020)

17.18.050 - Exempt projects.

The following projects shall be exempt from zoning clearance:

A. Any building or structural alteration, addition or modification subject to review and approval under other sections of this chapter;

B. Repainting of buildings or structures provided the color is not fluorescent, luminescent or bright and provided the building colors were not specified under a previously approved land use entitlement;

C. Landscaping improvement or restoration;

D. Concrete flatwork that does not cover more than fifty (50) percent of the front or street side yard of any residentially zoned or used property.

(Zoning ordinance § 17.18.50)

17.18.060 - Guidelines.

In order to grant zoning clearance approval, the Director of Community Development shall use the following guidelines to determine if the request is appropriate:

A. The orientation and location of buildings and open space;

B. The vehicular and pedestrian circulation;

C. The scale, character and quality of design;

D. The functionality of floor plans;

E. The proposed improvement is harmonious with adjacent improvements.

(Zoning ordinance § 17.18.60)

17.18.070 - Time period.

A zoning clearance approval shall expire twelve (12) months from the date on which the approval was granted. The Director of Community Development may grant an extension of the zoning clearance for a period not to exceed twelve (12) months.

(Zoning ordinance § 17.18.70)

17.18.080 - Appeal.

The applicant may appeal the decision of the Director of Community Development to the City Planning Commission within ten (10) calendar days following the decision. Appeals by the Commission shall be reviewed as a regular agenda item and the fee paid shall be fifty (50) percent of the original filing fee. The decision of the City Planning Commission shall be final.

(Zoning ordinance § 17.18.80)

17.18.090 - Fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying division expenditures. The amount of the fee collected shall be in accordance with the fee schedule of the city.

(Amended during 1999 recodification; zoning ordinance § 17.18.90)

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Chapter 17.20 - MODIFICATION—VARIANCE

17.20.010 - Variances.

When practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this title occur by reason of a strict interpretation of any of the provisions of this title, the Panning Commission upon its own motion may, or upon the verified application of any interested person shall, in specific cases initiate proceedings for the granting of a variance from the provisions of this title under such conditions as may be deemed necessary to assure that the spirit and purposes of this title will be observed, public safety and welfare secured, and substantial justice done. All acts of the Planning Commission and Council under the provisions of this chapter shall be construed as administrative acts performed for the purpose of assuring that the intent and purpose of this title shall apply in special cases, as provided in this chapter, and shall not be construed as amendments to the provisions of this title or the zoning map.

(Zoning ordinance § 17.20.01)

17.20.020 - Necessary conditions.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. Before a variance may be granted, the facts specified in the following subsections shall be shown:

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

B. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

C. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under the identical zone classifications;

D. The granting of such variance will not adversely affect the comprehensive general plan.

(Zoning ordinance §§ 17.20.03—17.20.11)

17.20.030 - Information required.

Applications for variances and modifications shall be accompanied by the data specified in the following subsections:

A. A plot plan and description of the property involved showing the location of all existing and proposed buildings. Additional plans and descriptions of the proposed use of the property

with ground plans and elevations for all proposed buildings may be required at the discretion of the Planning Commission.

B. A reference to the provisions of the title from which said property is sought to be excepted.

(Zoning ordinance §§ 17.20.13—17.20.17)

17.20.040 - Filing of applications.

Applications for variances and modifications shall be made in writing to the Planning Commission on such form as is approved by the Planning Commission. The Planning Commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements.

(Zoning ordinance § 17.20.19)

17.20.050 - Records.

Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

(Zoning ordinance § 17.20.21)

17.20.060 - Filing fees.

Before accepting any application for filing, the city shall charge and collect, for the purpose of defraying the expenditures incidental to the proceedings prescribed in this chapter. The amount of the fees collected shall be in accordance with the fee schedule of the City.

(Zoning ordinance §§ 17.20.23—17.20.29)

17.20.070 - Investigation.

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendments, variances or modifications.

(Zoning ordinance § 17.20.31)

17.20.080 - Notices.

Following the receipt in proper form of any such application, the Secretary of the Planning Commission shall fix a time and place of public hearing thereon. Not less than ten (10) days before the date of such public hearing, notice of the date, time, place of hearing and location of the property and the nature of the request shall be given by any two (2) of the methods specified in the following subsections:

A. By publishing once in a newspaper of general circulation in the city.

B. By mailing a notice, postage prepaid, to the applicant, to each member of the Planning Commission, and to the owners of all property within three hundred (300) feet of the

exterior boundaries of the property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the city.

C. By posting notices not more than five hundred (500) feet apart along each and every street upon which the property involved abuts, for a distance of not less than three hundred (300) feet in each direction from the exterior limits of such property.

(Zoning ordinance §§ 17.20.33—17.20.39)

17.20.090 - Notice—Method.

Notice by mailing and publishing, as hereinbefore specified, shall be given unless the Planning Commission directs notice to be given in some other manner.

(Zoning ordinance § 17.20.41)

17.20.100 - Public hearings.

Public hearings as provided for in this title shall be held before the Planning Commission at the time and place for which public notice has been given as hereinbefore required.

A. Rules. The Planning Commission may establish its own rules for the conduct of such hearings.

B. Record. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case.

C. Continuance. Any such hearing may be continued provided that, prior to the adjournment of recess thereof, the Presiding Officer at such hearing shall announce the time and place to which such hearing will be continued.

(Zoning ordinance §§ 17.20.43—17.20.49)

17.20.110 - Findings.

Within thirty-five (35) days after the conclusion of a public hearing, the Planning Commission shall render its decision thereon by formal resolution reciting the findings upon which such decision is based. The failure of the Planning Commission to render such decision within the time specified shall cause the entire matter automatically to be referred to the Council, without recommendation, for such action as it deems warranted under the circumstances. In such event, the Secretary of the Planning Commission shall immediately deliver to the City Council all of the records in the matter.

(Zoning ordinance § 17.20.51)

17.20.120 - Variances and modifications—Decision.

Within five (5) days after final action by the Planning Commission on an application for a variance or modification, notices of the decision on the matter shall be mailed to the applicant at the address shown upon the application, and to all other persons who have filed a written request therefor with the Secretary of the Planning Commission.

A. Appeal. The granting either with or without conditions or the denial of such application by the Planning Commission shall be final unless within ten (10) days of the decision by the Planning Commission, two (2) members of the City Council may request in writing to the City Clerk or by motion at a meeting of the City Council that the matter be set for hearing before the Council for review. At its next regular meeting after the filing of the appeal with the City Clerk, or upon the request of two (2) members of the City Council, the Council shall set a date for a hearing thereon. The manner of setting the hearing, giving notice and conducting the hearing shall be the same as hereinbefore prescribed for hearing by the Planning Commission. The decision appealed from or reviewed by the City Council may be affirmed, modified, or reversed by a vote of not less than three (3) members of the Council.

B. Permits. No permit or license shall be issued for any use involved in an application for a variance or modification until same shall have become final by reason of the failure of any person to appeal or by reason of the action of the Council.

C. Abandonment and Extension. If the use authorized by any variance, modification, design review or conditional use permit is, or has been, unused, abandoned or discontinued for a period of twelve (12) months, or the conditions have not been complied with, said variance, modification, design review or conditional use permit shall become null and void and of no further force or effect, unless an extension therefor has been granted by the Planning Commission upon the written petition of an interested person filed with the Planning Commission prior to the expiration of such twelve-month period. A fee, in accordance with the fee schedule of the City, shall be payable at the time of filing the written petition for any such extension.

D. Modifications and variances shall be valid for twelve (12) months, ten (10) days after approval by the Planning Commission. Project approved with a subdivision would be valid for the life of the entitlement or map, whichever is greater.

(Zoning ordinance §§ 17.20.53—17.20.59; Ord. No. 2883, §§ 28, 29, 6-21-2016)

17.20.130 - Reconsideration fee.

A fee of seventy-five dollars ($75.00) shall be payable by an applicant who may seek to obtain reconsideration by the Planning Commission of any prior action or approval of the Planning Commission.

(Zoning ordinance § 17.20.61)

17.20.140 - Council—Final hearings.

The Council, after receipt of the report and recommendations from the Planning Commission, shall hold a final hearing hereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearings by the Planning Commission. Such recommendation of the Planning Commission may be approved, modified or reversed by a vote of not less than three (3) members of the Council.

(Zoning ordinance § 17.20.63)

17.20.150 - Permit or license issuance—Effective ordinance required.

No permit or license shall be issued for any use involved in an application for a change of zone until the ordinance effecting such change shall be in effect.

(Zoning ordinance § 17.20.65)

17.20.160 - Modification committee—General provisions.

A. Creation. There is created a Modification Committee composed of three (3) persons.

B. Membership. The Modification Committee shall consist of the Chairperson of the Planning Commission, or such member of the Planning Commission as the Chairman may from time to time designate; the Building Official or during his or her absence, disability or disqualification, his or her deputy so designated by him or her, and the Planning Services Manager, or during his or her absence, disability or disqualification, his or her deputy so designated by him or her.

C. Secretary and Chairperson. The Secretary of the Planning Commission shall serve as Secretary of the Modification Committee, and the records of said committee shall at all times be available to the Planning Commission. The Chairperson of the Modification Committee shall be the Planning Commission member thereon. Minutes of all Modification Committee meetings shall be mailed to all members of the Planning Commission.

D. Meetings. Said Modification Committee shall meet at the call of the Chairperson to consider applications as provided herein and all such meetings shall be open to the public.

E. Authority. The Modification Committee shall have authority to grant, subject to appeal to the Planning Commission and the Council, under the provisions of this title, any relief specified in the following subsections:

1. Permit the modification or waiver of the automobile parking space or loading space requirements or of the requirements for access thereto where, in the particular instance, such modification will not be inconsistent for the purposes and intent of this title;

2. Permit such modification of the height, sign, yard, lot area and satellite dish antenna regulations as may be necessary to secure appropriate improvements on a lot, to prevent unreasonable hardship, or to promote uniformity or improvement. The term "satellite dish antenna" shall have the same meaning as set forth under Section 17.04.020 of Chapter 17.04 (Definitions) of this title. The Modification Committee shall not have the authority to grant relief in the RHOD related to lot area;

3. Permit such modification of fence, wall and hedge regulations as may be necessary to secure an appropriate improvement on a lot;

4. Permit such minor reductions and modification of floor area occupied by a single-user pursuant to multiple-tenant development standards and such standards as required under Chapter 17.74 where such minor reductions and modification will not be inconsistent with the purposes and intent of multiple-tenant development standards and guidelines;

5. Permit single-story additions in the RHOD where more than one dwelling exists on a lot.

F. Action by Committee. No modification permitted by this chapter may be granted except by the unanimous affirmative vote of all of the members of the Modification Committee. If any modification application is disapproved by two (2) or more members of the Committee, the application shall be deemed to have been denied and such denial shall be final, subject only to appeal as provided in subsection H of this section. The Modification Committee may in its discretion refer to the Planning Commission any application for modification for decision by the Planning Commission without further fee to the applicant. If only one member of the Modification Committee disapproves a modification application, such application shall automatically be referred to the Planning Commission for decision.

G. Procedure. The procedure for acting upon applications for modifications by the Modification Committee shall be the same as the procedures for acting upon applications for variances, by the Planning Commission, except that the required notice shall be to all property owners within a three hundred (300) foot radius.

H. Appeals. Appeals from the decisions of the Modification Committee shall be made to the Planning Commission. After action on an appeal by the Planning Commission an appeal may be made to the Council in the same manner as an appeal for a variance.

(Zoning ordinance §§ 17.20.67—17.20.89)

(Ord. No. 2739, § 4, 3-17-2009; Ord. No. 2883, § 30, 6-21-2016; Ord. No. 2928, §§ 10, 11, 5-15-2018)

17.20.170 - Relief to be afforded.

If, after a public hearing before the Planning Commission in a proceeding for a change of zone, the evidence received shows facts which by the provisions of this chapter would entitle a person to a variance or conditional use permit, the Planning Commission may recommend to the City Council the granting of a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted. Thereafter the City Council may, after a public hearing hereon, grant a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted.

(Zoning ordinance § 17.20.91)

17.20.180 - Filing of names and addresses.

Whenever an application is made for a variance, modification, conditional use permit, or the classification or reclassification of the property, and notice is required by the law or by this Code to be mailed to owners of property, the applicant shall prepare and file with any such application two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of all persons required by law or by this Code to be given notice of the hearing to be held on any such application. The applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on

the last equalized assessment roll (unless otherwise specified) and that they constitute all of the names and addresses of the owners of property to whom notice is required by law or by this Code to be mailed in connection with the application with which such names and addresses are filed.

(Zoning ordinance § 17.20.93)

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Chapter 17.22 - DESIGN REVIEW

17.22.010 - Purpose.

The provisions of this Chapter are established to:

A. Encourage appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the city in general;

B. Foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the city and which avoid monotony and mediocrity of development;

C. Promote and maintain the public health, safety, general welfare throughout the city;

D. Implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the city; and

E. Encourage development and design principles that are compatible and consistent with the City's adopted Comprehensive Design Guidelines.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.020 - Applicability.

A. The city Planning Commission shall review and approve, conditionally approve, or deny the site configuration, architectural design, signage and landscaping for the following:

1. Non-residential uses:

    a. New structures greater than 5,000 square feet in gross floor area;

    b. Additions that are greater than 25 percent of the current building’s gross floor area;

    c. Changes to more than 50 percent of a building’s elevations;

    d. Additional height covering more than 25 percent of the existing roof area, to provide improved architectural design (e.g. towers or other architectural features) that are visible from a street;

    e. Conversion of a building from a residential use to any other non-residential use; and

    f. New construction of a billboard or rehabilitation of an existing billboard within the Freeway Overlay Zone.

2. Mixed-use and residential uses:

    a. Any new mixed-use with residential or multiple-family residential development in the Downtown Transit-Oriented District Specific Plan and MMU zone; and

    b. Housing development projects with three (3) or more units that do not meet the eligibility requirements under Section 17.22.020.C.7.

B. The Director shall review and approve, conditionally approve, deny or refer to the Planning Commission, the architectural design for new developments or additions in the RHOD that result in more than one story. Also refer to Chapter 17.37 (Rurban Homesteads Overlay District) for additional standards and requirements.

C. The Director shall review and approve, conditionally approve, deny or refer to the Planning Commission the site configuration, architectural design, signage and landscaping for the following:

1. New non-residential structures 5,000 square feet in gross floor area or less;
2. Non-residential additions that are between ten (10) percent and 25 percent of the current building's gross floor area and visible from the street;
3. Changes between 25 percent and 50 percent of a non-residential building's elevations;
4. Additional height covering between 15 percent and 25 percent of the existing roof area, to provide improved architectural design (e.g. towers or other architectural features) that are visible from a street;
5. Any new or remodeled structures that will be occupied by a Commercial Cannabis Business Licensee, pursuant of Chapter 5.18, regardless of square footage;
6. Housing development projects with two (2) units; and
7. Housing development projects with two (2) or more units meeting the state law eligibility requirements of state mandated streamlining, including, but not limited to, the Housing Crisis Act of 2019, as may be subsequently amended.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.030 – Procedures.

A. Applications. Applications for design review shall be made on the appropriate form to the Director or Planning Commission. The City Planner shall determine the minimum filing procedures, content and form of materials which must be submitted before the Director or Planning Commission may review and take action on a design review request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all city filing requirements. The Director, Planning Commission, or City Council on appeal, may at its discretion request additional information before rendering a decision.

The applicant shall bear the burden of providing sufficient documents and exhibits that allow the Director, Planning Commission, or City Council upon appeal, to render a decision upon the application under consideration. It is the responsibility of the applicant to certify the information contained therein.

The application shall also be accompanied by the following information:

1. Site plan (1 inch = 10 inches);
2. Property lines/easements;

3. Existing structures on the site;
4. Proposed building with dimensions;
5. Location, number of parking spaces, dimensions;
6. Pedestrian, vehicular and service ingress and egress, driveway widths;
7. Setbacks;
8. Street dedications and improvements;
9. Location, height and design of all fences or walls;
10. Open space use and landscaped areas;
11. All elevations of each building and composite elevation from street, if multiple buildings are proposed (¼″=1′);
12. Floor plans (¼″=1′);
13. Color renderings, if necessary;
14. Exterior lighting, including building mounted, pole mounted;
15. All signs including free standing signs and directional signs;
16. Utility lines, meters, boxes;
17. Refuse areas and recycling storage and pickup locations;
18. Flues, chimneys;
19. Awnings, if any;
20. Mechanical equipment;
21. Loading docks;
22. Downspouts; and
23. Landscaping. Plans showing proposed landscaped areas and general descriptions of landscaping to be installed together with a layout of the irrigation system and the manner by which the landscaping will be maintained.

B. Records. Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the City Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

C. Investigations. The City Planning Commission shall cause to be made by its own members, or members of city staff, an investigation of the facts that will serve to provide the necessary information to assure that the action on each application is consistent with the intent and purpose of this Chapter.

D. Public Notice.

1. Planning Commission and Director level reviews as listed in Sections 17.22.020.A and 17.22.020.B of this Chapter. Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the method specified as following:
    a. By publishing once in a newspaper of general circulation in the City;
    b. By mailing notice, postage prepaid, to the applicant and to owners and all properties within three hundred (300) feet of the exterior boundaries of the property involve in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the City; and
    c. By posting the site. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed on a fence, wall, post or building façade that is set back no more than ten (10) feet from the street property line.
2. Director level reviews as listed in Section 17.22.020.C of this Chapter. Public notices shall not be required.

E. Public Hearings.

1. Planning Commission reviews as listed in Section 17.22.020.A of this Chapter. Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter.
2. Director level reviews as listed in Section 17.22.020.B of this Chapter. Public hearings shall not be required. However, the public shall be given an opportunity to provide comments a minimum of ten (10) days prior to the Director making a decision. The Director shall make a decision within 30 days of deeming the application complete.
3. Director level reviews as listed in Section 17.22.020.C of this Chapter. Public hearings shall not be required. The Director shall make a decision within 30 days of deeming the application complete.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.040 - General design standards.

The design review procedures and standards contained in this Chapter are intended to encourage the broadest possible range of individual and creative design while meeting the above stated purposes. When reviewing and taking action on a design review request, the City Planning Commission shall take into consideration the following areas:

A. Site Planning and Configuration.

1. Project amenities shall be designed and located so as not to cause a nuisance to adjoining properties;

2. The trash collecting areas shall be integrated as part of the project design and appropriately located to assure that there shall be no detriment to surrounding structures and uses;
3. On-site lighting shall provide for the safety and security of the tenants, owners and visitors to the site while being directed away from adjacent properties and streets; and
4. Such other site planning and configuration design elements as consistent with the City's adopted "comprehensive design guidelines."

B. Architectural Design.

1. An appropriate project scale in relationship to the surrounding neighborhood;
2. Building entrances shall be located and designed to be identifiable from the public street;
3. Windows and openings shall incorporate accent treatment and materials;
4. Consideration shall be given to the sequence of roof levels, angles and exposure as viewed from a public right-of-way in order to emphasize attractive roof lines;
5. Wall design shall include appropriate articulation and fenestration to relieve any appearance of monotonous design; and
6. Such other architectural design elements as consistent with the City's adopted "comprehensive design guidelines."

C. Circulation and Parking.

1. The project shall be designed so that all vehicle movement on the site as well as to and from the site shall provide for safe and convenient pedestrian and vehicle access;
2. Pedestrian walkways and pathways shall link the project to the adjacent street and shall connect the individual buildings or structures within the project;
3. All driveway surface areas shall incorporate accent treatments within the design; and
4. Such other circulation and parking design elements as consistent with the City's adopted "comprehensive design guidelines."

D. Landscaping.

1. Planting areas shall be designed and located to enhance the architectural design of the project;
2. Planting areas shall be designed and located to mitigate the monotonous appearance of driveways and parking lots;
3. Landscaping shall be designed and located to reduce dependence on mechanical heating and cooling systems; and
4. Such other landscape design elements as consistent with the City's adopted "comprehensive design guidelines."

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.050 - Design review application in combination with other entitlements.

When a Director level or Planning Commission design review application is submitted in combination with another entitlement, the application shall be subject to the submittal requirements, noticing requirements and fees as required for projects subject to Section 17.22.020.A of this Chapter. In addition, the application shall be subject to all applicable requirements in the Chapter of the other entitlement. If one of the entitlements requires City Council approval, then all the entitlements shall require City Council approval.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.060 - Findings.

Before a design review approval is granted the Director, City Planning Commission, or City Council upon appeal, shall find and determine:

A. The granting of the design review request will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

B. The architectural design provides a desirable environment for its occupants, neighbors and visitors through its careful placement of building mass and its use of materials, textures and colors and will remain appealing through ongoing maintenance;

C. The site plan and layout incorporate measures to encourage and protect alternative modes of transportation such as pedestrians, bicyclists and transit riders; and

D. The granting of the design review is consistent with the City's General Plan, Municipal Code, Comprehensive Design Guidelines and any applicable Specific Plans.

E. If applicable, the landscaping, including the location, type, size and maintenance, complies with Chapter 17.10 Landscaping Requirements and Chapter 17.11 Water Efficiency of the City's Municipal Code (only required when landscaping is proposed or required).

F. If applicable, the project meets all state law eligibility requirements of the state-mandated streamlining, including, but not limited to, the Housing Crisis Act of 2019, as may be subsequently amended.

G. For projects utilizing a density bonus, as defined in Chapter 17.85. of this Title:

    1. The project qualifies for a density bonus as outlined in Section 17.85.020 (Types of bonuses and incentives allowed) of this Title;

    2. If applicable, the project qualifies for incentives, concessions and/or waivers as outlined in Section 17.85.070 (Incentives and concessions for affordable housing) of this Title; and

    3. If applicable, the project qualifies for parking incentives as outlined in Section 17.85.090 (Parking incentives) of this Title.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.070 - Time period.

A. The design review shall be valid for twelve (12) months, ten (10) days after the date of approval by the Director for Planning Commission. Projects approved with a subdivision shall be valid for the life of the entitlement or map, whichever is greater.

B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the Director, then the applicant may request a twelve (12) month extension of the design review. The extension shall be considered by the Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.080 - Appeal.

A. Planning Commission reviews as listed in Section 17.22.020.A and Director level reviews on appeal of this Chapter. If any interested party, or the applicant who filed the design review application request is dissatisfied with any requirement, ruling, finding, or disapproval by the Planning Commission, they may file an appeal with the City Clerk to have the case reviewed by the City Council. Such filing must take place within (10) days following the Planning Commission's decision. If City Hall is closed on the tenth day, the deadline to file an appeal shall automatically extend to the next day City Hall is open to the public.

B. Director level reviews as listed in Section 17.22.020.B of this Chapter. If any interested party, or the applicant who filed the design review application request is dissatisfied with any requirement, ruling, finding, or disapproval by the Director, they may file an appeal with the Planning Commission secretary to have the case reviewed by the Planning Commission. Such filing must take place within (10) days following the Director's decision. If City Hall is closed on the tenth day, the deadline to file an appeal shall automatically extend to the next day City Hall is open to the public.

C. Director level reviews as listed in Section 17.22.020.C of this Chapter. If the applicant who filed the design review application request is dissatisfied with any requirement, ruling, finding, or disapproval by the Director, they may file an appeal with the Planning Commission secretary. Such filing must take place within ten (10) days following the Director's decision. If City Hall is closed on the tenth day, the deadline to file an appeal shall automatically extend to the next day City Hall is open to the public.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.090 - Permit.

No entitlement shall be issued for any purpose involved in an application for a design review until same shall have become final by reason of the failure of any person to appeal or by reason of the action of the Director, Planning Commission or City Council.

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.100 - Reasonable accommodation.

The city shall provide individuals with disabilities reasonable accommodation in its rules, policies, practices, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities, as mandated by the federal Fair Housing Act and Fair Housing Act Amendments (42 U.S.C. Section 3601) and state Fair Employment and Housing Act (Government Code Section 12900 et seq.). Reasonable accommodation shall be made in accordance with EMMC Chapter 17.77 (Reasonable Accommodation).

(Zoning Ordinance No. 2985, 10-20-2020)

17.22.110 - Fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council resolution.

(Zoning Ordinance No. 2985, 10-20-2020)

Chapter 17.24 - CONDITIONAL USE PERMITS

17.24.010 - Purpose.

In accordance with the provisions of this Chapter, uses may be permitted by the City Planning Commission subject to certain conditions designed to mitigate the potentially negative impacts of that use in that zone and location. This Chapter establishes both uses and zones where the granting of a conditional use permit may be appropriate.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.020 – Applicability. – conditionally permitted uses in any zone.

The uses specified in the following subsections may be permitted in any zone upon the granting of a conditional use permit:

1. Day care and preschools for more than eight (8) people;
2. Private educational institutions, including private pre-school, elementary, junior, middle or high schools;
3. Institutions of a philanthropic or charitable nature;
4. Natural resources development together with the necessary buildings, apparatus or appurtenances necessary thereto;
5. Boarding or rooming house with seven (7) or more residents;
6. Child family day care facility with fifteen (15) or more residents;
7. Community care facility with seven (7) or more residents; and
8. Residential care facilities for the elderly with seven (7) or more residents.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.030 – Applicability – conditionally permitted uses in specified zones.

The uses specified in the following subsections may be permitted in the zones indicated in this Section upon the granting of a conditional use permit:

1. Adult day care program facilities with seven (7) or more residents in C-1 or less restrictive zones;
2. Adult entertainment establishments in accordance with El Monte Municipal Code Chapter 17.76;
3. Airports or aircraft landing fields in Airport zone;
4. Alcoholism or drug abuse recovery or treatment facilities with seven (7) or more residents in MMU, C-3 or less restrictive zones;
5. Alternative financial service establishments in C-3 or C-4 zones, provided no new alternative financial service establishment is within one thousand (1,000) feet of an

existing alternative financial service establishment (See Sections 17.14.090 and 17.14.100 for additional requirements for non-conforming alternative financial service establishments);

6. Animal Husbandry Products. Formal, supervised youth-oriented animal husbandry projects, sponsored, conducted or approved by the Future Farmers of America, Boy Scouts of America, Girl Scouts of America, Four-H Club, or any similar nonprofit organization, in any residential zone;
7. Arcades, billiard, pool or snooker halls in the MMU, C-3 or a less restrictive zone;
8. Athletic clubs or health spas in the MMU, C-2 or a less restrictive zone;
9. Auditoriums in the MMU, C-3 or a less restrictive zone;
10. Automobile body and fender repair and painting in the C-3 or a less restrictive zone;
11. Automobile rental or automobile leasing in the C-2 or a less restrictive zone;
12. Automobile repair in the C-2 or a less restrictive zone;
13. Automobile service stations in the C-2 or a less restrictive zone;
14. Automobile storage garages, including servicing, in the C-3 or a less restrictive zone;
15. Automobile or truck wash, either mechanized or nonmechanized, in the C-2 or a less restrictive zone;
16. Automobile sales facility or new car dealers with used car sales, service, and outdoor motor vehicle display and storage only as ancillary uses of the new car dealership in the C-3 or a less restrictive zone;
17. Automobile sales of used cars, provided that such area is located and developed, as required in Chapter 17.62 of this Title. These uses are conditionally permitted in the C-3 or a less restrictive zone;
18 Bowling centers in the MMU, C-2 or a less restrictive zone;
19. Buffer uses in the MMU zone;
20. Cabaret dance in the MMU, C-3 or a less restrictive zone;
21. Cesspool pumping, draining or cleaning in the M-2 zone;
22. Churches, mosques, temples, synagogues, seminaries, temporary revivals or other places used for religious worship in the MMU and any C zone;
23. Convention hall, trade show, exhibit building in the MMU, C-2 or a less restrictive zone;
24. Correctional facilities in the MMU, C-3 or a less restrictive zone in accordance with Chapter 17.75 (Correctional Facilities);
25. Drive-through facilities in the MMU and any C or M zone;
26. Emergency shelter (more than thirty (30) occupants) in any M zone;

27. Entertainment establishments, including, but not limited to, dancing, karaoke, KTV, live music, miniature auto driving, miniature golf courses, movie theaters, performance art houses, etc., whether as a separate business or conducted as a part of a permitted use and whether open to the public or restricted to membership of a club in the MMU, C-2 or a less restrictive zone;
28. Equestrian establishments, stables or riding academies or schools in the MMU, C-3 or a less restrictive zone;
29. Establishments or enterprises involving large assemblages of people or automobiles, including amusement parks, circuses, carnivals, expositions, fairgrounds, open-air theaters, race tracks, recreational and sports centers in the MMU or any C or less restrictive zone;
30. Garment manufacturing, limited to sewing machine operation, cutting and garment assembly in the C-3 or a less restrictive zone;
31. Halfway houses, including facilities used to house released federal, state or local inmates or facilities used in conjunction with drug/alcohol treatment centers in the MMU or any C or M zone;
32. Hemp extraction in any M zone;
33. Impound yard in any M zone;
34. Construction of any new primary, non-accessory industrial structure in any M-zone within 150 feet of residentially zoned property. This subsection shall not apply to uses authorized under Chapter 5.18. An operations and maintenance or similar agreement approved by the City, shall be required prior to occupying the structure;
35. Kennels in any M zone;
36. Lodge halls, private clubs, and other establishments designed for meetings or catered events in the MMU, C-3 or a less restrictive zone;
37. Massage establishments in C-3 zone or C-4 zone, provided no new massage establishment is within one thousand (1,000) feet of another existing massage establishment (See Chapter 5.56 of this title for additional standards and requirements) (See Sections 17.14.090 and 17.14.100 for additional requirements for non-conforming alternative financial service establishments);
38. Mini-malls (subdivision of the floor area of a single business occupancy into multiple business occupancies) in C-1 or a less restrictive zone;
39. Mobile home or trailer parks in R-3 or a less restrictive zone;
40. Multiple-tenant development in the MMU, C-1 or a less restrictive zone, (refer to Chapter 17.74 of this Title);
41. Motels/hotels in the MMU, C-2 or a less restrictive zone;
42. Multiple-family residential development (three (3) or more units on a site/attached or detached/single-family multiple-family) in the R-1B or less restrictive residential zones;

43. Multiple-tenant development in the MMU, C-1 or a less restrictive zone, (refer to Chapter 17.74 of this Title);
44. Off-sale beer, wine or liquor establishments, in MMU, C-2 or a less restrictive zone (for guidelines, see City Planning Commission Resolution No. 1762, adopted March 4, 1985);
45. On-sale beer, wine or liquor establishments in the MMU, C-2 or a less restrictive zone, if the perimeter of the lot or parcel of land upon which any portion of such business is conducted is located at least one hundred fifty (150) feet from all properties zoned for residential purposes;
46. Parking lots in the MMU, C-1 or a less restrictive zone, for valet parking services and/or if there is a charge for parking;
47. Parking lots in the C-2 or a less restrictive zone, if the parking is for an off-site use;
48. Pawnbroker or Pawnshop in the C-3 or a less restrictive zone, provided no existing pawnbroker or pawnshop, provided that no other pawnbroker or pawnshop shall be located within a one thousand (1,000) foot radius of the property;
49. Public utility or public service buildings, structures and uses, except facilities which are located within the Northwest El Monte redevelopment project area and part of an environmental remediation program reviewed and approved by a regulatory agency in the C-3 or a less restrictive zone, if designed and installed pursuant to City Council resolution;
50. Recycling facilities or centers, excluding small collection facilities, as defined in El Monte Municipal Code Chapter 17.04, in the C-4 or a less restrictive zone;
51. Residential dwelling unit expansions by more than twenty-five (25) percent or a maximum of five hundred (500) square feet of its current floor area, whichever is greater, in any C or M zone. Expansions of less than twenty-five (25) percent is permitted with a zone clearance;
52. Restaurants, as defined in Chapter 17.04 of this Title, serving alcohol in the MMU, C-1 or a less restrictive zone;
53. Secondhand vendors in the MMU, C-2 or a less restrictive zone, provided that no other secondhand vendor shall be located within a one thousand (1,000) foot radius of the property;
54. Senior housing developments in R-3, R-4, C-O, C-1, C-2 and MMU zones;
55. Signs over twenty-five (25) feet in height not otherwise prohibited by any provisions of this chapter in any C or M zone;
56. Single movie theaters or auditoriums (except drive-in theaters) with fixed seating accommodating more than two hundred fifty (250) persons, or multi-movie theater complex with fixed seating, each screening room with a minimum seating capacity of two hundred (200) persons in the MMU, C-2 or a less restrictive zone;

57. Skating rinks in the MMU, C-3 or a less restrictive zone;
58. Self-storage facilities in any M zone;
59. Social rehabilitation facilities with seven (7) or more residents in C-3 or a less restrictive zone;
60. Tattoo parlors or body piercing establishments in the MMU, C-3 or a less restrictive zone;
61. Taxi service or passenger transportation services in the C-3 or a less restrictive zone;
62. Trade, business or professional schools in the C-1 or a less restrictive zone, if the facility is designed for an occupancy greater than ten (10) students;
63. Transitional uses pursuant to Section 17.14.050.E. Offices, businesses, or professional offices or the following neighborhood serving uses:
    a. Bakery products shops;
    b. Financial institutions;
    c. Barber shops;
    d. Beauty shops;
    e. Clothing or wearing apparel shops;
    f. Confectionery stores;
    g. Dressmaking or millinery shops;
    h. Drug stores, with or without a prescription pharmacy;
    i. Dry cleaning pick up store (self-service laundromats and dry cleaning plants are not permitted);
    j. Dry goods or notions stores;
    k. Florist shops;
    l. Grocery, fruit and vegetable stores;
    m. Jewelry stores;
    n. Meat markets or delicatessen stores;
    o. Photographic shops;
    p. Shoe stores or shoe repair shops;
    q. Stationery or book stores;
    r. Tailor shop;
    s. Accessory buildings necessary to any such use, located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses;

t. Live work uses pursuant to Chapter 17.45.090; and

u. Any other uses that are determined to be neighborhood serving by the City Planner.

64. Truck and trailer rental in the C-3 or a less restrictive zone;

65. Undertaking establishments and mortuaries in the MMU or any C or less restrictive zone; and

66. Wedding chapels in the C-2 or a less restrictive zone.

(Zoning Ordinance No. 2985, 10-20-2020)

Editor's note— The reference, under prior subsection (53), to "Telecommunication equipment and facilities, including, but not limited to, television antenna, cellular telephone facilities, personal communication systems Support Structures, satellite antenna systems, etc. in any C or M zone" has been deleted in light of the promulgation of a new Chapter 17.82 (Wireless Facilities) which sets forth all applicable rules and regulations for the placement, affixing, attachment, mounting, construction, erection, installation, development, use, operation and maintenance, co-location and/or modification of such facilities, devices, structures and equipment.

17.24.040 - Procedures.

The rules and procedures for applications, records, investigations, notices and public hearings applicable to conditional use permits shall be as follows:

A. Application. Applications for conditional use permit shall be made on the appropriate form to the Planning Commission. The City Planner shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the conditional use permit request. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all city filing requirements.

   The Planning Commission, or City Council on appeal, may at its discretion request additional information before rendering a decision. The applicant shall bear the burden of providing sufficient documents and exhibits that allow the Planning Commission, or City Council upon appeal, to render a decision upon the application under consideration. Further, it is the responsibility of the applicant to certify the information contained therein.

B. Records. Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the City Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

C. Investigation. The City Planning Commission shall cause to be made by its own members, or members of city staff, an investigation of the facts that will serve to provide the necessary information to assure that the action on each application is consistent with the intent and purpose of this Chapter.

D. Public Notice. Public notices shall be provided and processed in a manner consistent with the provisions of California Government Code Section 65090 and/or 65091 as required, and shall be given by the methods specified as follows:

1. By publishing once in a newspaper of general circulation in the City;

2. By mailing a notice, postage prepaid, to the applicant and to owners of all properties within three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the City;

    a. For applications filed for the approval of the following, this distance shall be increased to included owners of all properties within nine hundred (900) feet:

        (i) Boarding or rooming houses with seven (7) or more residents;

        (ii) Child family day care facility with fifteen (15) or more residents;

        (iii) Community care facility with seven (7) or more residents;

        (iv) Residential care facilities for the elderly with seven (7) or more residents;

        (v) Correctional facilities in the MMU and any C-3 or less restrictive zone in accordance with Chapter 17.75;

        (vi) Emergency shelter (more than thirty (30) occupants in the M-1 zone) as conditionally permitted by Sections 17.24.030 and 17.24.040; and

        (vii) Massage establishments.

3. By posting the site. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

E. Public Hearings. Public hearings as provided for in this Chapter shall be held before the City Planning Commission at the time and place for which public notice has been given as before required in this Chapter.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.050 – Conditional use permit application in combination with other entitlements.

When a conditional use permit application is submitted in combination with another entitlement, the application shall be subject to the submittal requirements, noticing requirements and fees as required in this Chapter. In addition, the application shall be subject all applicable requirements in the Chapter of the other entitlement. If one of the entitlements requires City Council approval, then all the entitlements shall require City Council approval.

17.24.060 - Findings.

Before a conditional use permit may be granted, it shall be shown and the City Planning Commission or City Council upon appeal shall find and determine:

A. The granting of the conditional use permit request will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity;

B. The use applied for at the location indicated is properly one for which a conditional use permit is authorized;

C. The site for the proposed use is adequate in size and shape to accommodate such use; and that all yards, spaces, walls, fences, parking, loading, landscaping, and other features required to adjust such use with the land and uses in the neighborhood are provided;

D. The site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use; and

E. The granting of such conditional use permit is consistent with the purpose, goals and policies of the City's General Plan.

F. For transitional uses, pursuant to Section 17.24.040, the following findings must be made:

   1. That the parking for the transitional use will not have a significant negative impact on the surrounding parcels or neighborhood; and

   2. That the property will be improved, to the extent feasible, to meet current development standards relating to landscaping, fencing, building facades, trash enclosures and ADA accessibility.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.070 – Time period.

A. The conditional use permit shall be valid for twelve (12) months ten (10) days) after the date of approval by the City Planning Commission resolution. Projects approved with a subdivision shall be valid for the life of the entitlement or map, whichever is greater.

B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the Director, then the applicant may request a twelve (12) month extension of the conditional use permit. The extensions shall be considered by the Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.075 – Abandonment.

If the use authorized by any conditional use permit is, or has been, unused, abandoned or discontinued for a period of twelve (12) months, such conditional use permit shall become null and void and of no effect, unless an extension therefore has been granted by the City Planning Commission prior to the expiration of the twelve-month period.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.080 - Appeal.

If any interested party, or the applicant who filed the conditional use permit application request is dissatisfied with any requirement, ruling, finding, or disapproval by the City Planning Commission, they may file an appeal with the City Clerk to have the case reviewed by the City Council. Such filing must take place within (10) days following adoption of the City Planning Commission resolution. If City Hall is closed on the tenth day, the deadline to file an appeal shall automatically extend to the next day City Hall is open to the public.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.085 - Revocation.

A. All of the conditions of approval adopted by the City Planning Commission, or City Council on appeal, shall remain in full force and effect as long as the use for which the conditional use permit was granted remains in operation. Any entitlement granted pursuant to this Chapter is transferable and assignable, however, all successors in interest shall abide by all of the original conditions.

B. Any party that fails to conduct the use pursuant to the terms and conditions of the conditional use permit shall be subject to the following revocation proceedings. The City Planning Commission, on its own motion, may, or upon the direction of the City Council, shall hold a public hearing upon the question of revocation of a conditional use permit granted pursuant to the provisions of this Chapter. Notice of such hearing shall be given pursuant to Government Code Sections 65090 and/or 65091, as required.

C. A conditional use permit shall be revoked if the City Planning Commission finds that one or more of the following conditions exist:

    1. The conditional use permit was obtained in a fraudulent manner;
    2. The conditional use permit is being, or has been, exercised contrary to the conditions of approval imposed upon such permit;
    3. The conditional use permit is being, or has been, exercised in violation of any federal, state, or local law or is in violation of approved conditions of approval; and
    4. The use for which the conditional use permit was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a nuisance.

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.090 – Permit.

No entitlement shall be issued for any purpose involved in an application for a conditional use permit until same shall have become final by reason of the failure of any person to appeal or by reason of the action of the Planning Commission or City Council.

17.24.100 - Reasonable accommodation.

The City shall provide individuals with disabilities reasonable accommodation in its rules, policies, practices, and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities, as mandated by the federal Fair

Housing Act and Fair Housing Act Amendments (42 U.S.C. Section 3601) and state Fair Employment and Housing Act (Government Code Section 12900 et seq.). Reasonable accommodation shall be made in accordance with EMMC Chapter 17.77 (Reasonable Accommodation).

(Zoning Ordinance No. 2985, 10-20-2020)

17.24.110 – Fees.

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council resolution.

Chapter 17.26 - ZONE CHANGE—ZONING CODE AMENDMENT

17.26.010 - Amendments and changes of zone boundaries.

Whenever the public necessity, convenience, general welfare or good zoning practice justify such action, the Planning Commission upon its own motion may, or upon the verified application of any interested person shall initiate proceedings to amend, supplement or change the zones, standards or districts established or regulated by this title. For each application submitted by an interested person for initiations of proceedings to amend, supplement or change a zone, a standard or a district as established or regulated by this title, a fee of three thousand dollars ($3,000.00) shall be paid at the time of filing the application.

(Zoning ordinance § 17.26.01)

17.26.020 - Filing of applications.

Applications for changes of zone shall be made in writing to the Planning Commission in such form as is approved by the Planning Commission. The Planning Commission may provide forms for such purposes and may prescribe the type of information to be provided thereon. No petition shall be received unless it complies with such requirements.

(Zoning ordinance § 17.26.03)

17.26.030 - Records.

Applications filed pursuant to this chapter shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission, and there shall be attached thereto copies of all notices and actions pertaining thereto.

(Zoning ordinance § 17.26.05)

17.26.040 - Filing fees.

Before accepting any application for filing, the city shall charge and collect, for the purpose of defraying the expenditures incidental to the proceedings prescribed herein, the respective fees specified as follows:

Change of Zone. For each application for a change of zone, a fee of three thousand dollars ($3,000.00) shall be payable at the time of filing the application; provided, however, that there shall be no fee for the filing of a change of zone application requesting reclassification from zone R-2 or some less restrictive zone to zone R-1a, R-1b or R-1c.

(Zoning ordinance §§ 17.26.07, 17.26.09)

17.26.050 - Investigation.

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and with previous amendments, variances or modifications.

(Zoning ordinance § 17.26.11)

17.26.060 - Notices.

Following the receipt in proper form of any such application, the Secretary of the Planning Commission shall fix a time and place of public hearing thereon. Not less than ten (10) days before the date of such public hearing, notice of the date, time, place of hearing and location of the property and the nature of the request shall be given by any two of the methods specified as follows:

A. By publishing once in a newspaper of general circulation in the city;

B. By mailing a notice, postage prepaid, to the applicant, to each member of the Planning Commission, and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved in the application, using for this purpose, the last known name and address of such owners as shown upon the last assessment roll of the city;

C. By posting notices not more than five hundred (500) feet apart along each and every street upon which the property involved abuts, for a distance of not less than three hundred (300) feet in each direction from the exterior limits of such property.

(Zoning ordinance §§ 17.26.13—17.26.19)

17.26.070 - Notice—Method.

Notice by mailing and publishing, as hereinbefore specified, shall be given unless the Planning Commission directs notice to be given in some other manner.

(Zoning ordinance § 17.26.21)

17.26.080 - Public hearings.

Public hearings as provided for in this title shall be held before the Planning Commission at the time and place for which public notice has been given as hereinbefore required.

A. Rules. The Planning Commission may establish its own rules for the conduct of such hearings.

B. Record. A summary of all pertinent testimony offered at a public hearing, together with the names and addresses of all persons testifying shall be recorded and made a part of the permanent files of the case.

C. Continuance. Any such hearing may be continued provided that, prior to the adjournment of recess thereof, the Presiding Officer at such hearing shall announce the time and place to which such hearing will be continued.

(Zoning ordinance §§ 17.26.23—17.26.29)

17.26.090 - Findings.

Within thirty-five (35) days after the conclusion of a public hearing, the Planning Commission shall render its decision thereon by formal resolution reciting the findings upon which such decision is based. The failure of the Planning Commission to render such decision within the time specified shall cause the entire matter automatically to be referred to the Council, without recommendation, for such action as it deems warranted under circumstances. In such event, the Secretary of the Planning Commission shall immediately deliver to the City Council all of the records in the matter.

(Zoning ordinance § 17.26.31)

17.26.100 - Appeal.

The granting either with or without conditions or the denial of such application by the Planning Commission shall be final unless within ten (10) days of the decision by the Planning Commission, two members of the City Council may request in writing to the City Clerk or by motion at a meeting of the City Council that the matter be set for hearing before the Council for review. At its next regular meeting after the filing of the appeal with the City Clerk, or upon the request of two (2) members of the City Council, the Council shall set a date for a hearing thereon. The manner of setting the hearing, giving notice and conducting the hearing shall be the same as hereinbefore prescribed for hearing by the Planning Commission. The decision appealed from or reviewed by the City Council may be affirmed, modified, or reversed by a vote of not less than three (3) members of the Council.

(Zoning ordinance § 17.26.33)

17.26.110 - Reconsideration fee.

A fee of seventy-five dollars ($75.00) shall be payable by an applicant who may seek to obtain reconsideration by the Planning Commission of any prior action or approval of the Planning Commission.

(Zoning ordinance § 17.26.35)

17.26.120 - General plan amendments.

Whenever the public necessity, convenience, general welfare or good community planning practice justify such action, the Planning Commission upon its own motion may, or upon the verified application of any interested person shall, initiate proceedings to amend, supplement or change the general plan of the city (or an element thereof). For each application submitted by an interested person for initiation of proceedings to amend, supplement or change the general plan of the city (or an element thereof) a fee of three thousand dollars ($3,000.00) shall be paid at the time of filing the application.

(Zoning ordinance § 17.26.37)

17.26.130 - Text—Amendments and zone changes.

Within ten (10) days after the final action by the Planning Commission on an application for amendments or changes of zone boundaries, its recommendations together with the complete records of the case shall be delivered to the Council.

A. Council Hearings. The Council, after receipt of the report and recommendations from the Planning Commission, shall hold a final hearing hereon. The manner of setting the hearing, giving of notice and conducting the hearing shall be the same as hereinbefore prescribed for hearings by the Planning Commission. Such recommendation of the Planning Commission may be approved, modified or reversed by a vote of not less than three (3) members of the Council.

B. Permits. No permit or license shall be issued for any use involved in an application for a change of zone until the ordinance effecting such change shall be in effect.

(Zoning ordinance §§ 17.26.39—17.26.43)

17.26.140 - Relief to be afforded.

If, after a public hearing before the Planning Commission in a proceeding for a change of zone, the evidence received shows facts which by the provisions of this chapter would entitle a person to a variance or conditional use permit, the Planning Commission may recommend to the City Council the granting of a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted. Thereafter the City Council may, after a public hearing hereon, grant a variance or conditional use permit to permit the subject property to be used for any use or uses permitted in the zone for which the proceedings were instituted.

(Zoning ordinance § 17.26.45)

17.26.150 - Filing of names and addresses.

Whenever an application is made for a variance, modification, conditional use permit, or the classification or reclassification of the property, and notice is required by the law or by this Code to be mailed to owners of property, the applicant shall prepare and file with any such application two (2) sets of gummed labels containing the names and addresses, as shown on the last equalized assessment roll, of all persons required by law or by this Code to be given notice of the hearing to be held on any such application. The applicant shall be responsible for the accuracy and completeness of such names and addresses, and the person preparing the same shall declare under penalty of perjury that all the names and addresses are as shown on the last equalized assessment roll (unless otherwise specified) and that they constitute all of the names and addresses of the owners of property to whom notice is required by law or by this Code to be mailed in connection with the application with which such names and addresses are filed.

(Zoning ordinance § 17.26.47)

Chapter 17.28 - ENFORCEMENT

17.28.010 - Purpose.

The purpose of this chapter is to establish procedures to ensure that the provisions of this title and any land use entitlement granted by the city are diligently pursued to completion, and to provide effective administration of this title, in order to promote the city's planning efforts and to protect the public health, safety, general welfare and peace.

(Zoning ordinance § 17.28.10)

17.28.020 - Administration.

The provisions of this title shall be interpreted and administered by the Community Development Department. Any decision of the Department may be appealed to the City Planning Commission, and/or City Council in accordance with the provisions contained herein.

(Zoning ordinance § 17.28.20)

17.28.030 - Enforcement.

It shall be the duty of the Community Development Department, including the Building Division, the Code Enforcement Division, the Engineering Division, the Planning Division and Public Works to enforce this title, and their respective deputies, employees and subordinates, are authorized to enforce the provisions of this title. All departments, officials and public employees of the city vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit or license issued in conflict with the provisions of this title shall be null and void.

(Zoning ordinance § 17.28.30)

17.28.040 - Violation—Penalty.

Any person, entity or corporation violating any provision of Title 17 or any condition imposed upon a land use entitlement, shall be guilty of a misdemeanor which shall be punishable as provided in Chapter 1.24 of this Code.

(Amended during 1999 recodification; zoning ordinance § 17.28.40)

17.28.050 - Abatement.

A. Any building or structure erected altered, expanded or maintained, or any use of property, contrary to the provisions of this title or any condition imposed upon a land use entitlement shall be, and the same is declared to be, unlawful and a public nuisance.

B. The City Attorney's office, at their discretion, may immediately commence actions and proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and may take such other steps, and may apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any individual, entity, company or corporation from erecting, enlarging or maintaining such building or structure, or using any property contrary to the provisions of this title or any condition imposed upon a land use entitlement granted by the city. Subsequent to the abatement of the public nuisance a lien will be filed against the property in order to recover all costs associated with the abatement of said nuisance.

(Zoning ordinance § 17.28.50)

17.28.060 - Cumulative remedies.

This title may also be enforced by injunction issued out of Superior Court upon the suit of the city of the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way effect the penal provisions hereof.

(Zoning ordinance § 17.28.60)

Chapter 17.30 - ZONING CLASSIFICATIONS AND MAPS

17.30.010 - Establishment of zones—Zone classifications.

In order to classify, regulate, restrict and segregate the uses of land and buildings; to regulate and restrict the height and bulk of buildings; to regulate the area of yards and open spaces about buildings; and to regulate the density of population, the following classes of land use zones are hereby established and are to be known as follows:

Zoning Class	Description
R-1A	One-family dwelling zone
R-1B	One-family dwelling zone
R-1C	One-family dwelling zone
R-2	Low-density multiple-family dwelling zone
R-3	Medium-density multiple-family dwelling zone
R-4	High-density multiple-family dwelling zone
PRD	Planned residential development zone or as an overlay zone indicated as "(PRD)" behind the underlying zone
RMP	Residential mobilehome park zone or as an overlay zone indicated as "(RMP)" behind the underlying zone
O-P	Office professional zone
C-O	Professional office zone
C-1	Limited commercial zone
C-2	Retail commercial zone
C-3	General commercial zone
C-4	Heavy commercial zone
M-1	Light manufacturing zone
M-2	General manufacturing zone

SP-1	El Monte Gateway Specific Plan
SP-2	Mountain View Specific Plan
SP-3	Flair Spectrum Specific Plan
SP-4	Downtown Transit-Oriented District Specific Plan
MMU	Mixed/multi-use
RHOD	Rurban Homestead Overlay District as an overlay zone indicated a "(RHOD)" behind the underlying zone
P	Automobile parking zone or as an overlay zone indicated as (P) behind the underlying zone
PF	Public facility
OS	Open space
Airport	Airport

(Zoning ordinance § 17.30.10)

(Ord. No. 2780, § 1, 11-15-2011; Ord. No. 2909, § 2, 4-18-2017; Ord. No. 2928, §§ 14, 15, 5-15-2018)

17.30.020 - Zoning map.

A. For convenience of use, the city zoning map Z-1, as heretofore adopted and made a part of this Code, and as thereafter from time to time amended, is divided into forty (40) parts, each such part being designated by a map number and assigned a subsection number, the relationship of each such part to the other being designated on a chart, the circled numerals on which correspond with the respective map and subsection number thus assigned.

B. The boundaries of each zone classification heretofore established are designated on the said map parts by means of the zoning classification symbols preceding the respective zone classifications set forth in Section 17.30.010, and the zone classification of each lot or parcel of land shown on said map parts is established and re-established as indicated by the respective zone classification symbol or symbols thereon shown. The zoning map as thus divided and numbered, and all the notations, references and other information shown thereon shall be as much a part of this title as through the matters and information set forth on said maps were all fully described and set forth herein.

(Zoning ordinance § 17.30.30(1))

17.30.030 - Boundaries of zones.

Where uncertainty exists as to the boundaries of any zone shown on said map, 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 unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;

C. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;

D. Where any private right-of-way or easement of any railroad, railway, canal transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property;

E. All property in the city not otherwise classified, and all property hereafter annexed and not zoned upon annexation, is classified as R-1a zone;

F. In case any uncertainty exists, the Planning Commission shall determine the location of the boundaries.

(Zoning ordinance § 17.30.30(2))

Matrix of uses permitted in residential, commercial and industrial zones

JCM's Note – the matrix on the following pages is not part of the official Zoning Ordinance. Rather it is a consolidation of the uses listed in Chapters 17.24, 17.32, 17.34, 17.36, 17.37, 17.38, 17.40, 17.42, 17.45, 17.48, 17.50, 17.52, 17.54, 17.56, 17.58 and 17.60.

--	Not permitted
P	Permitted "by-right"
C	Conditional Use Permit is required
A	Administrative Permit (see Chapter 17.82) or Director Level Design Review is required (see Chapter 17.22)
D	Commission Level Design Review is required (see Chapter 17.22)
Notes	Refers to a specific El Monte Municipal Code Chapter or Section

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R-1A AND R-1B – SUMMARY OF DEVELOPMENT STANDARDS

	R-1A	R-1B
Land Use Description:	One-Family Dwelling	One-Family Dwelling
Maximum Height:	2.0 stories and 30 ft.	2.5 stories and 35 ft.
Minimum 1st story setbacks for dwellings:	Front: 20 ft. minimum Corner Street Side: 10 ft. Interior Side: 5 ft. Rear: 10 ft	Front: 20 ft. minimum or 20% of the lot depth (max. 25 ft.) Corner Street Side: 10 ft. Interior Side: 5 ft. Rear: 20 ft.
Minimum 2nd story setbacks for dwellings:	Front: an additional 5 ft. from the 1st floor building wall line. Corner Street Side and Interior Side: an additional 5 ft. from the 1st floor building wall line. Rear: 10 ft.	Front: an additional 5 ft. from the 1st floor building wall line. Corner Street Side and Interior Side: an additional 5 ft. from the 1st floor building wall line. Rear: 20 ft.
Minimum Lot Area for 1 dwelling on a Lot (New Lot Only):	6,000 sf. + 60 ft. of street frontage	6,000 sf. + 60 ft. of street frontage
Density:	Not more than one (1) single-family dwelling unit (du).	Frontage <200 ft: 9,750 sf. / du Frontage 200-250 ft: 8,625 sf. / du Frontage >250 ft: 7,500 sf. / du
Maximum Floor Area (FAR) (not including required parking):	Lots up to 10,000 sf: 35% Lots 10,001-15,000 sf: 30% or 3,500 sf (whichever is greater) Lots 15,001-20,000 sf: 25% or 4,500 sf (whichever is greater) Lots >20,001: 20% or 5,000 sf (whichever is greater)	Lots up to 10,000 sf: 35% Lots 10,001-15,000 sf: 30% or 3,500 sf (whichever is greater) Lots 15,001-20,000 sf: 25% or 4,500 sf (whichever is greater) Lots >20,001: 20% or 5,000 sf (whichever is greater)
Lot Coverage (all covered structure and building footprint):	35%	35%
Minimum Dwelling Unit Size:	1,000 sf.	1,000 sf.
Minimum Distance Between Dwellings:	N/A	40 ft. (i.e. each unit shall comply with the minimum front and rear yard setback requirements)
Minimum Distance to Accessory Buildings:	6 ft.	6 ft.

	R-1A	R-1B
Minimum Parking:	>2,000 sf: 2-car garage Over 2,000 sf: an additional 1 open parking space 4+ bedrooms: an additional 1 open parking space per bedroom	>2,000 sf: 2-car garage Over 2,000 sf: an additional 1 open parking space 4+ bedrooms: an additional 1 open parking space per bedroom
Additional Parking Standards:	Additions: When existing residential uses are expanded by 25% or more, the entire property shall conform to the most current parking standards. Minimum Driveway Widths (additional width may be required by the Fire Department): • 1 dwelling on a site: 10 ft. • 2 to 4 dwellings: 12 ft. • 5 or more dwellings: 16 ft. • If the rear most structure is greater than 150 ft. from street PL: 20 ft. Driveway Planter: A minimum 3 ft. wide planter shall be adjacent to the driveway. Inoperable vehicles: Must be stored in garages. Recreational Vehicle Storage and Location: Shall 1) have valid registration at the location where stored; 2) be in operable condition; 3) be parked on a paved surface/in a garage; and 3) not obstruct access to a garage.	
Standards for Accessory Structures (all residential zones):	Maximum Area: 800 sf. Maximum Height: 16 ft. Front Setback: must be behind front dwelling *and* either 50 ft from front PL or in rear half of lot (whichever is less). Corner Street Side: 10 ft. Interior Side and Rear: 4 ft. Other: Not to be used as habitable space. Refer to Section 17.06.070(F) for standards for indoor plumbing.	
Permitted Yard Encroachments:	Architectural Features: Cornices, chimneys, canopies, bay windows, eaves or similar architectural features not providing additional floor space within the building, may extend up to 2 ft. into a required front, side or rear yard (does not include porches). Mechanical Equipment: may extend into a required interior side or rear yard, provided they are set back a minimum 3 ft. from the PL.	
Fences and Walls (for all residential zones):	Front Yard Setback: Maximum 4 ft. (up to 5 ft. may be permitted if the fence is a minimum 50% open in fence height with decorative pilasters). Street Side Yard: within 10 ft. of street property line – maximum 4 ft. (up to 5 ft. may be permitted if the fence is a minimum 50% open in fence height with decorative pilasters). Side and Rear Yard Setback: Maximum 6 ft. More Than One Dwelling: Lower decorative fencing set behind landscaping (See City's Comprehensive Design Guidelines for additional fence/wall guidelines).	

Chapter 17.32 - R-1A ZONE

17.32.010 - Uses permitted.

No lot, premises, building or structure in the R-1A one-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

A. Residential Uses:

1. One-Family Dwellings. Not more than one one-family dwelling on any lot as defined by Chapter 17.04 of this title;

B. Ancillary/Other Uses:

1. Accessory Buildings. As necessary to such one-family dwelling, located on the same lot or parcel of land, including a private garage the capacity of which shall not exceed three (3) automobiles;
2. Garage Sales. As defined and if conducted in accordance with the provisions of Chapter 5.44 of this Code;
3. Government or government-related enterprises. City, county, state, federal and other government or government-related enterprises, including buildings, facilities and use of departments or institutions thereof;
4. Home Occupations. The maintaining of a mail address for commercial, professional and business license purposes only, provided that no stock in trade, supplies, professional equipment, apparatus or business equipment are kept on the premises, and provided that no employees or assistants are engaged for said services on the premises;
5. Manufactured Home;
6. Private greenhouses. Provided they are not over five hundred (500) square feet in area;
7. Public Educational Institutions. Including public elementary, junior, middle or high schools;
8. Public parks, playgrounds and community buildings;
9. Trailer for Housing. Subject to provisions of Section 5.96.060 of this Code, a trailer may be used or occupied as a temporary dwelling in the rear yard only for a period not to exceed sixty (60) days;
10. Supportive Housing;
11. Transitional Housing; and
12. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less

restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of said Chapter 17.62 and of Section 17.08.030.

(Zoning Ordinance No. 2985, 10-20-2020)

17.32.030 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, and structure in the R-1A one-family dwelling zone:

A. Building Height. No building or structure shall exceed in height two (2) stories, or thirty (30) feet.

B. Front Yard and Side Yard. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 st Floor Front Yard Setback:	2 nd Floor Front/ Yard Setback:	1 st Floor Side/ Yard Setback:	2 nd Floor Side Yard Setback:
20 ft.	5 ft. additional	5 ft.	5 ft. additional

1. Exception. Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depth, buildings located more than thirty-five (35) feet from the front property line shall be considered located thirty-five (35) feet from the front property line, and buildings facing a side street on a corner lot shall not be counted.

C. Rear Yard. Behind the most rear main building, there shall be a rear yard of not less than ten (10) feet, except where a greater distance is otherwise required by law.

D. Lot Area. The minimum lot area shall be not less than six thousand (6,000) square feet per dwelling unit and shall have a width of not less than sixty (60) feet at the midpoint measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this chapter, the lot may be occupied by not more than one dwelling unit.

E. Street Frontage. Every lot in zone R-1A shall abut a public street for a distance of at least sixty (60) feet; provided, however, that lots abutting the radius at the end of the cul-de-sac street need not exceed thirty-five (35) feet.

F. Minimum Dwelling Floor Area. No dwelling unit shall contain less than one thousand (1,000) square feet of floor area.

G. Distance Between Buildings. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building on the same lot.

H. Floor Area Ratio. The maximum gross floor area, as defined in Chapter 17.04, shall not exceed the following:

Lot Size:	Maximum Floor Area (FAR):
Up to 10,000 sq. ft.	0.35
10,001 to 15,000 sq. ft.	0.30 or 3,500 sq. ft., whichever is greater
15,001 to 20,000 sq. ft.	0.25 or 4,500 sq. ft., whichever is greater
20,001 sq. ft. or greater	0.20 or 5,000 sq. ft., whichever is greater

I. Lot Coverage. The maximum lot coverage, as defined in Chapter 17.04, shall not exceed thirty-five (35) percent.

J. Fencing. For all sites serving three (3) or more dwelling units a solid six-foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half (½) of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

(Zoning Ordinance No. 2985, 10-20-2020)

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Chapter 17.34 - R-1B ZONE

17.34.010 - Uses permitted.

No lot, premises, building or structure in the R-1B one-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permissible in the R-1A one-family dwelling zone except accessory living quarters. An additional one-family dwelling shall be permitted as follows, a property with two hundred (200) feet or less of street frontage and width would qualify for one dwelling unit for every nine thousand seven hundred fifty (9,750) square feet of net land area; a property with two hundred one (201) to two hundred fifty (250) feet of street frontage and width would qualify for one dwelling unit for every eight thousand six hundred twenty-five (8,625) square feet of net land area; and a property with more than two hundred fifty (250) feet of street frontage and width would qualify for one dwelling unit for every seven thousand five hundred (7,500) square feet of net land area; provided, that no more than one dwelling shall be contained in any one building and the building site shall be approved pursuant to this title;
2. Breeding hatching, raising and fattening of poultry, fowl, nutria, birds, rabbits, chinchillas, earthworms, fish, frogs and bees for domestic or commercial use;
3. Keeping of horses on lots having an area of one-half acre (twenty-one thousand seven hundred eighty (21,780) square feet) or more, provided that the number of horses on any one lot shall not exceed one horse for every one quarter acre;
4. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030;
5. Manufactured home;
6. Supportive housing;
7. Transitional housing.

(Ord. 2669 § 5, 2006; amended during 1999 recodification; zoning ordinance §§ 17.34.01—17.34.01.40)

(Ord. No. 2834, § 6(Exh. D), (Exh. E), 1-14-2014)

17.34.020 - Regulations.

The regulations applicable to lots, premises, buildings and structures in the R-1A one-family zone shall apply to and be complied with as to every lot, premises, building and structure in the R-1B one-family dwelling zone with the following exceptions:

A. The keeping of all fowl and animals shall conform to all other provisions of law governing same. No fowl, animal, pen, bin, coop, stable, barn or corral shall be kept or maintained within thirty-five (35) feet of any dwelling or other building used for human habitation, or within one hundred fifty (150) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no killing or dressing of any animals or poultry for commercial purposes.

B. If more than one dwelling unit is constructed on one lot, each dwelling unit shall not only comply with the front yard, side yard and rear yard requirements of Chapter 17.32 of this title, but shall also be so located and maintained with respect to each other that yards will be provided and maintained on each side of each dwelling unit equivalent to the respective front, side and rear yards that would be required for one dwelling unit on one lot.

C. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 st Floor Front Yard Setback	2 nd Floor Front/Yard Setback	1 st Floor Side/Yard Setback	2 nd Floor Side Yard Setback
20 ft. or 20 percent (max 25 ft.)	5 ft. additional	5 ft.	5 ft. additional

D. Rear Yard. Behind the most rear main building, there shall be a rear yard of not less than twenty (20) feet, except where a greater distance is otherwise required by law.

(Zoning ordinance §§ 17.34.02—17.34.02.20)

(Ord. No. 2743, § 8, 5-5-2009; Ord. No. 2883, § 39, 6-21-2016)

Chapter 17.36 - R-1C ZONE

17.36.010 - Uses permitted.

No lot, premises, building or structure in the R-1C 10,000 dwelling zone, shall be used for any use or purpose other than those specified in the following subsections:

1. One-family dwelling shall be permitted for each ten thousand (10,000) square feet upon the conditions and subject to the regulations hereinafter in this chapter specified;
2. Accessory buildings necessary or incidental to each one-family dwelling, located on the same lot or parcel of land, including a private garage for each lawful dwelling. The capacity of each such garage shall not exceed three (3) automobiles;
3. Any use permitted in Sections 17.32.010(1), (4) through (6), 17.32.020 and certain provisions of Chapter 17.34 of this title;
4. Horses. The keeping of not more than one horse for each member of the family residing upon the premises, or not more than one horse for each seven thousand five hundred (7,500) square feet of lot area, whichever number is greater; also the boarding of horses, provided that if horses are boarded upon the premises, not more than one horse shall be kept for each seven thousand five hundred (7,500) square feet or less of lot area;
5. Other Animals. The keeping of not more than three (3) female goats and their offspring less than one year of age, and the keeping of not more than three (3) sheep and their offspring less than one year of age, and the keeping of not more than one cow, but only for the personal use of the family residing upon the premises or in the conduct by any member of the family residing upon the premises of any program of animal husbandry as a member of any national or nonprofit educational or character building organization;
6. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030;
7. Manufactured home;
8. Supportive housing;
9. Transitional housing.

(Amended during 1999 recodification; zoning ordinance §§ 17.36.01—17.36.060)

(Ord. No. 2834, § 6(Exh. D), (Exh. E), 1-14-2014)

17.36.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, structure and use in the R-1C 10,000 dwelling zone:

A. Building Height. No building or structure shall exceed in height two and one-half (2½) stories, or thirty-five (35) feet.

B. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 st Floor Front Yard Setback	2 nd Floor Front Yard Setback	1 st Floor Side Yard Setback	2 nd Floor Side Yard Setback
20 ft. or 20 percent (max 25 ft.)	5 ft. additional	5 ft.	5 ft. additional

1. Exception for Front Yards. Where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. In determining such front yard depths, buildings located more than thirty-five (35) feet from the front property line shall be considered located thirty-five (35) feet from the front property line, and buildings facing a side street on a comer lot shall not be counted.

C. Rear Yard. Behind the most rear main building and behind any building designed or used for human habitation there shall be a rear yard of not less than thirty-five (35) feet, except where a greater distance is otherwise required by law.

D. Lot Area. The minimum lot area shall be not less than ten thousand (10,000) square feet per dwelling unit and shall have a width of not less than fifty (50) feet at the mid-point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

E. Street Frontage Required. Every lot in Zone R-1C 10,000 shall abut a public street for a distance of at least fifty (50) feet; provided, however, that lots abutting the radius at the end of a cul-de-sac street need not exceed thirty-five (35) feet.

F. Minimum Floor Area. No dwelling unit shall contain less than one thousand (1,000) square feet of floor area.

G. Distance Between Buildings. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building on the same lot. There shall be a minimum distance of six (6) feet between accessory buildings on the same lot. There shall be a minimum distance of twenty-five (25) feet between buildings on the same lot used for dwelling purposes.

H. Distance of Accessory Structures. No barn, stable, corral or chute designed or used for the enclosure or shelter of animals shall be located within seventy-five (75) feet of the front lot line. This section shall not apply to fenced pastures.

I. Distance of Animals. The keeping of all fowl and animals shall conform to all other provisions of law governing same. No fowl, animal, pen, bin, coop, stable, barn or corral shall be kept or maintained within thirty-five (35) feet of any dwelling or other building used for human habitation other than the dwelling of the owner thereof, or within seventy-five (75) feet of the front lot line of the lot upon which it is located, or within one hundred (100) feet of any public park, school, hospital or similar institution. There shall be no killing or dressing of any animals or poultry for commercial purposes.

J. Fencing. For all sites serving three (3) or more dwelling units, a solid six-foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half (½) of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

(Ord. 2662 § 5(D), 2006; zoning ordinance §§ 17.36.02—17.36.120)

(Ord. No. 2743, § 9, 5-5-2009; Ord. No. 2883, § 40, 6-21-2016)

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Chapter 17.37 - RURBAN HOMESTEADS OVERLAY DISTRICT

17.37.010 - Purpose.

The Rurban Homesteads Overlay District is established to preserve rural character, promote a low-density, rural residential lifestyle, and ensure continued availability of lots that allow animal keeping agricultural cultivation and retain the area's homestead heritage.

It is the intent of the Rurban Homesteads Overlay District to protect areas for low-density, rural development by retaining large lots in a configuration that enables animal raising and keeping and to ensure that new residential development and alterations and additions to existing residences are compatible with the scale, mass and character of the rural neighborhood.

(Ord. No. 2743, § 10, 5-5-2009; Ord. No. 2928, § 17, 5-15-2018)

17.37.020 - Applicability.

The Rurban Homesteads Overlay District applies to all areas on the city identified with the RHOD on the city's zoning map.

(Ord. No. 2743, § 10, 5-5-2009; Ord. No. 2928, § 17, 5-15-2018)

17.37.030 - Uses permitted.

No lot, premise, building, or structure in the Rurban Homestead Overlay District shall be used for any use or purpose other than those specified below:

A. One-Family Dwelling. Not more than one one-family dwelling on any lot as defined by Chapter 17.04 (Definitions) of this title.

B. Accessory Buildings. Accessory buildings necessary or incidental to each one-family dwelling, located on the same lot or parcel of land, including a private garage for each lawful dwelling. The capacity of each such garage shall not exceed three (3) automobiles. See Section 17.06.070 of this title for additional standards.

C. Accessory Dwelling Units. Accessory Dwelling Units are regulated pursuant to Chapter 17.06 of this title. The architectural style and materials the accessory dwelling unit shall match the architectural style and materials of the primary building on the property.

D. Horses. The keeping of not more than one horse for each seven thousand five hundred (7,500) square feet of lot area.

E. Other Animals. The keeping of not more than three (3) female goats and their offspring less than one year of age, and the keeping of not more than three (3) sheep and their offspring less than one year of age, and the keeping of not more than one cow, but only for the personal use of the family residing upon the premises or in the conduct by any member of the family residing upon the premises of any program of animal husbandry as a member of any national or nonprofit educational or character building organization.

(Ord. No. 2743, § 10, 5-5-2009; Ord. No. 2928, § 17, 5-15-2018)

17.37.040 - Regulations.

The regulations applicable to lots, premises, buildings and structures in the underlying zone shall apply to and be complied with as to every lot, premises, building, and structure in the Rurban Homesteads Overlay District.

A. Minimum Lot Area and Width. Each lot shall have a lot area of not less than ten thousand (10,000) square feet and a width of not less than sixty (60) feet at the mid-point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

B. Street Frontage Required. Every lot shall abut a public street for a distance of at least sixty (60) feet. Flag Lots and PRDs shall be prohibited.

C. Lot Design. Lots shall be rectangular in shape, with side parcel lines as close as practical to ninety-degree angles with front and rear parcel lines. Lot depth shall be a minimum of two (2) times the lot width. Planned Residential Development (PRD) and flag lots are prohibited.

D. First Floor Top Plate Height. First floor top plate height shall not exceed twelve (12) feet in the front one-third of the structure.

E. Building Height. The maximum allowable height is twenty-five (25) feet and one and one half (1.5) stories. New development, additions and alterations that will result in more than one store are subject to the following:

    1. Configuration. Floor area above the first story shall be wholly built into the framing of the roof.

    2. Floor Area Limit. Habitable floor area above the first story shall not exceed sixty (60) percent of the first story roofed area.

    3. Dormer. Dormers shall not exceed the height of the building ridge line, shall not overhang the outer face of the wall below, or exceed sixty (60) percent of the length of the roof.

    4. Balconies or Patios. Balconies or patios above the first floor are prohibited.

    5. Design Review. All applications for new development or additions that will result in more than one story shall require design review pursuant to Chapter 17.22 of this title and as follows:

        a. Application Requirement. In addition to other materials required for the submittal of a design review application, supporting materials shall be submitted to describe and provide visual representation of existing conditions and the proposed project. Supporting materials may include, but are not limited to, statements, photographs, plans, drawings, renderings, models, material samples, and the erection of story poles at the site.

b. Review Authority. Design review shall be conducted by the Director or his/her designee.

c. Notice. At least ten (10) days prior to the date of action, notice of the application shall be posted on-site and mailed to all residents and property owners of record within a three-hundred (300) foot radius of the subject property as shown on the latest available assessment roll. The notice shall include a general description of the application, the location of the property, the date of the decision, the procedure for submitting comments, and the procedure for appealing the decision.

d. Call-Up for Planning Commission Review. The Director may refer items directly to the Planning Commission when in his/her opinion the public interest would be better served by having the Planning Commission conduct design review. In addition, any resident or property owner within the mailing radius may submit a written request to the Director for a call-up.

e. Appeals. If any interested party, or the applicant who filed the design review is dissatisfied with any condition, ruling, finding, approval or disapproval by the Director, they may file an appeal with the Planning Division to have the case reviewed by the Planning Commission. Such filing must take place within ten (10) days of the Director's decision.

f. Exemption. Accessory Dwelling Units above existing garages, as permitted in Chapter 17.06 (General Regulations) of this title and as set forth in Section 65852.2 of the California Government Code are exempt from the one and one half (1.5) story height limit and design review requirement.

F. Animal Enclosures and Related Activities. Animal enclosures include barns, stables, corrals, pens, coops, bins, chutes or other enclosures designed or used for the keeping or shelter of animals. These standards shall not apply to fenced pastures or other contained animal grazing or roaming areas.

1. Location. Roofed animal enclosures shall be set back a minimum of seventy-five (75) feet from the front lot line and thirty-five (35) feet from any dwelling or other building used for human habitation other than the dwelling of the owner.

2. Size.

a. Unroofed animal enclosure areas shall not count towards floor area calculations, accessory structure size or lot coverage. Up to eight hundred (800) square feet of roofed animal enclosures shall be exempt from floor area calculations and accessory structure size. In addition, roofed animal enclosures greater than eight hundred (800) square feet and existing prior to May 1, 2018, shall be exempt from floor area calculations and accessory structure size.

b. Animal housing, premises and quarters must be of sufficient size, kept clean and in a sanitary condition, properly ventilated and in good repair at all times. Sufficient size is defined as a minimum of five hundred (500) square feet of interior

measurement of corral space and, for horses, each individual box stall must contain a minimum dimension of eight (8) feet in width and twelve (12) feet in length.

3. Animal enclosures shall comply with all development standards of the land use district and adopted City codes.

4. Maintenance.

   a. Water troughs shall be cleaned out weekly. Mosquito fish or other mosquito prevention measures shall be used in water troughs or in any standing water.

   b. Vermin, flies, standing surface water, refuse, and manure must be controlled and not accumulate so as not to be a nuisance for adjacent properties. Property owner is subject to EMMC Chapter 8.12 (Property Maintenance).

   c. Site must control dust, fumes, odors, vapors and/or unsanitary conditions. Property owner is subject to EMMC Chapter 8.12 (Property Maintenance).

   d. Plugged in amplified noise on site relative to the operation of horses or large animals shall not be allowed.

5. Manure Storage and Disposal.

   a. All manure disposal/storage shall be covered and protected from drainage flows, rain, and wind. Area used for non-containerized manure disposal/storage must cause no nuisance and be kept a minimum distance below and located so that it drains away from the neighboring property, facilities and water supplies.

   b. Manure must be disposed off-site at a frequency that prevents overfilling of manure bin, or storage area, and which prevents strong odors, accumulation of flies, or vermin from creating a nuisance condition. Manure storage shall be located away from public view.

6. Trailer Parking. Horse or large animal trailers shall be located outside of the required front yard setback. Trailer parking is prohibited within the public right-of-way. All parking shall comply with Chapter 17.08 (Parking Requirements) of this title.

G. Trees. All new development and additions more than ten (10) percent of the floor area on the site shall provide a minimum of one tree within the required front setback for every thirty-five (35) feet of street frontage. If a tree already exists within the required front setback, the applicant shall not be required to plant a new tree.

H. Parking. Refer to Chapter 17.08 of this title.

I. Floor Area Ratio and Lot Coverage. Refer to Chapter 17.6 of this title.

J. Other Standards. For all other standards and requirements, refer to the base zone.

(Ord. No. 2743, § 10, 5-5-2009; Ord. No. 2928, § 17, 5-15-2018)

R-2, R-3 AND R-4 – SUMMARY OF DEVELOPMENT STANDARDS

	R-2	R-3	R-4
Land Use Description:	Low Density Multiple Family	Medium Density Multiple Family	High Density Multiple Family
Maximum Height:	2.5 stories and 35 ft.	3 stories and 40 ft.	40 ft. if structure is within 100 ft. of a R-1 or R-2 zone
Minimum 1st story setbacks for dwellings:	Front: 20 ft. Side: 10 ft. Rear: 20 ft.	Front: 20 ft. Side: 10 ft. Rear: 15 ft.	Front: 20 ft. Side: 10 ft. Rear: 20 ft.
Minimum 2nd story setbacks for dwellings:	Front: an additional 2 ft. from the proposed 1st floor (add. step-back may be required) Side: 12 ft. Rear: 20 ft.	Front: an additional 2 ft. from the proposed 1st floor (add. step-back may be required) Side: 12 ft. Rear: 15 ft.	Front: an additional 2 ft. from the proposed 1st floor (add. step-back may be required) Side: 12 ft. Rear: 20 ft.
Minimum Net Lot Area (new lots):	6,000 sf. + 60 ft. of street frontage	6,000 sf. + 60 ft. of street frontage	6,000 sf. + 60 ft. of street frontage
Density:	5,445 sf. / dwelling unit (du) (provided that 4+ attached units be developed on a lot not less than 70 ft. in street frontage)	Frontage <200 ft: 4,840 sf. / du Frontage 200-250 ft: 3,960 sf. / du Frontage >250 ft: 3,111 sf. / du (provided that 4+ attached units be developed on a lot not less than 70 ft. in street frontage nor 10,000 sf. in lot size)	1,800 sf / du (provided that 4+ attached units be developed on a lot not less than 70 ft. in street frontage nor 10,000 sf. in lot size)
Maximum Floor Area (FAR):	35% for lots <10,000 sf. 40% for lots 10,000+ sf.	35% for lots <9,500 sf. 40% for lots 9,500+ sf.	
Lot Coverage (all roofed areas):	40%	45%	
Minimum Dwelling Unit Size:	• Studio: 650 sf. • 1 bedroom: 800 sf. • 2 bedrooms: 1,000 sf. • 3 bedroom: 1,200 sf. • 4 bedrooms: 1,350 sf. • Each Extra Bedroom: 150 sf for each additional bedroom		
Maximum Length of Building Walls:	No exterior building wall shall exceed a length of 160 ft. without an offset of at least 5 ft.		
Minimum Distance Between Dwellings:	10 ft.	15 ft.	10 ft.
Minimum Distance to Accessory Blds:	6 ft.		

	R-2	R-3	R-4
Minimum Parking Per du:	Units 650-1,200 sf: 2-car garage Units 1,200+ sf: an additional 1 open space for each additional 300 sf or fraction thereof. Guest Spaces: For projects with 10+ units, 10% of all required spaces shall be reserved for guests.		
Additional Parking Standards:	Additions: When existing residential uses are expanded by 25% or more, the entire property shall conform to the most current parking standards. Minimum Driveway Widths (additional width may be required by the Fire Department): • 1 dwelling on a site: 10 ft. • 2 to 4 dwellings: 12 ft. • 5 or more dwellings: 16 ft. • If the rear most structure is greater than 150 ft. from street PL: 20 ft. Driveway Planter: A minimum 3 ft. wide planter shall be adjacent to the driveway. Inoperable vehicles: Must be stored in garages. Recreational Vehicle Storage and Location: Shall 1) have valid registration at the location where stored; 2) be in operable condition; 3) be parked on a paved surface/in a garage; and 3) not obstruct access to a garage.		
Usable Open Space for 2+ units:	Total Open Space: 25 % of gross living area or 600 sf. per unit, whichever is greater (not counting street setbacks, driveways, etc.). Private Open Space: 200 sf. per unit of the total open space shall be private and contiguous to each unit. Balconies: Up to 25% of all total open space may be in the form of balconies. Dimensions: Minimum 10 ft. in each direction for private open space areas and a minimum 15 ft. in each direction for all other open space areas with 7 ft. vertical clearance.		Total Open Space: 25 % of gross living area or 600 sf. per unit, whichever is greater (not counting street setbacks, driveways, etc.). Private Open Space: 200 sf. per unit of the total open space shall be private and contiguous to each unit. Balconies: Up to 25% of all total open space may be in the form of balconies. Dimensions: Minimum 10 ft. in each direction for private open space areas and minimum 15 ft. in each direction for all other usable open space with 7 ft. vertical clearance.
Trash Areas:	Common collection areas are required for all projects with 5+ rental units		
Permitted Yard Encroachments:	Architectural Features: Cornices, chimneys, canopies, bay windows, eaves or similar architectural features not providing additional floor space within the building, may extend up to 2 ft. into a required front, side or rear yard (does not include porches). Mechanical Equipment: may extend into a required interior side or rear yard, provided they are set back a minimum 3 ft. from the PL.		
Fences and Walls:	For general regulations regarding fences/walls, please refer to El Monte Municipal Code Section 17.06.120. More Than One Dwelling (Front Yard): Low decorative front/street side fencing set behind landscaping (See City's Comprehensive Design Guidelines for additional fence/wall guidelines).		

Chapter 17.38 - R-2 ZONE

17.38.010 - Uses permitted.

No lot, premises, building or structure in the R-2 low-density multiple-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the R-1A zone;
2. Single-family dwellings, two-family dwellings, and multiple-family dwellings at a density that shall not exceed one unit for five thousand four hundred and forty-five (5,445) square feet of lot area;
    a. The accessory buildings necessary to any such use, located on the same lot or parcel of land.
3. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030;
4. Manufactured home;
5. Supportive housing;
6. Transitional housing.

(Zoning ordinance §§ 17.38.01—17.38.01.040)

(Ord. No. 2834, § 6(Exh. D), (Exh. E), 1-14-2014; Ord. No. 2883, § 41, 6-21-2016)

17.38.020 - Signs.

Signs specified in the following subsections are permitted in zone R-2 in addition to those permitted by other sections of this chapter:

A. One name plate sign per dwelling unit not to exceed one square foot of display area identifying the occupant of each dwelling unit on the premises; also, address numbers not to exceed six (6) inches in height to be permitted on each name plate;

B. One identification wall or pole sign per building not exceeding twenty (20) square feet of display area, provided that such sign shall be stationary and nonflashing and contain no advertising matter except the name and/or street address of the building upon which placed. Such a sign shall be permitted only for multiple dwellings of four (4) or more attached units;

C. No more than two (2) pole or wall signs in any combination shall be permitted for every three hundred (300) feet of street or highway frontage or part thereof, pertaining only to the legal sale, rental or lease of the property on which the sign is displayed;

D. On vacant or undeveloped property a total display area of sixty-four (64) square feet shall be permitted with no single sign face to exceed thirty-two (32) square feet;

E. On developed property, the display area shall be computed on the following basis:

Number of Units	Display Surface
0—4	16 square feet
5—16	20 square feet
17—75	32 square feet
76—up	50 square feet

F. Directional signs shall be subject to the provisions of Chapter 17.12 of this title;

G. No pole sign shall exceed a height of thirty-five (35) feet;

H. No wall sign shall project higher than the roof line of the building to which it is attached.

(Zoning ordinance §§ 17.38.01.050—17.38.01.130)

17.38.030 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building, and structure in the R-2 low-density multiple-family dwelling zone:

A. Building Height. No building or structure shall exceed in height two and one-half (2½) stories or thirty-five (35) feet.

B. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 st Floor Front Yard Setback	2 nd Floor Front Yard, Setback	1 st Floor Side Yard Setback	2 nd Floor Side Yard Setback
20 ft.	2 ft. additional	10 ft.	12 ft., measured from property line

C. Rear Yards. Behind the most rear main building there shall be a rear yard of not less than twenty (20) feet, except where a greater distance is otherwise required by law.

D. Reserved.

E. Lot Area. The minimum lot area shall be not less than five thousand four hundred and forty-five (5,445) square feet per dwelling unit provided that multiple-family dwellings shall not be permitted on lots having a frontage of less than seventy (70) feet. When a lot has less area than therein required and was recorded at the time of the effective date of the ordinance codified in this title, the lot may be occupied by not more than one dwelling unit.

F. Distance Between Buildings. There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes on the same lot.

1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings,

G. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit

H. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. The remaining usable open space shall be private or common.

1. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves.

2. All areas qualifying as useable common open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.

3. One hundred (100) percent of the useable open space areas (except maximum four-foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof area over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves.

4. All landscaped areas shall be provided with an underground irrigation system. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.

I. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.

J. Trash Areas. For all sites serving five (5) or more rental dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building. All required walls or screening shall at all times be adequately maintained.

K. Fencing. For all sites serving three (3) or more dwelling units, a solid six-foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half (½) of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

L. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.

M. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

N. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal resistant covers.

(amended during 1999 recodification; zoning ordinance §§ 17.38.02—17.38.170; Ord. 2662 § 5(E), 2006; Ord. No. 2883, § 42, 6-21-2016; Ord. No. 2928, §§ 18, 19, 5-15-2018)

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Chapter 17.40 - R-3 ZONE

17.40.010 - Uses permitted.

No lot, premises, building or structure in the R-3 medium-density multiple-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the R-2 zone;
2. Group dwellings, multiple-family dwellings and apartment houses;
3. The accessory buildings necessary to any such use located on the same lot or parcel of land;
4. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030;
5. Manufactured home;
6. Supportive housing;
7. Transitional housing.

(Zoning ordinance §§ 17.40.01—17.40.01.40)

(Ord. No. 2834, § 6(Exh. D), (Exh. E), 1-14-2014)

17.40.020 - Regulations.

A. Building Height. No building or structure shall exceed in height three (3) stories or forty (40) feet.

B. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 st Floor Front Yard Setback	2 nd Floor Front Yard Setback	1 st Floor Side Yard Setback	2 nd Floor Side Yard Setback
20 ft.	2 ft. additional	10 ft.	12 ft., measured from property line

C. Rear Yards. Behind the rear-most main building there shall be rear yard of not less than fifteen (15) feet, except where a greater distance is otherwise required by law.

D. Reserved.

E. Maximum Density and Lot Size Requirements.

1. The maximum density of development shall not be more than one dwelling unit per three thousand one hundred eleven (3,111) square feet of net lot area; provided that the lot width is two hundred fifty (250) feet or greater. For lot widths of two hundred (200) to two hundred fifty (250) feet, the maximum density of development shall not be more than one dwelling unit per three thousand nine hundred sixty (3,960) square feet of net lot area. If the lot width is less than two hundred (200) feet, the maximum density of development shall not be more than one dwelling unit per four thousand eight hundred forty (4,840) square feet of net lot area.

2. Multiple-family dwelling units (a single building containing more than three (3) dwelling units) shall not be permitted on any lot having a public street frontage of less than seventy (70) feet nor on any lot with an area of less than ten thousand (10,000) square feet.

F. Distance Between Buildings, There shall be a minimum distance of fifteen (15) feet between buildings used for dwelling purposes on the same lot.

1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings.

G. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.

H. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. The remaining usable open space shall be private or common.

1. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet

and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves.

2. All areas qualifying as useable common open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.

3. One hundred (100) percent of the useable open space areas (except maximum four-foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof area over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves.

4. All landscaped areas shall be provided with an underground irrigation system. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.

I. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.

J. Trash Areas. For all sites serving five (5) or more rental dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the buildings. All required walls or screening shall at all times be adequately maintained.

K. Fencing. For all sites serving three (3) or more dwelling units, a solid six-foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half (½) of the distance in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

L. Unit Identification. Numbers and/or letters used to identify individual units shall not correspond to parking space identification.

M. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.

N. Undergrounding of Utilities, For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and

cable TV tines installed in and for the purpose of supplying service to any development shall be placed underground.

O. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal resistant covers.

(amended during 1999 recodification; zoning ordinance §§ 17.40.02—17.40.180; Ord. 2545 § 4, 2001; Ord. 2662 § 5(F), 2006; Ord. No. 2883, § 43, 6-21-2016; Ord. No. 2928, §§ 20, 21, 5-15-2018)

Chapter 17.42 - R-4 ZONE

17.42.010 - Uses permitted.

No lot, premises, building or structure in the R-4 high-density multiple-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the R-3 zone;
2. The accessory buildings necessary to any such use located on the same lot or parcel of land;
3. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated may be used for any use specified in Chapter 17.62 of this title, upon condition that it be improved and maintained in accordance with all the provisions of Chapter 17.62 and of Section 17.08.030;
4. Manufactured home;
5. Supportive housing;
6. Transitional housing.

(Zoning ordinance §§ 17.42.01—17.42.01.030)

(Ord. No. 2834, § 6(Exh. D), (Exh. E), 1-14-2014)

17.42.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the R-4 high-density multiple-family dwelling zone:

A. Front and Side Yards. The front and side yard setbacks for first and second floors shall be measured as shown below. The second floor setback shall be measured from the building wall line of the first floor. Where a porch or patio has been integrated into the architecture of the first floor, the second floor setback can be measured from the line of the porch or patio structural supports, located closest to the front property line.

1 st Floor Front Yard Setback	2 nd Floor Front Yard Setback	1 st Floor Side Yard Setback	2 an Floor Side Yard Setback
20 ft.	2 ft. additional	10 ft.	12 ft., measured from property line

B. Rear Yard. Behind the most rear main building there shall be a rear yard of not less than twenty (20) feet.

C. Reserved.

D. Lot Area. The minimum lot areas shall be not less than one thousand eight hundred (1,800) square feet per dwelling unit provided that multiple-family dwellings shall not be permitted on lots having a frontage of less than seventy (70) feet or a lot area of less than ten thousand (10,000) square feet.

E. Distance Between Buildings. There shall be a minimum distance of ten (10) feet between buildings used for dwelling purposes on the same lot.

1. There shall be a minimum distance of six (6) feet between a building used for dwelling purposes and an accessory building.

2. There shall be a minimum distance of six (6) feet between accessory buildings.

F. Reserved.

G. Minimum Floor Area. Except as may otherwise be provided pursuant to Chapter 17.24 of this title, no dwelling unit shall contain less than six hundred fifty (650) square feet of floor area; provided further, that every dwelling unit containing an area designed and intended to be used primarily as a bedroom shall contain no less than eight hundred (800) square feet of floor area; that a dwelling unit containing two (2) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand (1,000) square feet of floor area; and that every dwelling unit containing three (3) areas designed and intended to be used primarily as bedrooms, shall contain no less than one thousand two hundred (1,200) square feet of floor area and that every dwelling unit containing four (4) areas designed and intended to be used primarily as bedrooms shall contain no less than one thousand three hundred fifty (1,350) square feet of floor area; each extra bedroom shall require one hundred fifty (150) additional square feet of floor area to the dwelling unit.

H. Usable Open Space. The required usable open space shall be calculated at twenty-five (25) percent of gross living area or six hundred (600) square feet, whichever is greater, for each dwelling unit. At least two hundred (200) square feet of the required open space shall be in private open space contiguous to each unit. The remaining usable open space shall be private or common.

   1. Contiguous private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet and shall be enclosed on all sides by a wall or fence. Contiguous private open space shall be directly accessible only from the unit which it serves.

   2. All areas qualifying as useable common open space shall have a minimum dimension of fifteen (15) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.

3. One hundred (100) percent of the useable open space areas (except maximum four-foot wide walkways, balconies and patios) shall be landscaped. The following areas shall not be used in calculating required useable open space; required front and street side yards, driveways, parking spaces, access to parking spaces, pedestrian pathways and roof area over garages except balconies. No more than twenty-five (25) percent of the required open space may be in balconies. All balconies must be directly accessible only from the unit which it serves.

4. All landscaped areas shall be provided with an underground irrigation system. Additionally, a landscaping plan shall be submitted for review by the Planning Commission and shall include all three (3) types of landscape elements; trees, shrubbery and ground cover.

I. Maximum Length. No exterior building wall shall exceed a length of one hundred sixty (160) feet without a minimum offset of five (5) feet.

J. Trash Areas. For all sites serving five (5) or more rental dwelling units, the outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the buildings. All required walls or screening shall at all times be adequately maintained.

K. Fencing. For all sites serving three (3) or more dwelling units, a solid six-foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines to the front setback line. When the grade of the property being developed is below the grade of the adjacent property, the top of the wall shall be approximately six (6) feet above the grade of the adjacent property. When the grade of the property being developed is above the grade of the adjacent property, the top of the wall shall be above the grade of the adjacent property by the approximate sum of six (6) feet plus one-half (½) of the difference in the elevation of the two (2) properties at the wall. In no event, however, except upon approval of a modification, shall the top of the wall be more than eight (8) feet above the grade of the adjacent property.

L. Unit Identification. Numbers and/or letters used to identify individual units shall not correspond to parking space identification.

M. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units shall be screened from view.

N. Undergrounding of Utilities. For all sites serving five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

O. Lighting Systems. For all sites serving three (3) or more dwelling units, the developer shall install an on-site lighting system in all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the

project and away from dwelling units and adjacent properties. Such lighting system shall be automated using either an electronic time switch device or photoelectric sensor device and the lighting device shall be equipped with vandal-resistant covers.

(Zoning ordinance §§ 17.42.02—17.42.180; amended during 1999 recodification; Ord. 2662 § 5(G), 2006; Ord. No. 2883, § 44, 6-21-2016; Ord. No. 2928, §§ 22—24, 5-15-2018)

Chapter 17.45 - MIXED/MULTIUSE ZONE

17.45.010 - Purpose.

A. The purpose of this chapter to provide regulations that implement the goals and policies of the general plan and other similar long-range planning documents aimed at encouraging mixed-use development within the city. The mixed/multiuse zone is further intended to serve as an implementation tool of the city's housing element of the general plan by facilitating residential development on identified "housing opportunity sites."

B. The mixed/multiuse (MMU) zone has the following major objectives:

1. Create "by-right" opportunities for new mixed/multiuse housing along major corridors to protect and preserve single-family residential neighborhoods, reduce automobile dependence, improve air quality and revitalize and transition underutilized uses;

2. Implement state laws that require cities to demonstrate available land capacity and zoning tools to accommodate the city's projected need for housing;

3. Encourage lot assembly to provide quality multi-unit housing at higher densities;

4. Encourage commercial and mixed-use development at key intersections and nodes along major corridors and locate exclusively residential developments mid-block;

5. Create a pedestrian-oriented mix of uses with convenient access between area neighborhoods, housing, employment centers, and retail services;

6. Facilitate well-designed mixed/multiuse development projects that combine residential and nonresidential uses (e.g., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) vertically integrated (e.g., commercial frontage with residential and/or office uses above the first floor) or horizontally integrated (housing adjacent to commercial and office uses) to promote a better balance of jobs and housing;

7. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces; and

8. Encourage the development of a unique zone character through a streetscape that provides attractive features (e.g., landscaping, niche or linear parks, public places, courtyards, etc.) designed to integrate the public realm (e.g., streets, sidewalks, etc.) with development on adjacent private property.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.020 - Uses permitted.

No lot, premises, building or structure in the mixed use/multiuse zone shall be used for any use or purpose other than those specified in the following subsections:

1. Reserved;
2. Any use permitted in the C-1, C-2, and C-O zone except commercial cannabis testing laboratories;
3. Automobile parking lots, surface;
4. Automobile parking structure, above ground;
5. Bakeries employing not more than ten (10) persons on the premises;
6. Bakery products shops;
7. Barber shops;
8. Beauty shops;
9. Care facilities (less than six (6) persons);
10. Clothing and wearing apparel shops;
11. Confectionary stores;
12. Department stores;
13. Dwelling, multifamily;
14. Financial institutions;
15. Florist shops;
16. Furniture stores;
17. Grocery, fruit and vegetable stores of less than five thousand (5,000) square feet;
18. Jewelry stores;
19. Live/work.
20. Meat markets or delicatessens;
21. Mixed-use development, where residential and nonresidential uses are integrated vertically, including live/work opportunities. Nonresidential uses in vertical mixed-use projects shall be limited to:
    a. Health and fitness centers.
    b. Schools, specialized education and training.
    c. Studios, professional.
    d. Printing and publishing.
    e. Studios—Art, dance, music, photography, etc.

f. Retail trade uses that can only include:
    (i) Appliance sales.
    (ii) Arts, antiques, collectibles, and gifts.
    (iii) Convenience stores.
    (iv) Furniture and furnishings.
    (v) Grocery stores.
    (vi) Pet shops.
    (vii) Restaurants.
    (viii) Retail, general merchandise.
g. Bank and financial services.
h. Day care centers.
i. Laundry and dry cleaning.
j. Laundromats, self-service.
k. Offices.
l. Personal services.

22. Music stores;
23. Office uses;
24. Personal care facility, provided that there are no partitions in excess of four (4) feet in height in the interior of the tenant space, except appropriate interior partitions for a maximum of two (2) restrooms and one storage/office room not to exceed twenty-five (25) percent of the gross floor area, and that the front of the facility is not covered with blinds, curtains, or window coverings that block visibility into and through the facility;
25. Photography shops and studios;
26. Restaurants;
27. Retail stores;
28. Senior housing;
29. Shoe stores and shoe repair shops;
30. Stationary or book stores;
31. Supportive housing;
32. Tailors;
33. Transitional housing; and
34. Video Rentals.

(Ord. No. 2834, § 6(Exh. A), (Exh. E), 1-14-2014; Ord. No. 2909, § 4, 4-18-2017)

17.45.030 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure, and use in the mixed/multiuse (MMU) zone:

Table 17.45.030A
Development Regulations—Mixed/Multiuse Zone (MMU)

Development Regulation	MMU	Notes
1. Minimum density (residential uses)	25 du/ac	Minimum density for residential uses expressed as dwelling units per acre. Density is incentivized through land assembly/lot consolidation. See Section 17.45.040 for lot area per dwelling unit
2. Maximum density (residential uses)	35 du/ac	Maximum density for residential uses expressed as dwelling units per acre. The maximum density of 35 dwelling units on a one-acre lot with established percentages of open space required. It is not intended that lots less than one acre in size provide housing at the maximum density of the zone.
3. Maximum intensity (nonresidential uses)	1.0 FAR	Maximum floor area ratio (FAR) for nonresidential uses. Podium and underground parking is not counted toward floor area ratio (FAR).
4. Minimum lot area for any new project which contains residential only or mixed use with a residential component.	22,000 sq. ft.	See Section 17.45.040 for lot area per dwelling unit. For sites less than 22,000 sq. ft., new projects shall be non-residential only. This subsection shall not apply to residential development not fronting an arterial street.
5. Minimum lot frontage for any new project which contains residential only or mixed use with a residential component.	100 linear feet	This subsection shall not apply to residential development not fronting an arterial street

6. Minimum dwelling unit size	Studio: 500 sq. ft. 1-bdrm: 650 sq. ft. 2-bdrm: 800 sq. ft. 3-bdrm: 1,000 sq. ft.	
7. Maximum building height	4 stories/50 ft.	Underground levels and mezzanines lofts are allowed.
8. Distance between buildings (minimum)	10 ft.	Increase of 5 ft. for every 10 ft. of height, or fraction thereof, above 25 ft.
9. Front yard setback	5 ft. (min); 15 ft. (max)	
10. Street side setback	5 ft. (min); 15 ft. (max)	
11. Interior side setback	5 ft. (min); No max	Minimum 15 ft. if abutting residential zone district.
12. Rear yard setback	10 ft. (min) for residential portion, no requirement for commercial portion	Minimum 15 ft. if abutting residential zone district.
13. Permitted setback encroachments	6 ft. into setbacks	Balconies, awning, porches, stairways and similar elements may extend up to 6 ft. into the setback. Cornices, eaves, fireplaces, similar architectural features may extend 4 ft. into the front and rear setbacks and 3 ft. in interior setbacks.
14. Maximum lot coverage	None	
Landscape/open space standards:		
15. Publicly accessible open space (nonresidential)	The non-residential building footprint	See Section 17.10 for additional standards and Chapter 4.1 of the El Monte Comprehensive Design Standards.
16. Private open space (multi-family residential)	1st floor-150 sq. ft. per unit Upper floor-100 sq. ft. per unit	See Section 17.10 for additional standards and Chapter 4.1 of the El Monte Comprehensive Design Standards.

17. Common open space (multi-family residential)	200 sq. ft. per unit	See Section 17.10 for additional standards and Chapter 4.1 of the El Monte Comprehensive Design Standards.
Parking Standards:		
18. Surface parking	20 ft. min. setback from front lot line at driveway entrance; 15 ft. min side yard setback at driveway entrance.	See Section 17.45.050 for additional parking standards.
19. Garage/tuck-under parking	Prohibited along front and street side lot lines	See Section 17.45.050 for additional parking standards.
20. Underground/podium parking	Allowed beneath building footprint	See Section 17.11.050 for additional parking standards.
21. Above-ground parking structure	Permitted if screened from views from public right-of-way and adjacent single-family residential districts	See Section 17.45.050 for additional parking standards.

(Zoning Ordinance No. 2985, 10-20-2020)

17.45.040 - Lot area per dwelling unit.

A. For every building hereafter erected or structurally altered as a multiple-family dwelling, dwelling group, or apartment structure, the following table establishes the permitted densities based on gross square footage of the lot.

B. When calculating number of units, if insufficient area exists to provide the minimum lot area for the additional unit, the total number of units shall be rounded down to the smaller number.

Table 17.45.040A
Permitted Densities/Graduated Scale - Mixed/Multiuse Zone (MMU)

Lot Size Square Feet:	# of Dwelling Units Square Feet of Lot Area:
22,001—30,000	1/1,640 square feet
30,001—39,999	1/1,500 square feet
40,000—43,559	1/1,300 square feet
Above 43,560	1/1,244 square feet

(Ord. No. 2834, § 6(Exh. A), 1-14-2014; Ord. No. 2883, § 46, 6-21-2016)

17.45.050 - Parking regulations.

A. The mixed/multiuse zone integrates commercial, office and residential uses with varying parking requirements, peak hour demands and vehicle loading needs. Flexibility in meeting these varying requirements and demands is accommodated through parking requirements and inclusion of shared parking, when feasible. This Section provides parking standards for buildings in the mixed/multiuse (MMU) zone.

Table 17.45.050A
Parking Standards - Mixed/Multiuse Zone (MMU)

Use:	Required Number of Spaces:	Notes:
	Residential and Mixed-Use:	
Multi-family residential and condominiums	Studio -1 space per unit One bedroom 1.5 spaces per unit Two or three bedrooms - 2 spaces per unit Four or more bedrooms - 2.5 spaces per unit in common parking areas; 3 spaces per unit if private and enclosed. Additional guest parking spaces shall be provided at 1/6 spaces per unit.	Per unit; Tandem parking is allowed in cases where multiple spaces are assigned to a single unit
Senior housing	1.0 spaces per unit for developments of 10 units or less. For developments of 11 units or more, the parking shall be 0.5 spaces per dwelling unit, or 10 spaces, whichever is greater. Additional guest parking shall be provided at 1/10 spaces per unit.	Tandem parking is not allowed for senior units.
Very low and lower income housing units	1.0 space per very low or lower income unit. This parking ratio only applies to those units which are designated for very low or lower income. Additional guest parking shall be provided at 1/10 spaces per unit.	Tandem parking is not allowed for very low or lower income units.
Moderate income housing unit	Studio or one bedroom: 1.0 space per unit Two bedrooms: 1.5 spaces per unit Three or more bedrooms: 2.0 spaces per unit This parking ratio only applies to those units which are designated for moderate income. Additional guest parking shall be provided at 1/8 spaces per unit.	Per unit; Tandem parking is allowed in cases where multiple spaces are assigned to a single unit

	Non-Residential:
Hotel	1 space per rentable room.
Medical office	1 space per 250 square feet.
Professional office	1 space per 350 square feet.
Retail	1 space per 250 square feet of floor area for the first 20,000 square feet of gross floor area, 1 space per 400 square feet of floor area for the next 30,000 square feet of gross floor area and 1 space per 500 square feet of floor area after the first 50,000 square feet.
Restaurants	1 space per 250 square feet of gross floor area. For outdoor dining, the first 400 square feet or an area equal to 100 percent of the indoor dining area, whichever is less, shall not require any parking. Outdoor dining is excess of what is noted shall require 1 space per 350 square feet of outdoor area.
Transit-oriented project	10 percent parking reduction for non-residential projects within one-quarter mile of a major transit stop as defined in Section 21155.b of the California Pubic Resources Code. This reduction shall not apply to legal non-conforming uses.

1. Reduced Parking. The Planning Commission and City Council may reduce the required parking after considering documentation and/or study provided by the applicant, staff's recommendation and giving decisive weights to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impact on adjacent residential neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.
2. Electric Vehicle Charging Stations. In accordance with the California Green Building Code (CALGreen Code), new buildings shall be electric vehicle charging station ready. This requires residential and commercial properties alike to provide one 120V AC 20 amp and one 208/240V 40 amp, grounded AC outlet for each required parking space. The number of required parking spaces for electric vehicle charging shall be as follows:

Table 17.45.050B
Electric Vehicle Charging Station Standards - Mixed/Multiuse Zone (MMU)

Number of Required Electric Vehicle Charging Stations:	Total Number of Spaces:
Two (2) stations	Ten (10) to 50 parking spaces
Eight (8) percent of total spaces	51 to 150 parking spaces
12 stations	Greater than 150 parking spaces.

(Zoning Ordinance No. 2985, 10-20-2020)

17.45.060 - Frontage type regulations.

A. This section provides frontage type standards for buildings in the mixed/multiuse zone (MMU). Types of frontages include:

1. Live-Work/Office Fronts. A frontage that reinforces both residential and work activities that can occur in the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access to the building. Entrances and windows are provided on the front of the facade to provide eyes on the street and direct sidewalk access to commercial and office uses. The front setback may be improved with landscaping or as an extension of the public sidewalk to create a more pedestrian-friendly environment.

   a. Elevation of ground floor. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.

   b. Minimum Ground Floor Interior Height. Twelve (12) feet minimum (floor-to-floor height - commercial ready).

   c. Ground Floor Unit Entrances. All ground floor tenant spaces that have street frontage shall have entrances on a facade fronting a street. All other ground floor uses may have a common lobby entrance along the front facade or private entrances along other facades.

   d. Upper Floor Unit Entrances. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.

   e. Recessed Entrances. Entrances may be recessed into the facade.

   f. Awnings and Marquees. Awnings or marquees may be provided over storefront windows and entrances. Awning and marquees may project up to six (6) feet from the facade and extend over the sidewalk provided that at least eight (8) feet of vertical clearance is provided.

g. Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows). Projecting elements on upper floors may project four (4) feet from the facade and project into the setback.

h. Sidewalk and Setback Treatment. The public sidewalk shall be improved with street trees with an average spacing of thirty (30) feet on-center and pedestrian-scaled street lights (no taller than fourteen (14) feet). If the front facade is setback from the public sidewalk, the setback shall be landscaped and/or improved as an extension of the public sidewalk.

2. Residential Fronts. A frontage that reinforces the residential character and use of the building. The elevation of the ground floor is elevated above the grade of the lot to provide privacy for residences by preventing direct views into the home from the sidewalk. Entrances and windows are provided on the front of the facade to provide eyes on the street and direct sidewalk access to the building. Stoops are allowed to project into the front setback to enhance entrances. The front setback is primarily improved with landscaping.

   a. Elevation of Ground Floor. The ground floor elevation shall be located within six feet of the ground surface of the adjacent sidewalk or walkway.

   b. Minimum Ground Floor Ceiling Height. Ten (10) feet minimum (floor-to-floor height).

   c. Ground Floor Unit Entrances. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.

   d. Upper Floor Unit Entrances. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.

   e. Recessed Entrances. Entrances may be recessed into the facade.

   f. Stoops and Front Porches. Stoops and front porches may be provided in front of building and unit entrances. Stoops and front porches may project up to six (6) feet from the facade and project into the setback.

   g. Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows). Projecting Elements on upper floors may project four (4) feet from the facade and project into the setback.

   h. Sidewalk and Setback Treatment. The public sidewalk shall be improved with street trees with an average spacing of thirty (30) feet on-center and pedestrian-scaled street lights (no taller than fourteen (14) feet). If the front facade is setback from the public sidewalk, the setback shall be landscaped (excluding stoops/front porches and paved paths to building entrances).

3. Storefronts. A frontage that reinforces the commercial character and use of the ground floor of the building. The elevation of the ground floor is located at or near the

grade of sidewalk to provide direct public access into the building. Large storefronts display windows are provided on the front of the facade to encourage visual access to merchandise displays and to encourage window shopping. Awnings or marquees are provided over storefront windows and entrances. The front setback is primarily improved as an extension of the public sidewalk to create a more pedestrian-friendly environment.

a. Elevation of Ground Floor. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.

b. Minimum Ground Floor Ceiling Height. Fifteen (15) feet minimum (floor-to-floor height).

c. Storefront Entrances. All ground floor tenant spaces that have street frontage shall have storefront entrances on the facade fronting a street.

d. Lobby Entrances. Lobby entrances to upper floor uses shall be located on a facade fronting a street.

e. Recessed Entrances. Storefront and lobby entrances may be recessed into the facade.

f. Awnings and Marquees. Awnings or marquees are required over storefront windows and entrances. Awning and marquees may project up to six (6) feet from the facade and extend over the sidewalk provided that at least eight (8) feet of vertical clearance is provided.

g. Projecting Elements (Balconies, Shade Structures, and Bay Windows). Projecting Elements on upper floors may project four (4) feet from the facade and project into the setback.

h. Sidewalk and Setback Treatment. The public sidewalk shall be improved with street trees with an average spacing of thirty (30) feet on-center and pedestrian-scaled street lights (no taller than fourteen (14) feet). If the front facade is setback from the public sidewalk, the setback shall be improved as an extension of the public sidewalk.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.070 - Open space regulations.

This section provides open space standards for development within the mixed/multiuse zone (MMU).

A. Usable Open Space Defined. Usable open space areas are an open area or an indoor or outdoor recreational facility which is designed and intended to be used for outdoor living and/or recreation. Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, or turnaround areas.

B. The following standards shall apply to the requirements for open space:

1. Private Residential Open Space.

    a. For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of a fenced yard or patio, a deck or balcony at a minimum area of one hundred fifty (150) square feet per unit for first floor units and one hundred (100) square feet per unit for upper floors.

    b. The minimum dimension, width or depth, of a balcony shall be five (5) feet.

2. Common Residential Open Space.

    a. For stand-alone multi-family residential developments, each residential unit shall be provided with at least two hundred (200) square feet of common residential open space.

    b. All common open space shall be conveniently located and accessible to all dwelling units on the site.

    c. Common open space areas may include landscaping, pedestrian paths, and recreational facilities.

    d. In projects containing fewer than ten (10) units, the common open space shall have a minimum width and depth of ten (10) feet. In projects containing ten (10) or more units, the minimum width and depth shall be twenty (20) feet.

3. Recreational Amenities/Facilities.

    a. For projects containing twenty-five (25) or more residential units in stand-alone multi-family residential developments and as part of a mixed-use development, one common recreational amenity shall be provided for each twenty-five (25) units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two (2) amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.

        (i) Clubhouse (two (2)).

        (ii) Swimming pool (two (2)).

        (iii) Tennis court (one per court).

        iv) Basketball court (one per court).

        (v) Racquetball court (one per court).

        (vi) Weightlifting facility.

        (vii) Children's playground equipment.

        (viii) Sauna.

(ix) Jacuzzi.

(x) Day care facility (two (2)).

(xi) Other recreational amenities deemed adequate by the Economic Development Director.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.080 - Public space amenities requirements.

A. Each project proposed within the mixed/multiuse zone (MMU) must include a public open space amenity, or some form of physical interface for the pedestrian. Such features may include, but not be limited to:

1. Formal Plazas. A formal plaza would be a publicly accessible open space which has a design that is influenced by classical urban planning design. A formal plaza would typically include some sort of central water fountain and/or symmetrical landscaping.

2. Urban Gardens. An urban garden can be located on the ground level, or on upper levels of a structure. Urban gardens include ornamental landscaping arranged in raised or at-grade planters or planting areas, potted plants and trees. Many times there are sculptures or other forms of public art that are included within the urban garden.

3. Covered Colonnades. Colonnades are linear in design and generous in depth. The intent is to provide a comfortably wide, covered pathway that is adjacent to the openings of a building. Sometimes the second floor of a building is utilized to create the "covered" element of the colonnade.

4. Sidewalk Dining. Sidewalk dining may occur wherever a sidewalk space is ample enough to accommodate dining furniture without impeding pedestrian access of the sidewalk. Sidewalk dining may be defined with a railing or planters, or be open and accessible.

5. Pedestrian Alleys and Walkways. A pedestrian alley or walkway is typically a "lane" that does not follow the alignment of a vehicular street, but provides a pedestrian access to either a public space or some other feature within the interior of a development. Pedestrian alleys or walkways must be designed in such a manner so as to be inviting to pedestrians. Therefore, issues such as lighting, security, line of sight, cleanliness and visual appeal are important considerations to a well designed pedestrian alley or walkway. Sometimes public art, street furniture and access to shops and public spaces are features of pedestrian alleys and walkways.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.090 - Live-work development.

This section provides operational and compatibility standards for the development of live/work units within the mixed/multiuse zone (MMU).

A. Allowed Uses.

1. The nonresidential component of a live/work unit shall only be a nonresidential use allowed within the MMU zone, except that certain uses are determined to be not appropriate within a residential environment and are therefore prohibited as provided in subsection B, below.

2. The residential component of a live/work unit shall only be a residential use allowed within the MMU zone.

B. Prohibited Uses.

1. A live/work unit shall not be used for any of the following activities or similar activities as determined by the Director:

   a. Adult-oriented businesses;

   b. Animal care or boarding;

   c. Classroom instruction (e.g., art/music lessons, tutoring, and similar uses) involving five (5) or more students at any one time;

   d. Commercial food preparation activities;

   e. Industrial uses;

   f. Vehicle maintenance or repair (i.e., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;

   g. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;

   h. Medical and dental offices, clinics, and laboratories (not including chiropractors or counselors/psychotherapists);

2. Activities or uses that are not compatible with residential activities or that would clearly conflict with other live/work activities or the character of the surrounding neighborhood as determined by the Director; and

3. Activities or uses that would adversely affect the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

C. Site Planning and Design Standards.

1. Each live/work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit.

2. Each live/work unit shall have a clearly identified, separate access from other live/work units within the structure or development. Access to individual units shall be from common access areas, parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.

3. The living space within the live/work unit shall be contiguous with the working space, with direct access between the two (2) areas.

D. Operational Standards.

1. No portion of a live/work unit shall be separately sold or rented.
2. The owner or developer of a structure containing live/work units shall provide written notice to all occupants, tenants, and users that the surrounding area may be subject to higher impacts associated with nonresidential uses (e.g., noise) than exist in more predominantly residential areas. Performance standards for live/work units shall be those applicable to nonresidential uses allowed in the zone in which the live/work units are located.
3. All activities related to the "work" component of a live/work unit shall be conducted within a completely enclosed building.
4. Up to two (2) additional persons who do not reside in the live/work unit may work in the unit.
5. Client and customer visits to live/work units are allowed.
6. Parking for each live/work unit shall be provided in compliance with Chapter 17.08 (Parking Requirements).
7. A live/work unit shall not be converted to either entirely residential use or entirely nonresidential use.
8. A live/work use may display a window or building-mounted sign up to a maximum of five (5) percent of the building frontage area used for commercial purposes. Signs shall not be illuminated, including neon signs.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.100 - Vertical mixed-use development.

This section provides operational and compatibility standards for vertical mixed-use development within the mixed/multiuse zone (MMU).

A. Operational Standards.

1. Joint tenants and owners association.
   a. A joint tenants and owners association shall be formed to ensure the well-being of each tenant and owner in a mixed-use project.
   b. The association bylaws, including voting rights, shall be subject to review by the City Attorney and approval by the Director. The association's bylaws shall include the following:
      (i) Assignment of parking spaces per each use.
      (ii) Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities. Noise notification procedures.
      (iii) Relationship between uses regarding association representation

(iv) Voting procedures.

(v) Procedures for solving problems that may arise between the different types of uses or residents.

2. Loading and Unloading Activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.

3. Noise Notification.

a. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.

b. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information

B. Parking. Residential parking shall be secured and separated from public parking.

C. Bicycle Storage Areas. All vertical mixed use developments shall provide common bicycle storage areas for the residents as follows: two (2) bicycle storage units for every five (5) dwelling units for the first twenty (20) dwelling units, and one bicycle storage unit for every five (5) additional dwelling units.

D. Fences and walls. In addition to the regulations in Table 17.06.120 (Fences, Walls, and Hedges), fences and walls shall be subject to the following regulations:

1. Separation Wall Required. A masonry separation wall shall be constructed on all property lines adjacent to any single-family residential district. Pedestrian access points are encouraged and may be allowed subject to approval of the Director. The separation wall shall be six (6) feet in height, as measured from the highest elevation of land contiguous to the wall, except in a required front setback area and in a required exterior side setback area for a corner, reverse corner or key lot, where the wall shall be limited to thirty-six (36) inches in height.

2. Other Fences and Walls. Fences and walls are allowed in any yard area subject to the following height regulations:

a. Front yard and street side yard setback area. In the front yard and street side yard setback area, fences and walls are prohibited.

b. All other areas. In all other areas, the height shall be limited to six (6) feet, as measured from the side of the fence or wall with the highest grade.

3. Location. All perimeter fences and walls shall be constructed on the property line unless a different location is permitted by the Economic Development Director. No parallel wall or fence shall be constructed less than five (5) feet from an existing wall or fence, unless approved by the Economic Development Director.

4. Materials.

    a. Chain link fencing is prohibited, except that chain link fencing may be used for temporary fencing needs (construction sites, special events, vacant lots, etc.).

    b. Barbed wire and concertina wire are prohibited.

E. Trash Enclosures. Enclosures shall be required for refuse and recycling bins and there location shall be clearly indicated on required site plan. Outside trash enclosures shall be a minimum six (6) feet in height and shall be architecturally compatible with main building. Enclosures are not permitted in required front yard or street side yard setback area.

F. Landscaping. Landscaping shall comply with Section 17.10 (Landscaping) and Chapter 4.1 Section E. Landscape Design, of the El Monte Comprehensive Design Standards.

G. Screening and Buffering—Mechanical Equipment and Trash Facilities. All mechanical equipment, heat and air-conditioning equipment shall be architecturally screened from view and buffered and trash facilities shall be screened and buffered.

H. Signs. Signs shall comply with Chapter 17.12 (Sign Standards and Signage Regulation). In addition, in the MMU zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to a particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential area where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a discretionary process.

I. Sound mitigation. Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

J. Design Criteria.

1. A mixed-use development project shall be designed and constructed to:

    a. Be pedestrian in its focus by:

        (i) Providing direct pedestrian linkages to adjacent public sidewalks.

        (ii) Creating enhanced pedestrian connections throughout the project between residential and nonresidential uses and parking areas.

(iii) Providing enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.

b. Incorporating architectural design elements and materials that relate to a pedestrian scale.

c. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and park their vehicles only once.

d. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.

2. Consistent use of architectural details and materials. Architectural style and use of quality materials shall be compatible and consistent throughout an entire mixed-use project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project. The overall project design and site layout shall be one that promotes a strong pedestrian environment and active street frontage. This can be accomplished by incorporating features into the project as outlined in subsection 3, below.

3. Features.

a. Street Level Features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.

b. Pedestrian-Oriented Features. At least seventy-five (75) percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses; transparent display windows; landscaping).

c. Upper Level Features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.

d. Entrances. When nonresidential and residential uses are located in a vertical mixed use structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses. Entrances to individual residential units in a vertical mixed use project shall not be allowed along a

street frontage. Instead shared entrances to residential units located above the ground floor shall be from lobbies that serve multiple units.

e. Neighborhood Interface. The design of new infill development shall be sensitive to the scale and design characteristics of established structures in abutting residential neighborhoods, with the objective of achieving a harmonious transition between the new development and existing neighborhood. Consideration shall be given to factors including, but not limited to, orientation of architectural features, building articulation, and exterior building treatments.

f. Lighting. Lighting shall be incorporated along sidewalks or other pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.

g. Security. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by:

(i) Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Use opportunities for natural surveillance to increase visibility.

(ii) Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances.

(iii) Eliminating areas of concealment, hiding places, and dead spaces.

(iv) Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.110 - Outdoor dining.

This section provides standards for outdoor dining areas within the mixed/multiuse zone (MMU). Outdoor dining restricted is restricted to the ground floor only.

A. Public Property. Outdoor dining on public property shall require approval of an encroachment permit by the Public Works Director and compliance with the standards of the Public Works Department.

B. Private Property. Outdoor dining on private property shall comply with the following standards:

1. Coordinated Design Scheme. The design and appearance of proposed improvements or furniture (e.g., tables, chairs, benches, umbrellas, planters, menu boards, etc.) to be placed in an outdoor dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure, as determined by the Director.
2. Hours of Operation. Hours of operation for outdoor dining areas shall coincide with those of the associated indoor restaurant.
3. Property Maintenance. The operator shall maintain the outdoor dining area(s) in a neat, clean, and orderly condition at all times. This shall include all tables, benches, chairs, displays, or other related furniture. An adequate number of trash receptacles shall be provided to serve the outdoor dining area.
4. Outdoor Bar Prohibited. A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside dining area.
5. Location. Outdoor dining areas may be allowed to locate in required setback areas but shall not encroach into required parking areas. They may be allowed to encroach into a public right-of-way with an approved encroachment permit issued by the City Engineer.
6. Noise. Amplified sound (e.g., music, television, etc.) shall not be audible beyond the lot line.

C. Review Criteria. When reviewing an application to allow outdoor dining, the review authority shall consider the relation of outdoor dining areas to sensitive noise receptors (e.g., hospitals, schools, and residential uses). Mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.120 - Signs.

A. Signage. All development within the MMU zone shall have a "master sign program" as part of the project design. The sign program shall identify the location for all signage that may be located on the building, the allowable sign materials, lighting methods and sign design. In addition, temporary signs and banners will be included in the sign program, as to whether or not they are allowed, and if they are allowed, then where these signs may be located within the development project. At no time, shall the sign program allow for signage in excess of those standards within Section 17.12 (Sign Standards and Signage Regulation). "Box" signs, "canister" or "can" signs are prohibited.

Pedestrian-oriented, way finding and non-illuminated hanging "blade" signs that either hang under a colonnade or canopy, or project from the façade of a building, shall not be counted within the sign area formula that is used to calculate the maximum amount of sign area for each building. In other words, the hanging or projecting blade sign is a "free" sign in regards to being included in calculating the maximum amount of sign area that a development or store may have. In no case, shall a pedestrian-oriented, non-illuminated

hanging or projecting blade sign exceed two (2) square feet maximum per sign face, or two (2) square feet for a double-faced blade sign.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.130 - Housing element implementation.

A. To comply with housing element law, Government Code Sections 65583.2(h) and (i) and 65583(c)(1) (AB 2348), which requires the city to demonstrate adequate sites for the Housing Element update and facilitate development of affordable housing within the MMU zone, the city must ensure at least ten and one-half (10.5) acres within the MMU zone are designated for exclusively residential uses allowing a minimum twenty (20) dwelling units per acre to accommodate at least fifty (50) percent of the city's lower-income Regional Housing Needs Allocation (RHNA).

B. Pursuant to Government Code Section 56863, if a designated parcel is developed with a mix of residential and nonresidential uses or at less than twenty (20) units per acre, the city will immediately identify an alternative site with established minimum density requirements.

C. The city will report on the progress of residential development in the MMU zone in its annual progress reports required pursuant to Government Code Section 65400 and due on April 1st of each year. The inventory of available sites will also be made available to the development community through various outreach methods.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

17.45.140 - Other applicable regulations.

In addition to the requirements contained in this Chapter 17.45, regulations contained in the following chapters of this Title 17 shall apply to development in the MMU zone:

Chapter 17.06: General regulations.

Chapter 17.08: Parking requirements.

Chapter 17.10: Landscaping standards.

Chapter 17.11: Water efficiency.

Chapter 17.12: Sign standards and signage regulation.

Chapter 17.24: Conditional use permits.

Chapter 17.14: Nonconforming provisions.

Chapter 17.22: Design review.

Chapter 17.86: Comprehensive design guidelines.

El Monte Comprehensive Design Guidelines—Chapter 4 Implementing the Vision: Multi-Family Residential and Mixed-Use Design Guidelines.

(Ord. No. 2834, § 6(Exh. A), 1-14-2014)

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Chapter 17.48 - C-O ZONE

17.48.010 - Uses permitted.

No lot, premises, building or structure in the C-O professional office zone shall be used for any use or purpose other than those specified in the following sub-sections:

1. Café or coffehouse;
2. Commercial cannabis retailers licensed under and in compliance with any location requirement under Chapter 5.18;
3. Commercial cannabis testing laboratories licensed under and in compliance with any location requirements under Chapter 5.18;
4. Conservatory of music;
5. Employment agency;
6. Government or government-related enterprises. City, county, state, federal and other government or government-related enterprises, including buildings, facilities and use of departments or institutions thereof;
7. Interior decorating—no retail sales;
8. Medical laboratory;
9. Multiple-family housing;
10. Music and vocal instruction;
11. Offices, business or professional—no retail sales;
12. Prescription pharmacy;
13. Public Educational Institutions. Including public elementary, junior, middle or high schools;
14. Public parks, playgrounds and community buildings;
15. Telephone answering service, messenger offices;
16. The accessory buildings necessary to such use located on the same lot or parcel of land;
17. Transitional Parking. If any portion of a lot sides upon a lot in zone C-1 or in some less restrictive zone, or sides upon a lot which is entirely developed and used for transitional parking and which also sides upon a lot in zone C-1 or in some less restrictive zone, that portion thereof within one hundred (100) feet of the lot thus zoned C-1 or less restrictively and upon which it sides or from which it is thus separated, may be used for any use specified in Chapter 17.62 of this Title, upon condition that it be improved and maintained in accordance with all the applicable provisions of said Chapter 17.62 and of Chapter 17.08.030; and

18. Vitamin/nutrition store—any CBD products shall have a maximum of 0.3% THC.

(Zoning ordinance §§ 17.48.01—17.48.110)

17.48.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-O professional office zone:

A. Signs. Any exterior sign displayed shall pertain only to a use conducted within the building; shall not exceed ten (10) square feet in area; shall be attached flat against a wall of the building and parallel with its horizontal dimension, and shall front the principal street, a parking area in the rear or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line.

B. Building Height. No building or structure shall exceed in height two (2) stories or thirty (30) feet; provided, however, that roof equipment and material screening the same may extend not more than an additional ten (10) feet above the roof.

C. Front Yard. There shall be a front yard of not less than ten (10) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed.

D. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed.

E. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of said alley.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located aboveground shall meet with the approval of the City Planner and serving utility.

J. Residential Projects shall comply with all provisions of the R-4 zone; with exception to the front yard setback, which shall be a minimum of fifteen (15) feet.

(Zoning ordinance §§ 17.48.02—17.48.02.120)

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Chapter 17.50 - C-1 ZONE

17.50.010 - Uses permitted.

No lot, premises, building or structure in the C-1 limited commercial zone shall be used for any use or purpose other than those specified in the following sub-sections:

1. Any use permitted in the C-O zone;
2. Automobile parking areas, when developed as required in Chapter 17.62 of this title, if adjacent to a residential zone;
3. Bakery products shops;
4. Banks;
5. Barber shops;
6. Beauty shops;
7. Confectionery stores;
8. Dressmaking or millinery shops;
9. Drug stores, with or without a prescription pharmacy;
10. Clothes pressing and laundry and dry cleaning agencies;
11. Dry goods or notions stores;
12. Appliance stores and repairs, including radios and televisions;
13. Electric and mechanical game machines: not more than four (4) electric or mechanical game machines or combination thereof or a business with a valid certificate of occupancy and business license for another permitted use and with no more than ten (10) percent of the floor area of said business devoted to arcade machines as an incidental use only;
14. Florist shops;
15. Grocery, fruit and vegetable stores;
16. Ice storage houses of not more than five (5) ton capacity;
17. Jewelry stores;
18. Meat markets or delicatessen stores;
19. Photographic shops;
20. Restaurants (excluding dancing, entertainment and on-premises sale of alcoholic beverages);
21. Shoe stores or shoe repair shops;
22. Stationery or book stores;

23. Clothing or wearing apparel shops;

24. Tailor shop;

25. Accessory buildings necessary to any such use, located on the same lot or parcel of land, including a storage garage for the exclusive use of the patrons of the above stores or businesses;

26. Personal care facility, provided that there are no partitions in excess of 4 feet in height in the interior of the tenant space, except appropriate interior partitions for a maximum of two (2) restrooms and one storage/office room not to exceed twenty-five (25) percent of the gross floor area, and that the front of the facility is not covered with blinds, curtains, or window coverings that block visibility into and through the facility.

(Zoning ordinance § 17.50.01—17.50.01.280)

(Ord. No. 2779, § 10, 10-18-2011; Ord. No. 2878, § 6, 4-5-2016)

17.50.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-1 limited commercial zone:

A. Every store, shop or business specified in this chapter, other than automobile service stations, shall be conducted entirely within an enclosed building.

B. Products made incidental to a permitted use shall be sold only at retail on the premises.

C. All public entrances to all stores, shops or businesses hereinbefore in this chapter specified shall be from the principal street upon which the property abuts or within fifty (50) feet thereof, except that a rear or side entrance from the building to a parking area may be provided.

D. Any exterior sign display shall pertain only to a use conducted within the building; shall be attached to and be parallel with and not more than twelve (12) inches from the wall of the main building fronting the principal street, a parking area in the rear or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street. In no case shall a sign project above the roof line.

E. Building Height. No building or structure shall exceed in height three (3) stories or forty (40) feet; provided, however, that roof equipment and material screening the same may extend not more than an additional ten (10) feet above the roof.

F. Front Yard. There shall be a front yard of not less than five (5) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provision of the R-4 zone.

G. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

H. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of such alley.

I. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

J. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

K. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

L. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

M. All utility distribution lines, including, but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

N. All utilities and structures (appurtenances such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface-mounted electrical transformers, or other potential obstructions) shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility.

(Zoning ordinance §§ 17.50.020—17.50.02.150)

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Chapter 17.52 - C-2 ZONE

17.52.010 - Uses permitted.

No lot, premises, building or structure in the C-2 retail commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-1 zone;
2. Retail stores or business not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, and provided that no more than five (5) persons are employed, and not more than twenty-five (25) percent of the floor area of the building is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;
3. Ambulance service;
4. Automobile parking areas;
5. Bakeries employing not more than ten (10) persons on the premises;
6. Blueprinting and photostating shops;
7. Bird stores or pet shops;
8. Cleaning and pressing establishments using only noninflammable and nonexplosive cleaning fluid;
9. Department stores;
10. Electric distributing substations;
11. Furniture stores;
12. Garages, for public parking, including minor servicing only in a subterranean parking area;
13. Hardware stores;
14. Music stores;
15. Public buildings;
16. Refrigerated lockers;
17. Restaurant (including entertainment and on-sale of alcoholic beverages), if the perimeter of the lot or parcel of land upon which any portion of such business is conducted is located five hundred one (501) feet or more from all properties used for any public or private elementary or high school or any city park and recreation facilities;
18. Self-service laundries or launderettes;

19. Sharpening of knives, saws and lawnmowers;

20. Studios;

21. Accessory buildings necessary to any such use, located on the same lot or parcel of land;

22. Sign painting, excluding sign manufacturing and billboard painting; limited to hand-painted or printed signs of a specialty type, excluding spray painting;

23. Automobile parts and accessory stores.

(Ord. 2659 § 5 (part), 2005; zoning ordinance § 17.52.01—17.52.01.250)

17.52.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-2 retail commercial zone:

A. Front Yard. There shall be a front yard of not less than five (5) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of such alley.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including, but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface-mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility.

(Zoning ordinance §§ 17.52.02—17.52.02.100)

17.52.030 - Single-room occupancy (SRO)—Requirements.

Single-room occupancy (SRO) units, also known as efficiency units, shall be subject to a conditional use permit (Chapter 17.24) and shall comply with the following minimum standards and regulations:

A. Each SRO facility shall comply with all applicable development standards for the applicable zoning district and minimum standards contained herein below.

B. Units shall have a minimum size of one hundred fifty (150) square feet and a maximum of four hundred (400) square feet.

C. Each unit shall accommodate a maximum of two (2) persons.

D. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of Chapter 18.76 of the Municipal Code.

E. Laundry facilities must be provided in a separate enclosed room at the ratio of one washer and one dryer for every twenty (20) units of fractional number thereof, with at least one washer and dryer per floor.

F. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO (efficiency) unit facility.

G. Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.

H. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than thirty (30) inches in front.

I. Each SRO (efficiency) unit shall have a separate closet.

J. SRO (efficiency) units shall comply with all requirements of the California Building Code. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

K. An SRO (efficiency) unit project with ten (10) or more units shall provide on-site management. A project with less than ten (10) units may provide a management office off-site.

L. Tenancy of SRO (efficiency) units shall not be less than thirty (30) days and maximum period of twelve (12) months.

M. SRO (efficiency) unit parking shall be provided as follows:

1. One uncovered parking space for every three (3) SRO (efficiency) units.

2. Two (2) uncovered parking spaces for an on-site manager unit.
3. Each efficiency unit shall be provided at least one lockable bicycle parking space in a location that is adjacent to that SRO (efficiency) unit.

(Ord. No. 2834, § 6(Exh. C), 1-14-2014)

Chapter 17.54 - C-3 ZONE

17.54.010 - Uses permitted.

A. No lot, premises, building, or structure in the C-3 general commercial zone shall be used for any use or other purpose than those specified in the following subsections:

1. Any use permitted in the C-2 zone;
2. Retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises, and provided that no more than five (5) persons are employed and that not more than fifty (50) percent of the floor area of the building is used in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;
3. Antique stores;
4. Dancing academies;
5. Fortunetelling;
6. Furniture warehouses for storing personal household goods;
7. Public garages, including automobile and truck repairs; except trucks which have a manufacturer's specified gross vehicle weight greater than ten thousand (10,000) pounds. All repairs and servicing of automobiles and trucks shall be conducted entirely within an enclosed building, except emergency serviced and minor repairs;
8. Reserved;
9. Plumbing shops;
10. Printing, lithographing or publishing establishments;
11. Sale of house trailers, campers, travel trailers, utility trailers not to exceed ten (10) feet in body;
12. Taxidermists;
13. Upholstery shops, limited to automobile upholstery;
14. Accessory buildings necessary to any such use, located on the same lot or parcel of land;
15. Nurseries, flowers or plants;
16. Spiritual specialty shops.
17. Commercial cannabis cultivation sites licensed under and in compliance with any location requirement under Chapter 5.18 (limited to the East Valley Entryway Area overlay in Exhibit A of City Ordinance No. 2924);

18. Commercial cannabis manufacturing sites licensed under and in compliance with any location requirement under Chapter 5.18 (limited to the East Valley Entryway Area overlay in Exhibit A of City Ordinance No. 2924);

19. Commercial cannabis distributors licensed under and in compliance with any location requirement under Chapter 5.18 (limited to the East Valley Entryway Area overlay in Exhibit A of City Ordinance No. 2924); and

20. Commercial cannabis microbusinesses licensed under and in compliance with any location requirement under Chapter 5.18 (limited to the East Valley Entryway Area overlay in Exhibit A of City Ordinance No. 2924).

B. Amortization. Any spiritual specialty shop made legal nonconforming by the adoption of this section shall comply with all the requirements of the municipal code which include the obtaining of a permit pursuant to Section 5.96.090 of this Code by January 1, 2007.

(Zoning ordinance §§ 17.54.01—17.54.01.240; Ord. 2525 § 5 (part), 2000; Ord. 2659 § 5 (part), 2005; Ord. 2672 § 2, 2006; Ord. No. 2883, § 48, 6-21-2016; Ord. No. 2914, § 7, 7-18-2017)

17.54.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-3 general commercial zone:

A. Front Yard. There shall be a front yard of not less than five (5) feet. The required front yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard area shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. There shall be a rear yard having a minimum depth of twenty (20) feet measured from the rear lot line. Where there is an alley at the rear of the lot, such rear yard may be measured from center of such alley.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility.

(Zoning ordinance §§ 17.54.02—17.54.100)

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Chapter 17.56 - C-4 ZONE

17.56.010 - Uses permitted.

No lot, premises, building or structure in the C-4 heavy commercial zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-3 zone except commercial cannabis cultivation sites, commercial cannabis manufacturing sites, commercial cannabis distributors and commercial cannabis microbusinesses;
2. Manufacturing, assembly, compounding or treating of articles or merchandise from the following previously prepared materials: bone, canvas, cloth, felt, fur, glass, leather (except machine belting), paper, plastics, shell, textiles and yarn;
3. Addressograph service;
4. Assembly plant, aircraft;
5. Bakery goods manufacturing;
6. Bookbinding;
7. Box lunch preparation and catering establishments;
8. Candy manufacturing;
9. Cellophane products manufacturing;
10. Cigar and cigarette factory;
11. Cleaning and dyeing wholesale;
12. Clock factory;
13. Cosmetics, toiletries (except soap) or perfume manufacturing or blending;
14. Assembly of electrical appliances, electronic instruments and devices, and radios and phonographs, but limited to the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, and the like;
15. Ceramic products manufacturing, provided that the total capacity of all kilns in any one establishment may not exceed eight cubic feet and that there shall be no pulverizing of clay;
16. Distributing plant for aircraft, electronics;
17. Furniture refinishing;
18. Jewelry manufacturing, including manufacturing of products from precious or semi-precious metals or stones;
19. Laboratory: testing, experimental, motion picture, research and film;

20. Machine shop (except punch presses of over five (5) ton capacity, drop hammers and automatic screw machines);
21. Millinery manufacturing;
22. Motor, electric, repairing and/or rewinding only;
23. Rubber stamp manufacturing;
24. Optical goods manufacturing;
25. Sign painting shops;
26. Accessory buildings necessary to any such use located on the same lot or parcel of land;
27. Within Buildings. All activities other than incidental storage shall be conducted wholly within a completely enclosed building;
28. Nuisances Prohibited. The building shall be so constructed, the machinery and equipment shall be so installed and maintained, and the activity shall be so conducted, that all noise, vibration, dust, odor and all other objectionable factors, shall be confined or reduced to the extent that no annoyance or injury will result to persons residing in the vicinity. Whenever there is any difficulty in determining the application of these provisions to any specific case, the Inspection Bureau or its designated representative shall make such determination;
29. One hp Motors. No motor exceeding one horse power may be used to operate any lathes, drill press, grinder, shaper, milling machine, saw, polisher or metal cutter;
30. Prohibited Machinery. No punch press exceeding five (5) tons rated capacity, nor any drop hammer or automatic screw machine, may be used.

(Zoning ordinance §§ 17.56.01—17.56.01.290)

17.56.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the C-4 heavy commercial Zone:

A. Front Yard. All buildings shall be located not nearer than forty (40) feet from the centerline of a street. In any event, there shall be a front yard of not less than five (5) feet. The required front yard shall be landscaped and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard shall be landscaped, maintained and an underground irrigation system installed. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty (20) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the Design Review process or maintained

as a landscape area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty-five (25) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscaped area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the rear yard requirements of the R-4 zone.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Planning Services Manager and serving utility.

(Zoning ordinance §§ 17.56.02—17.56.02.100)

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Chapter 17.58 - M-1 ZONE

No lot, premises, building or structure in the M-1 light manufacturing zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the C-4 zone;;
2. Assembly plants;
3. Awning manufacture, canvas or metal;
4. Bag manufacturing;
5. Battery manufacturing and rebuilding;
6. Bedspring manufacturing;
7. Billboard manufacturing;
8. Blacksmith shop (except power trip hammers);
9. Boatbuilding, small;
10. Bottling plant;
11. Box factory;
12. Brewery;
13. Brush manufacturing;
14. Building material storage yard;
15. CBD manufacturer—provided there is no extracting of hemp or cannabis/hemp plants. Products shall be infused with finished and tested CBD products (isolate and/or distillate) with a maximum of 0.3% THC;
16. Cabinet or carpenter shop;
17. Candle making and manufacturing;
18. Cannery (except fish and meat products);
19. Canvas manufacturing;
20. Carpet, awning, blinds, mattress or upholstery shop, including cleaning and repair;
21. Clay products manufacturing;
22. Cloth manufacturing;
23. Coffee roasting;
24. Cold storage plant;
25. Compounding cleaning compounds;
26. Contractor, farming equipment;

27. Contractor's storage yard;
28. Cork products manufacturing;
29. Cornice works;
30. Creamery;
31. Distributing plant;
32. Draying or trucking yard or terminal;
33. Drive-in theaters;
34. Drug manufacturing;
35. Electrical parts manufacturing;
36. Electric sign manufacturing;
37. Emergency shelter (less than or equal to thirty (30) occupants);
38. Equestrian establishment, stable or riding academy;
39. Equipment, truck rental;
40. Electronic instruments and devices manufacturing;
41. Feather products, manufacturing or renovation;
42. Feed and fuel yard;
43. Feed mill;
44. Fiber products manufacturing;
45. Fixture manufacturing, gas, electric;
46. Food products manufacturing;
47. Fumigating contractor;
48. Furniture manufacturing;
49. Generators, electric, manufacturing;
50. Harness manufacturing;
51. Haybarn;
52. Heat treating of metal parts;
53. Horn products manufacturing;
54. Ice manufacturing and storage;
55. Ink manufacturing;
56. Insecticides manufacturing;
57. Iron works, ornamental;

58. Knitting mill;
59. Laundry;
60. Lumber yard;
61. Machine shop (except punch presses of over twenty tons rated capacity, drop hammers, and automatic screw machines);
62. Malt products manufacturing;
63. Medicine manufacturing;
64. Metal spinning;
65. Milk bottling and distributing station;
66. Milk pasteurization;
67. Motor, electric, manufacturing and repairing;
68. Neon sign manufacturing;
69. Novelty manufacturing;
70. Packing plant, fruit and vegetable;
71. Paint mixing (no boiling);
72. Phonograph manufacturing;
73. Plating;
74. Pottery manufacturing;
75. Produce yard or terminal;
76. Public utilities service yard, distributing station, electric transmission substation and as transmission and compressor station;
77. Pumping plant;
78. Radio manufacturing;
79. Refrigerating plant;
80. Rope plant;
81. Roofing contractor;
82. Rug manufacturing and cleaning;
83. Saddlery, saddle making;
84. Sandpaper manufacturing;
85. Sash and door manufacturing;
86. Sheet metal products manufacturing;
87. Shell products manufacturing;

88. Shoe manufacturing;
89. Shooting gallery;
90. Starch mixing and bottling;
91. Stone grinding, cutting, dressing;
92. Storage warehouse or elevator;
93. Tank truck parking or storage;
94. Television manufacturing;
95. Tinsmiths and sheet metal shops;
96. Tire retreading;
97. Toy manufacturing;
98. Trailer, motor home, camper manufacturing;
99. Truck repair--all repairs and servicing of trucks shall be conducted entirely within an enclosed building except emergency services and minor repairs;
100. Truck semi-trailer and utility trailer sales;
101. Truck storage or rental;
102. Upholstering, limited to manufacturing and processing of furniture type upholstery;
103. Venetian blind manufacturing;
104. Veterinary and animal hospital;
105. Welding shops;
106. Wholesale business;
107. Accessory buildings necessary to any such use located on the same lot or parcel of land.
108. Commercial cannabis cultivation sites licensed under and in compliance with any location requirement under Chapter 5.18;
109. Commercial cannabis manufacturing sites licensed under and in compliance with any location requirement under Chapter 5.18;
110. Commercial cannabis distributors licensed under and in compliance with any location requirement under Chapter 5.18; and
111. Commercial cannabis microbusinesses licensed under and in compliance with any location requirement under Chapter 5.18.

(Zoning Ordinance No. 2985, 10-20-2020)

17.58.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the M-1 light manufacturing zone:

A. Nuisances Prohibited. No use hereinbefore in this chapter specified shall be permissible in zone M-1 if any such operation, manufacturing, processing or treatment of products is obnoxious or offensive by reason of emission of odor, dust, gas fumes, smoke, liquids, wastes, noise, vibrations, disturbances, or other similar causes or may impose hazard to life or property.

B. Front Yard. All buildings shall be located not nearer than fifty (50) feet from the centerline of a street. In any event, there shall be a front yard of not less than fifteen (15) feet along major and secondary arterials as identified in the General Plan and ten (10) feet along all other streets. The required front yard shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

C. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard shall be landscaped, maintained and an underground irrigation system installed. Where such a property located in this zone is contiguous to any residentially zoned or used property a minimum twenty (20) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscape area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

D. Rear Yard. Where such a property located in this zone is contiguous to any residentially zoned or used property a minimum twenty-five (25) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscaped area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the rear yard requirements of the R-4 zone.

E. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

F. Distance Between Buildings. All on-site buildings shall have a minimum separation of twenty (20) feet. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

G. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

H. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

I. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

J. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Director and serving utility.

K. Maintenance Agreement. An operations and maintenance or similar agreement approved by the City and shall be required prior to the next new tenant occupying an industrial structure or tenant space. The agreement shall apply to the entire property, including all structures, tenant spaces, landscaping and parking areas. There may be only one (1) maintenance agreement per industrial structure or complex. This subsection shall not apply to uses authorized under Chapter 5.18.

(Zoning Ordinance No. 2985, 10-20-2020)

17.58.030 - Development standards for emergency shelters.

Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations:

A. A single emergency shelter for thirty (30) occupants, or a combination of multiple shelters with a combined capacity not to exceed thirty (30) occupants, shall be allowed as a permitted use, consistent with Section 65583(4)(A) of the Government Code. All emergency shelters, regardless of the number of occupants, shall meet all applicable development standards applicable to the zoning districts in which they are permitted by-right and minimum standards contained herein below. Any emergency shelter with a capacity greater than thirty (30) occupants shall also be subject to the approval of a conditional use permit, as set forth in Chapter 17.24.

B. The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.

C. To avoid over-concentration of emergency shelter facilities, a minimum distance of three hundred (300) feet shall be maintained from any other emergency shelter, as measured from the property line, in accordance with Government Code Section 65583(a)(4)(A)(v).

D. Emergency shelters shall not be located within one thousand (1,000) feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, off-sale liquor establishment, on-sale

liquor establishment, or correctional facility as defined in Chapter 17.04 (Definitions) and as measured from the property line.

E. Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four-hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.

F. Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six-foot-tall decorative wall or fence. Shopping carts are not permitted on-site.

G. Adequate waiting areas must be provided within the premises for clients and prospective clients including ten (10) square feet per bed, minimum one hundred (100) square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.

H. Facility improvements shall comply with the El Monte Municipal Code and the most current adopted Building and Safety Code, specific to the establishment of dormitories and shall additionally provide:

   1. A minimum of one toilet for every eight (8) beds per gender.

   2. A minimum of one shower for every (8) beds per gender.

   3. Private shower and toilet facility for each area designated for use by individual families.

I. An emergency shelter facility shall provide off-street parking at the ratio of one space per four (4) beds, and/or one-half (0.5) per bedroom designated as a family unit with children, plus one space per staff member. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.

J. Bike rack parking shall be provided at the facility.

K. Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of Chapter 17.86 of the Municipal Code and the referenced El Monte Comprehensive Design Guidelines.

L. The facility may provide the following services in a designated area separate from sleeping areas:

   1. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six-foot-tall visually screening decorative wall or fence.

   2. A counseling center for job placement, educational, health care, legal services, or mental health services.

   3. Laundry facilities to serve the number of clients at the shelter.

   4. Kitchen and dining area.

5. Client storage area.

M. Similar types of facilities to address the needs of homeless clients, as determined by the Economic Development Director. A shelter management plan shall be submitted as a part of the permit application, which addresses all of the following:

1. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project.

2. A minimum of one staff member per ten (10) beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who has been convicted of a felony or who are required to register as a sex registrant under Penal Code Section 290.

3. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.

4. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to El Monte.

5. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed one hundred twenty (120) days in a three-hundred-sixty-five-day period.

6. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.

7. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the city.

8. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four-hour period.

9. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff, or the general public.

10. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.

11. Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.

12. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.
13. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.
14. On a monthly basis, provide an updated list of emergency shelter residents to the Sheriff's Department.
15. All graffiti on the premises shall be removed by the business operator within twenty-four (24) hours.
16. Installation of anti-loitering signs.

N. The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, Building and Fire Codes. The facility shall be subject to city inspections prior to the commencement of operation. In addition, the city may inspect the facility at any time for compliance with the facility's management plan and other applicable laws and standards.

O. Emergency shelter operator shall obtain a city business license.

(Ord. No. 2834, § 6(Exh. C), 1-14-2014)

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Chapter 17.60 - M-2 ZONE

17.60.010 - Uses permitted.

No lot, premises, building or structure in the M-2 general manufacturing zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the M-1 zone;
2. Acetylene and natural gas storage;
3. Alcohol and alcoholic beverages manufacture;
4. Automobile assembly plant;
5. Bag cleaning;
6. Boiler or tank works (except riveting and power chipping);
7. Building materials manufacture;
8. Cement products manufacture;
9. Cooperage works;
10. Die casting, electrically operated only;
11. Dye-stuffs manufacture;
12. Flour mill;
13. Foundry;
14. Grain elevator;
15. Glass manufacture;
16. House mover or wrecker;
17. Lamp black manufacture;
18. Linoleum or oiled products manufacture;
19. Motor scooter for amusement purposes, driving or riding;
20. Paint manufacture by the blending only of ingredients;
21. Petroleum products storage;
22. Pickle manufacture;
23. Plastic manufacture;
24. Rolling mill;
25. Rock, sand and gravel storage and distribution;
26. Sawmill;

27. Screen door and window screen assembly;
28. Starch manufacture;
29. Steam electric generating station;
30. Stove manufacture;
31. Stove and shoe polish manufacture;
32. Sauerkraut manufacture;
33. Wholesale processing or packaging of fully dressed poultry and rabbits;
34. Accessory buildings necessary to any such use, located on the same lot or parcel of land.

(Zoning ordinance § 17.60.01)

17.60.020 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the M-2 general manufacturing zone:

A. Front Yard. All buildings shall be located not nearer than fifty (50) feet from the centerline of a street. In any event, there shall be a front yard of not less than fifteen (15) feet along major and secondary arterials as identified in the General Plan and ten (10) feet along all other streets. The required front yard shall be landscaped, maintained and an underground irrigation system installed. All buildings used exclusively for dwelling purposes shall comply with the front yard provisions of the R-4 zone.

B. Side Yard. There shall be a street side yard of not less than five (5) feet. The required street side yard shall be landscaped, maintained and an underground irrigation system installed. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty (20) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscape area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the side yard requirements of the R-4 zone.

C. Rear Yard. Where such a property located in this zone is contiguous to any residentially zoned property a minimum twenty-five (25) foot building setback shall be required. The use of this setback shall be restricted to the parking of operable vehicles, equipment or utilities incidental to the use on site as approved through the design review process or maintained as a landscaped area with underground irrigation system. All buildings used exclusively for dwelling purposes shall comply with the rear yard requirements of the R-4 zone.

D. Area. All buildings used exclusively for dwelling purposes shall comply with the area requirements of the R-4 zone.

E. Distance Between Buildings. All buildings used exclusively for dwelling purposes shall comply with the provisions of the R-4 zone regulating distance between buildings.

F. Trash Areas. All sites shall construct and maintain a masonry trash enclosure. All outside trash and garbage collection areas shall be paved and enclosed on at least three (3) vertical sides by a solid five-foot high wall and on the fourth side by a view obscuring gate to screen the containers from view. Trash enclosures shall be of a size sufficient to contain all trash containers maintained outside the building.

G. Screening of Mechanical Equipment. All mechanical equipment, including heating and air conditioning units, shall be screened from view.

H. Undergrounding of Utilities. All utility distribution lines, including but not limited to, electric, communication, natural gas and cable TV lines installed in and for the purpose of supplying service to any development shall be placed underground.

I. All utilities and structures (appurtenances) such as gas meters, electrical meters, telephone pedestal-mounted terminal boxes, surface mounted electrical transformers, or other potential obstructions shall not be located within the approved parking and/or turning radius area or any landscaped planting areas. All such facilities located above ground shall meet with the approval of the Director and serving utility.

J. Maintenance Agreement. An operations and maintenance or similar agreement approved by the City and shall be required prior to the next new tenant occupying an industrial structure or tenant space. The agreement shall apply to the entire property, including all structures, tenant spaces, landscaping and parking areas. There may be only one (1) maintenance agreement per industrial structure or complex. This subsection shall not apply to uses authorized under Chapter 5.18.

(Zoning ordinance §§ 17.60.02—17.60.02.090)

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Chapter 17.62 - P ZONE

17.62.010 - P automobile parking zone—Combination with R zone.

Land classified in a "P" zone may also be classified in an "R" zone.

(Zoning ordinance § 17.62.01)

17.62.020 - Uses permitted.

No lot, premises, building or structure in the P automobile parking zone shall be used for any use or purpose other than those specified in the following subsections:

1. Any use permitted in the respective R zone in which the land is classified;
2. Open air, temporary parking of transient automobiles, except trucks of over fifteen hundred (1500) pounds capacity.

(Zoning ordinance §§ 17.62.01.10—17.62.01.30)

17.62.030 - Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the P automobile parking zone:

A. Every lot, premises, building or structure used for any use or purpose permitted in any R zone shall be subject to all of the provisions of the chapter applicable to the particular R zone in which the same is classified.

B. That every lot established hereinafter in the P automobile parking zone shall conform to Chapter 17.08 of this title.

(Zoning ordinance §§ 17.62.02—17.62.02.20)

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Chapter 17.64 - RMP ZONE

17.64.010 - RMP—Residential mobile home park zone.

Land classified in an RMP zone may also be classified in another zone.

(Zoning ordinance § 17.64)

17.64.020 - Uses permitted.

No lot, premise, building, or structure in the RMP zone shall be used for any use other than as specified in the following subsections:

1. Any use permitted in another zone in which the land may be classified;
2. Residential mobile home parks.

(Zoning ordinance §§ 17.64.01—17.64.01.20)

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Chapter 17.65 – OPEN SPACE ZONE AND PUBLIC FACILITIES ZONE

17.66.010 - Uses permitted.

No lot, premises, building or structure in the R-1A one-family dwelling zone shall be used for any use or purpose other than those specified in the following subsections:

A. Open Space Zone.

   1. Public parks, playgrounds and community buildings.

B. Public Facilities Zone.

   1. Government or government-related enterprises. City, county, state, federal and other government or government-related enterprises, including buildings, facilities and use of departments or institutions thereof; and

   2. Public Educational Institutions. Including public elementary, junior, middle or high schools.

17.66.020 – Regulations.

The regulations contained in the following subsections shall apply to and be complied with as to every lot, premises, building and structure in the OS and PF zone:

A. Front Yard Setback. There shall be a front yard of not less than ten (10) feet for all buildings. The required front yard area shall be landscaped, maintained with an underground irrigation systems installed.

B. Side Yard Setback. There shall be a street side yard of not less than ten (10) feet for all buildings. The required front yard area shall be landscaped, maintained with an underground irrigation systems installed.

C. Rear Yard. There shall be a rear yard of not less than twenty (20) feet for all buildings where the property is contiguous to any residentially zoned and used property.

D. Building Height. Shall comply with Section 17.06.060 (Height of Buildings) of this Title.

E. Parking Areas. Shall comply with Chapter 17.08 (Parking Requirements) of this Title.

F. Landscaping. Shall comply with Chapters 17.10 (Landscaping Requirements) and 17.11 (Water Efficiency) of this Title.

G. Fences and Walls. Shall comply with Section 17.06.120 (Fences, Walls and Hedges) of this Title.

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Chapter 17.66 - PRD ZONE

17.66.010 - Planned residential development zone.

Land classified in a PRD zone shall be classified in the R-1A, R-1B, R-1C, R-2, R-3 or R-4 zones.

(Zoning ordinance § 17.66)

17.66.020 - Intent and purpose.

The intent and purpose of this chapter is as specified in the following subsections:

A. To encourage a better environment through greater flexibility of design by means of an overall development plan is possible solely through the strict application of the zoning regulations;

B. To encourage a more efficient use of the land and the reservation of a greater proportion of open space for recreational and visual use than is otherwise provided for in the zoning regulations;

C. To encourage a variety of dwelling unit types and site arrangement plans so as to give imagination and variety in the physical development pattern of the city;

D. To insure that these objectives are carried out and in the process the minimum gross population density within a particular dwelling zone remains in conformity with the requirements of this chapter and with the comprehensive general plan.

(Zoning ordinance §§ 17.66.02—17.66.02.40)

17.66.030 - Design objectives.

Every planned residential development shall be designed to achieve the design objectives specified in the following subsections:

A. The plan should provide for a comprehensive and harmonious arrangement of buildings, open spaces, circulation ways, off-street parking and development amenities;

B. The project should be related to existing and proposed land use and circulation plans of the community, and not constitute a disrupting element in the neighborhood;

C. The internal street system should be designed for the efficient and safe movement of vehicles without disrupting pedestrian circulation and activities and functions of the common areas;

D. Open and recreational areas and facilities should be located adjacent to all dwelling units or easily accessible therefrom;

E. Open and recreational areas should be made the focal point for the overall design of the development. Various community facilities should be grouped in places well related to these open spaces and easily accessible to pedestrians.

(Amended during 1999 recodification; zoning ordinance §§ 17.66.03—17.66.03.50)

17.66.040 - Uses permitted.

No lot, premise, building or structure in the PRD zone shall be used for any use other than or specified as follows: any use permitted in the zone in which the land may be classified.

(Zoning ordinance §§ 17.66.01, 17.66.01.10)

17.66.050 - Conditional use permit required.

No planned residential development shall be permitted or constructed other than pursuant to and in accordance with a conditional use permit secured in compliance with the provisions of Chapter 17.24 of this title.

(Zoning ordinance § 17.66.04)

17.66.060 - Zone restriction.

No conditional use permit for a planned residential development shall be granted with respect to any property classified in any zone other than the R-1A, R-1B, R-1C, R-2, R-3 or R-4 zones. New PRDs shall not be permitted in the RHOD.

(Zoning ordinance § 17.66.05)

(Ord. No. 2928, § 27, 5-15-2018)

17.66.070 - Zone compliance.

A conditional use permit for a planned residential development shall be subject to the minimum requirements of the zone in which proposed, unless such requirements are specifically modified pursuant to this chapter.

(Zoning ordinance § 17.66.06)

17.66.080 - Requirements.

A conditional use permit for a planned residential development shall be subject to all of the conditions specified in the following subsections:

A. Minimum Land Area. A planned residential development shall be of sufficient size, composition and arrangement to enable its feasible development as a complete unit.

B. Exception of Zone Regulations. Regulations pertaining to yard requirements, lot dimensions, street frontage of lots and limitations on the number of dwelling units in a building for the zone in which the land is situated need not be applied if the Planning Commission finds and determines that the project meets the intent and purpose of Sections 17.66.020, 17.66.030 and 17.66.050. Lot area, lot dimensions and lot locations shall be determined by the Planning Commission during the conditional use permit public hearing. Final approval of the plan for a planned residential development shall constitute approval of lot area, lot dimension and location as set forth in the approved plan. No reduction of front yard setback adjacent to a public street shall be granted except through modification pursuant to Chapter 17.20.

C. Additional Regulations. After reviewing an application for a planned residential development the Planning Commission may, in its approval thereof, impose conditions or

requirements in addition to or in excess of those specified in this chapter if it finds that such additional requirements or conditions are necessary for the protection of the public health, safety or welfare.

D. Density. Density shall be determined by the underlying zone; however, density shall mean the average density of the entire site, excluding property dedicated for a public purpose.

(Zoning ordinance §§ 17.66.07—17.66.07.40)

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Chapter 17.67 - SPECIFIC PLANS

17.67.010 - Intent and purpose.

The specific plan designation serves as a planning tool to enhance development options when current zoning does not adequately provide for an optimal design or development program. The purpose of this chapter is to establish uniform procedures for the adoption and implementation of specific plans. The intent of the specific plan designation is as follows:

A. To promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it;

B. To encourage a more efficient use of the land;

C. To encourage a range of housing and employment activities so as to give imagination and variety in the physical development pattern of the city;

D. To encourage the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmental friendly design concepts whenever possible;

E. To facilitate development within the city in accordance with the general plan by permitting greater flexibility and encouraging more creative design development projects.

(Ord. 2678 § 5 (part), 2006)

17.67.020 - Establishment of the specific plan district.

When deemed to be necessary for orderly development in the city and for implementation of the general plan, and when deemed to be in the public interest, the city on its own, or upon application by a property owner, may process and adopt a specific plan in compliance with the provisions of this chapter. Applications not initiated by the city shall be accompanied by the appropriate filing fee.

(Ord. 2678 § 5 (part), 2006)

17.67.030 - Application requirements.

A specific plan application form shall be accompanied by a specific plan document, including text and diagrams, which include the following:

A. A boundary survey map of the property or project area and a calculation of the gross land area within the district. A tentative subdivision or parcel map may be substituted if processed concurrently;

B. A land use plan identifying areas within the proposed district and uses to be developed therein, supported by proposed density, intensity, and size of all existing and proposed land uses, including open space;

C. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

D. Statement of relationship of the specific plan to the general plan, and an analysis of consistency;

E. Where applicable, an affordable housing plan consistent with the requirements of the city's redevelopment plans. Such affordable housing shall be similar in exterior design to market-rate housing within the same project;

F. A circulation plan showing existing and proposed public and private streets, pedestrian ways, trails, bus stop locations, and access required to serve the project;

G. Preliminary plans for essential urban services, including, but not limited to: water service, sewer service, solid waste disposal, stormwater management, energy, public safety, recreation, schools, and other essential facilities which may be needed to support the proposed development;

H. A plan for complying with the City's Local Park Code. Specific plan projects with more than two hundred (200) units are encouraged to provide a portion of their public park requirement on site;

I. The location of existing public utilities on and adjacent to the site, and the proposed location of utility extensions;

J. The nature and location of any planned off-site improvements to be performed in conjunction with site development;

K. Land use regulations, site development standards, and performance standards needed to govern subsequent approval of tract maps or developments within the district;

L. Prototypical plans and elevations of residential, commercial, and industrial buildings, or design guidelines for such development, consistent with Section 17.67.070 of this chapter;

M. A conceptual landscape plan and plant palette, or landscape design guidelines for public/common landscape and hardscape areas;

N. A plan for implementation including any programs, public works projects, and financing measures to implement the project and the required infrastructure;

O. A preliminary schedule setting forth phasing of development. The intent is to correlate the general phasing of development with the on- and off-site infrastructure necessary to support it;

P. Administrative provisions that address the procedures and conditions for amending, adjusting standards, and interpreting the specific plan, consistent with Section 17.67.050 of this chapter;

Q. Supporting studies as deemed necessary by the Planning Director or City Manager's Office, including, but not limited to:

    1. Parking demand analysis to accompany a mixed-use project where shared parking is desired,

2. Fiscal impact analysis of the proposed project. Where a change of zone is proposed, the fiscal analysis should also include a comparison of development potential under the existing zone and the proposed project;

R. Other information as is deemed necessary by the Planning Services Manager to assure that the proposed specific plan is consistent with the provisions of state law, the general plan, and any other laws, regulations, and policies of the city.

(Ord. 2678 § 5 (part), 2006)

17.67.040 - Pre-application process.

A. A pre-application process is required prior to formal submittal of a specific plan. The intent is to establish a preliminary consultation process between city staff and the applicant to identify issues or concerns related to conceptual development plans, and to determine if other information will be required pursuant to Section 17.67.030 of this chapter. The pre-application review does not result in any official recommendation or final decision with respect to the application. The pre-application submittal includes, but is not limited to, the following:

1. Proposed land uses and development concepts, along with sufficient information to describe the general relationships between land uses, the project vision and design character, and the market(s) served;

2. A compatibility analysis of the proposed land uses and development concepts with existing adjacent land uses and developments. This analysis is intended to evaluate the compatibility of the proposed project and special site planning considerations with respect to adjacent properties, uses, aggregate impacts (including railroads) within five hundred (500) feet of the site property line in terms of, including, but not limited to, the following adjacent land use issues:

   a. Business operations, including hours of operation, transportation activities (e.g., volume and type of delivery traffic, delivery routes, and loading/storage areas),

   b. Ambient and projected noise levels, including single event noise sources above levels established in the general plan and in Chapter 8.36 of this Code,

   c. Hazardous materials stored, used, and disposed, including applicable methods, and

   d. Odors;

3. Other information as deemed necessary by the Planning Director based on the nature, scale, and location of the proposed project. This may include requiring submission of an independent market analysis for the uses proposed;

4. Presentation of the pre-application materials at a Planning Commission and/or City Council workshop. Such presentation shall be for information purposes only, and shall be in addition to subsequent public review requirements pursuant to a specific plan application.

B. Following consultation with the applicant and the review of pre-application materials, the city will provide written comments and a specific plan requirements summary to be used in future project review.

(Ord. 2678 § 5 (part), 2006)

17.67.050 - Procedures.

A. Review and adoption of specific plans shall be conducted in the same manner as zoning reclassifications under Chapter 17.26 (Zone Change—Zoning Code Amendment). The application for a zone change to a specific plan designation shall be accompanied by a specific plan as described in this chapter. The zone change and specific plan request shall be considered concurrently.

B. In connection with approval of a specific plan, the zoning map shall be amended by an ordinance adopted by the City Council to rezone and reclassify the area covered by such specific plan. The specific plan district shall be indicated on the zoning map by an SP designation and a number.

(Ord. 2678 § 5 (part), 2006)

17.67.060 - Development standards.

A. The allowable uses in each specific plan district shall be as established by a specific plan approved by the City Council. The specific plan may incorporate uses by reference to specific base districts provisions or may establish specific use lists with definitions in the specific plan.

B. An existing zone, or zones, may be specified as the underlying base zone(s) for the area covered by a specific plan. Exceptions to the zoning and development standards of the base zone(s) shall be provided in the specific plan.

C. The specific plan zoning and development standards shall, upon adoption, supersede the zoning previously established for the area covered by the specific plan. Violations of the specific plan zoning and development standards shall carry the same penalties and shall be enforceable in the same manner as other violations of the Zoning Code.

D. Unless otherwise provided in a specific plan, adoption of such specific plan shall have no effect upon other requirements under state law or the Municipal Code for development approval including, but not limited to, subdivision maps, grading, design, engineering, and location of public improvements.

E. Any provisions in the specific plan for locations or design of sewers, storm drains or utilities shall be subject to review and approval by the City Engineer and the Public Utilities General Manager or their designated representatives.

(Ord. 2678 § 5 (part), 2006)

17.67.070 - Design criteria.

A. A specific plan shall demonstrate compliance with and implement the following design criteria intended to achieve high quality development:

1. Coherent architectural style(s) which establishes a clear and distinct image of the development project;
2. Varied and articulated building footprints and wall facades, including height variations and roof lines, consistent with the architectural style;
3. Context sensitive integration of building(s), open spaces, and landscape and hardscape areas to achieve an overall sense of place;
4. Quality materials, with appropriate use of colors, and textures which enhance the total effect;
5. Effective softening of parking, loading, and drive areas with landscaping, buffering and lighting;
6. Effective screening of mechanical equipment, trash areas, and other ancillary uses, both in terms of on-site and off-site visual impacts;
7. Reduced dominance of automobile garages or parking structures, achieved by building design, orientation, location on the site, or incorporation into other structures;
8. Effective use of open space for site access, recreation activities, resting, and enhancement of the overall site, including availability for public use;
9. Provision of pedestrian, bicycle and bus access to and, where feasible, within the site, including connection to city or regional networks, to reduce dependence on the automobile; and
10. Effective buffering from adjacent uses or, in the case of similar uses, effective coordination (such as shared access and parking, consistent landscaping and lighting, etc.).

(Ord. 2678 § 5 (part), 2006)

17.67.080 - Findings.

Prior to approving or conditionally approving any specific plan or amendment thereto, the Planning Commission or City Council shall make the following findings:

A. That the property proposed for the specific plan has unique site characteristics such as topography, location, or surroundings that are enhanced by special land use and development standards;

B. That the specific plan is consistent with the goals, policies, and vision of the general plan;

C. That the specific plan results in development of desirable character and use types that will be compatible with existing and proposed development in the surrounding neighborhood;

D. That the specific plan contributes to a balance of land uses throughout the city.

(Ord. 2678 § 5 (part), 2006)

Chapter 17.68 - SERVICE STATION STANDARDS

17.68.010 - Definitions.

For the purposes of this chapter certain terms and words are defined as follows:

"Advertising structure" means a structure of any kind erected or maintained for outdoor advertising.

"Permanent reader panel" means a permanently installed, changeable copy bulletin board, whether lighted or unlighted, with detachable or replaceable precut letters and figures.

(Zoning ordinance §§ 17.68.01—17.68.01.20)

17.68.020 - General requirements.

A. Select Street Frontage. No automobile service station shall be constructed, maintained or operated on any lot or parcel of land that does not abut at least one select system street specified in Section 12.16.010 of this Code.

B. Plan Review. No building permit for a service station shall be issued until the plans therefore have been reviewed and approved by the Planning Commission. If the requirements of this chapter and the other requirements of this Code are met, such permit shall, upon the granting of a conditional use permit therefore, be issued in accordance with all such provisions.

(Zoning ordinance §§ 17.68.02—17.68.02.30)

17.68.030 - Site requirements.

The minimum requirements specified in this section shall apply to all service stations.

A. Lot Width and Depth. No service station shall be constructed or operated on a lot having a depth and width of less than one hundred (100) feet.

B. Lot Area. No service station shall be constructed or operated on a lot having less than sixteen thousand (16,000) square feet in area.

C. Setbacks.

1. No service station building shall be located nearer than thirty-five (35) feet from any street property line. Such setback shall be measured at the building foundation.

2. No canopy shall be closer than five (5) feet to any property line.

3. No gasoline pump or facility for dispensing gasoline nor any pump island on which the same are or may be located shall be nearer than fifteen (15) feet from any property line.

(Zoning ordinance §§ 17.68.03—17.68.03.30)

17.68.040 - Site development standards.

Every service station hereafter constructed or maintained shall comply with the site development standards specified in the following subsections:

A. Perimeter Walls. If a lot upon which a service station is constructed or maintained abuts a lot classified in Zone R-4 or in any more restrictive zone, a six-foot high solid masonry wall shall be constructed along the full length of each property line abutting property thus residentially zoned; provided, however, that such wall height shall be reduced to four (4) feet adjacent to the front yard of each adjacent residential property.

B. Rest Room Screening. All outdoor rest room entrances shall be screened from view from all adjacent properties and streets by means of a decorative screen six (6) feet in height. The bottom of such screen shall be raised no less than twelve (12) and no more than eighteen (18) inches above finished grade for visibility and ventilation.

C. Trash Areas. All outside trash, garbage, refuse and other storage areas shall be enclosed by a masonry structure not less than six (6) feet in height. Provision for adequate vehicular access for collection of such trash and materials shall be provided to and from such areas.

D. Landscaping. Every lot or parcel of land upon which a service station is constructed or maintained shall be landscaped as follows:

1. Three (3) foot wide planters shall be installed and maintained adjacent to every street frontage for the full length thereof except for driveways.

2. Two hundred (200) square feet of planting area shall be installed and maintained at the intersection of the property lines at a street corner.

3. A landscaped planter at least three (3) feet wide shall be constructed and maintained along the full length of each building elevation which is parallel to an adjacent street if the view thereof from such parallel street is otherwise unobstructed.

4. All planting areas shall be separated from adjacent asphalt paving by curb walls at least six (6) inches in height.

5. Landscaping plans for all required planter areas shall be submitted to the Planning Commission for its review and approval.

6. Permanent underground irrigation systems shall be installed and maintained for every landscaped area, and all such landscaped areas shall be planted and maintained in a clean and workmanlike manner.

7. Planters three (3) feet in width shall be installed and maintained immediately adjacent to all interior property lines from the intersection thereof with the adjacent street right-of-way line to a point fifteen (15) feet distant therefrom; provided, however, that if an interior perimeter wall is required, such planter shall extend to a point even with the actual building line of the automobile service station.

8. All plants in any planter adjacent to a perimeter wall shall, when required by the Planning Commission, be of a variety capable of growing to the height of such wall.

E. Surface Drainage. Flow lines shall be shown on all service station plot plans. Normal sheet flow may be permitted across sidewalks. Concentrated runoff shall be carried under sidewalks by means of a drainage structure approved by the City Engineer.

F. Utilities. All utilities including electrical, telephone, CATV, and similar service wires or cables which provide direct service to the property occupied by an automobile service station shall, within the exterior boundaries of the station property, be installed underground. Related electrical equipment, such as but not limited to, surface mounted transformers, pedestal maintained terminal boxes and meter cabinets, may be placed above ground if they are enclosed.

G. Equipment. All hydraulic hoists and pits, and all equipment for lubrication, greasing, automobile washing, and permitted repairs shall be enclosed entirely within a building.

H. Exterior Lighting. All exterior lighting shall be so arranged and shielded as to prevent any glare or reflection upon and any kind with adjoining streets or properties.

I. Architectural Control. All exterior walls should be constructed of rock, brick, stucco, wood, treated metal or any combination thereof. All exterior elevations shall be subject to review by and approval of the Planning Commission.

(Zoning ordinance §§ 17.68.04—17.68.04.90)

17.68.050 - Access, parking and circulation.

Every lot or parcel of land upon which is constructed or maintained a service station shall comply with the provisions of this section.

A. Driveways Limited. No such site shall have more than two (2) driveways or means of access to any one street.

B. Curb Separation. Every driveway shall be separated from adjacent residential property by a full height curb extending at least five (5) feet in length from the residential property line.

C. Driveway Width. No driveway shall exceed a width of thirty-eight (38) feet at the sidewalk. (See Planning Commission for additional regulations).

D. Corner Driveways. No driveway shall encroach into the curve of a street corner unless the radius of the curb return is greater than thirty (30) feet, in which case such encroachment shall not exceed one-eighth of such radius.

E. Driveway Separation. There shall be a minimum distance of twenty-two (22) feet of full height curb between each service station driveway.

F. Required Parking. Two (2) marked parking spaces shall be provided for each service bay, and in addition thereto additional marked parking spaces shall be provided equal in number to the total number of employees employed at any one time at such service station site.

G. Prohibited Parking. No person shall park any vehicle on any sidewalk, parkway, driveway, or planting area.

H. Vehicles for Sale or Hire. No vehicle on any service station premises may be advertised or offered for sale, lease or hire. No vehicle shall be parked on a service station site other than tow-trucks and other vehicles used in the conduct of the service station business, vehicles of employees used by them for transportation to and from work on the premises, vehicles of persons conducting business on service station site while conducting such business, and vehicles of customers either awaiting service thereon or while being serviced or which have been serviced on the premises and are awaiting delivery to or pickup by the owner thereof.

(Amended during 1999 recodification; zoning ordinance §§ 17.68.05—17.68.05.80)

17.68.060 - Signs and displays.

All signs and displays on the premises of an automobile service station shall comply with the provisions of and shall be limited to those specifically permitted by this chapter.

A. Size. The total advertising area shall not exceed two (2) square feet of sign for each lineal foot of street frontage.

B. Number. No more signs than the number specified in this subsection shall be permitted:

1. One wall sign per business building face;
2. One permanent reader panel;
3. One roof sign not to exceed a maximum height of thirty (30) feet, measured from finished grade at the building foundation;
4. One freestanding sign not to exceed a maximum height of thirty (30) feet, in no event closer than thirty-five (35) feet to a rear or side property line, and to be located within fifteen (15) feet of all abutting street property lines;
5. Four (4) price signs, all at the same height above grade, with maximum dimensions of five (5) feet by six (6) feet, and each attached to the permitted freestanding pole sign;
6. In lieu of the wall signs permitted by subsection (B)(5) of this section, not more than two (2) five (5) feet by six (6) feet permanent free standing price signs may be installed at the point where the interior side and street property lines intersect;
7. Two (2) permanent directional (self-serve and/or full serve) signs per pump island, not to exceed two (2) feet by two (2) feet in size shall be permitted.

C. Sign Lighting. Unless otherwise approved by the Planning Commission, all lighted signs shall be internally illuminated and shall cause no glare or reflection or light on other properties or buildings.

D. Flashing and Rotating Signs. No sign shall have progressive lighting. Rotating signs shall be limited to a maximum of eight (8) revolutions per minute and shall be limited to trade mark or trade name of the business conducted on the premises.

E. Banners. No banners, bunting strips, strings of signal flags or any similar display shall be permitted outside the building; provided, however, that such displays shall be allowed for fifteen (15) days after the issuance of the certificate of occupancy for the opening of a new service station.

F. No attachment to Light Standards. No signs shall be attached to the light standards.

G. Portable Signs. No portable signs shall be allowed outside the building.

H. Street Projection. No sign shall project over any portion of public right-of-way or conflict with traffic signalization in the area.

I. Display Location. Display of automotive supplies may be located only within an enclosed building, within five (5) feet of the central business office, or on a pump island.

(Zoning ordinance §§ 17.68.06—17.68.06.90)

17.68.070 - Operational restrictions.

Every automobile service station shall be conducted in accordance with the provisions of this chapter.

A. Hours of Operation. No automobile service station located within one hundred (100) feet of property zoned exclusively for residential purposes shall be open for or conduct any type of business between the hours of ten p.m. and six a.m., except that this section shall not apply to any service station located within three hundred (300) feet of a freeway interchange. This section shall not preclude the wholesale filling of underground storage tanks at any time.

B. Repairs and Service. All repairs to and servicing of automobiles shall be conducted entirely within an enclosed building. This section shall not apply to the supplying of fuel, air, water, and antifreeze, or the cleaning of windows.

C. Sales and Rentals. No rentals of trailers, trucks, motor bikes or similar equipment shall be permitted. No sale of any merchandise (such as peat moss, fertilizer, vehicles and toys) not clearly incidental to the automotive industry, shall be permitted; provided, however, that on service station sites containing at least twenty-two thousand, five hundred (22,500) square feet trailers that may be operated by any person with a Class 3 drivers license may be rented subject to all conditions imposed by a conditional use permit obtained pursuant to Chapter 17.24 of this title. No other merchandise shall be sold other than convenience items, such as soft drinks and cigarettes from dispensers within or abutting the main building.

D. Cessation of Signals and Exterior Lighting. All signal bells and all lights shall be turned off when the station is not in operation, except that necessary security lights may be left on, which security lights shall not exceed fifty (50) percent of the exterior light fixtures by number nor fifty (50) percent of the lamp bulbs in exterior multi-lamp fixtures.

(Ord. 2525 § 4 (part), 2000; zoning ordinance §§ 17.68.07—17.68.07.40)

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Chapter 17.70 - OUTDOOR ADVERTISING STRUCTURES

17.70.010 - Nonconforming use.

Every outdoor structure heretofore lawfully erected and in existence upon the effective date of City Council Ordinance No. 2522 may continue thereafter as a legal nonconforming use, however, any improvement or alteration of any part thereof other than advertising copy shall comply with the provisions of this chapter.

(Ord. 2522 § 7 (part), 2000: zoning ordinance § 17.70.020)

(Ord. No. 2914, § 8, 7-18-2017)

Editor's note— Ord. No. 2914, § 8, adopted July 18, 2017, renamed § 17.70.010 from "nonconforming use—continuation and removal" to "nonconforming use."

17.70.020 - Relocation.

Any outdoor advertising structure heretofore lawfully erected and still in existence upon the effective date of City Council Ordinance No. 2522 may be relocated in accordance with Chapter 17.88 of this Code.

(Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.030)

(Ord. No. 2914, § 9, 7-18-2017)

17.70.030 - Removal of signs.

Every outdoor advertising structure heretofore or hereafter unlawfully erected or maintained shall be forthwith removed by the property owner, or by direction of the City Council after a duly noticed public hearing where it is determined such outdoor advertising structure has been unlawfully erected or maintained, and the cost of such removal shall become a lien on the property where such unlawfully erected or maintained outdoor advertising structure was located. The unlawful structure so removed shall be stored by the city and released to the property owner upon tender of payment to the city of the cost of the removal plus a storage fee of five dollars ($5.00) per day or any fraction thereof, excluding the first day such structure is taken into storage. If such illegal structure is not claimed within ten (10) working days after storage, the city shall dispose of such structure in the best interests of the property owner seeking to set off against removal and the best interests of the property owner seeking to set off against removal and storage fees any value received for such structure.

(Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.040)

17.70.040 - Maintenance.

All signs and sign structures shall be maintained in a state of safe condition and good repair. Any sign or sign structure that is allowed to deteriorate to such a condition that the paint, lettering or plastic face begins to crack, peel or weather, or sign structures which become bent or damaged in any way, shall be repainted or repaired to its original condition when installed or be entirely replaced or completely removed.

(Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.150)

17.70.050 - Appendages and attachments.

Attachment of other on premises or off-premises signs to outdoor advertising structures shall not be permitted. No part of an outdoor advertising structure shall be attached to a building in any manner.

(Ord. 2522 § 7 (part), 2000; zoning ordinance § 17.70.160)

17.70.060 - Zone and use restrictions.

Except as expressly permitted in Section 17.70.010, no outdoor advertising structure may hereafter be maintained unless it complies with the following:

A. Outdoor advertising structure, two hundred (200) square feet or greater in area:
    1. The structure must be located in the C-3 or less restrictive zone.
    2. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for commercial or industrial use.
    3. The parcel of land upon which the billboard is located may not contain a residential use.
B. Outdoor advertising structure, two hundred (200) square feet or less in area:
    1. The structure must be located in the C-3 or less restrictive zone.
    2. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for commercial or industrial use.
    3. The parcel of land upon which the billboard is located may not contain a residential use.
    4. The structure may not be within a one hundred fifty (150) foot radius of any on-premise freestanding advertising sign located on the same parcel.
C. The provisions of this Section 17.70.060 shall only apply to outdoor advertising structures heretofore lawfully erected and still in existence upon the effective date of City Council Ordinance No. 2522.

(Ord. 2522 § 7 (part), 2000: zoning ordinance § 17.70.170)

(Ord. No. 2914, § 10, 7-18-2017)

Chapter 17.74 - MULTIPLE TENANT DEVELOPMENT STANDARDS

17.74.010 - General.

Multiple tenant development shall be subject to the regulations specified in this chapter and to such additional regulations as may be specified in the conditional use permit authorizing the same.

(Zoning ordinance § 17.74)

17.74.020 - Floor area.

The floor area ratio of dissimilar uses shall be identified on an approved floor plan submitted by the developer.

(Zoning ordinance § 17.74.20)

17.74.030 - Recordation of covenant.

Prior to issuance of a building permit, the owner of a multiple tenant development shall submit to the Planning Division a covenant which runs with the land and benefits the city in recordable form that the owner will:

A. Maintain the buildings and the premises in the multiple tenant development in a good and first class condition;

B. Maintain the landscaping on the site in a good and first class condition; and

C. Control signage in the multiple tenant development.

(Zoning ordinance § 17.74.30)

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Chapter 17.75 - CORRECTIONAL FACILITIES

17.75.010 - Definitions.

For the purposes of this chapter, all definitions, including that of "correctional facility," will be defined as outlined under Chapter 17.04 (Definitions) of Title 17 (Zoning) of the EMMC.

(Ord. No. 2812, § 16, 1-22-2013)

17.75.020 - Permitted locations.

A. Correctional facilities may be permitted in any C-3 or less restrictive zone with a conditional use permit pursuant to Section 17.24.040 (Conditionally permitted uses in specified zones) of Chapter 17.24 (Conditional Use Permits).

B. Correctional facilities shall not be permitted in any of the following locations:

1. Within one thousand (1,000) feet of any type of community care facility or similar type of facility, measured from property line to property line;
2. Within one mile of another correctional facility, measured from property line to property line;
3. Within one thousand (1,000) feet of a school, library, public park, or recreation area, measured from property line to property line;
4. Within one thousand (1,000) feet of a property zoned for residential development, measured from property line to property line.

(Ord. No. 2812, § 16, 1-22-2013)

17.75.030 - Operational and space regulations.

A. Correctional facilities shall provide a minimum of sixty (60) square feet of sleeping space per bed, not including closet space, storage space, multi-purpose rooms, bathrooms, dining rooms, and halls.

B. Correctional facilities shall provide a minimum of ten (10) square feet of multi-purpose space per bed, not including sleeping space and kitchen areas. Multi-purpose space shall be used for games and activities, visiting, television lounge, meetings, and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict.

C. Correctional facilities shall provide a minimum of eight (8) cubic feet of closet and drawer space for clothing and personal belongings per bed. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.

D. Correctional facilities shall provide a minimum of fifteen (15) square feet of dining area for each resident, not including kitchen areas and sleeping space.

E. Correctional facilities shall provide at least one toilet and wash basin for every eight (8) beds. At least one shower or bathtub shall be provided for every twelve (12) beds.

Correctional facilities shall provide for individual privacy in all toilet, shower, and bath areas.

F. Correctional facilities shall provide an exercise area of at least five hundred (500) square feet, not including required yards and required landscape areas.

G. Correctional facilities shall provide at least one parking space for every three (3) beds or one parking space for every two hundred fifty (250) square feet of gross floor area, whichever is greater.

H. Correctional facility residents shall be regularly employed, regularly attending job training, or regularly attending a learning institution.

I. Correctional facility shall be liable for costs to the City for dispatch calls and other Police Department costs, up to a maximum of five hundred dollars ($500.00) per dispatch call, relating to dispatch calls caused by the actions of correctional facility residents or correctional facility personnel in which the Police Department ultimately determines that the dispatch call was the result of a crime or alleged crime that resulted in a police report or enforcement agency investigation.

(Ord. No. 2812, § 16, 1-22-2013)

17.75.040 - Electronic and written record maintenance.

A. Correctional facilities shall maintain a list of all correctional facility residents, which shall detail the sentences and offenses precipitating each resident's stay at the correctional facility. This list shall be made available upon written City request within fifteen (15) calendar days of City request.

B. Correctional facilities shall maintain electronic and written records, including but not limited to Department of Motor Vehicle registration and licensing pertaining to all vehicles being driven by residents of the correctional facility and shall provide the electronic and written records to the City upon written request within fifteen (15) calendar days of City request.

C. Correctional facilities shall maintain a list of residents returned to higher security federal, state or county prison or jail for violation of correctional facility rules and/or parole which list shall be provided to the City upon written request fifteen (15) calendar days of City request.

D. Correctional facilities shall install recorded camera surveillance systems as approved by the City as a crime prevention measure. The installation of such recorded camera surveillance systems shall be a condition precedent to the City's issuance of a certificate of occupancy for correctional facilities. Such systems shall be set up for a forty-five-day rotation period. All video recordings shall be kept onsite for at least five (5) years from the date of recordings and shall be made available to the City upon written request within fifteen (15) calendar days of City request.

E. Failure to timely make electronic and written records available to the City, as provided for in this Section 17.75.040, within the time period allowed shall result in the assessment of a

five hundred dollars ($500.00) penalty due to the City per day until the requested records are made available. Notwithstanding this imposition of monetary penalties, the City shall reserve the right to commence conditional use permit revocation proceedings, as outlined under EMMC Section 17.24.100, for the repeated and recurring failure to timely make requested electronic and written records available to the City as provided for in this Section 17.75.040.

(Ord. No. 2812, § 16, 1-22-2013)

17.75.050 - Personnel requirements.

A. All correctional facility personnel shall be trained in accordance with Title 15, Sections 11-358 of the California Code of Regulations and maintained at levels mandated by the Federal Bureau of Prisons.

B. Correctional facilities shall provide at least two CPR trained, uniformed custodial guards or monitors on duty at all times on correctional facility premises. CPR training must be made in accordance with the most current American Heart Association CPR guidelines.

(Ord. No. 2812, § 16, 1-22-2013)

17.75.060 - Excludable offenses.

A correctional facility shall not accept persons that were convicted of any of the following offenses, as are defined in the California Penal Code, to be correctional facility residents or personnel:

1. Murder;
2. Vehicular manslaughter;
3. Voluntary manslaughter;
4. Mayhem;
5. Kidnapping;
6. Robbery (including bank robbery);
7. Assault with intent to rape or rob;
8. Assault with a deadly weapon;
9. Rape;
10. Forcible sodomy;
11. Lewd act on a child;
12. Forcible oral copulation;
13. Forcible penetration by foreign object;
14. Arson;
15. Grand theft using a firearm;

16. Assault by a life prisoner on a non-inmate;
17. Assault with a deadly weapon by an inmate;
18. Holding of a hostage by a prisoner;
19. Personal use of a deadly weapon;
20. Personal use of a firearm;
21. Personal infliction of a great bodily injury;
22. Exploding a destructive device with intent to injure;
23. Exploding a destructive device with intent to murder;
24. Exploding a destructive device with intent to cause mayhem or great bodily injury;
25. Selling and/or furnishing drugs to a minor;
26. Sale or possession for sale of a controlled substance;
27. Any felony punishable by death or life imprisonment;
28. An attempt to commit any of the crimes listed;
29. Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of eighteen (18), including all offenses registerable as sex offenses under California Penal Code Section 290, and also offenses involving child pornography as described in California Penal Code Sections 311 through 312.3;
30. Any person convicted of a crime whom the sentencing judge deems unacceptable for community access;
31. Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.

(Ord. No. 2812, § 16, 1-22-2013)

17.75.070 - Repeat residence prohibition.

Correctional facilities shall not accept persons to be facility residents that have previously resided in any correctional facility within the City limits and were subsequently released, after service of his or her sentence, or returned to federal, state or county prison or jail for violation of correctional facility rules and/or parole.

(Ord. No. 2812, § 16, 1-22-2013)

Chapter 17.76 - ADULT ENTERTAINMENT ESTABLISHMENT

17.76.010 - Definitions.

As used in this chapter:

"Adult bookstore/adult video store/adult novelty store" means any establishment which on a regular and substantial basis sells or rents, or offers for sale or rental, for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas;"
2. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," including goods which are replicas of, or which simulate "specified anatomical areas" or "specified sexual activities," and goods which are designed to be placed on or in "specified anatomical areas."

"Adult business" means a business which is conducted exclusively for the patronage of adults and as to which minors are specifically excluded from patronage, either by law and/or operators of such business, and which is characterized by an emphasis on "specified sexual activities" and/or "specified anatomical areas. "Adult business also means and includes any adult motion picture theater, adult bookstore/adult video store/adult novelty store, adult cabaret, adult dance studio, adult hotel or motel, adult theater, sexual encounter establishment, nude modeling studio, adult tanning salon, sex supermarket/sex mini-mall, and any other business or establishment that, on a regular and substantial basis, offers its patrons entertainment or services which involve, depict, describe or relate to "specified sexual activities" and/or "specified anatomical areas."

"Adult cabaret" means a nightclub, bar, restaurant, bottle shop, or similar commercial establishment, whether or not alcoholic beverages are served, which, on a regular and substantial basis, features: (1) persons or entertainers who appear on stage; (2) live performances which are characterized by the exposure of "specified sexual activities" or "specified anatomical areas;" or (3) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult dance studio" means any business or commercial establishment which provides for members of the public a partner for dance where the partner, or the dance, is distinguished or characterized by an emphasis on matter involving, depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

"Adult motel or hotel" means a motel, hotel or similar commercial establishment offering public accommodations for any form of consideration which, on a regular and substantial basis": (1) provides patrons with closed-circuit television transmissions, films, motion pictures,

video cassettes, slides or other photographic reproductions characterized by an emphasis on material depicting, describing or relating to "specified sexual activities;" and/or (2) offers, rents, leases, or lets any room for less than a ten (10) hour period; or (3) offers or allows a tenant or occupant to rent or subrent a sleeping room for a period of less than ten (10) hours.

"Adult motion picture theater" means any establishment where, for any form of consideration, one or more motion picture projectors, video cassette players, slide projectors or similar machines, for viewing by five or fewer persons each, are used on a regular and substantial basis to show films, motion pictures, video cassettes, slides or other photographic reproductions characterized by an emphasis on material depicting, describing or relating to "specified sexual activities" and/or "specified anatomical areas."

"Adult-oriented business" or **"sexually-oriented business"** has the same meaning in all respects as adult business and shall be subject to all conditions and requirements of an adult business as defined in this section.

"Adult tanning salon" means a business establishment where patrons receive tanning services in groups of two (2) or more and where patrons or employees of the establishment expose specified anatomical areas. "Adult tanning salon" or "tanning parlor" shall also include a business establishment where the employees thereof are nude or expose "specified anatomical areas" for any form of consideration.

"Adult theater" means a theater, concert hall, auditorium or similar establishment which, for any form of consideration, and on a regular and substantial basis, features live performances which are characterized by an emphasis on "specified anatomical areas" and/or "specified sexual activities."

"Advertise" means public notice or announcement of items or services through the use of newspaper, handbills, radio, television, or other means of public communication.

"Employee of an adult business" means a person who works or performs, as an employee or as an independent contractor, in and/or for an adult business, regardless of whether said person is paid a salary, wage, or other compensation by the business.

"Entertainer" or **"live entertainer"** means any person who is an employee or independent contractor of an Adult Business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult business.

"Escort" means any person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a "striptease" for another person. Escort shall not include any person hired by a state licensed school for purposes of modeling in any art education class while such person acts in that capacity or any federal, state and/or city-licensed limousine or taxi service.

"Establishment of an adult business" means and includes any of the following:

1. The opening or commencement of any sexually-oriented business as a new business;
2. The conversion of an existing business, whether or not it is a sexually-oriented business, to any sexually-oriented business;

3. The addition of any sexually-oriented business to any other existing sexually-oriented business; or to another existing nonsexually-oriented business, with or without expansion of floor area;
4. The relocation of any sexually-oriented business; or
5. The substantial enlargement of the premises of an adult business.

"Figure model" means any person who, for pecuniary compensation, consideration, hire, or reward, poses in a nude modeling studio to be observed, sketched, painted, drawn, sculpted, photographed or otherwise depicted.

"Notice" means written notice given by personal service upon the addressee, or given by the United States mail, postage prepaid, addressed to the person to be notified at his or her last known address. Service of such notice shall be effective upon the completion of personal service, upon placing the same in the custody of the United States Postal Service.

"Nude modeling studio" means a business which provides, for compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Nude modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education, or any classroom of any school licensed under State law to provide art education while such classroom is being used in a manner consistent with such state license. "Nude Modeling Studio" further does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists, and which does not provide, permit or make available "specified sexual activities."

"Nudity" or **"state of nudity"** means the showing or display of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered genitals in a discernable turgid state.

"Off-premises" means any business where the primary services or entertainment are provided at a location or locations other than the premises of the subject business.

"Operate an adult business" means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult business or activities within an adult business.

"Operator of an adult business" means and includes the owner, permit holder, custodian, manager, operator, or person in charge of any permitted or licensed business.

"Private viewing area" means an area or areas in a sexually-oriented business designed to accommodate no more than five (5) or less patrons or customers for purposes of viewing or watching a performance, picture, show, film, videotape, slide, movie, or other presentation.

"Public nudity" means **"nudity"** or a **"state of nudity"** that occurs in a business open to the public, whether or not a fee is charged for admission to such business.

"Public park" means a park, playground, swimming pool, athletic field, or similar recreational facility within the city which is under the control, operation or management of the city or any other public agency.

"Regular and substantial basis." An activity or performance shall be deemed to be regular or substantial basis when it constitutes more than twenty-five (25) percent of the total performance time, stock-in-trade, revenue, floor space, advertisement or similar element of the business. For purposes of this definition, revenue shall include gross revenue generated by the business, including revenue received by entertainers and others who work as independent contractors. For purposes of this definition, the floor space devoted to a regulated activity shall include all the area devoted to the activity, including, but not limited to, display area, sales area, performance areas, viewing areas, dressing rooms, and all aisles and pathways between and within such areas.

"Religious institution" means a structure which is used primarily for religious worship and related religious activities, including, but not limited to a church, temple, mosque, chapel or similar place of worship.

"Residential use or residential zone" means property which is zoned for a residential use and/or a single family dwelling, duplex, townhouse, multiple-family dwelling or mobile home park/subdivision or recreational vehicle park, but not including a caretaker's/security house or trailer, or a legal nonconforming residential use in a "C" or "M" zone as permitted by this Code.

"Schools" means any child care facility, or an institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, junior high school or middle school, senior high school or any special institution of education within the city.

"Semi-nude" means a state of dress in which clothing, including supporting straps or devices, covers no more than the genitals, pubic region, and areolas of the female breast.

"Sex supermarket/sex mini-mall" means the establishment or operation of more than one-type of sexually-oriented business or use as defined in this title within the same building.

"Sexual encounter establishment" means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort in connection with "specified sexual activities" and/or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

"Specified anatomical areas" means and includes any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered;

3. Any device, costume or covering that simulates any of the body parts included in subsections 1 or 2 of this definition.

"Specified sexual activities" means and includes any of the following:

1. The fondling or other intentional touching of human genitals for purpose of sexual arousal, or fondling or other intentional touching of human genitals, pubic region, anus, female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral/anal copulation, bestiality, flagellation or torture in the context of a sexual relationship;
3. Masturbation, sodomy, oral copulation, coitus or ejaculation of human or animal, actual or simulated;
4. Human genitals in a state of sexual stimulation, arousal or tumescence; or
5. Excretory functions, urination, vaginal or anal irrigation as part of or in connection with any of the activities described in subdivisions 1 through 4 of this definition.

"Substantial enlargement of an adult business" means an increase or expansion, over the lifetime of an adult business, of more than ten (10) percent or one hundred (100) square feet, whichever is less in the portion of the floor area of the business which is devoted to products, services or entertainment with an emphasis on material depicting, describing or relating to "specified anatomical areas" and/or "specified sexual activities."

"Transfer of ownership or control of an adult business" means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
3. The establishment of a trust, gift, or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership of control.

(Ord. 2536 § 4 (part), 2001)

17.76.020 - Purpose and intent.

A. The purpose and intent of this chapter is to regulate adult businesses which, unless closely regulated, tend to have serious negative secondary effects on the community, which effects include, but are not limited to, the following; depreciation of property values and increase in vacancies in residential and commercial areas in the vicinity of adult businesses; interference with residential property owners' enjoyment of their property when such property is located in the vicinity of adult businesses as a result of increases in crime, litter, noise and vandalism; higher crime rates in the vicinity of adult businesses; and blighting conditions such as low-level maintenance of commercial premises and parking lots, which thereby have a deleterious effect upon adjacent areas. Special regulation of these

businesses is necessary to prevent these adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult businesses.

B. It is neither the intent nor the effect of this chapter to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this chapter to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult businesses to their intended market.

C. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or any statute of the state of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

D. Notwithstanding any provision of Title 9 (Public Peace, Morals and Safety) of the this Code, the regulations set forth under this chapter shall apply specifically to adult businesses.

(Ord. 2536 § 4 (part), 2001)

17.76.030 - Applicability and exceptions.

A. This chapter shall apply to the establishment of an adult business, as defined in Section 17.76.010 (Definitions).

B. This chapter shall not apply to any of the following businesses or activities:

1. Any massage establishment holding a valid massage establishment certificate and whose owner(s) and manager(s) are also the holders of valid operating certificates, all issued in accordance with the provisions of Chapter 5.56 of the El Monte Municipal Code;

2. Any massage practitioner holding a valid state certificate and in full compliance with all requirements, restrictions and obligations set forth under Chapter 5.56 of the El Monte Municipal Code; and

3. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person holding a valid license or certificate issued by the State of California to practice such art or profession under the provisions of the Business and Professions Code or any other applicable state law.

For purposes of this subsection (B), the terms "massage establishment," "massage establishment certificate," "massage practitione,r, "operating certificate(s)," and "state certificate" shall have the same meaning as set forth under Chapter 5.56 of the El Monte Municipal Code.

(Ord. 2536 § 4 (part), 2001)

(Ord. No. 2779, § 4, 10-18-2011)

17.76.040 - Establishment of an adult business.

The establishment of an adult business shall be permitted only in the M-1 (light manufacturing) zone and M-2 (general manufacturing) zone, subject to the following regulations:

A. An adult business shall not be established or located within two hundred fifty (250) feet of:

1. Any religious institution, including a church, synagogue, mosque, temple, mortuary, cemetery, or building or portion of a building or structure which is used for religious worship or related religious activities;

2. The boundary of any residentially zoned land, whether in the city, in an adjoining city or within a residential zone;

3. Any residential use in any zone;

4. Any public park or recreational area or property zoned, planned or otherwise designated for such use, including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, or other similar public land;

5. Any public or private educational facility including, but not limited to, child day care facilities, libraries, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, secondary schools, continuation schools, and special education schools. This category of uses does not include vocational or professional institutions of higher education including, but not limited to, community or junior colleges, colleges, and universities.

The uses and zones set forth in subsection A of this section shall be collectively known as "sensitive uses".

B. An adult business shall not be established or located within seven hundred-fifty (750) feet of another adult business, whether in the city, in an adjoining city or within an unincorporated area.

C. If two (2) or more existing Adult Businesses are located in closer proximity to each other than seven hundred-fifty (750) feet, in determining which of the businesses is nonconforming, preference shall be given in the order of the respective lengths of continuous uninterrupted operation of the businesses.

D. Where two (2) or more adult business applications are submitted for businesses which would be located in closer proximity to each other than seven hundred fifty (750) feet, the application which was accepted first in time shall be processed by the city, with any latter submitted applications deemed incomplete until such time as a determination is made by the city on the initial application.

E. The locational standards set forth in subsections A through C, inclusive, of this section shall pertain to legally established land uses in adjacent jurisdictions.

F. Each such adult business must, prior to commencement or continuation or substantial enlargement of such business, first apply for and receive an adult business license in accordance with the provisions of Chapter 5.98 of this Code.

(Ord. 2536 § 4 (part), 2001)

17.76.050 - Measurement of distance.

For the purposes of this section, the distance between any two (2) adult businesses shall be measured in a straight line, without regard to the boundaries of the city and to intervening structures, from the nearest portion of the property line of the lot where such adult business is conducted, to the nearest property line of another adult business. The distance between any adult business and any residential use, religious institution, school, public park or other sensitive use shall also be measured in a straight line, without regard to the boundaries of the city and to intervening structures, from the nearest portion of the property line of the lot where such adult business is conducted, to the nearest property line of a residential use, religious institution, school, public park or sensitive use.

(Ord. 2536 § 4 (part), 2001)

17.76.060 - Misdemeanor offenses.

In addition to all other offenses specified in this chapter, this Code and state statutes, an adult business shall be subject to the following restrictions:

A. Notwithstanding that it is not a criminal offense for a person to operate or cause to be operated an adult business to be in violation of the nudity limitation set forth in Chapter 5.98 of this Code, it is unlawful and a misdemeanor to establish, substantially enlarge or operate an adult business within the city without first complying with the provisions of this chapter.

B. It is unlawful and a misdemeanor to operate or cause to be operated an adult business outside of the zones specified in this chapter.

C. It is unlawful and a misdemeanor to operate or cause to be operated an adult business in violation of the locational standards set forth in Section 17.76.050 of this chapter.

D. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of more than one adult business within the same building, structure or portion thereof, or cause the increase of floor area of any adult business in any building, structure or portion thereof containing another adult business.

E. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of a sex supermarket/sex mini-mall as defined in this chapter.

(Ord. 2536 § 4 (part), 2001)

17.76.070 - Violations/Penalties.

Any firm, corporation or person, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this chapter shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than one

thousand dollars ($1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Any violation of the provision of this chapter shall constitute a separate offense for each and every day during which such violation is committed, permitted, caused or continued.

(Ord. 2536 § 4 (part), 2001)

17.76.080 - Civil injunction.

The violation of any provision of this chapter shall be and is declared to be contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief.

(Ord. 2536 § 4 (part), 2001)

17.76.090 - Public nuisance.

In addition to the penalties set forth above, any adult business which is operating in violation of this chapter or any provision thereof, or Chapter 5.98 of this Code, or any provision thereof, is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

(Ord. 2536 § 4 (part), 2001)

17.76.100 - Administrative penalties.

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative penalties, as set forth by city ordinance.

(Ord. 2536 § 4 (part), 2001)

17.76.110 - Amortization and regulation of nonconforming adult business uses.

A. Establishment of Nonconforming Use. Any adult business which was legally established and lawfully operating prior to December 12, 2000, shall be deemed a nonconforming use, and shall be subject to all provisions of this chapter, except as otherwise provided herein.

B. Amortization. Any use of real property existing on December 12, 2000, which does not conform to the provisions of this chapter, but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued until December 12, 2003, after which time all such nonconforming uses shall be terminated unless an extension of time has been approved by the Planning Services Manager or his/her designee, pursuant to Section 17.76.120 of this chapter.

C. Abandonment. Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult business for a period of one hundred eighty (180) days shall result in a loss of legal nonconforming status of such use.

D. Amortization—Annexed Property. Any adult business which was a legal use at the time of annexation of the property and which is located in the city, but which does not conform to the provisions of this chapter shall be terminated within one year of the date of

annexation, unless an extension of time has been approved by the Planning Services Manager, or his/her designee, in accordance with the provisions of Section 17.76.120 of this chapter.

E. Alteration/Enlargement. Any nonconforming adult business shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use.

F. Conflicting Adult Businesses. If two (2) or more adult businesses are within seven hundred fifty (750) feet of one another and otherwise in a permissible location, the adult business which was first established and has continually operated at the particular location is the conforming use and the later established business(es) is nonconforming.

G. Subsequent Approvals. Any adult business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of an adult business permit and/or license, of a school, public park, religious institution, public building likely to be frequented by minors, residential or other sensitive use within two hundred fifty (250) feet of the adult business. This provision applies only to the renewal of a valid permit and/or license and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

(Ord. 2536 § 4 (part), 2001)

17.76.120 - Extension of time for termination of nonconforming use.

The owner or operator of a nonconforming use as described in Section 17.76.110(B) or (D) may apply under the provisions of this section to the Planning Services Manager, or his/her designee for an extension of time within which to terminate the nonconforming use, as follows:

A. Time and Manner of Application. An application for an extension of time within which to terminate a use made nonconforming by the provisions of this chapter may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such application must be filed with the Planning Services Manager, or his/her designee, at least sixty (60) days but no more than one hundred eighty (180) days prior to the expiration of the time established in Section 17.76.110 for termination of such use.

B. Content of Application—Fees. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council. An application which fails to state a basis upon which an extension may be granted, as set forth in subsection D of this section, shall be returned to the applicant, as nonresponsive, together with the application fee less any administrative costs of processing the application.

C. Hearing procedure. The Planning Services Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within twenty (20) business days of receipt of the application. All parties involved shall have the right to offer testimony, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are

accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.8.

D. Approval of Extension—Findings. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all of the following findings or such other findings as are required by law.

1. For uses which are rendered nonconforming by virtue of their proximity to other uses, pursuant to Section 17.76.110 and Section 17.76.040:

    a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to December 12, 2000, or prior to the date of annexation; and

    b. The applicant will be unable to recoup said investment as of the date established for termination of the use; and

    c. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 17.76.040.

2. For uses which comply with the requirements of Section 17.76.040, but whose business operations must be modified in order to comply with other provisions of this chapter:

    a. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted so as to comply with the requirements of this chapter within the time period provided in Section 17.76.050; and such investment was made prior to December 12, 2000, or prior to the date of annexation; and

    b. The applicant will be unable to recoup such investment as of the date established for modification or termination of the use; and

    c. The applicant has made good faith efforts to recoup the investment and has filed plans with the city which demonstrate the ability and intent to comply with the requirements of this chapter within a reasonable time, but needs additional time within which to make the required modifications. These findings shall be made with respect to each aspect of compliance, and no extension shall be granted for modifications which are required by this chapter and which can be made without additional time.

(Ord. 2536 § 4 (part), 2001)

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Chapter 17.77 - REASONABLE ACCOMMODATION

17.77.010 - Applicability.

A request for reasonable accommodation may be made by any disabled person, his or her representative, a developer providing housing for disabled persons, or a provider of housing for disabled persons, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

(Ord. No. 2813, § 4, 1-22-2013)

17.77.020 - Notice to the public of availability of accommodation process.

Notice of the availability of reasonable accommodation shall be prominently displayed at public information counters in the Planning and Building Divisions, advising the public of the availability of the procedure for eligible individuals. Forms for requesting reasonable accommodation shall be available to the public in the Planning and Building Divisions.

(Ord. No. 2813, § 4, 1-22-2013)

17.77.030 - Requesting reasonable accommodation.

A. In order to make housing available to disabled persons, any eligible person as defined in Section 17.77.010 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.

B. Requests for reasonable accommodation shall be in writing and provide the following information:

   1. The applicant's name, address and telephone number;
   2. Location of the subject property, including address and assessor's parcel numbers;
   3. Name and address of the property owner and the owner's written consent to the application;
   4. The current actual use of the subject property;
   5. Verifiable documentation of the individual's disability status;
   6. Description of the requested accommodation;
   7. The regulation(s), policy or procedure for which accommodation is sought;
   8. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling; and
   9. Additional information necessary for Planning or Building Division staff to facilitate proper consideration of the request, consistent with fair housing laws.

C. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.

E. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

(Ord. No. 2813, § 4, 1-22-2013)

17.77.040 - Reviewing authority.

A. Requests for reasonable accommodation shall be reviewed by the Economic Development Director in conjunction with the Chief Building Official, or their designees (the "reviewing authority") using the criteria set forth in Section 17.77.050.

B. The Planning Commission shall review requests for reasonable accommodation submitted for review with other discretionary land use applications, such as conditional use permits, variances, etc.

(Ord. No. 2813, § 4, 1-22-2013)

17.77.050 - Required findings.

The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:

A. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by a disabled person protected under fair housing laws;

B. Whether the requested accommodation is necessary to make housing available to disabled persons protected under the fair housing laws;

C. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction; and

D. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.

(Ord. No. 2813, § 4, 1-22-2013)

17.77.060 - Written decision on the request for reasonable accommodation.

A. The reviewing authority shall issue a written decision on a request for reasonable accommodation within thirty (30) calendar days of the application's completion, which may either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings set forth in Section 17.77.050.

B. The written decision on the request for reasonable accommodation shall explain in detail the basis of the decision, including the reviewing authority's findings on the criteria set forth in Section 17.77.050. All written decisions shall give notice of the applicant's right to appeal and to request reasonable accommodation in the appeals process as set forth below. The notice of decision shall be sent to the applicant by certified mail.

C. The written decision of the reviewing authority shall become final unless an applicant appeals it to the City's Planning Commission in accordance with Section 17.77.070.

D. If the reviewing authority fails to render a written decision on the request for reasonable accommodation within the thirty (30) calendar day time period allotted by subsection (A) above, the request shall be deemed granted.

E. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(Ord. No. 2813, § 4, 1-22-2013)

17.77.070 - Appeals.

A. Within fifteen (15) calendar days of the date of the reviewing authority's written decision, an applicant may appeal an adverse decision. Appeals from the adverse decision shall be made in writing to the City Clerk.

B. If an individual needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.

C. All appeals shall contain a statement of the grounds for the appeal. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.

D. All Planning Commission determinations on the appeal shall address and be based upon the same findings set forth in Section 17.77.050.

E. Nothing in this procedure shall preclude an aggrieved individual from seeking any other state or federal remedy available.

F. Decisions on appeal shall be effective on the date of the decision and no further administrative appeals may be heard.

G. Appeals of requests for reasonable accommodation submitted for review to the Planning Commission with other discretionary land use applications, such as conditional use permits, variances, etc. shall be made in accordance with the appeal process set forth in the El Monte Municipal Code pertaining to the accompanying discretionary land use application in issue.

(Ord. No. 2813, § 4, 1-22-2013)

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Chapter 17.78 - RECYCLING FACILITIES

17.78.010 - Purpose.

The purpose of this chapter, and any rules, regulations and specifications adopted pursuant thereof is to control and regulate the recycling of reusable materials.

(Ord. 2648 § 1 (part), 2005)

17.78.020 - Definitions.

As used in this chapter the following words or phrases shall have the meaning specified:

"Administrative permit" means a permit, issued by the Permit Committee, for a reverse vending machine(s) or a smaller collection facility, which complies with the requirements of this chapter.

"Bulk reverse vending machine" means a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one container at a time, and will pay by weight instead of by container. A "bulk reverse vending machine" may be permitted in all commercial and industrial zones, subject to the standards enumerated in this chapter and an approved zoning clearance pursuant to Chapter 17.18 of this title.

"Collection container" means a drop-off box, container, receptacle, trailer or similar facility that accepts textiles, shoes, books and/or other salvageable items of personal property.

"Collection container, small" means a collection container that occupies no more than eighty-four (84) cubic feet.

"Collection container, large" means a collection container that occupies more than eighty-four (84) cubic feet.

"Convenience zones" means an area within a two (2) mile radius of a supermarket.

"Director" means the Community Development Director or his or her designee.

"Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles, which is used for the collection of recyclable materials. A "mobile recycling unit" also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable materials.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA Section 307, 402, 318, and 405.

"National Pollutant Discharge Elimination System Permit Program" is an enforcement mechanism legislated by the Clean Water Act of 1977.

NPDES permits are issued to municipal and industrial dischargers to ensure that pollutant discharges do not result in violation of water quality standards, EMMC Section 13.20.010.

"Owner" means a person, firm, partnership, corporation, association, or other entity who or which owns, or otherwise exercises possession and control over the recycling facility or the mobile recycling unit, including any officer, employee, or agent of such person, firm, partnership, corporation, association, or entity.

"Planning Services Manager" means the Planning Services Manager or his or her designee.

"Recycling facility" means a center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Act of 1986. A "recycling facility" does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

1. Collection Facility. A **"collection facility"** is a center for the acceptance by donation, redemption, or purchase of recyclable materials from the public. Such facility does not include the power-driven processing equipment. Collection facilities may include the following:

    a. **"Reverse vending machine"** means an automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value of not less than the container's redemption value as determined by the state. A "reverse vending machine" may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three (3) container types in a proportion commensurate with their relative redemption rates, and meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

"Supermarket" means a full-service, self-service retail store with gross annual sales of two million dollars ($2,000,000.00) or more and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

(Ord. 2648 § 1 (part), 2005)

(Ord. No. 2936, §§ 2—4, 9-18-2018)

17.78.030 - Permits required.

No person shall permit the placement, construction, or operation of any recycling facility without first obtaining a permit pursuant to the provisions set forth in this chapter. Recycling facilities may be permitted as set forth in the following table:

Type of Facility Required	Zones Permitted	Permit
Reverse vending machine(s)	C and M	Permit Committee
Small collection	C and M	Permit Committee

(Ord. 2648 § 1 (part), 2005)

17.78.040 - Criteria and standards.

Those recycling facilities permitted with an administrative permit shall meet all of the applicable criteria and standards listed. The Permit Committee may find that the presence of more than one recycling facility in any convenience zone established by the California State Department of Conservation to be an over-concentration of recycling facilities and on this basis the Permit Committee may deny the permit.

Development standards for recycling facilities are as follows:

A. Reverse Vending Machine(s). Reverse vending machine(s) shall require an administrative permit. Reverse vending machines outside a commercial structure, do not require additional parking spaces for recycling customers and may be permitted within the designated commercial or industrial zone with an administrative use permit provided that they comply with all of the following standards:

1. Shall be established in conjunction with a commercial use or community service facility, which is in compliance with the zoning, building and fire codes;
2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation; shall be set back at least twenty (20) feet from any street-side property line and shall not obstruct pedestrian or vehicular circulation;
3. Shall not occupy parking spaces required by the primary use;
4. Shall occupy no more than one hundred twenty-five (125) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
5. Shall be constructed and maintained with durable waterproof and rustproof material;
6. Development plans for reverse vending machines shall be submitted to the Planning Services Manager for review and approval prior to installation;
7. Proposals for reverse vending machines shall be submitted to the Planning Services Manager for preliminary review prior to submittal for Permit Committee and shall include, but not be limited to, the following: a plot plan drawn to scale showing the entire site including all existing structures, and parking stalls, perimeter walls, landscape planters and the proposed location of the reverse vending machine; shall conform to the exterior colors/finish and design themes of the host use;

8. Shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
9. Shall have a sign area of a maximum of four (4) square feet per machine, exclusive of operating instructions;
10. Shall be limited to one machine per host business;
11. Shall be maintained in a litter-free condition on a daily basis;
12. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.

B. Small Collection Facilities. Small collection facilities may be sited in commercial and industrial zones with an administrative permit provided that they comply with all of the following conditions:

1. Shall be established in conjunction with a commercial use or community service facility, which is in compliance with the zoning, building and fire codes;
2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers; not including space needed for material removal or transfer;
3. Shall be set back at least twenty (20) feet from any street-side property line and shall not obstruct pedestrian or vehicular circulation;
4. Shall accept only glass, metal, plastic containers, papers and cardboard;
5. Shall use no power-drive processing equipment except for reverse vending machines;
6. Development plans for small collection (recycling) facilities shall be submitted to the Planning Services Manager for review and approval prior to submittal to Permit Committee for review and approval. Permit Committee approval, a certificate of occupancy, business license, and a building permit is required prior installation;
7. Proposals for small collection (recycling) facilities shall be submitted to the Planning Services Manager for preliminary review prior to submittal for Permit Committee and shall include, but not be limited to, the following: a plot plan drawn to scale showing the entire site including all existing structures, and parking stalls, perimeter walls, landscape planters and the proposed location of the small (collection) recycling facility; a floor plan drawn to scale of the proposed small recycling facility; elevations of the recycling collection facility with all architectural features as well as building material and finish to which shall conform to the exterior colors/finish and design themes of the host use. Small recycling facilities shall be designed and constructed in a manner to conform to design and development specifications. At a minimum, the facility shall conform to the following design guidelines:
    a. Height shall not exceed twelve (12) feet,

b. Roofing material shall be decorative metal seem or similar material,

c. Exterior siding shall be a smooth painted finish and weatherproof,

d. Signs shall require a separate sign permit and be professional vinyl letters or similar material;

8. Shall use containers that are clearly marked to identify the type of recyclables to be deposited. The name and telephone number of the owner or manager of the facility shall be conspicuously posted;

9. Shall be covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

10. Shall store all recyclable materials in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;

11. Shall store all recyclable materials in containers or mobile recycling units, shall not leave materials outside of containers when attendant is not present and mobile recycling units must be removed from the site when not operating;

12. Shall maintain a dust-free and litter-free condition and shall sweep site on a daily basis.

13. The facility shall not impair the landscaping required for any concurrent use or any permit issued;

14. The facility shall not operate power-driven sorting and consolidating equipment, such as crushers or balers;

15. Use the facility for the deposit of solid waste is not permitted;

16. If permits expire without renewal, the collection facility shall be removed from the site on the date following the permit expiration;

17. Mobile recycling units, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

18. Mobile recycling facilities shall have an area clearly marked to prohibit other vehicular parking during the hours when the mobile unit is scheduled to be present; such hours shall be between nine a.m. to seven p.m. if located within one hundred (100) feet of property zoned or occupied for residential use;

19. Shall not exceed noise levels of fifty (50) dBA as measured at the property line of nearest residentially zoned or occupied property;

20. Otherwise, shall not exceed sixty-five (65) dBA as measured at the property line;

21. Shall not be located within one hundred (100) feet of a property zoned or occupied for residential use and shall operate only during the hours between nine a.m. and seven p.m.;

22. Occupation of parking spaces by the facility and by the attendant may not reduce the number of parking spaces below the minimum required for the primary host unless all the following conditions exist:
    a. The facility is located in a convenience zone, as designated by the California Department of Conservation;
    b. The facility is certified by the California Department of Conservation;
    c. The permit will be considered at the end of twelve (12) months; and
    d. Parking credits in an established parking facility for a commercial host use may then be granted as follows:

Required Maximum Parking:	Parking Space Reduction:
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

23. Signs may be provided as follows:
    a. Shall have identification signs with a maximum of ten (10) percent on one side only, in addition to the required informational signs; in the case of a mobile recycling unit, the side will be measured from the pavement to the top of the container;
    b. Signs must be consistent with the character of the location;
    c. Directional signs, bearing no advertising message, may be installed with the approval of the Planning Services Manager if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way;
24. The facility shall not impair any required landscaping by local ordinance for any concurrent use;
25. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
26. 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;
27. Shall not occupy parking spaces required by the primary use;

28. To ensure compliance, all improvements required by this section shall be in place prior to the issuance of a certificate of occupancy;

29. Small recycling facility shall comply with National Pollutant Discharge Elimination System Permit Program requirements.

(Ord. 2648 § 1 (part), 2005)

17.78.050 - Nonconforming facilities.

Recycling facilities which are lawfully in existence at the time of adoption of the ordinance codified in this chapter and which are not in compliance are considered nonconforming. Existing and new facilities shall have obtained a building permit within one hundred eighty (180) days at the time the ordinance codified in this chapter becomes law.

(Ord. 2648 § 1 (part), 2005)

17.78.060 - Abatement of facilities.

A. Whenever the Community Development Department Director is advised that a recycling facility has been installed or is being maintained in violation of this chapter, the Director shall so notify the person in whose name the recycling facility is registered, or in the absence of such registration, the property owner. Such notice shall state the nature of the violation, the intention to impound the facility if the violation is not corrected or a hearing is not requested before the Director, within seven (7) calendar days after the giving of such notice, and provide the procedure for requesting such a hearing. A timely request for a hearing shall stay any impounding, provided that if the violation is not corrected within five (5) calendar days after the decision at such hearing becomes final, the Director may impound the recycling facility in accordance with subsection B of this section.

B. Whenever a recycling facility is impounded pursuant to subsection A of this section, the recycling facility shall be removed by the Director, and stored in any convenient place. The Director shall notify the owner or property owner thereof by mailing a "notice of removal" to the last known address. Such notice shall state the date the facility was removed, the reasons therefor, the location and procedure for claiming the facility and the procedure for obtaining a post-removal hearing before the Director if desired. Any such recycling facility removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within forty-five (45) calendar days after such removal and upon the payment of reasonable charges of removal and storage therefor. Upon failure of the owner to claim such recycling facility and pay the reasonable charges within forty-five (45) calendar days after the mailing of written notice of removal, such recycling facility shall be deemed to be unclaimed property in the possession of the city and may be disposed of at the discretion of the city.

C. Any recycling facility in violation of the provisions of this chapter, which violation creates an immediate danger to the health or safety of the public, and which violation cannot be corrected by moving or otherwise repositioning the recycling facility, may be immediately removed and stored in a convenient location so as to eliminate the danger to the health or safety of the public. The Director shall notify the owner or property owner thereof by

mailing a "notice of removal" to the last known address. Such notice shall state the date the facility was removed, the reasons therefor, the location and procedure for claiming the facility, and the procedure for obtaining a post-removal hearing before the Director, if desired. Any such facility removed and stored pursuant to this section shall be released to the owner thereof, if claimed within forty-five (45) calendar days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage. Upon failure of the owner to claim such facility and pay the reasonable charges within the forty-five (45) calendar day period, such facility shall be deemed to be unclaimed property in possession of the city and may be disposed of.

D. Within seven (7) calendar days of the notice of violation, or notice of removal of a facility summarily impounded, the person in whose name the facility is registered, if such registration has been completed or other person who provides satisfactory proof of ownership, may request a hearing before the Director. The request shall be in writing, shall state the basis thereof, and shall be filed with the Director.

E. The hearing shall be held within five (5) business days of the filing of the request, unless continued for good cause. At the hearing, any person may present evidence or argument as to whether the facility has violated this chapter. Within two (2) working days after the close of the hearing, the Director shall render a decision in writing. Notice of the decision shall forthwith be given to the person who requested the hearing.

(Ord. 2648 § 1 (part), 2005)

17.78.070 - Appeal of Director's decision.

A. The owner may appeal a decision of the Director to the Planning Commission by filing with the Planning Division Secretary a written notice of appeal with respect to such decision within ten (10) calendar days after completion of service of such order of the Commission. The written notice of appeal shall be submitted on a form provided to the applicant by the Planning Division Secretary and shall contain the following information:

1. The name, address, and telephone number of the person filing the appeal and the name, address and telephone number of the owner(s);

2. A brief description regarding the applicant's reason for seeking an appeal of the decision of the Director including, if applicable, a brief specification of the contents of the decision of the Director which the applicant contends are inaccurate, unduly burdensome, or unlawful;

3. A brief description of the manner in which the owner proposes to resolve any deficiencies in the recycling facilities, if any, including a time schedule for resolving such problems, if applicable;

4. Any other relevant information which the applicant may wish to provide to the Planning Commission for its consideration including photographs of the recycling facility or other materials;

5. A written notice of appeal shall be accompanied by the following declaration attested by the applicant:

"I declare under penalty of perjury that the factual information contained in the foregoing written Notice of Appeal is true and correct to the best of my knowledge or is based upon information which I believe to be true and correct. I further declare that each and every opinion stated in this Notice of Appeal is stated in good faith."

6. A filing fee of fifty dollars ($50.00) payable to the city shall be submitted to the Planning Division Secretary upon the filing of a written notice of appeal.

B. Consideration by the Planning Commission of an Appeal from the Decision of the Director. Appeals shall be reviewed as a regular agenda item. The filing of a written notice of appeal shall stay the effect of the decision of the Director. Upon review of a written notice of appeal, the Planning Commission may by minute order or by resolution deny the appeal, affirm the decision of the Director and reinstate the effective date thereof, or the Planning Commission may set a date for a public hearing on such appeal for the purpose of receiving additional evidence or testimony which is not included in the record of the proceedings of the Director or the written notice of appeal. Notice of such a public hearing shall be transmitted to the person whose name appears on the notice of appeal.

The public hearing on the appeal shall be conducted at a regular or adjourned regular meeting of the Planning Commission on a date for which a special meeting has been ordered for consideration of such a matter and the Planning Commission may continue such public hearing from time to time. Upon the close of the public hearing regarding the appeal, the City Council may modify or affirm the decision of the Director and reinstate or modify the effective date thereof. The decision of the Planning Commission with respect to the disposition of a written notice of appeal or any action ordered following a public hearing thereon shall be final and conclusive. In the event that the decision of the Director may be reversed or modified by the Planning Commission, the Planning Commission may authorize the refund to the applicant of the filing fee which accompanied the written notice of appeal.

(Ord. 2648 § 1 (part), 2005)

17.78.080 - Notice.

Any notices or written communications which are required by this chapter shall be conclusively deemed received by the owner on the date of personal service or five (5) consecutive days following deposit of the same in the United States mail, certified and properly addressed. All notices shall be sent to the owner's last known address. In the event the owner's contact information changes, owner shall provide the Director an update within three (3) business days.

(Ord. 2648 § 1 (part), 2005)

17.78.090 - Penalties.

A. Any owner who violates the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as set forth in Section 1.24.010(A) of this Code.

B. In lieu of criminal prosecution pursuant to subsection A of this section, an administrative citation may, at the sole discretion of the Director be issued for violation of this chapter. All

administrative citations issued pursuant to this subsection shall comply with the requirements of Chapter 1.18 of this Code.

C. Any recipient of an administrative citation may contest an alleged violation of this chapter pursuant to Chapter 1.18 of this Code.

(Ord. 2648 § 1 (part), 2005)

17.78.100 - Cumulative effect.

The provisions of this chapter are cumulative in addition to any and all other procedures or remedies provided in ordinances of the city or by state law for the abatement of, or prosecutions for, nuisances, and proceedings for abatement pursuant to this chapter shall not prejudice nor affect any other action, whether civil, criminal, equitable or administrative, for the abatement or other remedy of such conditions. Without limitation upon the foregoing, violations of the provisions of this chapter shall be, and are, enforceable under the provisions of Chapter 1.18 (Administrative Citations) of this Code. Nothing contained in this chapter shall be deemed to invalidate, supersede, or render ineffective any other provision of this Code or any ordinance of this city. Neither the inclusion nor the failure to include, under the terms of this chapter, any act or condition otherwise in violation of any provision of this Code or other ordinance of this city, unlawful or constituting a nuisance, shall be deemed to render such act or condition lawful.

(Ord. 2648 § 1 (part), 2005)

Chapter 17.79 - COLLECTION CONTAINERS

17.79.010 - Purpose.

The city has experienced a proliferation of collection containers and their placement in required parking spaces, required landscaped areas, and residential zoning districts of the city, often without the property owner's permission. The proliferation of these containers contribute to visual clutter; and in areas throughout the state, collection containers have contributed to blight due to graffiti and poor maintenance, and the accumulation of debris and excess items outside of the collection containers. They can also interfere with the proper collection of data concerning the diversion of waste within the city from landfills. The purpose of these regulations is to promote the health, safety, and/or welfare of the public and protect the property rights of the owners of the parcels on which the collection containers are located by providing minimum blight-related performance standards for the operation of collection containers, including establishing criteria to ensure that:

A. Material is not allowed to accumulate outside of the collection containers;

B. The collection containers remain free of graffiti and blight;

C. The collection containers are maintained in sanitary conditions;

D. The collection containers are not placed without the approval of property owners;

E. The collection containers are placed appropriately and in locations approved pursuant to this Code; and

F. Contact information is readily available so that the operators can be contacted if there are any blight-related questions or concerns, and that operators properly report information concerning the diversion of materials from landfills. This section regulates the size, number, placement, installation and maintenance of collection containers, as is necessary to accomplish the foregoing purposes.

These content neutral regulations are also intended to respect and observe that collection containers provide a channel of communication deserving of First Amendment protection.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.020 - Definitions.

The terms and phrases used in this chapter shall have the same meanings and definitions as set forth in 17.78.020 of the code.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.030 - Conflicting Provisions.

Where a conflict exists between the regulations or requirements in this chapter and applicable regulations or requirements contained in other sections of the code, the applicable regulations or requirements of this chapter shall prevail.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.040 - Exemptions.

A. Collection containers that are located within an entirely enclosed and lawfully constructed and permitted building or otherwise cannot be seen from outside of the boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements set forth below.

B. Refuse or recycling containers that comply with the provisions of this Code.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.050 - Application form.

The initial application form shall include the following:

A. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval.

B. A non-refundable initial application fee in an amount set by resolution of the City Council.

C. The name, address, email, website (if available) and telephone number of the operator of the collection container and property owner on which the collection container is to be located, including 24-hour contact information.

D. A vicinity map showing:

1. The proposed location of the collection containers; and
2. The distance between the site and all existing collection containers within five hundred (500) feet of the proposed location for the collection containers.

E. Photographs of the location and adjacent properties.

F. A site plan containing:

1. Location and dimensions of all parcel boundaries;
2. Location of all buildings;
3. Proposed collection container location;
4. Distance between the proposed collection container and parcel lines and buildings; and
5. Location and dimensions of all existing and proposed driveways, garages, carports, parking spaces, maneuvering aisles, pavement and striping/marking.

G. Elevations showing the appearance, materials, and dimensions of the collection container, including the information required in this section to be placed on the collection container and notice sign.

H. A description and/or diagram of the proposed locking mechanism of the collection container.

I. A maintenance plan (including graffiti removal, pick-up schedule, and litter and trash removal on and around the collection container).

J. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this section.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.060 - Permit expiration and renewal.

A permit issued under this section shall expire and become null and void annually on the anniversary of its date of issuance, unless renewed prior to its expiration. An application for renewal must be submitted prior to the expiration of the permit on a form provided by the Economic Development Department, and shall include:

A. The signatures of the property owner and the operator of the collection container, acknowledging that they will be equally responsible for compliance with all applicable laws and conditions related to the collection containers for which they are seeking approval;

B. A non-refundable renewal application fee in an amount set by resolution of the City Council;

C. Photographs of the location and adjacent properties taken within ten (10) days of the submittal of the renewal application;

D. A detailed description of any information that is different from the information submitted on the previous application; and

E. Any other information regarding time, place, and manner of the collection container's operation, placement, and maintenance that is reasonably necessary to evaluate the proposal's consistency with the requirements of this chapter.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.070 - Decision on application.

A. The Economic Development Director or designee shall make reasonable efforts to approve or deny an application within thirty (30) days of the receipt of a completed application.

B. The Economic Development Director shall approve the application if all of the following are true, otherwise the Economic Development Director may deny the application:

1. The applicant has submitted a complete, fully executed and accurate application accompanied by the applicable fee;

2. The property on which the collection container is to be located has been free of graffiti (as defined in subsection (e) of California Government Code Section 53069.3 or any successor statute) for at least six (6) months prior to the submission of the application;

3. The property on which the collection container is to be located has been free of any conditions constituting a public nuisance (as defined in section 8.44 of this Code) for at least six (6) months prior to submission of the application;

4. The applicant is neither currently in violation of, nor has not been found in violation of this section or of this Code within one year prior to submission of the application; and

5. The application will be in compliance with all of the applicable provisions of this chapter.

C. The Economic Development Director shall mail written notice to the applicant of the Economic Development Director's decision by First Class United States mail, addressed to the applicant at the address provided on the application. If the application is denied, or approved subject to conditions, the notice shall set forth the reasons for the denial or conditions, as well as the facts supporting the reasons.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.080 - Regulations.

A. Location of containers.

1. Collection containers shall be located only in the C-2, C-3, C-4 zoning districts, unless otherwise provided in this chapter.

2. No collection container shall be located within five hundred (500) feet from any other collection container. The separation shall be measured in a straight line, without regard to intervening structures, from the closest part of one facility to the closest part of the other facility.

3. No collection container shall be located within one hundred (100) feet of a residentially zoned parcel. The separation shall be measured from the closest part of the facility to the residential property line.

4. No collection container shall be located on a vacant property.

5. No collection container shall be located on or within:

a. The public right-of-way (including sidewalks);

b. A required landscaping area;

c. A required parking space;

d. A required building setback area; and

e. Within twenty (20) feet of a street fronting property line.

B. No collection container shall be located in or block or impede access to any:

1. Required parking or driveway areas;

2. Pedestrian routes;

3. Emergency vehicle routes;

4. Building ingress and egress;

5. Required disabled access routes;

6. Required easements;

7. Trash enclosure areas or access to trash bins or trash enclosures;
8. Any place that would impede the functioning of exhaust, ventilation, or fire extinguishing systems.

C. No more than one collection container shall be located on any parcel.

D. No collection container shall be located on a parcel containing a residential use.

E. Physical Attributes. All collection containers, shall:
1. Be fabricated of durable and waterproof materials;
2. Be placed on ground that is paved with durable cement;
3. Have a tamper-resistant locking mechanism for all collection openings;
4. Not be electrically or hydraulically powered or otherwise mechanized;
5. Not be considered a fixture of the site or an improvement to real property.

F. A small collection container shall be no taller than seven (7) feet above the finished grade of the parcel on which it is located.

G. Small collection containers shall have the following information conspicuously displayed in at least two (2) inch type visible from the front on the collection container:
1. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the operator of the collection container and the agent for the property owner;
2. The type of material that may be deposited;
3. A notice stating that no material shall be left outside the collection container; and
4. A sticker, certificate or other form of identification from the Planning Division with the permit number and date of city approval or inspection.

H. Large collection containers shall have the following information conspicuously displayed in at least four-inch type visible on all sides of the collection container:
1. The name, address, 24-hour telephone number, and, if available, the Internet Web address, and email address of the operator of the collection container and the agent for the property owner;
2. The type of material that may be deposited;
3. A notice stating that no material shall be left outside the collection container; and
4. A statement that no items may be left for collection unless an attendant is on duty.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.090 - Maintenance and operation.

A. No overflow collection items, litter, debris or dumped materials shall be allowed to accumulate within twenty (20) feet of any collection container.

B. Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.

C. Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or nuisance condition as defined in of this Code.

D. The operator shall maintain an active email address and a 24-hour telephone service with recording capability for the public to register complaints.

E. Any conditions that are in violation of this section must be remedied or abated within forty-eight (48) hours of being reported to the operator or property owner.

F. Collection containers cannot be used for the collection of solid waste and/or any hazardous materials except as authorized by of this Code or other applicable law.

G. The operators of the collection containers shall report all tonnage collected within city limits on an annual basis by June 1 of the following year to the public works department (pursuant to the requirements of Integrated Waste Management Act, (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016] and SB 1016, the Per Capita Disposal Measurement System i) and any related successor laws or regulations in order to properly account for the city's waste diversion and recycling efforts.

H. Large collection containers shall have an attendant present at the container at all times that items are being received.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.100 - Permit revocations.

A. The Economic Development Director may revoke a permit if:

1. The collection container pertaining to the permit is not operated or maintained in accordance with this chapter;

2. The permittee submitted materially false or misleading information during the application process; or

3. The permittee or an employee or agent of permittee knowingly operated the collection container when the permittee's permit was suspended or otherwise invalid.

B. Upon revocation of a permit, the operator of the collection container for which such permit was revoked shall not be issued a permit for the siting of a collection container on the same property subject to the revocation for a period of one year from the date of revocation.

(Ord. No. 2936, § 5, 9-18-2018)

17.79.110 - Appeals.

Decisions of the Economic Development Director shall be appealable to the Planning Commission upon the filing of an appeal with the Secretary of the Planning Commission and payment of the requisite appeal fee within ten (10) calendar days of the date of the Economic Development Director's decision. The decision of the Planning Commission on such appeals shall be final.

(Ord. No. 2936, § 5, 9-18-2018)

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Chapter 17.80 - SP-1 (EL MONTE GATEWAY SPECIFIC PLAN)[5]

17.80.010 - Adoption.

A. The City Council makes the following findings with respect to the adoption of the El Monte gateway specific plan:

1. The property proposed to be included in the specific plan area has site characteristics such as topography, location, or surroundings that are enhanced by special land use and development standards. The site has several unique characteristics. It is bounded by Santa Anita Avenue, Interstate 10, and the Rio Hondo Channel and is physically distinct from surrounding areas. There are no private residences or business that must be relocated. In addition, there is a major regional bus station at the center of the site. The site will support high-density, mixed-use, transit-oriented development that is not currently allowed in the El Monte Municipal Code.

2. The El Monte gateway specific plan contains revisions which are consistent with the goals, policies, and vision of the 1991 city general plan as amended by this chapter. The land use element of the general plan designates the specific plan site as an "urban core" use. With the concurrent adoption of a proposed general plan amendment addressing conforming development standards in the general plan to those contained in the specific plan, the specific plan is consistent with the general plan.

3. The implementation of the specific plan shall result in development of desirable character and use types that will be compatible with existing and proposed development in the surrounding neighborhood and that will promote higher rates of public mass transit utilization by city residents. The mixed-use nature of the specific plan area, including the location of street level retail and institutional uses on the west side of Santa Anita Avenue, is compatible with similar uses located on the east side of Santa Anita.

4. The implementation of the specific plan shall contribute to a balance of land uses throughout the city. Due to the mixed-use nature of the specific plan area, various uses, including residential, institutional, retail, commercial, entertainment, hotel, public open space, institutional, and public mass transit uses are incorporated into a master planned village environment, providing a balance on the site.

5. Furthermore, the adoption and implementation of the specific plan shall promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it; it encourages a more efficient use of the land; it encourages a range of housing and employment activities so as to give

[5] Ord. No. 2780, § 3, adopted Nov. 15, 2011, changed the title of Ch. 17.80 from "SP-1 (Transit Village Specific Plan)" to "SP-1 (El Monte Gateway Specific Plan" and changed all references to "Transit Village" in this Code to "El Monte Gateway."

imagination and variety in the physical development pattern of the city; it encourages the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmentally friendly design concepts; and it facilitates development within the city in accordance with the general plan by permitting greater flexibility and encouraging more creative design development projects.

B. The City Council approves the El Monte gateway specific plan in the form of the July 20, 2007 draft text of the specific plan as submitted to the Planning Commission, as such July 20, 2007 draft text is modified by the other sections of this chapter, subject to further modifications to the July 20, 2007 draft text of the specific plan as set forth in subsection C below.

C. The City Council notes that supplemental motions of the recommendation of the Planning Commission require the City Council to approve certain technical further amendments to the July 20, 2007 draft text of the specific plan as noted below in this subsection:

1. In light of Planning Commission supplemental motion number 1, the City Council approves:

   a. The editorial revisions to specific plan Table 4-1 (page 4-2 of the specific plan);

   b. The editorial revision to specific plan Map 4-2;

   c. The editorial revisions to specific plan Table 4-2 (at pages 4-8 and 4-9 of the specific plan); and

   d. The editorial revisions to specific plan Section 4.1.2.E (at page 4-10 of the specific plan), all as set forth in the July 20, 2007 draft text of the specific plan.

2. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 2, and the City Council reinstates and approves the text of the July 20, 2007 draft text of the specific plan as relates to this item in the form as originally submitted to the Planning Commission.

3. The City Council does not accept the portion of the recommendation of the Planning Commission under its supplemental motion number 3 as relates to a sixty (60) dwelling-unit-per-acre density calculation, and the City Council reinstates and approves the text of the July 20, 2007 draft text of the specific plan as relates to this item in the form as originally submitted to the Planning Commission.

4. In light of Planning Commission supplemental motion number 5, the City Council notes that the July 20, 2007 draft text of the specific plan has been edited to eliminate the "minor CUP procedure," and accordingly, the City Council approves Table 6-1 of the July 20, 2007 draft text of the specific plan as Table 6-1 of the specific plan.

5 In light of Planning Commission supplemental motion number 6, the City Council notes that the July 20, 2007 draft text of the specific plan (at pages 2-1 through 2-3), includes a statement of the objectives of the specific plan, and accordingly, the City Council

approves Section 2.1 of the July 20, 2007 draft text of the specific plan as Section 2.1 of the specific plan.

6. In light of Planning Commission supplemental motion number 7, the City Council notes the specific provisions of the general plan amendment as set forth in Section 4(c)(2) of the ordinance codified in this chapter and the final text of Section 4.1.1.F, of the specific plan as approved by the city under Section 6(c)(3)(B) of the ordinance codified in this chapter.

7. In light of Planning Commission supplemental motion number 8, the City Council modifies Section 6.18.D of the July 20, 2007 draft text of the specific plan to add a new first sentence to Section 6.18.D to read as follows:

   “Prior to the submission by an applicant of a development project permit application to the City, the applicant shall conduct intrusive soil testing and sampling (a "Phase II environmental assessment") of the development project site proposed to be improved under such development project permit application, to preliminarily assess whether contaminating or hazardous substances or petroleum product residual compounds may be present in the soils at concentrations in excess of applicable maximum contamination levels for each such contaminating or hazardous substances or petroleum product compound and the results of such a Phase II environmental assessment shall be delivered to the City by the applicant as part of each development project permit application.”

   The City Council further amends the first sentence of Section 6.18.D of the July 20, 2007 draft text of the specific plan to read as follows:

   “Prior to the issuance of any grading or building permit for any portion of the lands included within the Specific Plan area, including lands within the Parks and Open Space Sub District, an applicant shall submit a further written plan to the City for conducting a Phase II environmental assessment of the lands proposed for development consistent with the findings set forth in PEIR Appendix 8 and ASTM guidelines and any specific findings obtained as a result of the initial Phase II environmental assessment described in the first sentence of this Section 6.18.D.”

   As modified by Section 6(c)(8)(B) of the ordinance codified in this chapter, the City Council approves Section 6.18.D of the specific plan.

8. In light of Planning Commission supplemental motion number 9, the City Council notes that Chapter 5 of the July 20, 2007 draft text of the specific plan contains the edits which are referred to in the July 30, 2007 City Planning Division staff report. The City Council further notes that adoption of the final text of Chapter 5 of the specific plan (Design Guidelines) shall be accomplished by approval of a separate resolution of the City Council following the adoption of this chapter which shall incorporate certain additional technical and conforming revisions to Chapter 5 of the specific plan as recommended by the city staff to the City Council after July 30, 2007.

9. In light of Planning Commission supplemental motion number 10, the City Council notes that the CEQA errata sheet for the FEIR as approved by the City Council at the public hearing preceding the adoption of this chapter, corrects the misstatement contained in draft PEIR Section 3.2.3.3 (fire station relocation). The City Council adds a new Section 7.11 to the specific plan to read as follows:

   7.11 City Fire Station No. 166

   In the event that the use or development of the Park and Open Space Sub District by the City or the Agency may require the relocation of the fire suppression and emergency rescue service operations at City Fire Station No. 166 to a new location, either inside the Specific Plan area or outside of the Specific Plan area, no such relocation of fire suppression and emergency rescue service operations and/or a change in the use of the existing fire station building at City Fire Station No. 166 shall occur until such time as both: (i) a new location for City Fire Station No. 166 operations has been approved by the City Council, in consultation with Los Angeles County Consolidated Fire Protection District following a public hearing, and (ii) a new fire suppression and emergency rescue facility for City Fire Station No. 166 is fully operational and available for occupying by the fire department at its new location.

10. In light of Planning Commission supplemental motion number 11, the City Council adds a new Section 7.12 to the Specific Plan to read as follows:

    7.12 City Public Works Yard

    The development and use of the Rio Paseo Village within the Mixed Use Sub District for transit oriented development will require the relocation of the City Public Works Yard from its current location on Santa Anita Avenue to a new location either inside the Specific Plan area or outside of the Specific Plan area. No such relocation shall occur of the City Public Works Yard operations shall occur until such time as both: (i) a new location for the City Public Works Yard operation has been approved by the City Council following a public hearing and (ii) City Public Works Yard operations facilities are available for occupancy by the City at the new location by the City.

11. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 12, and the City Council reinstates and approves the text of the July 20, 2007 draft text of the specific plan as relates to this item in the form as originally submitted to the Planning Commission.

12. In light of Planning Commission supplemental motion number 13, the City Council approves a modification of specific plan Map 4-2, to indicate that the proposed "linear public park area" be depicted on specific plan Map 4-2 as being included within the parks and open space subdistrict, and that such linear public park area as depicted on specific plan Map 4-2 have an approximate land area of one and eighty-four hundredths (1.84) acres.

13. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 14, and the City Council adds a new Section 6.12.C.2.1 to the specific plan to read as follows:

    2.1 Residential Dwelling Unit Minimum Size

    Minimum interior building areas for residential dwelling units shall be as follows:

    (i) studio unit not less than 500 sq. feet;

    (ii) senior unit (age covenant restricted) not less than 500 sq. feet;

    (iii) one (1) bedroom: not less than 600 sq. feet;

    (iv) two (2) bedroom: not less than 750 sq. feet;

    (v) three (3) bedrooms: not less than 1,100 sq. feet.

15. In light of Planning Commission supplemental motion number 15, the City Council notes that the July 20, 2007 draft text of the specific plan contains the automotive related use CUP provision as recommended by the Planning Commission.

16. The City Council does not accept the recommendation of the Planning Commission under its supplemental motion number 16, and the City Council reinstates and approves the text of the mitigation monitoring and reporting program as relates to this item in the form as originally submitted to the Planning Commission on July 30, 2007.

17. The City Council adds to or revises the specific to read as follows:

    a. Deputy City Manager for Community Development: Replace all references of "Deputy City Manager for Community Development" with "Director of Community and Economic Development"

    b. Conformity Review Committee: Delete all references to the "Community Review Committee"

    c. Development Plan: Modifications to Section 4.1.2 Specific Plan Land Use Sub-Districts as follows:

        1. Figure 4.2 – Add "Gateway Sub-District" to the "Mixed-Use Sub-District"
        2. Figure 4.2a – Extend "South Promenade Village" to include newly added "Mixed-Use Sub-District Area"
        3. Table 4-2 – Eliminate "Gateway Sub-District (EMG-G)" land use
        4. Page 4-8 Development Plan – Eliminate "Section D. Gateway Sub-District (EMG-G)"

D. The provisions of Chapter 5 of the specific plan, as approved, shall not be further implemented following the adoption of this chapter until such time as the City Council has adopted a separate Resolution ratifying and approving the final technical and conforming changes to the text of Chapter 5 of the specific plan as approved upon the adoption of this chapter. Following the adoption of such a resolution by the City Council, Chapter 5 may be amended from time to time following applicable notice and public hearing by the Planning Commission and the City Council.

E. Within thirty (30) days following the introduction and adoption of this chapter, the Planning Services Manager shall cause the text of the July 20, 2007 draft text of the specific plan to be revised to contain the appropriate final edits as mandated by this chapter. The Planning Services Manager shall add an appropriate editorial note on the cover page of the specific plan that states that the printed text of the specific plan as on file with the city as the official final version of such document includes the textual revisions as mandated by this chapter.

(Ord. 2703 § 6, 2007)

Chapter 17.81 - SP-4
(DOWNTOWN TRANSIT-ORIENTED DISTRICT SPECIFIC PLAN)

17.81.010 - Adoption.

A. The City Council makes the following findings with respect to the adoption of the Downtown El Monte Transit-Oriented District Specific Plan:

1. The property proposed to be included in the specific plan area has site characteristics such as topography, location, or surroundings that are enhanced by special land use and development standards. The site has several unique characteristics. It is bounded by Santa Anita Avenue, Ramona Boulevard, and the Metrolink tracks and is physically distinct from surrounding areas. There are no private residences or business that must be relocated. In addition, there is a major regional bus station adjacent to the site on the west. The site will support high-density, mixed-use, transit-oriented development that is not currently allowed in the El Monte Municipal Code.

2. The Downtown El Monte Transit-Oriented District Specific Plan contains revisions which are consistent with the goals, policies, and vision of the 2011 City General Plan as amended by this chapter. The land use element of the general plan designates the specific plan site as a "Downtown Core" use. With the concurrent adoption of a proposed General Plan Amendment addressing conforming development standards in the general plan to those contained in the specific plan, the specific plan is consistent with the general plan.

3. The implementation of the specific plan shall result in development of desirable character and use types that will be compatible with existing and proposed development in the surrounding neighborhood and that will promote higher rates of public mass transit utilization by city residents. The mixed-use nature of the specific plan area, including the location of street level retail and multiple-family residential uses, is compatible with the regional bus facility and Metro tracks located in proximity to the specific plan area.

4. The implementation of the specific plan shall contribute to a balance of land uses throughout the city. Due to the mixed-use nature of the specific plan area, various uses, including residential, institutional, retail, commercial, entertainment, hotel, public open space, institutional, and public mass transit uses are incorporated into a master planned village environment, providing a balance of land uses in the area.

5. Furthermore, the adoption and implementation of the specific plan shall promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it; it encourages more efficient use of the land; it encourages a range of housing and employment opportunities so as to give variety in the physical development pattern of the city; it encourages the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmentally friendly design concepts; and it facilitates development within the city in accordance with the general

plan by permitting greater flexibility and encouraging more creative design development projects.

B. The City Council approves the El Monte Downtown Transit-Oriented Development Specific Plan in the form of the draft text of the specific plan as submitted to the City Council on April 4, 2017.

C. The City Council approved Specific Plan Amendment No. 02-18 for the annexation of parcels from the Main Street Sub-Area to the Monte-Vista Sub-Area (specifically for 3701 Santa Anita Avenue and Veterans Memorial Park).

(Ord. No. 2909, § 5, 4-18-2017; Ord. No. 2928, § 28, 5-15-2018)

THE MAIN STREET TRANSIT-ORIENTED SPECIFIC PLAN – CHAPTER 2: LAND USE

JCM's note – Pages 325 through 349 are not part of the official Zoning Ordinance. Rather, they are a summary of Chapter 2 of the Downtown Transit-Oriented District Specific Plan.

SECTION 2.2. Sub-Areas.

The Specific Plan area is divided into four (4) sub-areas. Each unique sub-area includes a customized set of permitted land uses and development standards. Sub-area boundaries were developed by considering existing land uses, streets, parcel size, proximity to various community-wide destinations, and future development potential. Applicants should identify which sub-area their project is located within and refer to the development standards that apply to their project. The sub-area boundaries are shown in Figure 2-1 and are described as follows:

Main Street Sub-Area

The Main Street Sub-Area is the economic, cultural, and historical "heart" of El Monte. It includes many existing mom-and-pop retail and dining establishments. Much of Main Street has been improved with wide sidewalks, street furnishings, and pockets of enhanced landscaping. A network of alleys and paseos allow for access to/from parking areas and adjacent sub-areas. The Main Street Sub-Area is envisioned to be revitalized with façade improvements and vertical mixed-use development with residential or office above retail and restaurants. Buildings up to three stories in height will line Main Street and buildings up to four stories in height will front along Valley Boulevard.

Zócalo Sub-Area

Zócalo means "public square" which is a term that characterizes the physical location of this sub-area within Downtown El Monte. Today this Sub-Area includes mostly residential, retail, and office uses that are linked to the Main Street Sub-Area via paseos, alleys, and Lexington Avenue. One large centrally located parking area is utilized for Downtown events and provides parking for the businesses along Main Street. The Zócalo Sub-Area is envisioned to transform underutilized parking areas into retail and housing opportunities centered around outdoor open space. This plaza will provide space for community arts and cultural events to occur. Artist live/work units in addition to multi-family residential developments up to five stories in height will support Main Street retail uses a short walk away. Along Lexington Avenue, retail and professional offices will provide an extension of Main Street uses and support the surrounding residences with various job opportunities.

Station Sub-Area

The Station Sub-Area embodies the transit-oriented elements of the Specific Plan area. Broken into two areas, the Station Sub-Area includes the El Monte Metrolink Station and an adjacency to the El Monte Bus Station which serve as regional transit hubs for the City. Both transit stops are within a comfortable 5-10 minute walking distance to Downtown restaurants, shops, and services. The Station Sub-Area is envisioned to include a complementary mix of retail, urban housing, and transit uses. Stand-alone multi-family residential uses such as townhomes, studio flats, and apartments up to six stories will provide housing opportunities for transit users in

close proximity to Downtown. To complement residential uses, small retail and visitor serving shops will provide an appropriate transition to the retail establishments of Main Street.

Monte Vista Sub-Area

The Monte Vista Sub-Area nearly wraps the entire Specific Plan area and is comprised of office, residential, and public uses including the El Monte United States Post Office which occupies a large portion of the Sub-Area. The area contains Downtown supporting uses and creates a buffer to surrounding residential uses. The Monte Vista Sub-Area will be enhanced with street corridor beautification, mixed-use development, and Downtown entry treatments in key locations. New development is limited to a maximum of four stories to ensure an appropriate transition from the Downtown core to areas outside the Specific Plan boundary.

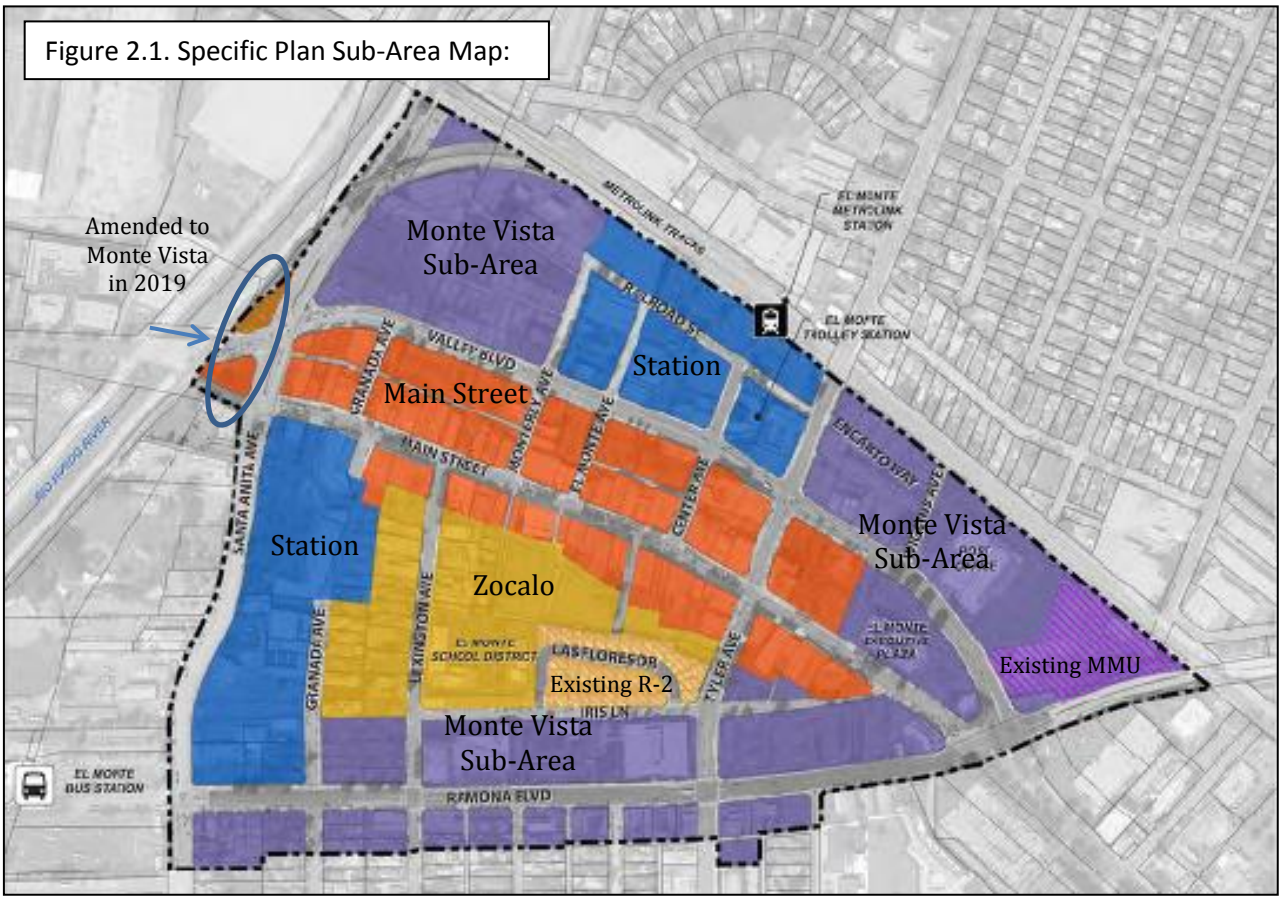
R2-PRD

The area identified on Figure 2-1 as "Existing R2-PRD" is a well established residential neighborhood that is unlikely to change during the life of this Specific Plan. This area is exempt from the regulations and guidelines found herein and would follow the R-2 standards in Title 17 of El Monte's Zoning Ordinance.

MMU

The area identified on Figure 2-1 as "Existing MMU" is exempt for the regulations and guidelines found herein and future development will follow the MMU standards in Title 17 of El Monte's Zoning Ordinance.

Figure 2.1. Specific Plan Sub-Area Map:



2.2.1. Urban Fabric.

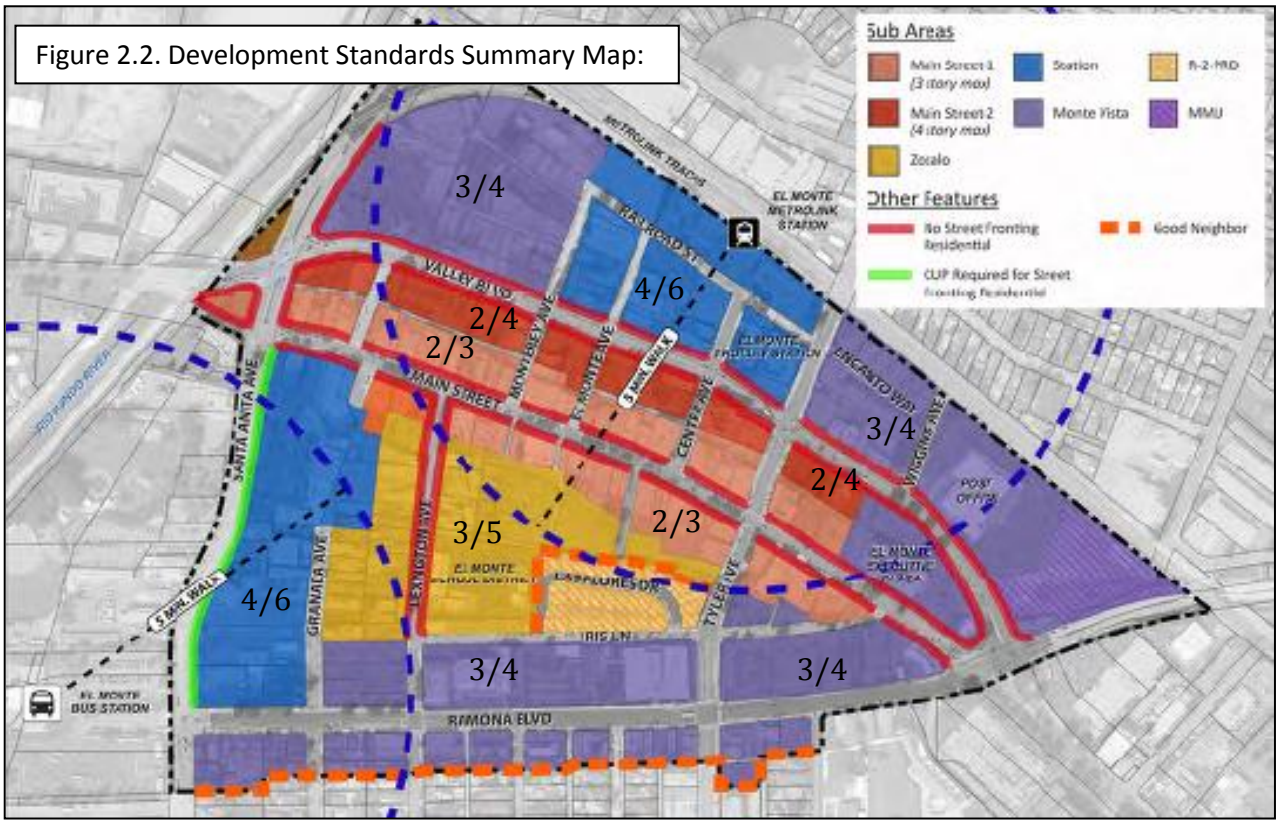
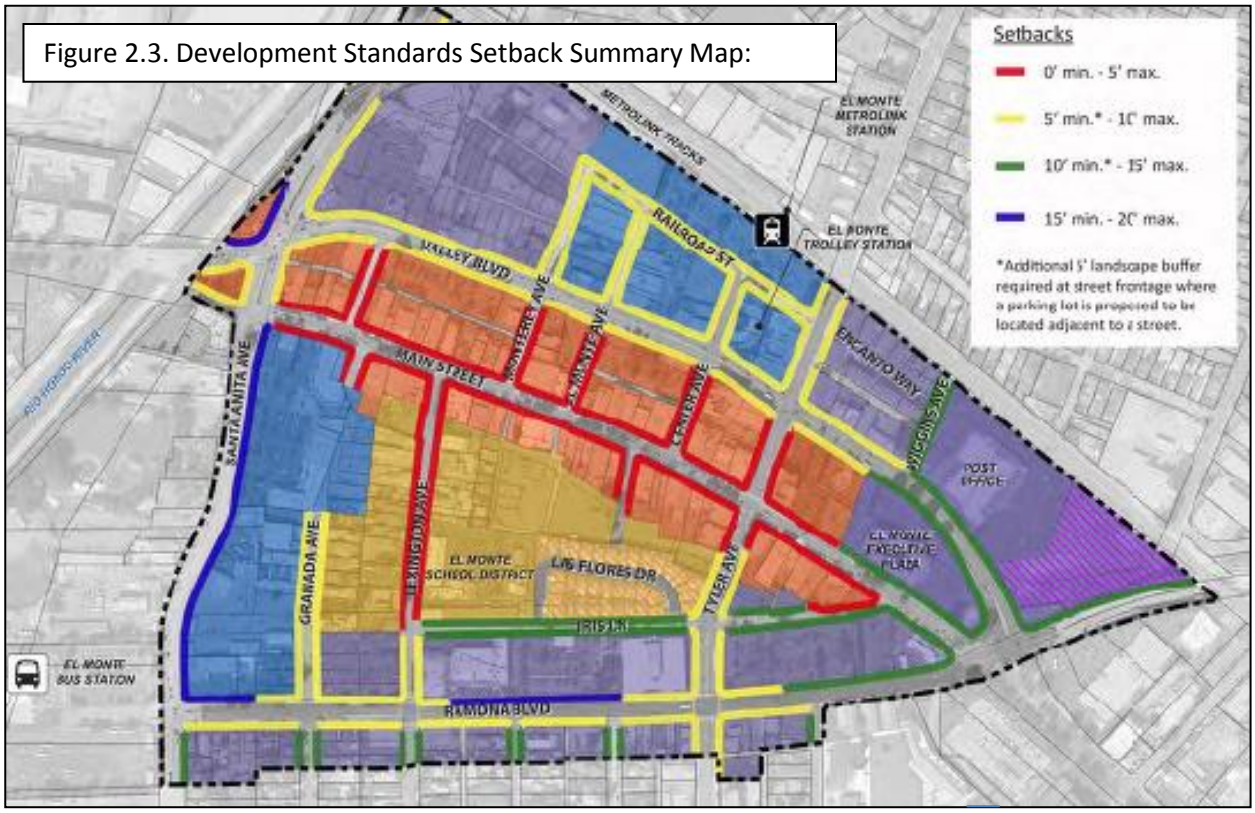


Figure 2.2. Development Standards Summary Map:

Regulation	By Right	DOR-1	DOR-2
Main Street			
Max Height	30 ft.	45 ft.	50 ft.
Max Stories	2	3	4
Max FAR*	1.0	2.0	2.5
Max Du/AC	25	35	45
Zócalo			
Max Height	35 ft.	60 ft.	--
Max Stories	3	5	--
Max FAR*	1.5	3.5	--
Max Du/AC	30	65	

Regulation	By Right	DOR-1
Station		
Max Height	50 ft.	75 ft.
Max Stories	4	6
Max FAR*	2.0	4.0
Max Du/AC	35	80
Monte Vista		
Max Height	35 ft.	50 ft.
Max Stories	3	4
Max FAR*	1.5	3.0
Max Du/AC	30	50

** FAR is for residential and non-residential square footages*



2.2.2. Development Opportunity Reserve (DOR).

The intent of the Development Opportunity Reserve (DOR) is to encourage increased development intensity concurrently with the delivery of public improvements to satisfy the increased demand for public amenities that come with the increased development intensity. Each sub-area within the Specific Plan has guidelines on permitted maximum height, number of stories, Floor Area Ratio (FAR), and dwelling units per acre allowed by right. Increased development incentive or DOR is also provided for in each sub-area. A developer can exceed the maximum height, number of stories, FAR, and dwelling units per acre allowed by right in each sub-area, subject to the delivery, or payment in lieu of delivery, of additional amenities by the developer identified within an approved Public Improvements List (Refer to Section 6.10 of the Specific Plan). A summary of potential public improvements are listed below:

1. Publicly accessible parking spaces provided in excess of minimum on-site required parking.
2. Public plazas identified in Section 3.3.3 of the Specific Plan.
3. Payment to Public Improvement In-Lieu Fee identified in Section 6.10 of the Specific Plan.
4. Consolidation of small or undersized properties.
5. Provide 10% of low/very low income housing units within the allowed DOR density, excluding Goverment Code §65915-65918.
6. Inclusion of art/cultural spaces or uses within development projects.
7. Publicly accessible park space/green space, open space, plaza, or courtyard spaces located on private property.
8. Public art that exceeds 1% of the total project cost.

2.2.4. Permitted and Conditionally Permitted Uses.

Table 2-3 Permitted Uses:

Permitted Uses	Main Street	Station	Zócalo	Monte Vista
Residential				
Child family day care	C1	C	C	C
Community care facility	--	C	C	C
Dwelling, multi-family	P1	P	P	P
Home occupation	P1	P	P	P
Live-work	--	P	P	C
Mixed-use development, where residential and nonresidential uses are integrated vertically	P2	P2	P2	P2
Ground floor housing	--	C2	--	P
Residential care facility for the elderly	--	C	C	C
Senior housing	P2	P	P	P
Assembly & entertainment				
Adult daycare	--	--	--	C
Arcades, pool halls	C	--	C	C
Athletic clubs/health spas (<5,000 sf)	P1	P	P1	P
Athletic clubs/health spas (≥5,000 sf)	C1	C	--	C
Bar/cocktail lounge	C	C	C	C
Day nurseries	--	C	C	C
Hotel	C	C	C	C
Theater	C	C	C	C
Education, public and recreational				
Private stand-alone automobile parking structures	C	P	C	C
Government buildings	C1	C	--	P
Parks and playgrounds	P	P	P	P
Public/community buildings	P	P	--	P
School, trade	C1	--	C	C
Restaurants				
Café	P	P	P	P
Fast food restaurant, with no drive-thru	P	P	P	P
Restaurants, without alcohol	P	P	P	P
Restaurants, with alcohol	C	C	C	C
Restaurants with drive-thru	--	C3	C	C

Permitted Uses	Main Street	Station	Zócalo	Monte Vista
Commercial				
Automobile parks and accessories	--	--	--	P
Department store	P	--	--	P
Drug store/pharmacy	P	P	P	P
Financial institution	P	P	--	P
Grocery/market	P	P	P	P
Hardware store (<5,000 sf)	P	--	--	P
Hardware store (≥5,000 sf)	P1	P	P	P
Instructional services (≤5,000 sf)	P1	P	P	P
Laundry and dry cleaning	--	P	P	P
Multi-tenant commercial	P	C	P	C
Offices, medical	--	P	P	P
Offices, professional	P1	P	P	P
Personal care facility	P	P	P	P
Retail store, without alcohol	P	P	P	P
Retail store, with alcohol	C	C	C	C

--	Not permitted
P	Permitted by-right
P1	Permitted by-right; use shall be above ground level west of Tyler Avenue
P2	Permitted by-right; Residential ground level shall comply with Figure 2-2.
C	Conditional Use Permit (CUP) required
C1	CUP required; Use shall be located above the ground floor west of Tyler Avenue
C2	Not permitted along Valley Boulevard CUP required along Santa Anita Permitted by-right along other streets
C3	Only as an ancillary use north of Valley Boulevard and west of El Monte Avenue

SECTION 2.3. Area Wide Development Standards.

The following development standards apply to all sub-areas within the Specific Plan area. Additional sub-area specific development standards are located in Sections 2.4 through 2.7.

2.3.1. Site Development Standards.

1. Building Location
    a. Buildings shall be oriented toward the street.
2. Ingress and Egress

    All Downtown Streets:

    a. Reciprocal ingress and egress with adjacent properties shall be provided for parcels fronting public streets. The City may waive this depending on location of existing structures, infrastructure, or failure to reach an agreement between owners.

    Main Street:

    a. Only access to a parking structure is permitted from Main Street; all other vehicular access shall be provided via an alley.

    Valley Boulevard, Ramona Boulevard and Santa Anita Avenue:

    a. Access should be taken from alleys, where the condition exists.
    b. A maximum of one (1) vehicle access point shall be provided from a primary public street for parcels with less than 150 linear feet of street frontage and/or a parcel less than 15,000 square feet.
    c. A maximum of two (2) vehicle access points shall be provided from a primary public street for parcels with more than 150 linear feet of street frontage.
3. Vehicular line of sight
    a. The clear zone shall consist of an isosceles right triangular with 7.5 feet sides from the edge of curb.
    b. The clear zone shall not be occupied by a site feature or landscaping that is taller than three (3) feet.
4. Service and delivery areas
    a. Loading docks and service areas shall not be visible from Main Street and Lexington Avenue.
    b. For all other streets, loading docks and service areas shall be located a minimum of 20’ from a public streets and be screened from view.
    c. Trash and recycling enclosures shall not be located adjacent to a public street and shall be located as far from on-site/off-site residential as possible.

5. Good Neighbor Buffer Development Standards

   Good neighbor development standards are provided to ensure future development within the Specific Plan area is compatible with existing residential development located adjacent to projects greater than three stories and within proposed mixed-use projects.

   Privacy Buffer:

   a. R2-PRD zones shall be setback 10' minimum from the residential property line. Portions of a structure over 35' tall shall be setback 20' minimum from the residential property line. Those portions of a structure over 40' tall shall be setback 30' minimum from the property line.

   Noise Buffer:

   a. Loading docks, service areas, and noise and odor-generating operations are not permitted within 20' of a property zoned R-1 and R2-PRD or shall be buffered with a 5' landscaped setback and 8' masonry sound wall.

   b. HVAC systems shall be selected based on their noise rating or designed with features to reduce noise, such as parapet walls and equipment enclosures and/or placement of equipment.

   c. Noise-generating equipment, such as refrigeration units and air conditioning and exhaust fans shall be located away from residential uses. Noise-reducing screens and insulation may be required if any equipment has the potential to create a negative impact on residential uses.

   Visual Buffer:

   a. All exterior lighting shall focus internally within the property to decrease light pollution onto neighboring residential properties. Outdoor lighting shall be shielded in a manner that prevents a direct line between its luminary and any property zoned R-1/R2-PRD. Pedestrian lighting at a minimum of one foot candle shall be required.

   b. Landscaping shall be used with other features to reduce potential visual, light, and glare conflicts between non-residential uses and residential uses.

6. Building Design Conformance

   a. All projects shall conform with the intent of the El Monte Comprehensive Design Guidelines and designs guidelines found in this Specific Plan.

   b. Mixed/multi-use projects shall comply with regulations found in Chapter 17.45 – Mixed/Multiuse Zone of the City's Municipal Code.

7. Façade Articulation

   Street Fronting

   a. Buildings shall have a primary entrance door facing public streets. Entrances at building corners may be used to satisfy this requirement (Figure 2-13).

b. A combination of architectural design elements shall be used on the building facade, along with streetscape elements at the street level, to animate and enliven the streetscape. These design elements may include but are not limited to: ornamentation, molding, changes in material or color, architectural lighting, works of art, fountains, display areas, awnings, balconies, porches, towers, landscaped planter boxes, trellises, columns, cornices, arches, decorative tiles, decorative grillwork, and outdoor furniture along street frontages.

Non-Street Fronting

a. Non-street fronting facades shall not exceed 50' without a change in wall plane, roof-line, and/or change in material.

8. Security Screening

   a. Security screening shall comply with Section 17.06.130 - Security bars and gates, of the City's Municipal Code.

JCM's Note: The parking sections of the Specific Plan have been consolidated into one section for4 easier reference.

2.2.3. Parking Management Strategies.

In order to ensure an adequate amount of parking is provided within the Specific Plan area, a number of public and private parking management strategies have been identified below. These options represent a "toolbox" of strategies that can be implemented based upon opportunities at the project level or at the Specific Plan area level. Many of the strategies will require coordination with property and/or business owners. While some of the strategies may be easier to implement in the short-term, other more long-term strategies will require additional effort and time to achieve. In addition, in instances where all of a projects required parking cannot be provided on-site, in-lieu fees and/or shared parking strategies may be appropriate.

Short-Term Parking and Employee Parking Plans

A number of street parking spaces can be restricted for short-term use during peak periods (30, 60, or 90 minute parking). This could especially be the case along Main Street and Lexington Avenue. This would benefit merchants, as the most convenient parking would be reserved for the convenience of customers. At the same time, an employee parking plan could be developed to require employees to park in designated zones.

Public Parking Fees

Public parking is currently free throughout Downtown, with no parking meters present. Integration of parking meters, especially on Main Street, could provide ongoing revenue for the City to assist in the construction of additional public parking facilities or structures.

Parking Structures

New conventional or automated parking structures will allow for Downtown expansion and redevelopment. Opportunity sites, identified in Section 5.3, may be appropriate to accommodate such facilities.

Public/Private Partnerships
The City could enter into partnerships with private developers of larger parcels to provide additional public parking in excess of the needs of an individual project.

In-Lieu or Parking Credit Program
In-lieu or parking credit programs are when a new use pays a fee on a per space basis to meet parking requirements. This can be done as a one-time fee or as an annual fee. Such fees are then pooled together to improve existing parking facilities or construct new parking facilities. The number of spaces for such a program are typically based on existing public parking (street parking and/or within parking lots) and the existing utilization of such parking.

Shared Parking
Shared parking is the use of a parking space to serve two or more individual land uses without conflict or encroachment. The ability to share parking spaces is the result of two conditions: Variations in the accumulation of vehicles by hour, by day, or by season at an individual land use; and relationships among the land uses that result in visiting multiple land uses on the same auto trip. Shared parking agreements present an opportunity to increase the available parking supply within Downtown where adjacent land uses complement one another, without having to construct new parking facilities.

2.3.2. Area Wide Parking Development Standards.

1. Parking space dimensions shall be per Section 17.08.040 of the City of El Monte Municipal Code
2. Handicap spaces shall be per Section 17.08.080 of the City of El Monte Municipal Code
3. Parking shall be in conformance with the stated requirements in Section 17.08.020, General Requirements, of the El Monte Municipal Code.
4. Section 17.08.100 of the El Monte Municipal Code identifies programs to reduce the required amount of on-site parking.
5. Up to 40% of the required on-site commercial parking may be provided as tandem parking with an attendant upon approval of a Conditional Use Permit by the Planning Commission.
6. Up to 50% of the required on-site parking for multi-family residential uses may be provided as tandem parking for the same unit.
7. Residential parking located within a mixed-use project shall be designated and signed or separated from other required non-residential parking provided.
8. All off-street surface parking spaces located adjacent to a public street shall be screened and shall adhere to the following criteria:
    a. 36” high landscaping or landscaping combined with a wall or fence shall be provided, as measured from the adjacent parking surface.
    b. Screening method must be approved by the Director of Economic Development.
    c. Screening shall not be intended to conceal or hide, but rather to soften the visual impact of the parking area. Parking areas shall remain visible to passerby and police.

d. Any parking structures proposed shall be developed/designed using the area-wide development standards found within this Specific Plan.

Parking Requirements.

Residential	Main Street, Station & Zócalo (per unit)	Monte Vista (per unit)
Studio	1.0	1.0
1 bedroom	1.0	1.25
2 bedrooms	1.5	1.75
3+ bedrooms	2.0	2.0
Guest spaces	1 per 8 units	1 per 6 units

Non-residential	Main Street, Station & Zócalo (% reduction from the EMMC)	Monte Vista (% reduction from the EMMC)
Assembly, entertainment, educational, public and recreational uses	20%	No reduction
Restaurants*	30%	10%
Commercial uses	40%	20%
Other uses	Shall comply with the parking requirements of the EMMC	

** The first 12 outdoor seats shall be exempt from any parking requirement*

The Planning Commission and City Council may reduce the required parking after considering documentation and/or study provided by the applicant, staff's recommendation and giving decisive weights to all relevant facts, including but not limited to the following factors: availability and accessibility of alternative parking; impacts on adjacent residential neighborhoods; existing or potential shared parking arrangements; the characteristics of the use, including hours of operations and peak demand times; design and maintenance of off-street parking that will be provided; and whether the proposed use is new or a small addition to an existing use.

SECTION 2.8. Area Wide Design Guidelines.

2.8.1 Historic Compatibility.

In all sub-areas, proposed new development, rehabilitation of an existing building, or an exterior remodel to a building that is adjacent to or in the immediate area of a Historic Property, whether the Historic Property is within or outside the Specific Plan area, shall comply with Secretary of Interior's Standards and Guidelines for the Treatment of Historic Properties and shall be consistent with the following design guidelines for Historic Compatibility.

a. Maintain historic features and elements of existing buildings.

b. New construction should respect and complement the original period and style of adjacent buildings without mimicking them exactly.

c. New construction should avoid a false "historical" look.

2.8.2 Sustainability.

Sustainability includes the protection and conservation of irreplaceable non-renewable resources. The transit oriented nature of this Specific Plan is inherently sustainable as the intent is to connect nearby residential neighborhoods to transit facilities, services, shopping, and dining establishments through a series of walkable streets and paseos. This will lead to a reduction in auto dependency, encourage an active lifestyle, and add a sense of vibrancy to Main Street.

1. General Sustainable Design Guidelines:
    a. Residences should be within one-quarter mile or less from services, transit, and other daily needs, and should have strong pedestrian connections.
    b. Auto-dependency should be reduced by providing pedestrian linkages through walkways or bike paths to encourage accessibility to residential and service needs.
    c. Public parks and plazas should provide well-linked active and passive open space for an opportunity for exercise and recreation.
    d. Buildings should be designed to take advantage of solar orientation to ensure that windows, walls, and floors are built to collect, store, and distribute solar heat efficiently.
    e. Buildings should be oriented to maximize active and/or passive solar gain; this allows the facades to let light in, reduce glare, and reduce overheating to the building interior.
    f. Architectural elements such as skylights and high-performance glazing should also be used to conserve energy, where possible.
    g. Climatic factors such a prevailing winds shade trees, window and door orientation, and the positioning of buildings should be coordinated to maximize energy conservation.
2. Stormwater Management Design Guidelines:
    a. The project site should be designed to maintain natural stormwater flows by promoting infiltration.

b. Impervious surfaces should be minimized.

c. Site drainage should be designed to integrate a decentralized system that distributes stormwater across a project site.

d. Various devices that filter water and infiltrate water into the ground should be considered.

e. For areas with poor drainage conditions, the provision of drainage chimneys/wells, subsurface water storage, or the provision of bioswales to clean the water and transfer off-site should be provided.

f. Practices to control pollution, such as phased construction, seeding, non-invasive grading, mulching, filter socks, stabilized site entrances, sediment controls, fiber rolls, and stabilized channels and outlets, are recommended.

3. Existing Building Reuse Design Guidelines:

a. The reuse of existing structures is recommended. The energy required to reuse a structure is potentially less than the energy required to develop a new structure.

b. Building reuse should reduce the material waste that results from destroying old sites and rebuilding using new materials.

c. Reused buildings should incorporate new architectural elements in juxtaposition with old ones where appropriate.

d. For historic buildings, energy efficiency and sustainable preservation resources and strategies are available at:

http://www.nps.gov/tps/sustainability/energy-efficiency.html.

4. Cool Roof and Green Roof Design Guidelines:

a. Both cool roofs and/or green roofs should be considered on buildings.

5. Solar Voltaic System Design Guidelines

a. New residential and non-residential buildings are recommended to have solar-ready roofs.

b. Solar panels are recommended on rooftops and parking area carports.

2.8.3 Site Design.

The following guidelines are designed to enhance the overall site layout to achieve the pedestrian-oriented vision for the Specific Plan area.

a. Buildings should be oriented toward the street and/or publicly accessible space such as a plaza.

b. Landscaping should be installed between the street and the sidewalk and/or trees planted in tree wells to buffer the sidewalk from traffic and to provide an enhanced pedestrian area.

c. Parking lots should be provided behind buildings, underground, or within parking structures, where possible.

d. Outdoor spaces should have a clear purpose that reflects careful planning and not simply "left over" areas between structures. Such spaces should be landscaped and/or provide pedestrian amenities, including benches, bicycle racks, fountains, and/or public art and should be coordinate with the City as part of a development proposal.

e. Focal points should be developed at intersections, corners, and at the end of streets and pedestrian walkways to create a sense of identification. Plazas, landscape, fountains, artwork, textured pavement, and vertical building features may be combined to create focal points.

f. Communal open spaces (e.g. plazas, common green spaces) should be integrated within commercial areas and residential developments to provide places for occupants and visitors to relax, play, and interact.

g. Loading areas and delivery service areas at the rear or side of buildings should be screened with decorative walls, trellises/vines, berms with landscaping, trees, or a combination of these treatments.

h. Parking areas should be landscaped to minimize glare and heat buildup and to reduce negative visual impact associated with large paving areas.

i. Landscaping within parking areas should be protected from encroaching vehicles by concrete curbing or raised planting areas.

j. The primary entry drive to parking lots, as well as pedestrian paths of travel within a parking lot, should be accented with enhanced paving and landscaping. Permeable or semi-permeable surfaces such as pavers are preferred for accent paving.

k. Dead-end drive aisles should be avoided.

2.8.4 Pedestrian and Vehicular Connections.

The circulation pattern throughout the Specific Plan area will play a pivotal role in the success of attracting visitors and potential tenants to the Downtown. It is important to establish a well-connected system of streets and paths, both internally and to surrounding uses, to allow users to choose from a variety of transportation modes including public transit, walking, and biking.

a. Plazas and outdoor use areas should be enhanced with shade trees or shade structures and pedestrian amenities such as benches, fountains, landscaping, and public art.

b. Pedestrian paths and paseos should be designed as integral circulation routes to foster a vibrant environment that encourages walking and enhances the pedestrian experience.

c. Access between transit/bus stops and Main Street should be clearly defined.

d. Surfaces made from permeable materials such as pavers should be provided, where possible.

e. Trellises and other pedestrian-scale amenities are encouraged in and along pedestrian paths.

f. Outdoor furniture and fixtures should be compatible with the project architecture and should be carefully considered as integral elements of the project.

2.8.5 Outdoor Dining.

The following guidelines have been included to enhance and encourage outdoor dining within the Specific Plan area.

a. A minimum six (6) foot unobstructed clearance should be maintained from any object, fixture, or edge of curb to allow for pedestrian access and passage.

b. All tables and chairs should be of sturdy construction, made of quality materials, and designed to complement the character of the attached use. The maximum diameter of the tables should be 48".

c. Parking for outdoor dining is limited to a maximum 10% of the required spaces. No additional parking is required for outdoor dining in excess of the 10%identified above.

d. Other conditions as determined by the City Planner.

2.8.6 Building Form and Mass.

Design building forms to create interesting architecture that relates to pedestrian scale, creates a Downtown character, and minimizes the appearance of large box-like buildings.

a. Variation in wall and roof planes should be used on large monolithic structures to break up the boxlike appearance. Surface detailing, such as score lines, should not serve as a substitute for distinctive massing.

b. Building designs should incorporate 360-degree architecture. 360-degree architecture is full articulation on every building elevation. This includes variation in massing, roof forms, and wall planes, as well as surface articulation.

c. Architectural elements that add visual interest, scale, and character such as projecting balconies, trellises, recessed windows, window detailing, and door detailing should be incorporated to create shadow patterns and help articulate façades and blank walls.

d. Building surfaces that face walkways should be effectively articulated to enhance the pedestrian experience.

e. Contrasting base materials and/or molding elements should be used to anchor the building to the ground plane.

f. Entries, display windows, awnings, arcades, and outdoor eating areas should be provided to create inviting public spaces.

g. The visual impact of large monolithic structures should be minimized by creating a cluster of smaller buildings or the appearance of a series of smaller buildings.

h. Stairways should be designed as an integral part of the overall architecture of the building and not appear as tacked on.

2.8.7 Roof Form.

Roof forms should be used to distinguish various building forms, create an interesting roof-line, and help to break up the building massing.

a. Buildings with flat or low pitched roofs should incorporate parapets or architectural elements to break up long horizontal rooflines.

b. Deep roof overhangs are encouraged to create shadow and add depth to façades. Exposed structural elements (beams, rafter tails) are encouraged as roof overhang details.

c. Full roofs are desirable. Hipped or gable roofs covering the entire building are preferred to mansard roofs and segments of pitched roofs applied at the building edge.

d. Roof parapets should be well-detailed, be three dimensional, and of substantial size to complement the building. They should include one or more of the following detail treatments: pre-cast elements, continuous banding or projecting cornices, dentils, caps, corner details, or variety in pitch (sculpted).

e. Parapets should be designed to avoid visibility of the interior. If the interior side of a parapet is visible from pedestrian view, it should be finished with the same materials and a similar level of detail as the front façade.

f. Parapets should not appear “tacked on” and should convey a sense of permanence.

2.8.8 Windows, Doors and Entries.

a. Window, doors, and entry design and materials should complement the desired architectural style of the building.

b. Entry design should incorporate two or more of the following methods:
   - Change in wall/window plane;
   - A projecting element above the entrance;
   - A change in material or detailing;
   - Architectural elements and decorative fixtures;
   - A portico or formal porch projecting from or set into the surface;
   - Changes in the roofline or a tower;
   - Front porch; and
   - Decorative detailing or placement of art.

c. Where recessed entries occur, a decorative paving material, such as tile, marble, or slate, is encouraged on the ground plane.

d. Windows should be articulated with accent trim, sills, shutters, window flower boxes, balconies, awnings, or trellises authentic to the architectural style of the building.

e. Windows should be inset from building walls to create shade and shadow detail.

f. Faux shutters should be proportionate to the windows to create the appearance of a real and functional shutter.

g. Long, monotonous balconies and exterior corridors that provide access to multiple units should be avoided. Instead, access points should be clustered.

2.8.9 Awnings.

a. All lots with more than one commercial occupant sharing contiguous frontage should maintain a common location and design for building awnings.

b. The bottom edge of awnings should be a minimum of eight feet off the ground.

c. All awnings should be constructed with noncombustible materials such as a fireproof canvas or vinyl.

d. Awnings should be centered over doorways and windows.

e. Awnings should be in proportion to door and window openings.

f. Awnings should be of a color which is appropriate to the overall colors of the facade.

g. The shape, size, and number of awnings should be appropriate to the overall facade design and building size.

h. Awning structure should be sufficient to support safely the awning and withstand the pressures of wind and weather.

i. Awnings which become ripped, tattered, or damaged must be repaired or replaced within three (3) months of the occurrence/appearance of the damage.

2.8.10 Materials and Colors.

a. To convey a sense of high-quality design and permanence, building colors and materials should be selected to simulate authentic and timeless materials.

b. Contrasting colors are encouraged to accentuate details such as trim, windows, doors, and key architectural elements, as long as selected colors reinforce the desired architecture style.

c. Fluorescent paints and bright colors are strongly discouraged.

d. Building base materials should be selected that are durable and highly resistant to pedestrian traffic such as pre-cast concrete, stone, masonry, brick, and commercial grade ceramic tile.

e. Recommended façade materials:
   - Exterior plaster (smooth troweled preferred);
   - Cut stone, rusticated block (cast stone), stone tile, and pre-cast concrete;
   - Brick veneer, new or re-used; and
   - Ceramic tiles.

f. Façade materials that are discouraged:
   - Imitation and crushed rock;
   - Mirrored or reflective glass and heavily tinted glass;
   - Windows with “tape on” divisions/mullions;

- Corrugated fiberglass;
- Vinyl and aluminum siding;
- Painted or baked enamel metal awnings;
- Rough “Spanish lace” stucco finish;
- Exposed concrete masonry units and split faced concrete masonry;
- Imitation brick; and
- Plywood siding.

g. Recommended roof materials:
   - Roof tiles made of clay, slate, or integrally colored concrete;
   - Roof tiles with “Mission” or “Barrel” shaped roof profiles;
   - Metal roof panels with standing seam texture; and
   - Ridge and hip caps and/or flashing should coordinate with field colors.

h. Roof materials that are discouraged:
   - Brightly colored material;
   - Low-profile composition roof tile, wood and/or hard board, or synthetic shingles and shakes;
   - Simulated clay tile roofs in metal;
   - Corrugated metal roof panels; and
   - Roof tiles with S-profile.

2.8.11 Walls and Fences/Screening.

Minimize impact of walls along public streets.

a. Walls and fences should be designed with materials and finishes that complement project architecture and should be planted with vines, shrubs, and/or trees.

b. All fences and walls required for screening purposes should be of solid material. Chain link or similar metal wire fencing with slats is prohibited for screening purposes.

c. A combination of low walls and landscaping should be used to screen unsightly elements of the project and define private and semi-private areas.

d. Fences and walls should be constructed as low as possible while still performing screening, noise attenuation, and security functions.

e. Service areas are to be separate and screened from public areas by the use of walls and landscaping as much as possible.

2.8.12 Lighting.

Provide sufficient lighting for the safety of site occupants and visitors.

a. Light fixtures should be designed to relate in color, material, size, location, and illumination with the building architecture.

b. All building entrances should be well-lit.

c. Exterior building Clighting designated to illuminate signs should be mounted above the sign on the facade and should be appropriate to the size and scale of the signage.

d. Pedestrian and auto-oriented street lighting (light posts) will be provided by the City. No private pedestrian street lighting posts are permitted.

e. Pedestrian alley lighting (light posts) will be provided by the City. No privately installed pedestrian alley lighting posts are permitted.

f. Alley lighting, marking building entries, should be surface mounted and may be either flush with, recessed, or extended from the wall. No fluorescent lighting is allowed for this purpose.

g. Fluorescent lighting tubes shall be concealed by a shade or lens.

h. Parking lots, pedestrian walkways, and paseos should be illuminated to ensure safe nighttime conditions.

i. Light fixtures should be sited, directed, and/or shielded to prevent spot lighting, glare, or light spillage beyond property lines.

j. The lighting of building elements and trees is an effective and attractive lighting technique that is encouraged; however, light sources for wall washing and tree lighting should be hidden and located so as to not shine in the eyes of pedestrians.

k. Low-voltage / high efficiency lighting should be used in the landscape.

l. No floodlights are permitted.

m. Security lighting fixtures should not project above the fascia or roofline of the building and should not be substituted for parking lot or walkway lighting fixtures.

n. Timers and sensors should be incorporated to avoid unnecessary lighting in low volume pedestrian traffic areas.

o. Parking lot lighting shall be provided as outlined in the Municipal Code.

2.8.13 Trash Enclosures.

Carefully design, locate, and integrate trash enclosures into the site plan.

a. Enclosures should be located away from adjacent residential uses to minimize nuisances to neighboring properties.

b. Self-clinging vines are encouraged to discourage graffiti.

c. Enclosures should be separated from adjacent parking stalls with a planter and paved surface behind the curb to provide easy access to a vehicle as well as adequate screening.

d. Trash enclosures should be designed with similar finishes, materials, and details as the primary building(s) within the project area.

e. Chain link fencing and gates with wood slats should not be used.

f. Enclosures should be unobtrusive and conveniently located for trash disposal by tenants and collection by service vehicles.

g. Where possible, a pedestrian entrance to the trash enclosure should be provided so that the large access doors do not have to be opened as frequently.

2.8.14 Mechanical Equipment Screening

a. Mechanical equipment on the ground should be completely screened from street level view with attractive planting, masonry walls, or iron fencing with plantings which compliment building architecture.

b. All roof-mounted mechanical equipment should be located behind a permanent parapet wall and completely screened from ground level view.

2.8.15 Security Gates.

a. No security gates or security window grilles should be installed or maintained on the exterior of a building.

2.8.16 Parking Structures.

Parking structures that seamlessly integrate with surrounding buildings are appropriate for Downtown El Monte. This can be accomplished by wrapping portions of the first floor with commercial uses and by articulating upper floors with elements that reflect an occupied building.

a. Decorative and interesting architectural elements, such as towers and rotundas, should be utilized at street intersections. These elements could be used for stairwells and/or elevator towers.

b. Parapets should be added to key areas on the structure to change the roof-line and reduce its horizontal appearance.

c. Substantial massing should occur at the corner of the structure to anchor the building and give the structure proportions similar to a regular commercial building.

d. Horizontal openings should be broken up with vertical columns to create a rhythm of openings.

e. Framing should be added to openings to mimic windows. The framing should have vertical members to deemphasize the horizontal lines of the structure.

f. Landscaping should be used to screen and enhance the structure. Landscaping and vines planted on structure façades can help reduce the visual impact of the structure while berms and trees planted at the perimeter of the garage can screen lower levels.

g. Where retail is not provided on the ground floor, the structure should be surrounded by landscaping so that the structure does not directly abut paved areas. A minimum of a 5’ landscaping strip should be provided between paved areas and the structure.

h. Parking structure lighting should be appropriately shielded so as not to spill into adjacent residential areas.

2.8.17 Building Signage.

The following signage design guidelines are provided to supplement signage regulations found in Chapter 17.12 - Sign Standards and Signage Regulation, in the Municipal Code.

General Signage.

a. Signs reflecting the type of business through design, shape, or graphic form are encouraged.

b. Signs should not cover up windows or important architectural features.

c. Sign variety is encouraged among different users.

d. Projecting signs attached to buildings are encouraged in pedestrian areas and mounting materials should be hidden or designed to complement sign materials.

e. "A" frame signage is permitted for restaurant uses located within the Specific Plan provided they are designed in conformance with the following guidelines:
   (i) The maximum size of the signage should not exceed six square feet in surface area per side for a single- or double-sided advertisement. Multiple-sided advertisements, in excess of two sides, are prohibited.
   (ii) The maximum height from the ground level to the top the signage should be no greater than four (4) feet.
   (iii) One sign is permitted per restaurant.
   (iv) Signage should not be located more than three feet from the restaurant storefront.
   (v) All signage structures and materials should be maintained in good repair and in clean condition at all times and should be constructed of high quality, weather resistant materials.
   (vi) Hand-lettered signage on temporary materials (i.e. paper, cardboard) are not permitted.

Auto-Oriented Signage.

Auto-oriented signage should comply with the following signage system:

a. The sign message must be the store name only. Sign should be made of individual cut out letters mounted directly to the building facade with thin rods or pins which hold the letter three-fourths inch off the building surface. A narrow ornamental frame, completely independent of the letters, should be permitted. Such a frame would be mounted in the same manner as the letters.

b. Sign letters should be of wood, metal or exterior quality, high density foam covered with high pressure plastic laminate at least three-fourths inch thick. Lighted neon glass tubing is also permitted.

c. All letters should be painted with an exterior gloss enamel in an accent color used elsewhere on the building exterior.

d. Non-neon signage should be lit externally by fixtures mounted above the sign on the facade.

e. Any additional symbols or graphic elements must be three dimensional and are subject to approval as part of the review package

Pedestrian-Oriented Signage.

Pedestrian-oriented signage should comply with the following signage system. All buildings are required to have a twenty-six (26) by twenty-two (22) inch flag mounted sign as specified below:

a. The bottom edge of all signs should be seven (7) feet nine (9) inches to eight (8) feet six (6) inches above the ground.

b. All signs should be twenty-six (26) inches in length by twenty-two (22) inches in height.

c. Signs should be made of one-eighth inch thick painted sheet metal.

d. All signs should be painted with an exterior grade enamel. The bracket should be painted in an accent color used elsewhere on the building exterior.

e. Signs should be non-fixed to lessen the impact of vandalism.

f. Signs should be hung from a two (2) feet by eight (8) inches horizontal metal tube (two (2) inches in diameter) and mounted.

Rear Facade Signage.

Rear facade signage should comply with the following guidelines:

a. Signage may be either a painted wall sign, a wall sign, or three (3) dimensional signage as specified in the Auto-Oriented Signage subsection above.

b. Painted Wall Signs.
   (i) Painted wall signs should be allowed only on rear building facades.
   (ii) Signage should not cover greater than twenty (20) percent of the surface on which the sign is painted. This determined by the area defined by the edges of the lettering.
   (iii) The design and maximum coverage of all painted wall signs is subject to Planning Commission approval as part of the review package.

Exterior Signage Lighting.

a. Signage lighting should be mounted on the facade above the auto-oriented sign.

b. The lights should not obstruct the signage.

c. Signage lighting should be designed to relate in color, material, size, location, and illumination to both the signage being illuminated and to the building facade.

Other Signage Requirements.

Notwithstanding any provision of the El Monte Municipal Code to the contrary, no person should erect or maintain a sign or signs within the area designated the Specific Plan area unless it conforms to the following regulations:

a. Pursuant to an inventory of existing signs, that signage which is identified as legal nonconforming should be removed simultaneously along with any facade improvement.

b. No sign should be constructed, placed, created, or maintained on any premises which advertises other than a bona fide business conducted, product sold, or service rendered on

the premises where the sign is located, or which identifies by name, logo, and address the building or premises on which the sign is located.

c. No more than two signs should be constructed, placed, created, or maintained on any premises except that:
   (i) Premises, situated in buildings located on corner lots, may have one sign on each exterior wall which abuts a street;
   (ii) Premises with accessways to an alley or parking lot may have one additional sign directly adjacent to the alley accessway; and
   (iii) Theaters may have additional wall signs, not to exceed a total of one hundred (100) square feet, for the purpose of advertising their current and forthcoming shows.

d. Existing theater wall signs and existing theater marquees should be permitted three and one-half (3½) square feet for each one foot of street frontage. First story street frontage must be calculated separately for each street which the premises abuts and may not be accumulated for determining the size of any sign.

e. Double-faced signs should be considered as one sign and should be limited to one sign per premises. A double-faced sign should have two parallel faces. The total thickness of the sign should be no more than two (2) inches.

f. Each building which contains interior stores should be permitted one sign on each exterior wall which abuts a street. The permitted sign may, pursuant to the design process contained herein, identify all businesses conducted in the interior premises but may not exceed a total area of twelve (12) square feet.

g. No projecting sign should have a vertical dimension exceeding four (4) feet.

h. No painted wall signs should be permitted unless a historical precedent can be documented with the exception of those signs on the rear building facade as outlined in the Rear Facade Signage section above.

i. No signs painted on metal, wood, plastic or surfaces other than the wall of the building should be permitted with the exception of those signs on the rear building facade as outlined in Rear Facade Signage section above.

j. No more than one projecting sign should be constructed, placed, created, or maintained on any premise.

k. No wall sign should project more than nine (9) inches from the face of the building to which it is attached. Signs permanently attached or affixed to exterior windows or doors should not occupy more than ten (10) percent of the total window or door area to which they are attached or affixed.

m. Premises with awnings may have painted on or affixed to the valances thereof in letters, numbers or symbols not to exceed nine (9) inches in height the name, occupation, and/or address of the tenant or owner.

n. The regulation of temporary signs and inanimate signs should be governed by the provisions of Chapter 17.12 (Sign Standards and Signage Regulation) of the El Monte Municipal Code.

o. One street address sign is allowed on each building face for which the property has a legal address. The numeric signs should be white, four (4) inch, Helvetica Medium vinyl die cut numbers located above the doorway of each property.

p. No sign should be installed or maintained above the building parapet.

q. Foreign language signs are permitted; however, all established business trade names or the basic business product name appearing on those should also be written with the English alphabet and the street address with Arabic numerals.

Prohibited Signs.

a. No roof signs are permitted.

b. No freestanding signs are permitted.

c. With the exception of "A" frame signage for restaurant uses, no portable signs are permitted.

d. No billboards are permitted.

e. No flashing or blinking signs are to be constructed, placed, created, or maintained.

f. No internally lit rectangular box signs with overall plexiglass faces are permitted.

g. No banners, flags, bunting, balloons, or similar temporary advertising are permitted, except pursuant to Section 17.12.090A of the Municipal Code.

Exceptions.

The provisions of Rear Facade Signage, Exterior Signage Lighting, and Other Signage Requirements listed above do not apply to:

a. Signs required by law;

b. Signs owned by governmental agency;

c. Public utility signs which contain no advertising copy and which are customarily utilized in the performance of the utility's function;

d. One construction sign located on a lot where a building or structure is being erected or remodeled and which identifies the architects, engineers, financing agent and/or contractors involved in the project, provided, however, that such sign should not extend more than eight (8) feet above the ground level, nor exceed forty (40) square feet in area;

e. Mural decorations intended for ornament or commemoration which have been determined by the Planning Commission to have artistic merit and to be supportive of the goals and objectives of this Specific Plan;

f. One temporary real estate sign on the building face of each premises which abuts a street, alley, exit court, or parking lot, indicating the building or land or premises is for sale, lease or rent; provided such signs are located on the property to which they relate and do not exceed fifteen (15) square feet in size;

g. Signs which are contained on the list of cultural or historical monuments prepared by the city; and

h. Freestanding community service signs which are existing on the effective date of the ordinance codified in this chapter.

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Chapter 17.82 - NEW AND SUBSTANTIALLY CHANGED WIRELESS FACILITIES[6]

17.82.010 - Purpose and intent.

A. The City of El Monte intends this Chapter 17.82 to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the city's territorial boundaries, consistent with and to the extent permitted under federal and California state law. The standards and procedures contained in this chapter are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the city's local values, which include without limitation the aesthetic character of the city, its neighborhoods and community. This chapter is also intended to reflect and promote the community interest to (1) ensure that the balance between public and private interest is maintained on a case-by-case basis; (2) protect the city's visual character from potential adverse impacts or visual blight created or exacerbated by telecommunications infrastructure; (3) protect and preserve the city's environmental resources; and (4) promote access to high-quality, advanced telecommunication services for the city's residents, businesses and visitors.

B. This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the city may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the city to preempt any applicable federal or California law.

(Ord. No. 2930, § 2, 8-7-2018)

[6] Ord. No. 2930, § 2, adopted August 7, 2018, in effect, repealed ch. 17.82, §§ 17.82.010—17.82.165 and enacted a new ch. 17.82 as set out herein. Former ch. 17.82 pertained to similar subject matter and derived from Ord. No. 2739, adopted March 17, 2009; and Ord. No. 2923, adopted September 5, 2017.

17.82.020 - Definitions.

The abbreviations, phrases, terms and words used in this chapter will have the meanings assigned to them in this Section 17.82.020 or, as may be appropriate, in Section 17.04.020 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 153, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

"Approval authority" means the commission or official responsible for review of permit applications and vested with the authority to approve or deny such applications. The approval authority for a conditional use permit is the Planning Commission or, on appeal, the City Council. The approval authority for an administrative wireless permit is the Economic Development Director or, on appeal, the Planning Commission. The approval authority for a temporary wireless permit is the Economic Development Director or, on appeal, the City Manager. The foregoing notwithstanding, the approval authority for administrative wireless permits or temporary wireless permits relating to wireless facilities within the public rights-of-way is the Public Works Director, or on appeal, the Planning Commission or City Manager, respectively.

“Base station" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government under this section, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the state or local government under this section, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).

"City Manager" means the City Manager of the City of El Monte, or the City Manager's designee.

"Concealed" or **"concealment"** means camouflaging techniques that integrate the transmission equipment into the surrounding natural and/or built environment such that the average, untrained observer cannot directly view the equipment but would likely recognize the

existence of the wireless facility or concealment technique. Camouflaging concealment techniques include, but are not limited to: (1) facade or rooftop mounted pop-out screen boxes; (2) antennas mounted within a radome above a streetlight; (3) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (4) an isolated or standalone faux-tree.

"CPCN" means a "Certificate of Public Convenience and Necessity" granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 et seq., as may be amended.

"CPUC" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

"Economic Development Director" or **"Director"** means the Economic Development Director of the City of El Monte, or the Economic Development Director's designee. When used in the context of applications related to wireless facilities on private property, the Director refers to the Economic Development Director.

"FCC" means the Federal Communications Commission or its duly appointed successor agency.

"FCC Shot Clock" means the reasonable time frame within which the city generally must act on a given wireless application, as defined by the FCC and as may be amended from time to time.

"OTARD" means any over-the-air reception device subject to 47 C.F.R. §§ 1.4000 et seq., as may be amended, and which includes satellite television dishes not greater than one meter in diameter.

"Personal wireless services" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services.

"Personal wireless service facilities" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as facilities that provide personal wireless services.

"Planning Commission" means the Planning Commission of the City of El Monte.

"Planning Division" means the Planning Division of the Economic Development Department of the City of El Monte or its duly appointed successor agency.

"Public Works Department" means the Public Works Department of the City of El Monte or its duly appointed successor agency.

"Public Works Director" or **"Director"** means the Public Works and Utilities Director of the City of El Monte, or the Public Works Director's designee. When used in the context of applications related to wireless facilities in the public right-of-way, the Director refers to the Public Works Director.

"RF" means radio frequency or electromagnetic waves generally between thirty (30) kHz and three hundred (300) GHz in the electromagnetic spectrum range.

"Routine maintenance and repair" means work performed solely to maintain or repair the existing transmission equipment approved in accordance with the regulatory approvals or permits required at the time the subject wireless facility was constructed or modified. As an illustration, routine maintenance and repair includes fixing the internal components of damaged, inoperable or malfunctioning transmission equipment or replacing such equipment with new equipment of the same make, model and size of the equipment being replaced. Maintenance or repair that involves adding any new transmission equipment, increasing the size or dimensions of any existing transmission equipment, or implementing technology upgrades shall not be considered routine.

"Section 6409" means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.

"Stealth" means concealment techniques that completely screen all transmission equipment from public view and integrate the transmission equipment with the surrounding natural and/or built environment such that, given the particular context, the average, untrained observer does not recognize the existence of the wireless facility or concealment technique. These facilities are so integrated and well-hidden that the average, untrained observed would need special knowledge to recognize their existence. Stealth concealment techniques include, but are not limited to: (1) transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure and (2) new architectural features that mimic the underlying building in architectural style, physical proportion and quality of construction materials. Architectural features commonly used as stealth concealment include, but are not limited to, church steeples, cupolas, bell towers, clock towers, pitched faux-roofs, water tanks and flagpoles. Further, whether a wireless facility qualifies as a stealth facility depends on the context that exists at a given location and is evaluated on a case-by-case basis.

"Temporary wireless facilities" means portable wireless facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels ("COWs"), sites-on-wheels ("SOWs"), cells-on-light-trucks ("COLTs") or other similarly portable wireless facilities not permanently affixed to site on which is located.

"Tower" means the same as defined by the FCC in 47 C.F.R. § 1.40001 (b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.

"Transmission equipment" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Wireless" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.030 - Applicability.

A. Applicable Wireless Facilities. This chapter applies to all existing wireless facilities within the city and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy wireless facilities in the city, whether located or proposed to be located on private property or in the public right-of-way, unless exempted under Section 17.82.030(B) (Exempt Wireless Facilities) or governed under Chapter 17.83 (Eligible Facilities Requests) pursuant to Section 17.82.030(C) (Requests for Approval Pursuant to Section 6409).

B. Exempt Wireless Facilities. Notwithstanding the provisions in Section 17.82.030(A) (Applicable Wireless Facilities), the provisions in this chapter will not be applicable to: (1) wireless facilities owned and operated by the city for public purposes; (2) wireless facilities installed on city property located outside the public right-of-way (3) wireless facilities installed on city property in the public right-of-way pursuant to a valid master license agreement with the city; (4) amateur radio facilities; (5) OTARD antennas; (6) wireless facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); (7) wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D; and (8) routine maintenance and repair performed on existing wireless facilities.

C. Request for Approval Pursuant to Section 6409. Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 will be first reviewed under Chapter 17.83 (Eligible Facilities Requests). Qualifying requests for Section 6409 approval will not be subject to an administrative wireless permit or conditional use permit under Section 17.82.040. To the extent that the applicant's request does not qualify for approval under Section 6409, the applicant may submit the same or a substantially similar application for approval under this chapter.

D. Special Provisions for Small Wireless Facilities. Notwithstanding any other provision in this Chapter 17.82, including any exemption under Section 17.82.030.B., all small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(1), as may be amended or superseded,

are subject to a permit, as specified in a City Council policy to be adopted by City Council resolution. All small wireless facilities shall comply with the City Council's policy. If the policy is repealed, an application for a small wireless facility shall be processed pursuant to this Chapter 17.82.

(Ord. No. 2930, § 2, 8-7-2018; Ord. No. 2940, § 3, 1-8-2019)

17.82.040 - Required approvals.

A. Administrative Wireless Permit. An administrative wireless permit, subject to the approval authority's prior review and approval in accordance with the procedures and standards in this chapter, is required for:

1. All new wireless facilities and collocations, modifications or other changes to existing wireless facilities located in the public rights-of-way on non-residential used or zoned property;
2. All new stealth wireless facilities;
3. All collocations, modifications or other changes to existing stealth facilities.

B. Conditional Use Permit. A conditional use permit, subject to the Planning Commission's prior review and approval in accordance with the procedures and standards in Chapter 17.24 (Conditional Use Permits), is required for:

1. All new wireless facilities and collocations, modifications or other changes to existing wireless facilities that require a limited exception pursuant to Section 17.82.070(C) (Limited Exception for Personal Wireless Service Facilities);
2. All new wireless facilities and collocations, modifications or other changes to existing wireless facilities not subject to an administrative wireless permit.

C. Temporary Wireless Permit. A temporary wireless permit, subject to the approval authority's prior review and approval in accordance with the procedures and standards in Section 17.82.110 (Temporary Wireless Facilities), is required for any temporary wireless facility, unless deployed in connection with an emergency pursuant to Section 17.82.110.B. (Temporary Wireless Facilities for Emergencies).

D. Other Permits and Regulatory Approvals. In addition to any conditional use permit, administrative wireless permit, temporary wireless permit or other permit or approval required under this chapter, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation other any permits and/or regulatory approvals issued by other departments or divisions within the city. Furthermore, any permit or approval granted under this chapter or deemed granted or deemed approved by law shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.050 - Application requirements.

A. Application Required. The approval authority shall not approve any request for a conditional use permit, administrative wireless permit or temporary wireless permit except upon a duly filed application consistent with this Section 17.82.050 and any other written rules the city or the Director may establish from time to time in any publicly-stated format.

B. Application Content. All applications for a conditional use permit, administrative wireless permit or temporary wireless permit must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time to time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing any application governed under this Chapter. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

C. Procedures for a Duly Filed Application. Any application for a conditional use permit or administrative wireless permit will not be considered duly filed unless submitted in accordance with the procedures in this Section 17.82.050.C.

1. Pre-Submittal Conference. Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Director for all proposed projects (a) subject to a conditional use permit or (b) that involve the deployment of more than five (5) facilities in the public right-of-way. Pre-submittal conferences for all other proposed projects are strongly encouraged but not required. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments responsible for application review; and application completeness issues. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable.

The Planning Division or Public Works Department, as the case may be, shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. Submittal Appointment. All applications must be submitted to the city at a pre-scheduled appointment with the Director. Applicants may submit up to ten (10) applications per appointment whenever feasible for city staff and not prejudicial to other applicants. The Director shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.

D. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Division or Public Works Department, as the case may be, within ninety (90) calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

E. Peer and Independent Consultant Review.

1. Authorization. The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any permit application.

2. Scope. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation: (a) permit application completeness and/or accuracy; (b) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (c) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (d) whether and to what extent a proposed project will address a gap in the applicant's wireless services; (e) whether and to what extent any technically feasible and/or potentially available alternative sites or concealment techniques may exist; (f) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the city's discretion to review; and (g) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with city staff and/or the applicant.

3. Consultant Fees; Deposit. Subject to applicable law, in the event that the Director elects to retain an independent consultant in connection with any permit application,

the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant may perform any services, the applicant shall tender to the city a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director until the city adopts the initial required deposit by fee schedule. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. In the event that the deposit exceeds the total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the Building Official or his or her designee. In the event that the reasonable costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The city shall not issue any construction or grading permit to any applicant with any unpaid deposit requests or invoices.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.060 - Notice.

A. General Notice Requirements. Public notice and a hearing in accordance with the provisions in Section 17.24.020.D. (Public Notice) shall be required for all conditional use permit applications. The approval authority shall administratively review a complete and duly filed application for an administrative wireless permit and may act on such application without a public hearing not less than ten (10) calendar days after the applicant posts notice at the project site. The posted notice must contain (1) a general explanation of the proposed project; (2) the applicant's identification and contact information as provided on the application submitted to the city; and (3) contact information for the applicable city department.

B. Deemed-Approval Notice. Not more than thirty (30) days before the applicable FCC timeframe for review expires, and in addition to the public notice required in Section 17.82.060.A. (General Notice Requirements), an applicant for a conditional use permit or administrative wireless permit must provide a posted notice at the project site that contains (1) a statement the project will be automatically deemed approved pursuant to California Government Code § 65964.1 unless the city approves or denies the application or the applicant tolls the timeframe for review within the next thirty (30) days; (2) a general explanation of the proposed project; (3) the applicant's identification and contact information as provided on the application submitted to the city; and (4) contact information for the applicable city department. The public notice required under this Section 17.82.060.B. will be deemed given when the applicant delivers written notice to the Director that shows the appropriate notice has been posted at the project site. Notwithstanding anything to the contrary in this Chapter, the approval authority shall be permitted to act on an application at any time so long as the public notice required in Section 17.82.060.A. (General Notice Requirements) has occurred.

C. Decision Notices. Within five (5) days after the approval authority acts on an application for a conditional use permit or administrative wireless permit or before the FCC Shot Clock expires (whichever occurs first), the approval authority or its designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain (1) the reasons for the decision and (2) instructions for how and when to file an appeal.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.070 - Decisions; limited exemptions; appeals.

A. Required Findings for Administrative Wireless Permit Approval. The approval authority may approve or conditionally approve an application for an administrative wireless permit submitted under this chapter when the approval authority finds all of the following:

1. The proposed wireless facility complies with all applicable site location guidelines and development standards in Sections 17.82.090 (Site Location Guidelines) and 17.82.100 (Development Standards); and

2. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions.

B. Required Findings for Conditional Use Permit Approval. In addition to the conditional use permit findings under Section 17.24.050 (Findings) and the required findings in Section 17.82.070.A, the approval authority may approve or conditionally approve an application for a conditional use permit submitted under this chapter when the approval authority also finds all of the following:

1. The applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations and potentially less-intrusive alternative designs for the proposed wireless facility; and

2. The applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative locations and less-intrusive alternative designs identified in the administrative record are either technically infeasible or unavailable.

C. Conditional Approvals; Denials Without Prejudice. Subject to any applicable limitations in federal or state law, nothing in this chapter is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application for a conditional use permit or administrative wireless permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this chapter, the El Monte Municipal Code or the General Plan.

D. Limited Exceptions for Personal Wireless Service Facilities. In the event that an applicant claims that strict compliance with the site location guidelines in Section 17.82.090 (Site Location Guidelines) or the development standards in Section 17.82.100 (Development Standards) would effectively prohibit the applicant's ability to provide personal wireless services, the Planning Commission may grant a limited exception from such requirements

to the extent necessary to prevent an effective prohibition when the Planning Commission finds all of the following:

1. The proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded; and
2. The applicant has provided the Planning Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
3. The applicant has provided the Planning Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Chapter, the El Monte Municipal Code, the General Plan and/or any specific plan; and
4. The applicant has provided the Planning Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the city, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
5. The applicant has demonstrated to the Planning Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

E. Appeals. Any interested person or entity may appeal any decision by the approval authority to approve or deny an application for a conditional use permit or administrative wireless permit. Appeals must be filed with the City Clerk within ten (10) calendar days following the approval authority's issuance of the decision notice required under Section 17.82.060.C. (Decision Notices). On the next available meeting date after the appeal period lapses, or as soon as reasonably feasible thereafter, the appellate authority shall hold a de novo public hearing to consider and act on the application in accordance with the applicable provisions in the General Plan, any applicable specific plan and all applicable provisions in the El Monte Municipal Code. Appeals from an approval will not be permitted to the extent that the appeal is based on environmental effects from RF emissions that comply with all applicable FCC regulations.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.080 - Standard conditions of approval.

In addition to all other conditions adopted by the approval authority, all conditional use permits and administrative wireless permits, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section 17.82.080. The approval authority (or the appellate authority on appeal) shall have

discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this chapter.

A. Permit Term. This permit will automatically expire ten (10) years and one day from its issuance, except when California Government Code § 65964(b), as may be amended or superseded in the future, authorizes the city to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. Upon an application for permit renewal submitted within one year from the expiration date of this permit, the Director may renew this permit for an additional 10-year term provided that the permittee's wireless facility is in compliance with all applicable conditions of approval and all applicable provisions in the El Monte Municipal Code that exist at the time of the renewal.

B. Compliance with Approved Plans. Before the permittee submits any applications to the Building Department, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the "Approved Plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans, as determined by the Director. Any material alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval, who may refer the request to the original approval authority if the Director finds that the requested alteration, modification or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.

C. Build-Out Period. This permit will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director may grant one written extension to a date certain, but not to exceed one additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least thirty (30) days prior to the automatic expiration date in this condition.

D. Maintenance Obligations; Vandalism. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the city, shall remove and

remediate any graffiti or other vandalism at the site within forty-eight (48) hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

E. Compliance with Laws. The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all Laws. In the event that the city fails to timely notice, prompt or enforce compliance with any applicable provision in the El Monte Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the El Monte Municipal Code, any permit, any permit condition or any applicable law or regulation.

F. Adverse Impacts on Other Properties. The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the El Monte Municipal Code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city. The Director or the Director's designee may issue a stop work order for any activities that violates this condition.

G. Inspections; Emergencies. The permittee expressly acknowledges and agrees that the city's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the city's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the city's officers, officials, staff or other designee while any such inspection or emergency access occurs.

H. Permittee's Contact Information. The permittee shall furnish the Director with accurate and up-to-date contact information to reach a live person responsible for the wireless facility, which includes without limitation a direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that the contact information changes.

I. Indemnification. The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the city, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the city or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the city's approval of this permit, and (2) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

J. Performance Bond. Before the applicable city department issues any construction or encroachment permit, as applicable, in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws. In addition, the Director may modify this condition to the extent reasonably necessary to comply with any reasonable requirements imposed by the permittee's surety.

K. Recall to Approval Authority; Permit Revocation. This permit shall be subject to the provisions in El Monte Municipal Code Section 17.24.100 (Revocation).

L. Record Retention. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility,

which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the city's regular files will control over any conflicts between such city-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.

M. Undergrounded Utilities. In the event that other electric or communications utilities in the public right-of-way underground their facilities where the permittee's wireless facility is located, and the permittee's wireless facility is located in the public right-of-way, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.

N. Electric Meter Removal. In the event that the electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure in the public right-of-way, the permittee on its own initiative and at its sole cost and expense shall apply to the city for the required encroachment and/or other ministerial permit(s) to remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.

O. Rearrangement and Relocation. The permittee acknowledges that the City, in its sole discretion and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street owned by the city or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work deemed necessary, useful or desirable by the City (collectively, "City Work"). The city reserves the rights to do any and all City Work without any admission on its part that the city would not have such rights without the express reservation in this permit. In the event that the Public Works Director determines that any City Work will require the permittee's wireless facility located in the public right-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's wireless facility within a reasonable time after the Public Works Director's notice, the city may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The city may exercise its rights to rearrange or relocate the permittee's wireless facility without prior notice to permittee when the Public Works Director determines that the City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the city for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the city, its

agents, officers, officials, employees and volunteers harmless from and against any claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility.

P. Abandoned Wireless Facilities. The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within ninety (90) days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements, and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the El Monte Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the city shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the city in connection with such removal and/or restoration activities.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.090 - Site location guidelines.

A. Locations. All applicants must, to the extent feasible, propose new wireless facilities on private property or in the public rights-of-way in locations according to the following preferences, ordered from most preferred to least preferred:

1. City-owned property or structures located outside the public rights-of-way;
2. City-owned property or structures located in the public rights-of-way;
3. Manufacturing zones;
4. Commercial zones;
5. Office professional zones;
6. Mixed/multi-use zones;
7. Open space;
8. Residential zones or uses.

B. Preferred Support Structures. In addition to the preferred locations described in Section 17.82.090.A. (Locations), the city also expresses its preference for installations on certain support structures (which include support structures on private property or in the public rights-of-way). The approval authority will take into account whether any more preferred support structures are technically feasible and potentially available. The city's preferred support structures are as follows, ordered from most preferred to least preferred:

1. Collocations with existing building or other support structure-mounted wireless facilities;
2. Collocations with existing wireless facilities on electric transmission towers;

3. Collocations with existing freestanding wireless facilities;
4. New installations on existing buildings or other support structures;
5. New installations on existing electric transmission towers; and
6. New freestanding wireless towers.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.100 - Development standards.

A. Generally Applicable Development Standards. All new wireless facilities and collocations, modifications or other changes to existing wireless facilities not covered under Section 6409 must conform to the generally applicable development standards in this Section 17.82.100.A.

1. Concealment. Wireless facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. As an illustration and not a limitation, a wireless facility designed to mimic a native tree species or a rock outcrop may be appropriate in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment.
2. Overall Height. Except as provided in Section 17.82.100.D. (Right-of-Way Facilities), wireless facilities may not exceed the applicable height limit for structures in the applicable zoning district or overlay zone.
3. Setbacks. Wireless facilities may not encroach into any applicable setback for structures in the subject zoning district. Applicable setbacks for private property do not apply to wireless facilities located in the public rights-of-way.
4. Noise. Wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Chapter 8.36 (Noise Control), and shall not exceed, either individually or cumulatively, the applicable ambient noise limit in the subject zoning district. The approval authority may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment (such as backup power generators) reasonably likely to exceed the applicable limit. In the event a duly authorized federal, state, county or city official declares an emergency within a region that includes the city in whole or in part, backup power generators may exceed the applicable noise control standards and regulations to the extent reasonably necessary to operate the facility until the declared emergency is lifted or power is restored to the affected facility.
5. Landscaping. All wireless facilities must include landscape features and a landscape plan when proposed to be placed in a landscaped area. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and

the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with Chapter 17.10 (Landscaping Requirements). The approval authority may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this chapter.

6. Site Security Measures. Wireless facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices, to prevent unauthorized access, theft or vandalism. Site security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash-can corral rather than within a chain link fence. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the security measures and other improvements into the natural and/or built environment. The approval authority shall not approve barbed wire, razor ribbon, electrified fences or any similar security measures.

7. Backup Power Sources. The approval authority may approve permanent backup power sources and/or generators on a case-by-case basis. The city strongly disfavors backup power sources installed on the ground or mounted on poles within the public rights-of-way. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within two hundred fifty (250) feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary backup generators.

8. Lights. Wireless facilities may not include exterior lights other than (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations and within enclosures that mitigates illumination impacts on other properties to the maximum extent feasible.

9. Signage; Advertisements. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the city, required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.

10. Future Collocations and Equipment. To the extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.

11. Utilities. All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost; provided, however, that the Director may waive this requirement to the extent the approval of new overhead lines or service drops would amount to a de minimis visual change. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna.

12. Parking; Access. Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use.

13. Compliance with Laws. All wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions, which include without limitation the California Building Standards Code, General Plan and any applicable specific plan, the El Monte Municipal Code and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the facility.

B. Freestanding Wireless Facilities. In addition to the requirements in Section 17.82.100(A) (Generally Applicable Development Standards), all new freestanding wireless facilities and collocations, modifications or other changes to existing freestanding wireless facilities not covered under Section 6409 must conform to the requirements in this Section 17.82.100(B).

1. Tower-Mounted Equipment. All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat colors subject to the approval authority's prior approval.

2. Ground-Mounted Equipment; Shelters. All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences or other enclosures subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

C. Building-Mounted Wireless Facilities. In addition to the requirements in Section 17.82.100.A. (Generally Applicable Development Standards), all new building-mounted wireless facilities and collocations, modifications or other changes to existing building-mounted wireless facilities not covered under Section 6409 must conform to the requirements in this Section 17.82.100C.

1. Preferred Concealment Techniques. All applicants should, to the extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

2. Facade-Mounted Equipment. When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this section. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. Except in manufacturing zones, the approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

3. Rooftop-Mounted Equipment. All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.

4. Ground-Mounted Equipment; Shelters. All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, building interior equipment room, or other enclosures subject to the approval authority's prior approval. The approval authority may require additional concealment elements as the approval authority finds necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

D. Right-of-Way Wireless Facilities. In addition to the applicable requirements in Section 17.82.100.A. (Generally Applicable Development Standards), all new right-of-way wireless facilities and collocations, modifications or other changes to existing right-of-way wireless

facilities not covered under Section 6409 must conform to the requirements in this Section 17.82.100.D.

1. Concealment. All wireless facilities in the right-of-way must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, wireless facilities in the rights-of-way may not unreasonably subject the public use, for any purpose including expressive or aesthetic purposes, to inconvenience, discomfort, trouble, annoyance, hindrance, impediment or obstruction.

2. Overall Height. Wireless facilities in the public rights-of-way may not exceed either (a) the minimum separation from supply lines required by CPUC General Order 95, as may be amended or superseded, plus four (4) feet or (b) four (4) feet above the height of the existing support structure. To the extent that in the Director's discretion the four-foot height allowance would cause the applicant's wireless facility to be materially incompatible with the overall height or appearance of the surrounding support structures in the public right-of-way, the Director may require the applicant to propose an alternative design (such as mounting the antenna(s) on the side of the pole) or location to the extent technically feasible.

3. Existing Support Structures. All wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) whenever possible. The approval authority shall not approve any wireless facility proposed to be installed on a traffic control pole unless the Public Works Director finds, in the Public Works Director's sole discretion, that the traffic control pole has sufficient capacity to support the wireless facility.

4. Replacement Support Structures. Existing above-ground structures may be replaced with structurally hardened, fitted or reinforced support structures so long as the replacement structure is, in the Public Works Director's discretion, substantially similar to the existing structure to be replaced.

5. New Support Structures. The approval authority shall not approve any new, non-replacement support structures unless: (a) the applicant demonstrates that above-ground support structures within the intended service area either do not exist or are not potentially available to the applicant; or (b) the approval authority specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives in this chapter than installations on existing structures near the project site. The approval authority shall have the discretion to require that any new support structure must be a streetlight that conforms to the city's streetlight standards and specifications, which the city shall maintain for street illumination and public safety purposes.

6. Undergrounded Equipment. To conceal the equipment to the maximum degree feasible, applicants must install all equipment (other than the antenna and any electric meter) underground in any area in which the existing utilities are primarily located

underground. In all other areas, applicants shall install all equipment (other than the antenna and any electric meter) underground when the approval authority finds that the above-ground equipment would unreasonably interfere with the public's ability to use the right-of-way for uses that include without limitation travel, social, expressive and/or aesthetic uses. When making a determination on whether to require undergrounded equipment, the approval authority shall take into account the presence of existing above-ground utilities. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement. If an applicant proposes to install a facility in an area in which the existing utilities are primarily located underground, the approval authority shall have the discretion, consistent with Sections 17.82.100.D.3.—5., to require that the applicant install a new streetlight that conforms to the city's streetlight standards and specifications as the facility support structure.

7. Pole-Mounted Equipment. All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize the overall visual profile. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures to the extent feasible. All cables, wires and other connectors must be routed through conduits within the pole whenever possible, and all conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

8. Ground-Mounted Equipment. To the extent that the equipment cannot be placed underground as required, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The approval authority may condition approval on new or enhanced landscaping to conceal ground-mounted equipment. The approval authority shall not approve a ground-mounted electric meter pedestal or other electric meter enclosure to the extent feasible.

E. Administrative Design Guidelines. The Director may develop, and from time to time amend, design guidelines consistent with the generally applicable development standards and any facility-specific development standards to clarify the aesthetic goals and standards in this chapter for city staff, applicants and the public. In the event that a conflict arises between the development standards adopted under Sections 17.82.100.A.—D. and the design guidelines adopted under this Section 17.82.100.E., the development standards adopted under Sections 17.82.100.A.—D. shall control.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.110 - Temporary wireless facilities.

A. General Requirements for Temporary Wireless Facilities. Except as provided in Section 17.82.110.B. (Temporary Wireless Facilities for Emergencies), the requirements, procedures and standards in this section shall be applicable to all applications for a temporary wireless permit for a temporary wireless facility.

1. Applications for Temporary Wireless Facilities. The Director shall not approve any temporary wireless facility subject to a temporary wireless permit except upon a duly filed application consistent with this Section 17.82.110.A.1. and any other written application requirements or procedures the Director may publish in any publicly-stated format. Applicants for a temporary wireless permit must submit, at a minimum: (1) a temporary wireless permit application on the most current form prepared by the Planning Department; (2) the applicable fee for the application; (3) a site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; (4) an RF compliance report in accordance with the City's requirements; and (5) an insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and a carries at least one million dollars ($1,000,000.00) in coverage per occurrence. Applications must be submitted in person to the Director unless the Director grants written consent to receive an application by mail or electronic means. No pre-submittal conference or appointment is required for a temporary wireless permit application.

2. Administrative Review for Temporary Wireless Facilities. After the Director receives a duly filed application for a temporary wireless permit, the Director shall review the application for completeness. After the Director deems the application complete, the Director shall review the application for conformance with the required findings in Section 17.82.110.A.3. (Required Findings for Temporary Wireless Facilities) and render a written decision to the applicant. Any denials must include the reasons for the denial. The review shall be administrative in nature and shall not require notice or a public hearing.

3. Required Findings for Temporary Wireless Facilities. The Director may approve or conditionally approve a temporary wireless permit for a temporary wireless facility only when the Director finds all of the following:

    a. The proposed temporary wireless facility will not exceed fifty (50) feet in overall height above ground level unless the Director finds that exceeding the 50-foot overall height limit is necessary to integrate a non-freestanding temporary wireless facility with the underlying support structure; and

    b. The proposed temporary wireless facility will be placed as far away from adjacent property lines as possible, or otherwise in a location that will be least likely to cause adverse impacts on adjacent properties; and

c. Any excavation or ground disturbance associated with the temporary facility will not exceed two (2) feet below grade; and

d. The proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which includes without limitation compliance with maximum permissible exposure limits for human exposure to RF emissions established by the FCC; and

e. The proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location; and

f. The proposed temporary wireless facility will be identified with a sign that clearly identifies the (I) site operator, (II) the operator's site identification name or number and (III) a working telephone number answered twenty-four (24) hours per day, seven (7) days per week by a live person who can exert power-down control over the antennas; and

g. The proposed temporary wireless facility will be removed within thirty (30) days after the Director grants the temporary wireless permit, or such longer time as the Director finds reasonably related to the applicant's need or purpose for the temporary wireless facility; and

h. The applicant has not been denied a use permit for any permanent wireless facility in the same or substantially the same location within the previous three hundred sixty five (365) days.

4. Appeals for Temporary Wireless Facilities. Any applicant may appeal the Director's written decision to deny an application for a temporary wireless permit. The written appeal together with any applicable appeal fee must be tendered to the city within ten (10) days from the Director's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager shall be the appellate authority for all appeals from the Director's written decision to deny a temporary wireless permit. The City Manager shall review the application de novo; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this chapter and any other applicable laws. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

B. Temporary Wireless Facilities for Emergencies. Temporary wireless facilities may be placed and operated within the City without a temporary wireless permit only when a duly authorized federal, state, county or city official declares an emergency within a region that includes the city in whole or in part. Any temporary wireless facilities placed pursuant to this Section 17.82.110.B. must be removed within fifteen (15) days after the date the emergency is lifted. Any person or entity that places temporary wireless facilities pursuant to this section must send a written notice that identifies the site location and person responsible for its operation to the Director as soon as reasonably practicable.

(Ord. No. 2930, § 2, 8-7-2018)

17.82.120 - Amortization of nonconforming wireless facilities.

Any non-conforming wireless facilities in existence at the time this chapter becomes effective must be brought into conformance with this chapter in accordance with the amortization schedule in this Section 17.82.120. As used in this section, the "fair market value" will be the construction costs listed on the building permit application for the subject wireless facility and the "minimum years" allowed will be measured from the date on which this chapter becomes effective.

Fair Market Value on Effective Date:	Minimum Years Allowed:
Less than $50,000	5
$50,000 to $500,000	10
Greater than $500,000	15

The Director may grant a written extension to a date certain when the wireless facility owner shows (1) a good faith effort to cure non-conformance; (2) the application of this section would violate applicable laws; or (3) extreme economic hardship would result from strict compliance with the amortization schedule. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this section.

Nothing in this section is intended to limit any permit term to less than ten (10) years. In the event that the amortization required in this section would reduce the permit term to less than ten (10) years for any permit granted on or after January 1, 2007, then the minimum years allowed will be automatically extended by the difference between ten (10) years and the number of years since the city granted such permit. Nothing in this section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

(Ord. No. 2930, § 2, 8-7-2018)

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Chapter 17.83 - ELIGIBLE FACILITIES REQUESTS

17.83.010 - Legislative intent.

A. Background. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) ("Section 6409"), generally requires that state and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station. Federal Communications Commission ("FCC") regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential "deemed granted" remedy when the state or local government fails to approve or deny the request within sixty (60) days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only "personal wireless service facilities" (e.g., cellular telephone towers and equipment), Section 6409 applies to all "wireless" facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).

B. Findings. The City Council finds that the overlap between wireless deployments covered under Section 6409 and other wireless deployments, combined with the different substantive and procedural rules applicable to such deployments, creates a potential for confusion that harms the public interest in both efficient wireless facilities deployment and carefully planned community development in accordance with local values. The City Council further finds that a separate permit application and review process specifically designed for compliance with Section 6409 contained in a separate section devoted to Section 6409 will mitigate such potential confusion, streamline local review and preserve the city's land-use authority to maximum extent possible.

C. Intent. The city intends this chapter to establish reasonable and uniform standards and procedures in a manner that protects and promotes the public health, safety and welfare, consistent with and subject to federal and California state law, for collocations and modifications to existing wireless facilities pursuant to Section 6409 and related FCC regulations codified in 47 C.F.R. §§ 1.40001 et seq. This Chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the city may not deny under federal or California state law; (6) impose any unfair, unreasonable, discriminatory or anticompetitive

fees that exceed the reasonable cost to provide the services for which the fee is charged; or (7) otherwise authorize the city to preempt any applicable federal or California state law.

(Ord. No. 2930, § 2, 8-7-2018)

17.83.020 - Definitions.

The abbreviations, phrases, terms and words used in this chapter will have the meanings assigned to them in this Section 17.83.020 or, as may be appropriate, in Section 17.04.020 (Definitions), as may be amended from time to time, unless context indicates otherwise. Undefined phrases, terms or words in this section will have the meanings assigned to them in 47 U.S.C. § 153, as may be amended from time to time, and, if not defined therein, will have their ordinary meanings. In the event that any definition assigned to any phrase, term or word in this section conflicts with any federal or state-mandated definition, the federal or state-mandated definition will control.

"Approval authority" means the commission, board or official responsible for review of permit applications and vested with the authority to approve or deny such applications. The approval authority for a section 6409 approval is the Economic Development Director or, on appeal, the City Manager. The foregoing notwithstanding, the approval authority for a section 6409 approval relating to wireless facilities within the public rights-of-way is the Public Works Director, or, on appeal, the City Manager.

"Base station" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. § 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks). The term includes any structure other than a tower that, at the time the relevant application is filed with the state or local government under 47 C.F.R. § 1.40001, supports or houses equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii) that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support. The term does not include any structure that, at the time the relevant application is filed with the state or local government under 47 C.F.R. § 1.40001, does not support or house equipment described in 47 C.F.R. § 1.40001 (b)(1)(i)-(ii).

"City Manager" means the City Manager of the City of El Monte, or the City Manager's designee.

"Collocation" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment

on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC's definition effectively means "to add" and does not necessarily refer to more than one wireless facility installed at a single site.

"CPCN" means a "Certificate of Public Convenience and Necessity" granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code §§ 1001 et seq., as may be amended.

"CPUC" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

"Economic Development Director" or **"Director"** means the Economic Development Director of the City of El Monte, or the Economic Development Director's designee. When used in the context of applications related to wireless facilities on private property, the Director refers to the Economic Development Director.

"Eligible facilities request" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) collocation of new transmission equipment; (ii) removal of transmission equipment; or (iii) replacement of transmission equipment.

"Eligible support structure" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which defines that term as any tower or base station as defined in 47 C.F.R. § 1.40001(b), provided that it is existing at the time the relevant application is filed with the State or local government under 47 C.F.R. § 1.40001.

"Existing" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC's Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

"FCC" means the Federal Communications Commission or its duly appointed successor agency.

"FCC Shot Clock" means the reasonable time frame within which the city generally must act on a given wireless application, as defined by the FCC and as may be amended from time-to-time.

"Planning Division" means the Planning Division of the Economic Development Department of the City of El Monte or its duly appointed successor agency.

"Public Works Department" means the Public Works Department of the City of El Monte or its duly appointed successor agency.

"Public Works Director" or **"Director"** means the Public Works and Utilities Director of the City of El Monte, or the Public Works Director's designee. When used in the context of

applications related to wireless facilities in the public right-of-way, the Director refers to the Public Works Director.

"RF" means radio frequency or electromagnetic waves generally between 30 kHz and 300 GHz in the electromagnetic spectrum range.

"Section 6409" means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. § 1455(a), as may be amended.

"Site" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

"Substantial change" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). For clarity, this definition organizes the FCC's criteria and thresholds for a substantial change according to the wireless facility type and location.

1. For towers outside the public rights-of-way, a substantial change occurs when:
    a. The proposed collocation or modification increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet (whichever is greater); or
    b. The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower by more than twenty (20) feet or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
    c. The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four (4); or
    d. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
2. For towers in the public rights-of-way and for all base stations, a substantial change occurs when:
    a. The proposed collocation or modification increases the height of the structure by more than ten (10) percent or more than ten (10) feet (whichever is greater); or
    b. The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet; or

c. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure; or

d. The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are more than ten (10) percent larger in height or volume than any other ground cabinets associated with the structure; or

e. The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.

3. In addition, for all towers and base stations wherever located, a substantial change occurs when:

a. The proposed collocation or modification would defeat the existing concealment elements of the support structure; or

b. The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval that is inconsistent with the thresholds for a substantial change described in 47 C.F.R. § 1.40001 (b)(7)(i)-(iv).

"Tower" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees and lattice towers.

"Transmission equipment" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Wireless" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

(Ord. No. 2930, § 2, 8-7-2018)

17.83.030 - Applicability.

This Section 17.83.030 applies to all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to

Section 6409. However, the applicant may voluntarily elect to seek a conditional use permit or administrative wireless permit under Chapter 17.82 (New and Substantially Changed Wireless Facilities).

(Ord. No. 2930, § 2, 8-7-2018)

17.83.040 - Approvals required.

A. Section 6409 Approval. Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require an administrative approval in such form determined by the Director consistent with all valid and enforceable terms and conditions of the underlying use permit or other prior regulatory authorization for the tower or base station (each amendment a "section 6409 approval"). Each section 6409 approval shall be subject to the approval authority's approval, conditional approval or denial without prejudice pursuant to the standards and procedures contained in this chapter.

B. Other Permits and Regulatory Approvals. No collocation or modification approved pursuant to this chapter may occur unless the applicant also obtains all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any permits and/or regulatory approvals issued by other departments or divisions within the city. Furthermore, any section 6409 approval granted under this chapter shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

(Ord. No. 2930, § 2, 8-7-2018)

17.83.050 - Application requirements.

A. Application Required. The approval authority shall not approve any request for a collocation or modification submitted for approval pursuant to Section 6409 except upon a duly filed application consistent with this Section 17.83.050 and any other written rules the city or the Director may establish from time to time in any publicly-stated format.

B. Application Content. All applications for a section 6409 approval must include all the content, information and materials required by the Director. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director finds necessary, appropriate or useful for processing requests for section 6409 approvals. However, the Director may not require documentation proving the need or presenting the business case for the proposed modification. The City Council further authorizes the Director to establish other reasonable rules and regulations, which may include without limitation regular hours for appointments with applicants, as the Director deems necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.

C. Procedures for a Duly Filed Application. Any application for a section 6409 approval will not be considered duly filed unless submitted in accordance with the procedures in this Section 17.83.050.C.

1. Pre-Submittal Conference. Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Director for all proposed collocations or modifications to any concealed or camouflaged wireless tower or base station. Pre-submittal conferences for all other proposed collocations or modifications are strongly encouraged but not required. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, including whether the project qualifies for approval pursuant to Section 6409 or not; any latent issues in connection with the existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other city departments responsible for application review; and application completeness issues.

   To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that city staff may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable. The Planning Division or Public Works Department, as the case may be, shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and any applicable fee or deposit to reimburse the city for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. Submittal Appointment. All applications must be submitted to the city at a pre-scheduled appointment with the Director. Applicants may submit up to ten (10) applications per appointment whenever feasible for city staff and not prejudicial to other applicants. The Director shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after the Director receives a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Director at a pre-submittal conference.

D. Applications Deemed Withdrawn. To promote efficient review and timely decisions, any application governed under this chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the Planning Division or Public Works Department, as the case may be, within ninety (90) calendar days after the Director deems the application incomplete in a written notice to the applicant. The Director may, in the Director's discretion, grant a written extension for up to an additional thirty (30) calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

E. Peer and Independent Consultant Review.

1. Authorization. The City Council authorizes the Director to, in the Director's discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues satisfactory to the Director in connection any permit application.

2. Scope. The Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation: (a) permit application completeness and/or accuracy; (b) pre-construction planned compliance with applicable regulations for human exposure to RF emissions; (c) post-construction actual compliance with applicable regulations for human exposure to RF emissions; (d) the applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the city's discretion to review; and (e) any other issue identified by the Director that requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with city staff and/or the applicant.

3. Consultant Fees; Deposit. Subject to applicable law, in the event that the Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings. Before the independent consultant may perform any services, the applicant shall tender to the city a deposit in an amount equal to the estimated cost for the services to be provided, as determined by the Director until the city adopts the initial required deposit by fee schedule. The Director may request additional deposits as reasonably necessary to ensure sufficient funds are available to cover the reasonable costs in connection with the independent consultant's services. In the event that the deposit exceeds the total costs for consultant's services, the Director shall promptly return any unused funds to the applicant after the wireless facility has been installed and passes a final inspection by the Building Official or his or her designee. In the event that the reasonable costs for the independent consultant's services exceed the deposit, the Director shall invoice the applicant for the balance. The city shall not issue any construction or grading permit to any applicant with any unpaid deposit requests or invoices.

(Ord. No. 2930, § 2, 8-7-2018)

17.83.060 - Decisions; appeals.

A. Administrative Review. The approval authority shall administratively review a complete and duly filed application for a section 6409 approval, and may act on such application without prior notice or a public hearing.

B. Decision Notices. Within five (5) days after the approval authority acts on an application for a section 6409 approval or before the FCC Shot Clock expires (whichever occurs first), the approval authority shall send a written notice to the applicant. In the event that the approval authority denies the application, the written notice to the applicant must contain (1) the reasons for the decision; (2) a statement that denial will be without prejudice; and (3) instructions for how and when to file an appeal.

C. Required Findings for Approval. The approval authority may approve or conditionally approve an application any application for a section 6409 approval when the approval authority finds that the proposed project:

1. Involves collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and

2. Does not substantially change the physical dimensions of the existing wireless tower or base station.

D. Criteria for Denial without Prejudice. Notwithstanding any other provision in this chapter, and consistent with all applicable federal laws and regulations, the approval authority may deny without prejudice any application for a section 6409 approval when the approval authority finds that the proposed project:

1. Does not meet the findings required in Section 17.83.060.C. (Required Findings for Approval);

2. Involves the replacement of the entire support structure; or

3. Violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.

E. Conditional Approvals. Subject to any applicable limitations in federal or state law, nothing in this chapter is intended to limit the approval authority's authority to conditionally approve an application for a section 6409 approval to protect and promote the public health and safety.

F. Appeals. Any applicant may appeal the approval authority's written decision to deny without prejudice an application for section 6409 approval. The written appeal together with any applicable appeal fee must be tendered to the City Clerk within ten (10) calendar days from the approval authority's written decision, and must state in plain terms the grounds for reversal and the facts that support those grounds. The City Manager shall be the appellate authority for all appeals from the approval authority's written decision to deny without prejudice an application for section 6409 approval. The City Manager shall review the application de novo; provided, however, that the City Manager's decision shall be limited to only whether the application should be approved or denied in accordance with the provisions in this chapter and any other applicable laws. The City Manager shall issue a written decision that contains the reasons for the decision, and such decision shall be final and not subject to any further administrative appeals.

(Ord. No. 2930, § 2, 8-7-2018)

17.83.070 - Standard conditions of approval.

In addition to all other conditions adopted by the approval authority, all section 6409 approvals, whether approved by the approval authority or deemed approved by the operation of law, shall be automatically subject to the conditions in this Section 17.83.070. The approval authority (or the City Manager in the City Manager's capacity as the appellate authority) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this chapter.

A. Permit Term. The city's grant or grant by operation of law of a section 6409 approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The city's grant or grant by operation of law of a section 6409 approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization. Accordingly, the term for a section 6409 approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station.

B. Compliance Obligations Due to Invalidation. In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any section 6409 approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved section 6409 approvals or the Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Director may not grant a permanent exemption or indefinite extension. A permittee shall not be required to remove its improvements approved under the invalidated section 6409 approval when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.

C. City's Standing Reserved. The city's grant or grant by operation of law of a section 6409 approval does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409, any FCC rules that interpret Section 6409 or any section 6409 approval.

D. Compliance with Approved Plans. Before the permittee submits any applications to the Building Division, the permittee must incorporate this section 6409 approval, all conditions associated with this section 6409 approval and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the approved plans, as determined by the Director. Any material alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Director's prior review and approval. The Director may revoke the section 6409 approval if the Director finds that the requested alteration, modification or other change

causes a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.40001 (b)(7), as may be amended.

E. Build-Out Period. This section 6409 approval will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Director may grant one written extension up to one year when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least thirty (30) days prior to the automatic expiration date in this condition.

F. Maintenance Obligations; Vandalism. The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved plans and all conditions in this section 6409 approval. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism at the site within forty-eight (48) hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.

G. Compliance with Laws. The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this section 6409 approval, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the city fails to timely notice, prompt or enforce compliance with any applicable provision in the El Monte Municipal Code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the El Monte Municipal Code, any permit, any permit condition or any applicable law or regulation.

H. Adverse Impacts on Other Properties. The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Undue or unnecessary adverse impacts shall not be interpreted to mean aesthetic impacts that may result from the city's issuance of this section 6409 approval consistent with applicable law. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction hours authorized by the El Monte Municipal Code. The restricted work hours in this condition will

not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city. The Director or the Director's designee may issue a stop work order for any activities that violates this condition.

I. Inspections; Emergencies. The permittee expressly acknowledges and agrees that the city's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the city's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the city's officers, officials, staff or other designee while any such inspection or emergency access occurs.

J. Permittee's Contact Information. The permittee shall furnish the Director with accurate and up-to-date contact information to reach a live person responsible for the wireless facility, which includes without limitation a direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Director with updated contact information in the event that the contact information changes.

K. Indemnification. The permittee and, if applicable, the property owner upon which the wireless facility is installed, shall defend, indemnify and hold harmless the city, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all (1) damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the city or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the city's approval of this section 6409 approval, and (2) other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this section 6409 approval or the wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense.

The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this section 6409 approval, and that such indemnification obligations will survive the expiration or revocation of this section 6409 approval.

L. Performance Bond. Before the applicable city department issues any construction or encroachment permit, as applicable, in connection with this section 6409 approval, the permittee shall post a performance bond from a surety and in a form acceptable to the Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with California Government Code § 65964(a), the Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. In addition, the Director may modify this condition to the extent reasonably necessary to comply with any reasonable requirements imposed by the permittee's surety.

M. Recall to Approval Authority; Permit Revocation. This permit shall be subject to El Monte Municipal Code Section 17.24.100 (Revocation).

N. Record Retention. The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the city's regular files will control over any conflicts between such city-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.

O. Undergrounded Utilities. In the event that other electric or communications utilities in the public right-of-way underground their facilities where the permittee's wireless facility is located, and the permittee's wireless facility is located in the public right-of-way, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.

P. Electric Meter Removal. In the event that the electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure in the public right-of-way, the permittee on its own initiative and at its sole cost and expense shall apply to the city for the required encroachment and/or other ministerial permit(s) to

remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.

Q. Rearrangement and Relocation. The permittee acknowledges that the City, in its sole discretion and at any time, may: (1) change any street grade, width or location; (2) add, remove or otherwise change any improvements in, on, under or along any street owned by the city or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or (3) perform any other work deemed necessary, useful or desirable by the City (collectively, "City Work"). The city reserves the rights to do any and all City Work without any admission on its part that the city would not have such rights without the express reservation in this permit. In the event that the Public Works Director determines that any City Work will require the permittee's wireless facility located in the public right-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation.

   If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's wireless facility within a reasonable time after the Public Works Director's notice, the city may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The city may exercise its rights to rearrange or relocate the permittee's wireless facility without prior notice to permittee when the Public Works Director determines that the City Work is immediately necessary to protect public health or safety. The permittee shall reimburse the city for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the city, its agents, officers, officials, employees and volunteers harmless from and against any claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility.

R. Abandoned Wireless Facilities. The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within ninety (90) days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements, and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the El Monte Municipal Code. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the city shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the city in connection with such removal and/or restoration activities.

(Ord. No. 2930, § 2, 8-7-2018)

Chapter 17.84 - DEVELOPMENT AGREEMENTS

17.84.010 - Findings and declaration of intent.

A. The California Legislature in Section 65864 of the Government Code has found that the lack of certainty in the approval of development projects can result in a waste of resources, escalate the cost of other development to the consumer, and discourage investment in and commitment to comprehensive planning which would make maximum efficient utilization of resources at the least economic cost to the public.

B. The City Council finds and determines that the public safety, health, convenience, comfort, prosperity, and general welfare will be furthered by the adoption of this chapter in order to provide a mechanism for the enactment of development agreements in order to implement various policies of the comprehensive update to the general plan and to provide flexibility for the implementation of certain development project approvals for the development of particular projects and to provide a mechanism for allowing expenditures to respond selectively to development proposals during the course of the preparation of the City General Plan Update, including assurances of adequate public facilities at the time of development, proper timing and sequencing of development, effective capital improvement programming to accomplish the foregoing purposes and aims and the realization of the benefits to be derived therefrom.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.020 - Purpose of development agreement.

Development agreements enacted pursuant to this chapter are to ensure to the qualified applicant for a development project that upon approval of the development project to which it corresponds that, the qualified applicant may proceed with the development project in accordance with certain existing policies, rules and regulations, and subject to specified conditions of approval, in order to implement the intent of the City Council in enacting this chapter. Development agreements will also ensure that all conditions of approval, including the construction of off-site improvements made necessary by such land developments, will proceed in an orderly and economical fashion to the benefit of the city.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.030 - Authority for adoption.

This chapter pertaining to development agreements for the implementation of development projects, is adopted under the authority of Government Code Sections 65864 through 65869.5, as amended.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.040 - Definitions.

The following terms when used in this chapter shall have the following respective meanings:

"Developer" means a person who has a legal or equitable interest in the real property which is the subject of a development agreement.

"Development agreement" means a development agreement enacted by legislation between the city and a qualified applicant pursuant to Government Code Sections 65864 through 65869.5.

"Planning Services Manager" means the Planning Services Manager or the Planning Services Manager's duly authorized designee.

"Qualified applicant" is a person who has a legal or equitable interest in the real property which is the subject of a proposed development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.050 - Forms and information.

A. The Planning Services Manager shall prescribe the form of each application, notice, and documents provided for or required under this chapter for the preparation and implementation of development agreements consistent with the provisions of this chapter.

B. The Planning Services Manager may require an applicant for a development agreement to submit such information and supporting data as the Planning Services Manager, City Council, and other agencies to which the applicant is referred under this chapter consider necessary to properly process the application.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.060 - Fees.

The City Council shall, from time to time by separate resolution or resolutions, fix schedules of fees and charges to be imposed for the filing, processing, and recording of each application and document provided for or required under this chapter, which fees and charges as then currently prescribed shall accompany each application made under this chapter.

These fees and charges shall be in addition to, and not in substitution of, any other required fees and charges relative to development of the subject property and shall be for the purpose of defraying the costs associated with city review and action on an application.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.070 - Qualification as an applicant.

Except as provided in Section 17.82.080(a), only a qualified applicant may file an application to enter into a development agreement. A qualified applicant includes an authorized agent of a qualified applicant. The Planning Services Manager may require an applicant to submit proof of his/her interest in the real property and of the authority of the agent to act for the qualified applicant. Such proof may include a title report, policy or

guarantees issued by a title insurance company licensed to do business in the State of California evidencing the requisite interest of the applicant in the real property. If the application is made by the holder of an equitable interest, the application shall be accompanied by a title guarantee issued by a title insurance company report and by a notarized statement of consent to proceed with the proposed development agreement executed by the holder of the legal interest. Before processing the application, the Planning Services Manager shall obtain the opinion of the City Attorney as to the sufficiency of the qualified applicant's interest in the real property to enter into the development agreement as a qualified applicant hereunder.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.080 - Procedure for development agreement.

A. Initiation by Application. An application for a development agreement may be made to the Planning Services Manager in accordance with the procedures set forth herein.

   1. Application may be made by any qualified applicant.

   2. Application may be made by the City Council. If an application is made for a development agreement by the City Council, the city shall obtain and attach a notarized statement of consent to proceed with the proposed agreement executed by the owner of the subject property.

B. Contents of the Application. The application shall be on a form prescribed by the City Planning Services Manager and shall be accompanied by a proposed ordinance and development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.090 - Proposed form of development agreement.

A. Each application shall be accompanied by the form of development agreement proposed by the qualified applicant or as authorized in Section 17.82.080. Any such development agreement prepared by a qualified applicant shall contain the provisions required under Section 17.82.010, Section 17.82.340, and Section 17.82.360 of this chapter shall also include the following:

   1. The parties to the development agreement;

   2. The nature of the qualified applicant's legal or equitable interest in the real property constituting such person as a qualified applicant hereunder;

   3. A description of the development project sufficient to permit the development agreement to be reviewed under the applicable criteria of this chapter. Such description may include, but is not limited to, references to site and building plans, elevations sufficient to determine heights and areas, relationships to adjacent properties and operational data. Where appropriate, such description may distinguish between elements of the development project which are proposed to be fixed under the development agreement, those which may vary and the standards and criteria pursuant to which the same may be reviewed;

4. An identification of the approvals and permits for the development project enacted to the date of or contemplated by the development agreement;
5. The proposed duration of the development agreement;
6. The proposed site improvement and building improvement design standards which the applicant shall use and apply for guidance of city consideration of the applicant's development project;
7. The proposed phasing of the construction, and any public improvements to be required;
8. A program and criteria for regular periodic review under this chapter;
9. Proposed provisions providing security for the performance of the qualified applicant under the development agreement;
10. Any other relevant provisions which may be deemed necessary by the Planning Services Manager pursuant to this chapter.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.100 - Review of application.

A. Upon submission of an application for a development agreement, the Planning Services Manager shall stamp on the application the date it is received. Within thirty (30) days after receipt of application the Planning Services Manager shall review the application and accompanying documentation for legal sufficiency, compliance with technical requirements and may reject it if it is incomplete or inaccurate for processing. If the Planning Services Manager finds that the application is complete for processing the Planning Services Manager shall accept it for filing. The Planning Services Manager shall cause a written notice of acceptance or rejection to be mailed or delivered to qualified applicant. If rejected, the notice must also give the reason for the rejection. If such notice is neither mailed nor delivered within thirty (30) days following receipt of application for the development agreement, the application shall be deemed filed on the thirtieth day following its receipt by the Planning Services Manager.

B. After the application is accepted for filing or deemed filed, the Planning Services Manager shall then review the application and determine any additional requirements necessary to complete the form of development agreement. After receiving the required information, the Planning Services Manager shall prepare a staff report and recommendation and shall state whether or not the development agreement as proposed, or in an amended form (specifying the nature of the amendments), would implement, be consistent with and in compliance with, the adopted general plan. Any proposed specific plan, relevant city policies and guidelines for development, and the provisions of this chapter. The Planning Services Manager shall, as part of the review of the application, circulate copies of the proposed development agreement to those city departments and other agencies having jurisdiction over the development project to be undertaken pursuant to the development agreement for review and comment by such city departments and agencies. The City Attorney shall also review the proposed development agreement for legal form and

sufficiency and shall approve and/or prepare a proposed ordinance authorizing the city to enter into the development agreement for action by the City Council upon hearing thereof as specified by this chapter. The staff report and recommendation of the Planning Services Manager shall include any appropriate recommendations received, and the proposed form of ordinance prepared and/or approved by the City Attorney.

C. Upon the completion of such review, the Planning Services Manager shall set the matter for a public hearing before the Planning Commission.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.110 - Contents of development agreement.

A. A development agreement shall specify its duration, the permitted uses of the property thereunder, the density and/or intensity of use, the maximum height and size of proposed buildings and improvements, and provisions for reservation or dedication of land for public purposes. A development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the property for the uses and to the density or intensity, height, and size of development set forth in the development agreement and phasing if and to the extent the development agreement so provides. Without limitation as to types of conditions, terms, and restrictions, the development agreement may provide for the phasing of construction of development projects and any improvements with respect thereto, and the development agreement may also provide that the construction shall be commenced and completed within specified times and that the development project, public improvements, or any phase thereof be commenced and completed within specified times.

B. A development agreement shall include all conditions imposed by the city, and may also include conditions imposed by other agencies, and all obligations agreed to by the city and other parties to the development agreement with respect to the development project thereunder including those conditions authorized by law and/or required pursuant to the California Environmental Quality Act, or the National Environmental Protection Act, and the city's regulations with respect thereto in order to eliminate or mitigate environmental and traffic impacts caused by or aggravated as a result of the development project proposed under the development agreement.

C. A development agreement shall contain an indemnity and insurance clause in form and substance acceptable to the City Attorney, requiring the qualified applicant to protect, defend, indemnify and hold harmless the city against claims arising out of the development process; provided, that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of qualified applicant by the city.

D. A development agreement shall include appropriate provisions acceptable to the City Attorney providing security for the performance under the development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.120 - Public hearing (Planning Commission).

On the date set for hearing or on the date or dates to which the hearing is continued, a development agreement shall be considered at a public hearing before the Planning Commission pursuant to the procedures described in this chapter.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.130 - Review—Standard (Planning Commission).

A. The Planning Commission may recommend adoption of a development agreement as a method of implementing or providing standards and criteria for any approval of the Planning Commission or permits or approvals issued or made by any other city agency, including but not limited to:

1. Rezoning and/or conditions imposed upon approval of rezoning;
2. Issuance of a conditional use permit;
3. Conditions imposed upon approval of a permit after discretionary review;
4. Conditions imposed in connection with the adoption of any general plan amendment or specific plan;
5. Site-specific conditions imposed in any other district;
6. Approval of and/or conditions imposed upon approval of a subdivision or parcel map or maps;
7. The separate review and approval by the City Attorney of conditions, covenants and restrictions (CC&Rs) affecting the subject property where the development project affects, or is proposed to affect, more than one legal parcel, which CC&Rs shall include enforcement provisions acceptable to the city including without limitation the grant of power to the City by the applicant to enforce the property maintenance standards set forth in such CC&Rs as if the city was a property owner party to such CC&Rs. Such CC&Rs shall be recorded against the lands included in the development project prior to issuance by the city of any certificate of occupancy.
8. The formation of any assessment district, benefit district, maintenance district or special benefit district or any other procedure, for the installation of required or necessary on-site or off-site improvements or infrastructure; and/or
9. Mitigation measures imposed upon a development project pursuant to the California Environmental Quality Act or the National Environmental Protection Act.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.140 - Recommendation by Planning Commission.

A. The Planning Commission shall make a report and recommendation in writing to the City Council as follows:

1. That the development agreement be adopted as proposed;

2. That the development agreement be adopted with modifications, as proposed by the Planning Commission; or

3. That the development agreement be denied.

B. Any action taken by the Planning Commission shall include written findings specifying the facts and information relied upon by the commission in rendering its decision and recommendation.

C. The Planning Commission shall make such report of its findings and recommendations to the City Council within thirty-five (35) days after the completion of said hearing. Failure of the Planning Commission to so report within said period shall be deemed to be a recommendation of denial by the Planning Commission of the development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.150 - Setting hearing date by City Council.

Upon the filing of its report and recommendations on a development agreement by the Planning Commission or upon the expiration of said thirty-five (35) days provided for in Section 17.82.140, the City Council shall, at its next regular meeting held at least three (3) days thereafter on which the subject is agendized thereupon set the matter for public hearing before the City Council, and the City Clerk shall give required notice of the time, place and purpose of such hearing in the same manner and in the same terms as provided in this chapter.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.160 - Ordinance public hearing (City Council).

A development agreement is a legislative act and it shall be enacted or amended by ordinance only after a public hearing before the City Council. The ordinance shall be subject to referendum and refer to and incorporate by reference the text of the development agreement. The development agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the development agreement and execution of the development agreement by all parties thereto.

Because a development agreement is also a contract which requires the consent of each party in order to become binding, the council reserves the right to disapprove entering into any development agreement, regardless of the provisions hereof, and the ordinance shall be advisory only and shall not require the acceptance of any development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.170 - Conduct of hearing by the City Council.

A. The City Council shall consider the proposed development agreement and the Planning Commission's recommendation together with any additional public testimony at the public hearing on the date set for said hearing or on the date or dates to which such hearing may be continued from time to time by the City Council.

B. The City Council may refer the issue back to the Planning Commission for further hearing and recommendation whereupon Planning Commission shall file its report on

reconsideration of the referral from the City Council within thirty (30) days thereafter. The City Council may also act on all or any such issue without reference back to the Planning Commission. The decision of the City Council shall be rendered within forty-five (45) days after the hearing before the City Council or within forty-five (45) days after the receipt of the final report from the Planning Commission, whichever is later, unless extended by mutual agreement of the qualified applicant and City Council. Failure of the City Council to act within the forty-five (45) days or extension shall be deemed a rejection of the development agreement. The City Council may:

1. Approve the development agreement as recommended by the Planning Commission;
2. Approve the development agreement with or without modification; or
3. Reject the development agreement, in whole or in part.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.180 - Consistency with general plan and specific plans (City Council).

Before the City Council may approve a development agreement with or without modification, it must find that its provisions are consistent with the general plan and any applicable specific plan and relevant city policies and guidelines for development.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.190 - Notice.

The Planning Services Manager shall give notices of all required public hearings held before the Planning Commission under this chapter. The City Clerk shall give notice of all required public hearings held before the City Council under this chapter.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.200 - Form and time of notice.

A. The notice referred to in Section 17.82.190 shall contain:
   1. The date, time, and place of the hearing;
   2. The identity of the hearing body;
   3. A general explanation of the matter to be considered including a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing;
   4. The location or locations where a copy of the proposed development agreement may be viewed or had;
   5. Other information required by specific provisions of this chapter or which the Planning Services Manager considers necessary or desirable.

B. The time and manner of giving notice is by:

1 Publication at least ten (10) days prior to the hearing at least once in a newspaper of general circulation within the city or if there is none, posting at least ten (10) days prior to the hearing in at least three (3) public places in the city.

2. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to the owner of the subject real property or the owner's duly authorized agent, and to the project applicant.

3. Notice of the hearing shall be mailed or delivered at least ten (10) days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

4. Mailing of the notice at least ten (10) days prior to the hearing to all persons shown on the last equalized assessment roll as owning real property within three hundred (300) feet of the real property that is the subject of the hearing. If the number of owners to whom notice would be mailed or delivered pursuant to this subsection (b)(4) or subsection (b)(2) is greater than one thousand (1,000), the Planning Services Manager, or City Clerk, as applicable, may, in lieu of mailed or written notice, provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the city at least ten (10) days prior to the hearing.

C. The Planning Commission or City Council, as the case may be, may direct that notice of the public hearing to be held before it shall be given in a manner that exceeds the notice requirements prescribed by state law, but failure to comply with any excess notice procedure shall not invalidate a development agreement entered into by the city under this chapter. Pursuant to the excess notice requirements of this subsection (c), it is recommended that notice of each public hearing called under this chapter should be mailed to the chair of the citizens advisory committee at least ten (10) days prior to the hearing.

D. The notice requirements referred to in subsections (a) and (b) of this section are declaratory of existing law. If and when state law prescribes a different notice requirement, notice shall be given in that manner.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.210 - Coordination of development agreement application with other discretionary approvals.

It is the intent of this chapter that the application for a development agreement will be made and considered simultaneously with the review of other necessary applications, including, but not limited to rezoning, planned commercial, or industrial development and conditional use permits. If combined with an application for rezoning, planned development or conditional use permit, the application for a development agreement shall be submitted with said application and shall be processed, to the maximum extent possible, jointly to avoid duplication of hearings and repetition of information. A development agreement is not a substitute for, nor an alternative to, any other required permit or approval, and the qualified

applicant or developer must comply with all other required procedures for development approval.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.220 - Time for and initiation of review.

A. Regular Periodic Review. The city shall review the performance of the developer under a development agreement periodically on a regular basis as determined in the development agreement or by this subsection at least once every twelve (12) months for the term of the development agreement. Ninety (90) days prior to the "established date or dates for regular periodic review" which shall be the anniversary of the effective date of the development agreement, or such other substitute date or dates, mutually agreed to by the qualified applicant or developer and city in writing for such regular periodic reviews, the developer shall submit to the Planning Services Manager evidence of the good faith compliance with the development agreement.

   If the Planning Services Manager determines that such evidence is insufficient for the Planning Services Manager's regular periodic review, or if the developer fails to submit any evidence, then prior to seventy-five (75) days of the established date or dates for regular periodic review the Planning Services Manager shall deliver or mail written notice to the developer of the developer's failure to submit any evidence or specifying the additional information reasonably required by the Planning Services Manager in order to review the developer's good faith compliance with the development agreement. The developer shall have thirty (30) days after mailing or delivery of such written notice by the Planning Services Manager in which to respond to the Planning Services Manager. If the developer fails to provide such information to the Planning Services Manager within the thirty (30) day period, the Planning Services Manager shall not find that the developer has complied in good faith with the terms of the development agreement.

B. Special Review.

   1. Initiation of Review. Reviews which are other than the regular periodic reviews provided for in subsection (a) of this section are defined as special reviews and may be had either by agreement between the developer and city or by initiation of the city by the affirmative vote of the City Council, but in any event shall not be held more frequently than three (3) times a year.

   2. Notice of Special Review. The Planning Services Manager shall begin the special review proceeding by mailing or delivering written notice to the developer that the city intends to undertake a special review for the good faith compliance of developer with the development agreement. He shall mail or deliver to the developer a thirty (30) day notice of intent to undertake such a special review within which thirty (30) days developer shall provide to the Planning Services Manager evidence of good faith compliance with the terms of the development agreement. If the Planning Services Manager determines that such evidence is insufficient for the Planning Services Manager's review, or if the developer fails to submit any evidence within the thirty-day period, then within forty-five (45) days of giving the notice of intent to undertake a

special review, the Planning Services Manager shall deliver or mail written notice to the developer of the developer's failure to submit any evidence or additional information reasonably required by the Planning Services Manager in order to review the developer's good faith compliance with the development agreement. As with the regular periodic review, the developer shall have thirty (30) days after mailing or delivering of such written notice by the Planning Services Manager in which to respond to the Planning Services Manager. If the developer fails to provide such information to the Planning Services Manager within the thirty-day period, developer shall not be found by the Planning Services Manager to have complied in good faith with the terms of the development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.230 - Finding of compliance.

With respect to either a regular periodic review or a special review, if the Planning Services Manager finds good faith compliance by the developer with the terms of the development agreement for the period reviewed, the Planning Services Manager, upon request of developer, shall issue a certificate of compliance for such period reviewed, which shall be in recordable form and may be recorded by the developer in the official records of Los Angeles County. The issuance of a certificate of compliance by the Planning Services Manager shall conclude the review for the applicable period for which the finding was made and such determination shall be final in the absence of fraud.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.240 - Failure to find good faith compliance.

A. If the Planning Services Manager does not find, on the basis of substantial evidence, that the developer has complied in good faith with the terms of the development agreement, he shall so notify the City Council and the developer. The Planning Services Manager shall specify the reasons for the Planning Services Manager's determination, the information relied upon in making such decision and any findings made with respect thereto. At the next regularly scheduled meeting of the City Council on which the matter is agendized, or to which it is continued, the City Council shall take one of the following actions:

    1. Compliance. Determine on the basis of evidence presented that there has been good faith compliance by the developer with the terms of the development agreement, in which event the Planning Services Manager, upon request of the developer, shall issue a certificate of compliance in accordance with Section 17.82.230.

    2. Failure to Find Good Faith Compliance. If the City Council is unable to determine on the basis of the evidence presented that there has been good faith compliance by the developer with the terms of the development agreement, the City Council shall do one or more of the following:

        a. Additional Time. Upon receipt of sufficient justification to City Council, grant the developer additional time in which to establish good faith compliance with the

terms of the development agreement at a subsequent duly called council meeting; or

b. Hearing. Set a date for a public hearing on the issue of compliance by the developer with the terms of the development agreement and the possible conditioning and/or termination or modification of the development agreement in accordance with California Government Code Section 65865.1, which public hearing shall be conducted in accordance with Section 17.82.250.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.250 - Public hearing.

The City Council shall, within ninety (90) days of the City Council's setting a date for a public hearing in Section 17.82.240(2)(ii), conduct a public hearing at which the developer shall have the opportunity to demonstrate good faith compliance with the terms of the development agreement on the basis of substantial evidence presented to the City Council. The burden of proof of this issue is upon the developer.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.260 - Findings upon public hearing.

The City Council shall determine upon the basis of substantial evidence whether or not the developer has complied in good faith with the terms and conditions of the development agreement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.270 - Procedure upon findings.

A. Compliance. If the City Council finds and determines on the basis of substantial evidence that the developer has complied in good faith with the terms and conditions of the development agreement during the period under review, the review for that period is concluded and such determination is final in absence of fraud.

B. Noncompliance. If the City Council finds and determines on the basis of substantial evidence that the developer has not complied in good faith with the terms and conditions of the development agreement during the period under review, the City Council may allow the development agreement to be continued by imposition of new terms and conditions intended to remedy such noncompliance or to be otherwise modified, by the mutual consent of the developer and the city or the City Council may unilaterally terminate the development agreement or take other action authorized by Government Code Section 65865.1. The City Council may impose such terms and conditions to the action it takes as it considers necessary to protect the interests of the city. The decision of the City Council shall be final. The rights of the parties after termination shall be as set forth in Section 17.82.370.

C. Ordinance. Any termination, modification or imposition of new terms and conditions pursuant to this section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on and/or the lack thereof, and the reasons which, in the opinion of the

City Council, make the termination or modifications or imposition of new terms and conditions of the development agreement necessary. The enactment of such an ordinance by the City Council shall be final and conclusive as to its effect on the subject development agreement. Not later than ten (10) days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The development agreement shall be terminated, or the amendments to the development agreement shall become effective, on the effective date of the ordinance or as otherwise provided in such ordinance.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.280 - Certificate of compliance.

If the City Council finds good faith compliance by the developer with the terms of the development agreement, the Planning Services Manager upon request of the developer and subject to the written concerns of the City Attorney shall issue a certificate of compliance, which shall be in recordable form and may be recorded by the developer in the official records of the County of Los Angeles.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.290 - Initiation of amendment or cancellation.

A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the development agreement or their successors in interest. Any such person may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.300 - Procedure.

A. The procedure for amendment or cancellation in whole or in part of a development agreement by mutual consent shall be as follows:

1. Upon receipt by Planning Services Manager of a proposal for an amendment to or cancellation in whole or in part of the development agreement, a public hearing thereon shall be set and conducted before the City Council within ninety (90) days of receipt of the proposal;

2. As to prescribed notice of public hearing, where the City introduces the proposed amendment to or cancellation in whole or in part of the development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least ten (10) days in advance of the giving of notice of intention to consider the amendment or cancellation required by Section 17.82.200 (b)(4);

3. Any amendment, cancellation or imposition of new terms and conditions pursuant to this section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on, and reasons which, in the opinion of the City Council, make the amendments or cancellation of the development agreement necessary. Not later than ten (10) days following the adoption of the ordinance, one copy thereof shall be

forwarded to the developer. The development agreement shall become effective on the effective date of such ordinance unless otherwise indicated therein.

4. Although approved by the City Council, an amendment to or cancellation of a development agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the amendment or cancellation of the development agreement and the execution of such amendment or a written consent to such cancellation by all parties to the development agreement or by their successors in interest.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.310 - Failure to receive notice.

The failure of any person entitled to notice required by law or this chapter to receive such notice shall not affect the authority of the city to enter into nor invalidate a development agreement entered into by the city or other action taken under this chapter.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.320 - Rules governing conduct of hearing.

All the public hearings under this chapter shall be conducted in accordance with the procedures and the time limits specified for the conduct of such hearings in this chapter. A copy of any relevant proposed or existing development agreement shall be made available for public review at the City Clerk's office prior to the date of each hearing thereon.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.330 - Irregularity in proceeding.

Formal rules of evidence or procedure which must be followed in a court of law shall not be applied in the consideration of a proposed development agreement, its modification, cancellation, or termination under this chapter and the provisions of this chapter shall provide the procedure for such consideration. The qualified applicant or developer has the burden of presenting substantial evidence at each of the public hearings on the proposal and shall be given an opportunity to present evidence in support of the qualified applicant's or developer's position. No action, inaction, or recommendation regarding the proposed development agreement, its modification, cancellation, or termination shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.340 - Subsequently adopted state and federal laws.

All development agreements shall be subject to the regulations and requirements of the laws of the State of California, the Constitution of the United States and any codes, statutes or executive mandates and any court decisions, state or federal, thereunder. In the event that any such law, code, statute, or decision made or enacted after a development agreement has been entered into prevents or precludes compliance with one or more provisions of the development agreement then such provisions of the development agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate or decision, and every such development agreement shall so provide.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.350 - Architectural review.

Unless otherwise provided in a development agreement, the implementation and execution of all phases of a development agreement shall be subject to architectural (design) reviews pursuant to the applicable provisions of the El Monte Municipal Code.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.360 - Governing rules, regulations, development policies and effect of development agreement.

Unless otherwise provided by the development agreement, or imposed for reasons of health or safety during the term of the development agreement, rules, regulations and official policies of the city governing permitted uses of the land, governing density and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.

A development agreement shall not prevent the city, in subsequent actions applicable to the property or to the city in general, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property at the time of execution of the development agreement, nor shall a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies. Each development agreement shall provide, and it is provided in this section, that this section and the provisions thereof do not apply to taxes, imposts, assessments, fees, charges or other exactions imposed by or payable to city unless specifically and to the extent otherwise expressly agreed to by city in the development agreement, and that all of such shall be in amounts fixed at the time they are payable.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.370 - Rights of the parties after cancellation or termination.

In the event that a development agreement is canceled, or otherwise terminated, unless otherwise agreed in writing by city, all rights of the developer, property owner or successors in interest under the development agreement shall terminate and any and all benefits, including

money or land, received by the city shall be retained by the city. Notwithstanding the above provision, any termination of the development agreement shall not prevent the developer from completing a building or other improvements authorized to be constructed pursuant to a valid operative building permit previously approved by the city and under construction at the time of termination, but the city may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and neither the developer nor any tenant shall occupy any portion of the project or any building not authorized by an occupancy permit. As used herein, "construction" shall mean work on site under a valid building permit and "completing" shall mean completion of construction for beneficial occupancy for developer's use, or if a portion of the project is intended for use by a lessee or tenant, then for such portion "completion" shall mean completion of construction except for interior improvements such as partitions, duct and electrical run outs, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings, and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of El Monte Municipal Code.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.380 - Construction.

This chapter and any subsequent development agreement shall be read together. With respect to any development agreement enacted under this chapter, any provision of such a development agreement which is in conflict with this chapter shall be void.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.390 - Recordation of development agreement, ordinances and notices.

A. Within ten (10) days following complete execution of a development agreement and following effective date of enacting ordinance, the City Clerk shall record with the County Recorder, a fully executed copy of the development agreement and ordinance approving development agreement, which shall describe the land subject thereto. The development agreement shall be binding upon, and the benefits of the development agreement shall inure to the parties and all successors in interest to the parties to the development agreement.

B. If the parties to the development agreement or their successors in interest amend or cancel the development agreement as provided in Government Code Section 65868 or this chapter, or if the City Council terminates or modifies the development agreement as provided in Government Code Section 65865.1 or this chapter for failure of the developer to comply in good faith with the terms or conditions of the development agreement, the City Clerk shall, after such action takes effect, have notice of such action recorded with the County Recorder of Los Angeles County.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.400 - Enforcement of development agreements.

Except as provided herein below, a development agreement shall be enforceable by any party thereto notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the city which alters or amends the rules, regulations, or policies specified in Section 17.82.360 or in the development agreement itself.

An exception to the certainty intended by execution of a development agreement as expressed in Section 17.82.020 shall be when a change to the development agreement is imposed or required not by city initiated action, but rather by city response to (i) federal or state court or administrative agency determination or (ii) federal or state legislative or administrative agency regulation requirement.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.410 - Severability clause.

Should any provision of this chapter or of a subsequent development agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this chapter and development agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in a development agreement. The City Council hereby declares that it would have adopted and enacted this chapter and each provision thereof irrespective of the fact that any one or more of the provisions, or the applications thereof to any person or place, be declared invalid or unconstitutional. For the purpose of this section, a "provision" is a section, subsection, paragraph, sentence, clause, phrase or portion of any thereof.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.420 - Judicial review—Time limitation.

A. Any judicial review of the initial approval by the city of a development agreement shall be by writ of mandate pursuant to Section 1085 of the Code of Civil Procedure; and judicial review of any City action taken pursuant to this chapter, other than the initial approval of a development agreement, shall be writ of mandate pursuant to Section 1094.5 of the Code of Civil Procedure.

B. Any action or proceeding to attack, review, set aside, void, or annul any decision of the city taken pursuant to this chapter shall not be maintained by any person unless the action or proceeding is commenced within ninety (90) days after the date of the decision.

(Ord. No. 2735, § 1, 2-17-2009)

17.84.430 - Condemnation.

All and every part of the development agreements are subject to condemnation proceedings and entering into such agreements are not intended to restrict the exercise of eminent domain by the city or any other public agency."

(Ord. No. 2735, § 1, 2-17-2009)

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Chapter 17.85 - DENSITY BONUS PROVISIONS

Section 17.85.010 – Intent, Purpose, and Terms.

A. The State Density Bonus Law (Gov. Code § 65915 et seq.) requires each local government to adopt an ordinance that specifies how the jurisdiction will comply with and effectuate applicable state law requirements. This Chapter 17.85 is intended to satisfy this requirement. Pursuant to state law, this Chapter 17.85 shall be interpreted liberally in favor of producing the maximum number of total housing units.

B. Terms utilized in this Chapter 17.85 not defined in Title 17 or herein shall be defined as set forth in the Government Code, including the State Density Bonus Law, as may subsequently be amended.

C. "Housing development," as used in this Chapter 17.85, means a development project for five or more residential units, including mixed-use developments.

D. For the purposes of this Chapter 17.85, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

E. For purposes of this section, the following definitions shall apply:

   1. Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

   2. "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

Section 17.85.020 – City Grant of Density Bonus; Calculation of Units.

The City shall grant one density bonus, the amount of which shall be as specified in 17.85.090, and, if requested by the applicant and consistent with the applicable requirements of this Chapter 17.85, incentives or concessions, as described in Section 17.85.070, waivers or reductions of development standards, as described Section 17.85.080, and parking ratios, as described in 17.85.110, when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this Chapter 17.85, that will contain at least any one of the following:

A. Five percent (5%) of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

B. Ten percent (10%) of the total units of a housing development for lower income households, as defined in Section 500079.5 of the Health and Safety Code.

C. A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

D. Ten percent (10%) of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

E. Ten percent (10%) of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this Subsection (E) shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

F. Twenty percent (20%) of the total units for lower income students in a student housing development that meets the following requirements:

    1. All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this Subsection (F), the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the City that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this Subsection (F) is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

    2. The applicable twenty percent (20%) units will be used for lower income students. For purposes of this clause, “lower income students” means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in Subsection (F), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this Subsection (F).

    3. The rent provided in the applicable units of the development for lower income students shall be calculated at thirty percent (30%) of sixty-five percent (65%) of the area median income for a single-room occupancy unit type.

    4. The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3)

of subdivision (d) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this Subsection (F).

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

G. One hundred percent (100%) of the total units, exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to twenty percent (20%) of the total units in the development may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

Section 17.85.030 – Reserved.

Section 17.85.040 – Continued Affordability; Setting of Affordable Rent.

An applicant shall agree to, and the City shall ensure, the continued affordability of all very low and lower income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

A. Except as set forth in Subsection (B), below, rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

B. For housing developments meeting the criteria of Section 17.85.020(G), above, rents for all units in the development, including both base density and density bonus units, shall be as follows:

1. The rent for at least twenty percent (20%) of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

2. The rent for the remaining units shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal lower-income housing tax credits from the California Tax Credit Allocation Committee.

Section 17.85.050 – Occupancy by Qualified Tenants; Equity Sharing.

A. The applicant shall agree to, and the City and shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, lower, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code.

B. The City shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down-payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in Subsection (B)(2), below, and its proportionate share of appreciation, as defined in Subsection (B)(3), below, which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

2. For purposes of Section 17.85.040 and Section 17.85.050, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or

mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

3. For purposes of Section 17.85.040 and Section 17.85.050, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

Section 17.85.060 – Applicant Ineligibility; Replacement of Units.

A. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter 17.85 if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households.

B. The ineligibility for a density bonus described in Subsection (A), above, does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant's application was submitted to or processed by the City before January 1, 2015.

C. The ineligibility for a density bonus described in Subsection (A), above, does not apply if the proposed housing development replaces the units described in Subsection (A), and either of the following applies:

1. The proposed housing development, inclusive of the units replaced pursuant to this Section 17.85.060, contains affordable units at the percentages set forth in Section 17.85.020; or

2. Each unit in the development, exclusive of the manger's unit or units, is affordable to and occupied by, either a lower or very low income household.

D. For the purposes of this paragraph, "replace" shall mean either of the following:

1. If any dwelling units described in Subsection (A), above, are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in Subsection (A), above, in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded

affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 17.85.050, above.

2. If all dwelling units described in Subsection (A), above, have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that lower-income and very low income renter households occupied these units in the same proportion of lower-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 17.85.050, above.

3. Notwithstanding Subsection(D)(2), above, for any dwelling unit described in Subsection (A), above, that is or was, within the five-year period preceding the application, subject to a form of rent or price control through the City's valid exercise of its police power and that is or was occupied by persons or families above lower income, the City may, at its discretion, do either of the following:

    a. Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, lower-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Subsection (D)(3)(b), below.

    b. Require that the units be replaced in compliance with any applicable City rent or price control ordinance, provided that each unit described in Subsection (A), above, is replaced. Unless otherwise required by any City rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

E. For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

Section 17.85.070 – Concessions and Incentives.

A. For purposes of this Chapter 17.85, concession or incentive means any of the following:

1. A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 17.85.040 and Section 17.85.050;

2. Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or

3. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 17.85.040 and Section 17.85.050.

This Section 17.85.070 shall not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land by the City, or the waiver of fees or dedication requirements.

B. An applicant for a density bonus pursuant to Section 17.85.020 may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the City. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:

1. The concession or incentive does not result in identifiable and actual cost reductions, consistent with Section 17.85.070(A), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Section 17.85.040 and Section 17.85.050;

2. The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households; or

3. The concession or incentive would be contrary to state or federal law.

C. The applicant shall receive the following number of incentives or concessions:

1. One incentive or concession for projects that include at least ten percent (10%) of the total units for lower income households, at least five percent (5%) for very low income households, or at least ten percent (10%) for persons and families of moderate income in a common interest development.

2. Two incentives or concessions for projects that include at least twenty percent (20%) of the total units for lower income households, at least ten percent (10%) for very low income households, or at least twenty percent (20%) for persons and families of moderate income in a common interest development.

3. Three incentives or concessions for projects that include at least thirty percent (30%) of the total units for lower income households, at least fifteen percent (15%) for very low income households, or at least thirty percent (30%) for persons and families of moderate income in a common interest development.

4. Four incentives or concessions for projects meeting the criteria of Section 17.85.030. If the project is located within one-half mile of a major transit stop, as defined in subdivision (b) of

Section 21155 of the Public Resources Code, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

D. The applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of the State Density Bonus Law, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this Section 17.85.070 shall be interpreted to require the City to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require the City to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

E. The City bears the burden of proof for the denial of a requested concession or incentive.

Section 17.85.080 – Waivers or Reductions of Development Standards.

A. In no case may the City apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of Section 17.85.020 at the densities or with the concessions or incentives permitted by this Chapter 17.85. Subject to Subdivision (D), below an applicant may submit to the City a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 17.85.020 at the densities or with the concessions or incentives permitted under this Chapter 17.85, and may request a meeting with the City.

B. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of the State Development Agreement Law, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this Section 17.85.080 shall be interpreted to require the City to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

C. A proposal for the waiver or reduction of development standards pursuant to this Section 17.85.080 shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.85.070.

D. A housing development that receives a waiver from any maximum controls on density pursuant to Section 17.85.090(L)(2) shall not be eligible for, and shall not receive, a waiver or reduction of development standards pursuant to this subdivision, other than as expressly provided in Section 17.85.070(B)(4) and 17.85.090(L)(2).

Section 17.85.090 – Density Bonus Calculation.

A. For purposes of calculating the amount of the density bonus pursuant to this Section 17.85.090, an applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Subsection A, B, C, D, E, F, or G of Section 17.85.020.

B. For the purposes of this chapter, “density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the City, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.85.020.

C. For purposes of this Chapter 17.85, “total units,” “total dwelling units,” or “total rental beds” does not include units added by a density bonus awarded pursuant to this Chapter 17.85 or any local law granting a greater density bonus.

D. All density calculations resulting in fractional units shall be rounded up to the next whole number.

E. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

F. For housing developments meeting the criteria of Section 17.85.020(A), the density bonus shall be calculated as follows:

Percentage Very Low Income Units:	Percentage Density Bonus:
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

G. For housing developments meeting the criteria of Section 17.85.020(B), the density bonus shall be calculated as follows:

Percentage Lower Income Units:	Percentage Density Bonus:
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5

18	32
19	33.5
20	35

H. For housing developments meeting the criteria of Section 17.85.020(C), the density bonus shall be twenty percent (20%) of the number of senior housing units.

I. For housing developments meeting the criteria of Section 17.85.020(D), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units:	Percentage Density Bonus:
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23

29	24
30	25
31	26
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34	29
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40	35

J. For housing developments meeting the criteria of Section 17.85.020(E), the density bonus shall be twenty percent (20%) of the number of the type of units giving rise to a density bonus under Section 17.85.020(E).

K. For housing developments meeting the criteria of Section 17.85.020(F), the density bonus shall be thirty-five percent (35%) of the student housing units.

L. For housing developments meeting the criteria of Section 17.85.020(G), the following shall apply:

1. Except as otherwise provided in Subsection (G)(2), below, the density bonus shall be eighty percent (80%) of the number of units for lower income households.

2. If the housing development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, the City shall not impose any maximum controls on density.

Section 17.85.100 – Maps; Donations of Land.

A. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the City in accordance with this subdivision, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income:	Percentage Density Bonus:
10	15
11	16

12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

B. Any increase pursuant to this Section 17.85.100 shall be in addition to any increase in density mandated by Section 17.85.020, up to a maximum combined mandated density increase of thirty-five (35) percent if an applicant seeks an increase pursuant to both this Section 17.85.100 and Section 17.85.020. All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this Section 17.85.100 shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this Section 17.85.100 if all of the following conditions are met:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;

2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development;

3. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure;

4. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the City before the time of transfer;

5. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer;

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

7. The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development; and

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

Section 17.85.110 – Parking.

A. Except as provided in Subsection (B), Subsection (C), and Subsection (D), below, upon the request of the developer, the City shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of Section 17.85.020, Section 17.85.040, and Section 17.85.050, that exceeds the following ratios:

   1. Zero to one bedroom: one onsite parking space.

   2. Two to three bedrooms: two onsite parking spaces.

   3. Four and more bedrooms: two and one-half parking spaces.

B. Notwithstanding Subsection (A), above, if a development includes the maximum percentage of low-income or very low income units provided for in Section 17.85.090(F) and Section 17.85.090(G) and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom. For purposes of this Section 17.85.110, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

C. Notwithstanding Subsection (A), above, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds the following ratios:

1. If the development is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, the ratio shall not exceed 0.5 spaces per unit.

2. If the development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code, the ratio shall not exceed 0.5 spaces per unit. The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

D. Notwithstanding Subsection (A), above, and Subsection (H), below, if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, the City shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

E. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

F. This Section 17.85.110 shall apply to a development that meets the requirements of Section 17.85.020, Section 17.85.040, and Section 17.85.050, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to Section 17.85.070.

G. This Section 17.85.110 does not preclude the City from reducing or eliminating a parking requirement for development projects of any type in any location.

H. Notwithstanding Subsection (B), above, and Subsection (C), above, if the City or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in Subsection (A), above, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this Subsection (H), supporting the need for the higher parking ratio.

I. A request pursuant to this Subsection (H) shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.85.070.

Section 17.85.120 – Child Care Facilities.

A. When an applicant proposes to construct a housing development that conforms to the requirements of Section 17.85.020 and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

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

   2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

B. The City shall require, as a condition of approving the housing development, that the following occur:

   1. The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to Section 17.85.040 and Section 17.85.050.

   2. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to Section 17.85.020

   3. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

C. Notwithstanding any requirement of this Section 17.85.120, the City shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

Section 17.85.130 – Application Requirements.

A. The Community and Economic Development Director, or designee, shall promulgate and publish on the City's website an application pursuant to this Chapter 17.85.

B. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this Chapter 17.85 shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.

C. Upon submission of the application to the City, the Community and Economic Development Director, or designee, shall determine if the application is complete and conforms to the provisions of this article. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this Chapter 17.85.

D. A request for a minor modification of an approved application may be granted by the City Manager, or designee, if such minor modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.

Chapter 17.86 - COMPREHENSIVE DESIGN GUIDELINES[7]

17.86.010 - Purpose.

The provisions of this chapter are established to:

A. Encourage appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the City in general;

B. Foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the City and which avoid monotony and mediocrity of development;

C. Promote and maintain the public health, safety, and general throughout the City; and

D. Implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the City.

(Ord. No. 2807, § 10, 10-2-2012)

17.86.020 - Applicability.

The City's comprehensive design guidelines shall be applied whenever City approval is required for the following:

A. Any new residential, commercial, office, industrial building, or any other building or structure that requires issuance of a building permit and/or requires Planning Division review;

B. The expansion of an existing structure;

C. Conversion of a building from one use to any other use;

D. Any change in building occupancy; and

E. Any facade renovation or exterior improvement that is visible from the street.

(Ord. No. 2807, § 10, 10-2-2012)

17.86.030 - Procedures.

Applications for comprehensive design review shall be made on the appropriate form to the Planning Division. The Economic Development Director or his designee shall determine the minimum filing procedures, content and form of materials which must be submitted before the City can review an application based on the comprehensive design guidelines. The filing procedures and applications shall be published and made available to the public. No petition shall be received unless it complies with all City filing requirements. The City Planning

[7] Ord. No. 2807, § 10, adopted Oct. 2, 2012, repealed ch. 17.86 and enacted a new chapter as set out herein. The former ch. 17.86, §§ 17.86.10—17.86.050, pertained to similar subject matter and derived from Ord. No. 2805, § 9, adopted July 31, 2012.

Commission or City Council, on appeal, may at its discretion request additional information before rendering a decision.

The applicant shall bear the burden of providing sufficient documents and exhibits that allow the City to render a decision upon the application under consideration. It is the responsibility of the applicant to certify the information contained therein.

The application shall also be accompanied by the following information:

1. Site plan drawn to scale (one inch = ten (10) feet);
2. Property lines/easements;
3. Existing structures on the site;
4. Proposed building with dimensions;
5. Location, number of parking spaces, dimensions;
6. Pedestrian, vehicular and service ingress and egress, driveway widths;
7. Setbacks;
8. Street dedications and improvements;
9. Location, height and design of all fences or walls;
10. Open space use and landscaped areas.
11. All elevations of each building and composite elevation from street, if multiple buildings are proposed drawn to scale (one-fourth-inch = one foot);
12. Floor plans drawn to scale (one-fourth-inch = one foot):
13. Color renderings, if necessary;
14. Exterior lighting, including building mounted, pole mounted;
15. All signs including free standing signs and directional signs;
16. Utility lines, meters, boxes;
17. Refuse areas and recycling storage and pickup locations;
18. Flues, chimneys;
19. Awnings, if any;
20. Mechanical equipment;
21. Loading docks;
22. Downspouts; and
23. Landscaping. Plans showing proposed landscaped areas and general descriptions of landscaping to be installed together with a layout of the irrigation system and the manner by which the landscaping will be maintained.

(Ord. No. 2807, § 10, 10-2-2012)

17.86.040 - Comprehensive design guidelines.

The City's comprehensive design guidelines as referenced herein shall be adopted, and from time to time modified and amended by resolution of the City Council. The approved guidelines shall be a public record of the City and the most current iteration of the City's compliance design guidelines shall be available for inspection by members of the public at the Office of the City Clerk and at the Office of the Planning Division. A copy of the most up to date version of the City's comprehensive design guidelines shall also be posted on the City's website.

(Ord. No. 2807, § 10, 10-2-2012)

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Chapter 17.88 - FREEWAY OVERLAY ZONE (BILLBOARDS)

17.88.010 - Purpose and definitions.

A. Billboards are recognized as a legitimate form of commercial advertising in the city. However, the size, number, location and illumination of billboards can have significant influence on the city's visual character, and can, without appropriate control, create or contribute to visual blight conditions. The purpose of this Chapter 17.88 is to establish an overlay zone where new billboards may be constructed and existing billboards may be relocated and constructed subject to reasonable controls, while recognizing that community appearance is an important factor in ensuring the general community welfare.

B. Definitions:

"Agreement" means a development agreement, by and between the applicant and the city, in accordance with the Development Agreement Law (Gov. Code, § 65864 et seq.) and El Monte Municipal Code Chapter 17.84 (Development Agreements). Such development agreement, as necessary, may also constitute a "relocation agreement," pursuant to California Business and Professions Code Section 5412, and may include compensation to be paid to the city or the provision of other public benefits to be provided as a result of the installation and operation of any billboard or modification of an existing billboard within the freeway overlay zone.

"Relocation" as used in this Section 17.88.010, includes the removal of billboard(s) and construction of a new billboard or billboards to substitute for the billboard(s) removed.

(Ord. No. 2914, § 12, 7-18-2017)

17.88.020 - Establishment of freeway overlay zone.

The Freeway Overlay Zone established pursuant of this Chapter 17.88 shall be as reflected in the map approved by the City Council on December 17, 2019 and attached to Ordinance No. 2961 as "Exhibit A."

(Ord. No. 2914, § 12, 7-18-2017) (Ord. No. 2961, § 12-17-2019)

17.88.030 - General requirements.

A. The requirements of this Chapter 17.88 shall apply to any project involving the installation or construction of a new billboard, or billboards, or relocated billboard, or billboards, or the expansion, modification, or digitization of an existing billboard, or billboards, within the Freeway Overlay Zone, or the addition of additional face(s) to an existing billboard within the Freeway Overlay Zone. Billboards shall be permitted in the Freeway Overlay Zone only after an Agreement has been negotiated and executed between the property owner and/or billboard operator and City, and any requisite permits have been issued in accordance with the terms of this Chapter 17.88. An existing billboard or digital billboard in existence on the effective date of this ordinance pursuant to a prior agreement (including any amendments or extensions thereof) or other lawful permit may be relocated

and rebuilt only within the Freeway Overlay Zone. All billboards constructed within the Freeway Overlay Zone shall comply with this Chapter 17.88 and all applicable requirements of the California Business and Professions Code and the California Outdoor Advertising Act.

B. In accordance with California Business and Professions Code Section 5440, new billboards not associated with relocation as described in subdivision C shall be allowed only in those portions of the freeway overlay zone not designated as "landscaped freeways" pursuant to California Business and Professions Code Section 5216.

C. In accordance with California Business and Professions Code Section 5443.5, relocated billboards shall be allowed only in the freeway overlay zone and shall not be permitted in any location which would result in violation of any applicable federal, state, or local law. Billboards to be relocated in the freeway overlay zone may originate in areas outside the freeway overlay zone or outside the city's boundaries, provided the agreement required by this Chapter 17.88 documents their location and removal, and the benefits associated with such relocation. An owner or entity proposing an agreement for relocation shall establish that the relocated billboard meets one or more of the following eligibility requirements:

1. The billboard proposed for complete demolition and relocation is the subject of any eminent domain action or threat of eminent domain action by a legally created public entity possessing eminent domain/condemnation authority and provides public benefits for such relocation; or

2. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the freeway overlay zone so as not to conflict with the proposed development or redevelopment of the property and provides public benefits for such relocation as negotiated in the agreement; or

3. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the freeway overlay zone that lessens the overall negative aesthetic impacts on the city and its residents and provides public benefits for such relocation; or

4. The applicant has previously removed and completely demolished one or more billboards and maintains credits for such removal by the California Department of Transportation pursuant to California Business and Professions Code Section 5443.5; or

5. The applicant proposes to enhance, improve and modify an existing billboard already established within the freeway overlay zone for the purpose of modernizing and improving the aesthetic appearance of such billboard.

D. In the event of any conflict between any provision contained in this Chapter 17.88 and any other provisions contained elsewhere in this Code, the provisions of this Chapter 17.88 shall govern.

E. No billboard shall be approved and no existing billboard shall be modified without the applicant first providing proof of legal or equitable interest in the site proposed for

relocation or modification, including, but not limited to a lease, easement or other entitlement, demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner if not readily ascertainable from the foregoing documents.

F. No billboard shall be approved or modified, and no billboard may be maintained, unless a designated maintenance service is available "24/7," by telephone, to be contacted and to respond in the event a billboard becomes damaged or dilapidated.

G. All billboard agreements shall include requirements that applicants obtain all additional federal and/or state permits for installation. Nothing contained in this Chapter 17.88 shall require the city to negotiate and/or approve an Agreement on terms that are unacceptable to the City Council.

H. Physical Requirements.

1. The minimum distance between two (2) or more billboards placed within the freeway overlay zone or between billboards and the freeway right-of-way shall be the same as the minimum distance and separation criteria established by the California Department of Transportation. All distances shall be measured from the vertical centerline of each billboard face.

2. All utilities utilized for each billboard shall be underground.

3. No billboard shall have more than one face (display surface) oriented in the same vertical plane.

4. All billboards shall plainly display, and be visible from no less than one hundred (100) feet, the name of the person or company owning or maintaining such billboard, and the billboard's identification number.

5. Billboards projecting over a driveway or driving aisle shall have a minimum clearance of sixteen (16) feet between the lowest point of the sign and the driveway grade. Billboards shall comply with any California Department of Transportation requirements for placement and operation. No part of any billboard shall cross onto an adjacent property.

6. Billboards projecting over a pedestrian walkway shall have a minimum clearance of twelve (12) feet between the lowest point of the sign and the walkway grade.

7. All billboards not projecting over drive areas or pedestrian walkways shall have a minimum clearance of twelve (12) feet between the lowest point of the billboard and ground level.

8. All billboard structures shall be free of any visible bracing, angle iron, guy wires, cable, and/or similar supporting elements. All exposed portions of new billboards, including backs, sides, structural support members and support poles, shall be screened to the satisfaction of the Economic Development Director.

9. All billboards shall be placed at least two hundred fifty (250) feet from any residential zone, unless it can be demonstrated by the positioning of the digital panels that there

is no significant additional light intrusion than if the digital panels are placed at least 250 feet way. Billboard proposals requesting to be located within two hundred fifty (250) feet of any residential zone shall provide a site-specific light and glare study to be reviewed and approved by the Community and Economic Development Director. The measurement shall be from the closest edge of the billboard to the closest edge of the residential zone or closest property line on which a residential use is located.

10. No billboard, inclusive of supporting structures, shall exceed seventy-five (75) feet in height, measured from the finished grade of the freeway travel lane closest to the sign to the uppermost point of the sign, except as may be approved for good cause as demonstrated by the applicant and determined in the sole discretion of the city.

I. Operational Requirements.

1. No billboard shall display any statement or words of an "obscene, indecent, or immoral character," as that phrase is used in Business and Professions Code Section 5402 and judicial decisions interpreting the same.

2. Each digital billboard shall be connected to the National Emergency Network and provide emergency information, including child abduction alerts (e.g., "Amber Alerts"), in accordance with local and regional first responder protocols.

3. Digital billboard operating criteria:

   a. Each static message shall not include flashing lights or the varying of light intensity.

   b. Minimum display time. Each message on the sign must be displayed for a minimum of four (4) seconds.

   c. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below.

   d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following ratios of face size dimensions to points of measurement distances:

      • 12' × 25'; 150'

      • 10'6" × 36'; 200'

      • 14' × 48'; 250'

      • 20' × 60' or 25' × 48'; 350'

   e. Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.

4. Each digital billboard shall be designed and required to freeze the display in one static position, display a full black screen, or turn off, in the event of a malfunction.

5. Walls or screens at the base of the billboard shall not create a hazard to public safety or provide an attractive nuisance and shall be continually maintained free from graffiti.

6. Billboards shall not be operated in such a fashion as to constitute a hazard to safe and efficient operation of vehicles on streets or freeways and shall comply with all applicable local, state, and federal laws and regulations. Digital billboards when operated in accordance with the operating criteria in subsection above and static billboards operated pursuant to local, state, and federal law shall be deemed to be in compliance with this subsection and all requirement of the California Department of Transportation.

7. No billboard shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."

8. No billboard shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and for roadways. Digital billboards when operated in accordance with the operating criteria in subsection 4, above, shall be deemed to be in compliance with this subsection 8.

9. No digital billboard shall be operated or maintained so as to constitute an "improper display," as defined or described in Business and Professions Code Section 5403.

(Ord. No. 2914, § 12, 7-18-2017) (Ord. No. 2961 § 12-17-2019)

17.88.040 - Application requirements; review procedures.

A. Application requirements. A person or entity wishing to completely demolish and relocate an existing nonconforming billboard or modify an existing billboard within the freeway overlay zone shall submit a request in writing for approval of an agreement, in accordance with Section 17.84.080(b), that includes the following:

1. The name, address phone number and other contact information of the person or entity proposing the agreement;

2. Identification of the location proposed for a new or relocated or modified billboard and the billboard(s) being permanently removed, where applicable;

3. Information that establishes that the person or entity proposing the Agreement has legal or equitable interest in the billboard being removed or modified and the site proposed for relocation or placement;

4. Conceptual design drawings for the billboards that includes technical specifications to determine the billboard's compliance with this Chapter 17.88;

5. An explanation of the compensation to be paid or public benefits to be provided to the city;

6. The application must include photos of all existing signage or architectural renderings and elevations of proposed billboards as well as a scaled plot plan and elevations showing the locations of all existing structures and improvements on the property, and the proposed billboard;

7. The applicant must pay a filing fee in accordance with Section 17.84.060.

B. Review Process. All proposed agreements shall be reviewed in accordance with the protocol set forth in Chapter 17.84, however, the City Council, in addition to the General Plan and Specific Plan (as applicable) consistency findings set forth in Section 17.84.180, shall make the following findings for approval of an agreement:

1. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;

2. The proposed billboard would not create a traffic or safety problem, including problems associated with onsite access circulation or visibility;

3. The proposed billboard would not interfere with onsite parking or landscaping required by city ordinance or permit;

4. The proposed billboard would not otherwise result in a threat to the general health, safety, and welfare of city residents; and

5. The proposed billboard, in addition to its aesthetic treatment, provides public benefits that would not otherwise accrue to the public in the absence of its installation.

C. Design Review. The Planning Commission shall review and approve, conditionally approve, or deny the construction or reconstruction of a billboard in accordance with Chapter 17.22 Design Review.

(Ord. No. 2914, § 12, 7-18-2017) (Ord. No. 2961 § 12-17-2019)

17.88.050 - Violations.

Violations in this Chapter 17.88 shall be subject to all civil, criminal, and administrative remedies available to the city.

(Ord. No. 2914, § 12, 7-18-2017)

Title 16 - SUBDIVISIONS / DIVISION 1 – GENERAL

Chapter 16.02 - GENERAL PROVISIONS

16.02.010 - Citation and authority.

A. The City Council assumes control of all divisions of land and reversions to acreage, as such power is vested in the city by the provisions of Divisions 2 and 3 of Title 7 of the Government Code of the State of California and all amendments thereto (hereinafter referred to as "Subdivision Map Act" or "Map Act") or as otherwise established and set forth in this title.

B. This chapter is adopted to supplement and implement the Subdivision Map Act and may be cited as the "subdivision ordinance" of the city.

(Ord. 2533 § 1 (part), 2001)

16.02.020 - Scope.

A. The provisions of this title shall not apply to those items listed in Section 66412-66412.8 of the Map Act, except as specified herein for lot line adjustments. The following provisions shall not apply to any lot or lots forming a part of a subdivision legally created and recorded prior to the effective date of the ordinance codified in this title unless said lots are hereafter proposed for further subdivision or lot line adjustment. Nor is it intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or in conflict herewith. Nor is it intended by this title to repeal, abrogate, annul or in any way impair or interfere with private restrictions placed upon property by deed, covenant or other private agreements, or with restrictive covenants running with the land to which the city is a party. Where this title imposes a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control.

B. Any parcel of land that was created prior to March 4, 1972 shall be conclusively presumed to have been lawfully created, if at the time of creation of the parcel there was compliance with all applicable ordinances of the city.

(Ord. 2533 § 1 (part), 2001)

16.02.030 - Purpose.

It is the purpose of this title to regulate and control the division of land within the city and to supplement the provisions of the Government Code of the State of California referred to as the Subdivision Map Act, the Public Resources Code, the Business and Professions Code, and to all other regulations provided by law, concerning the design, improvement and survey data of subdivisions, the form and content of maps provided for by the Subdivision Map Act and the procedure to he followed in securing official approval regarding such maps. To accomplish this

purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public health, safety, and general welfare, to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land and to insure provision for adequate traffic circulation, utilities, and services.

(Ord. 2533 § 1 (part), 2001)

16.02.040 - Severability clause.

If a provision of this title or the application thereof to any person(s) or circumstance(s) is held invalid by a court of competent jurisdiction, the remainder of this title and the application of such provisions to other person(s) or circumstance(s) shall not be affected thereby.

(Ord. 2533 § 1 (part), 2001)

16.02.050 - Compliance required.

A. No land shall be subdivided and developed for any purpose which is not in conformity with the general plan, any applicable specified plan, any applicable development plan, or specifically authorized by the city zoning ordinance.

B. The type and intensity of land use(s) for which the subdivision is designed shall be consistent with the land use designations as shown on the general plan and permitted by the zoning ordinance and shall provide for the streets, roads, highways, utilities, and public services as determined by the City Engineer or by local ordinance to be necessary for such type and intensity of land use.

(Ord. 2533 § 1 (part), 2001)

16.02.060 - Penalty for noncompliance.

Pursuant to Section 66499.31 of the Map Act, each violation of this title by the subdivider or owner of record at the time of the violation, shall be punishable by imprisonment in the county jail or state prison for not more than one year, or by a fine not exceeding ten thousand dollars ($10,000.00), or by both fine and imprisonment. Other violations shall be punishable as a misdemeanor offense.

(Ord. 2533 § 1 (part), 2001)

16.02.070 - Falsification.

Fraudulent misrepresentation by the applicant of pertinent information necessary to an approval shall be sufficient reason to invalidate an approval obtained pursuant to this title.

(Ord. 2533 § 1 (part), 2001)

16.02.080 - Inconsistent provisions.

Where provisions of this title are inconsistent with existing provisions contained in other titles of this code, the provisions contained herein shall prevail.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.04 - RESPONSIBILITIES

16.04.010 - City Council.

The City Council shall be the "Appeal Board", as defined in Section 66416 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.04.020 - Planning Commission.

The Planning Commission is made the Advisory Agency of the city as such Advisory Agency is defined and established in Section 66416 of the Map Act, and the authority is delegated to the Advisory Agency to investigate any and all matters pertaining to approval, conditional approval or disapproval of, all proposed divisions of land and reversions to acreage.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 2, 10-16-2018)

16.04.030 - City Attorney.

The City Attorney shall be responsible for approving as to form all subdivision improvement agreements and for providing guidance with regard to land use law to the staff, the Planning Commission and the City Council.

(Ord. 2533 § 1 (part), 2001)

16.04.040 - City Engineer.

The City Engineer shall be responsible for:

A. Establishing design and construction details, standards, and specifications.

B. Determining if the proposed improvements comply with the provisions of this title and the Map Act and for reporting the findings together with any recommendations for approval, conditional approval, or denial.

C. The processing and certification of record documents, including but not limited to final maps, parcel maps and certificates of compliance.

(Ord. 2533 § 1 (part), 2001)

16.04.050 - Planning Services Managers.

A. The Planning Services Manager shall be responsible for the processing of all tentative land division or reversion to acreage maps, and processing requests for merger/unmerge of parcels and for the collection of all required fees and deposits.

B. Specifically, the Planning Services Manager shall be responsible for:

    1. Investigating proposed subdivisions for conformity to the general plan, specific plans, redevelopment plans and the zoning ordinance of the city and reporting such findings, together with recommendations for approval, conditional approval or denial to the Planning Commission.

2. Certifying, as Secretary of the Planning Commission, that the Planning Commission has approved or conditionally approved the tentative map, parcel map or mergers as required in this title.

(Ord. 2533 § 1 (part), 2001)

16.04.060 - Subdivision Committee.

A. The Subdivision Committee shall consist of representatives from the following city divisions: Planning, Building, Engineering and Los Angeles County Fire Department.

B. The Committee shall review all proposed divisions of land, reversions to acreage or requests for merger/unmerge of parcels as required in this Title and shall provide a written report of such findings and recommendations to the Planning Commission.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.06 - DEFINITIONS

16.06.010 - Generally.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural, and the plural, the singular; words in any gender include the others; the word "shall" is mandatory; and the word "may" is permissive. Whenever any words or phrases used are not defined herein, but are defined in the Map Act or other state laws, such definitions are incorporated by reference.

(Ord. 2533 § 1 (part), 2001)

16.06.020 - Certificate of compliance.

"Certificate of compliance" means a document recorded by the County Recorder which identifies, by legal description, certain real property and states that the division thereof complies with applicable provisions of this title and the Map Act.

"Collector street" means a street lower in classification and physical size than the arterial, that performs an equally important function of collecting neighborhood traffic from local streets and transferring it to larger arterial streets or to the more local activity areas such as schools, shopping centers, and employment centers.

"Condominium" means an estate in real property consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building; such as, an apartment, office or store. In addition, a condominium may include a separate interest in other portions of such real property.

Such estate may, with respect to the duration of its enjoyment, be either:

(i) An estate of inheritance or perpetual estate;

(ii) An estate for life; or

(iii) An estate for years, such as a leasehold or subleasehold.

"Condominium conversion" means the conversion of existing developed real property into a condominium, a community apartment project, or a stock cooperative.

"Dedicated street" means a public thoroughfare or right of way dedicated or deeded to the city for road purposes, and formally accepted as such by the city or condemned for use as such, other than an alley which affords the principal means of access to abutting property, including avenues, places, ways, drives, lanes, boulevards. highways, roads and any other thoroughfare except as excluded in this paragraph.

Nothing herein shall preclude or stop the city from claiming a dedication by public use, but no dedication by public use may be asserted against the city, if the city does not elect to accept or treat the street or road as dedicated.

"Final map" means a map showing a subdivision for which a tentative and final map is required by the Map Act or this chapter, prepared in accordance with the provisions of this title and the Map Act, designed to be recorded in the office of the County Recorder.

"General plan" means the general plan of the city, adopted by City Council Resolution Number 7196 on July 23, 1991, and any subsequent amendments thereto.

"Local street" means a street intended to provide access to homes and not intended to carry through traffic.

"Lot" means a parcel or portion of land separated from other portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease, or separate use.

"Lot division" means a record map showing a division of land as required by Section 66426(a)—(d) of the Map Act. A lot division map is the same as a "parcel map."

"Lot line adjustment" means a shift or rotation of an existing lot line or other adjustments where a greater number of parcels than originally existed is not created.

"Major arterial" means streets and highways designed to move large volumes of traffic between freeway systems and between the freeway and local areas of traffic generation. They may also include streets that are designed to move large volumes of traffic between jurisdictions (refer to the circulation element of the general plan).

"Merger" means the joining of two or more contiguous parcels of land under one ownership into one parcel, pursuant to Chapter 3, Article 1.5 of the Map Act.

"Owner" means the individual, firm, association, syndicate, partnership, or corporation holding legal title to an interest in real property.

"Parcel map." See Section 16.06.110, "lot division."

"Planned development" means a development where the structures are individually owned and the property owners association, through covenants, codes and restrictions, maintains the common areas, as further defined in Civil Code Section 1351(k). Maps for such

projects shall be prepared in accordance with the provisions for tentative tract maps or parcel maps contained herein.

"Private street" means a parcel of land not dedicated as a public street held by a private owner or over which a private easement for road purposes has been granted to the owners of property receiving access therefrom, and the instrument creating the easement has been duly recorded or filed in the office of the Recorder of Los Angeles County.

"Redevelopment plan" means any plan adopted by the City Council and the El Monte Community Redevelopment Agency in conformance with California Community Redevelopment Law, Health and Safety Code Section 33000 et seq.

"Remainder" means that portion of an existing parcel or parcels of land which is not included as part of the subdivided land, pursuant to Section 66424.6 of the Map Act.

"Secondary arterial" means a street to distribute traffic from the major arterial to the business districts and other centers of community activity, and also to the collector streets.

"Specific plan" means a detailed and comprehensive land use and development plan for a defined area within the city, adopted pursuant to Sections 65450 through 65456, inclusive, of the California Government Code. A specific plan must be consistent with the general plan and must contain regulations for the uses of land, including the conservation of open space, along with development standards and an implementation program to provide for all infrastructure and public services needed to support the land uses described in the plan.

"Subdivision improvement standard" means standard details, standard specifications, and other standards approved by the City Engineer that shall govern the improvements to be constructed pursuant to this title and the Map Act.

"Vesting map" means a special form of a tentative map, filed pursuant to Chapter 4.5 of the Map Act, which confers certain vested rights, for a specified period of time, to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the vesting map is approved or conditionally approved.

"Zoning ordinance" means Title 17 of this code, or any ordinance enacted under the zoning powers of the city.

(Ord. 2533 § 1 (part), 2001)

Division 2 – MAPS & PROCEDURES

Chapter 16.08 - MAPS REQUIRED

16.08.010 - Divisions of land requiring a final map.

Tentative and final maps shall be required for those projects specified in Section 66426 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.08.020 - Divisions of land requiring a parcel map.

Parcel maps shall be required for all proposed subdivisions which require a parcel map, as defined in Section 66426 of the Map Act, and for all land divisions creating four (4) or fewer parcels, unless expressly exempted by the Map Act or other provisions of this title.

(Ord. 2533 § 1 (part), 2001)

16.08.030 - Fees and deposits.

All persons submitting a tentative map a final map or a parcel map as required by this chapter shall pay all fees and charges in accordance with Section 16.34.020 of this title.

(Ord. 2533 § 1 (part), 2001)

16.08.040 - Designated remainder parcels.

A subdivider may designate as a remainder that portion of land within the subdivision which is not divided for the purpose of sale, lease or financing. The designated remainder parcel shall not be counted as a parcel for purposes of determining whether a parcel map or final map is required. This section applies to a remainder as defined in Section 16.06.200 of this title and is enacted pursuant to Section 66424.6 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.10 - TENTATIVE TRACT MAP

16.10.010 - General.

The form and contents, application requirements and approval of tentative maps for a proposed subdivision shall be in accordance with the Map Act and this title. The tentative tract map shall be prepared by a registered civil engineer or licensed land surveyor.

(Ord. 2533 § 1 (part), 2001)

16.10.020 - Pre-filing conference.

After reviewing the requirements of this chapter, it is required that the subdivider confer with the city planning and engineering staff before preparing and filing a tentative map.

(Ord. 2533 § 1 (part), 2001)

16.10.030 - Form and content.

A. The tentative map shall be prepared in a manner acceptable to the Planning Services Manager and the City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor.

B. The tentative map shall be clearly and legibly drawn on one sheet at a scale not less than one hundred (100) feet to the inch (1" = 20') and shall contain not less than the following:

1. A title that shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision;

2. Name, address, and telephone number of legal owner, subdivider, and person preparing the map (including registration number);

3. Sufficient legal description to define the boundary of the proposed subdivision;

4. Date, north arrow, scale, and contour interval;

5. Existing and proposed land use;

6. A vicinity map showing roads, adjoining subdivisions, towns, flood control facilities, railroads, and other data sufficient to locate the proposed subdivision and show its relation to the community;

7. Existing topography of the proposed site and at least one hundred (100) feet beyond its boundary, including but not limited to:

    a. Existing contours at one-foot intervals if the existing ground slope is less than ten (10) percent and not less than two (2) foot intervals for existing ground slopes equal to or greater than ten (10) percent. Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.

    b. Type, circumference and dripline of existing trees and any trees proposed to be removed shall be so indicated.

    c. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.

    d. The approximate location and outline of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each watercourse.

    e. The location, pavement and right-of-way width, grade and name of existing streets or highways.

    f. The widths, location and identity of all existing easements.

g. The location and size of existing sanitary sewers, water drains. The approximate slope of existing sewers and storm drains shall be indicated.

h. The location of existing overhead utility lines on peripheral streets.

i. The source and date of existing contours.

8. Proposed improvements to be shown shall include but not be limited to:

a. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown.

b. The location and radius of all curb returns and cul-de-sacs.

c. The location, width and purpose of all easements, including the instrument number of the document recording the easement.

d. The angle of intersecting streets if such angle deviates from a right angle by more than four degrees.

e. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of all grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.

f. Proposed contours at two (2) foot intervals shall be shown if the existing ground slope is less than ten (10) percent and shall be shown at five (5) foot intervals for existing ground slopes of ten (10) percent or more. A separate grading plan may be submitted.

g. Proposed recreation sites, trails and parks for private or public use.

h. Proposed common areas and areas to be dedicated to public open space.

i. The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.

j. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.

k. All lettering size shall be one-eighth inch minimum.

9. If the subdivider plans to develop the site in units, the proposed units and their proposed sequence of construction shall be shown.

The City Engineer or the Planning Services Manager may waive any of the above tentative map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver, such waivers shall be provided for in writing. The City Engineer or Planning Services Manager may require other drawings, data or information as deemed necessary.

(Ord. 2533 § 1 (part), 2001)

16.10.040 - Accompanying data and reports.

The tentative map shall be accompanied by the following data or reports:

A. Soils Report. A preliminary soils report prepared in accordance with the city's grading ordinance shall be submitted. If the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, the soils report accompanying the final map shall contain an investigation of each lot within the subdivision.

B. Engineering Geology and/or Seismic Safety Report. A preliminary engineering geology and/or seismic safety report, prepared in accordance with city guidelines, is required if the subdivision lies within a "medium risk" or "high risk" geologic hazard area, as shown on maps on file contained within the safety element of the El Monte general plan.

C. Title Report. A preliminary title report, or other suitable evidence, showing the legal owners at the time of filing the tentative map.

D. Environmental Impact Study. The time limits set forth in this chapter for taking action on tentative maps shall not be deemed to commence until the subdivision is found exempt or an Initial Study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, and a final environmental document, prepared in accordance with the provisions of the California Environmental Quality Act, is available for concurrent consideration with the tentative map. The subdivider shall provide such additional data and information and deposit and pay such fees as may be required for the preparation and processing of environmental review documents pursuant to the city's procedures for implementation of the California Environmental Quality Act.

E. Other Reports. Any other data or reports deemed reasonably necessary by the Planning Services Manager or as required by the Condominium Conversion Division or other ordinances of the city.

(Ord. 2533 § 1 (part), 2001)

16.10.050 - Filing of tentative map.

A. The tentative map shall be considered for filing only when such map conforms to Section 16.10.030 "Form and Contents," when all accompanying data or reports, as required by Section 16.10.040, have been submitted and accepted by the Planning Services Manager and the City Engineer and all required application fees have been paid in full.

B. The subdivider shall file with the Planning Services Manager the number of tentative maps as required in the city filing procedures.

(Ord. 2533 § 1 (part), 2001)

16.10.060 - Distribution of tentative map.

A. The Planning Services Manager shall forward copies of the tentative map to the following agencies which may, in turn, forward to the Planning Services Manager, such findings and recommendations. Public agencies and utilities shall certify that the subdivision can be

adequately served. These agencies include: City Department of Public Works, Los Angeles County Fire Department, local school district, and other affected agencies or property owners as deemed necessary by the Planning Services Manager.

B. Within ten (10) days of the filing of a tentative map, the Planning Services Manager shall send notice of the filing of the tentative map to the governing board of any elementary, high school or unified school district within the boundaries of which the subdivision is proposed to be located. The notice shall also contain information about the location of the proposed subdivision, the number of units, density, and any other information that would be relevant to the affected school district.

C. The governing board may review the notice and may send a written report to the agency required by law to approve the tentative map. The report shall indicate the impact of the proposed subdivision on the affected school district and shall make recommendations as the governing board of the district deems appropriate. In the event the school district fails to respond within a fifteen (15) working day period from receipt of notice of the tentative map, the failure shall be deemed approval of the proposed subdivision by the school district. The Planning Commission shall consider the report from the school district in approving, conditionally approving or denying the tentative map.

(Ord. 2533 § 1 (part), 2001)

16.10.070 - Subdivision Committee review.

The Subdivision Committee shall meet to review and make recommendations and comments on the tentative map. A report containing their recommendations or comments concerning the tentative map and its impact on the community shall be submitted to the Planning Commission. Such reports shall be in writing and a copy shall be available to the subdivider, and on each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three (3) days prior to any hearing or action on such map by the Planning Commission.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 3, 10-16-2018)

Editor's note— Ord. No. 2937, § 3, adopted October 16, 2018, renamed § 16.10.070 from "Subdivision Committee conference" to "Subdivision Committee review."

16.10.080 - Notice of public hearing.

A. Upon receipt of a valid application, the Planning Services Manager shall set the matter for public hearing before the Planning Commission. Noticing shall be pursuant to Government Code Section 65090 or 65091.

B. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall be given as required by Government Code Section 66451.3. All costs of such notice

shall be computed by the city and paid by the subdivider as part of the application fee for the condominium conversion.

(Ord. 2533 § 1 (part), 2001)

16.10.090 - Action by Planning Commission.

At the public hearing, the Planning Commission shall hear all the evidence, and recommendations, and shall approve, conditionally approve, or disapprove the tentative map within fifty (50) days of the filing thereof, a completed application. If an Environmental Impact Report is prepared for the tentative map, the fifty (50) day period specified above shall not be applicable and the Planning Commission shall render its decision within forty-five (45) days after certification of the Environmental Impact Report. The decision of the Planning Commission may be recorded in the form of a resolution. If a resolution is prepared it shall contain the facts and reasons upon which the decision was based, and include the finding that said division is or is not consistent with the city general plan, or any applicable specific plans, or other applicable ordinances or policies. The Secretary of the Planning Commission shall thereafter report the Commission's decision in writing to the applicant within ten (10) days of the action. Such action by the Planning Commission shall become final in the absence of any appeal. Time limits specified herein shall be modified only to the extent provided for in the Map Act.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 4, 10-16-2018)

16.10.100 - Approval.

A. In determining whether to approve or disapprove an application for a tentative map, the Planning Commission shall apply only those ordinances, policies and standards in effect at the date the Planning Services Manager has determined that the application is complete, pursuant to Section 65943 of the Government Code, except in the following instances:

   1. The city has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.

   2. The city has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, and zoning or subdivision ordinances.

   3. Whenever the city has performed both subsections (A)1. and (A)2. of this section, it may apply any ordinances, policies or standards enacted or instituted as a result of those proceedings which are in effect on the date the Planning Commission approves or disapproves the tentative map.

   4. If the applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

B. The Planning Commission, (or on appeal, the City Council) may modify or delete any of the conditions of approval recommended in the Community Development Department's

report. The Planning Commission and City Council may add additional requirements as a condition of their approval.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 5, 10-16-2018)

16.10.110 - Denial.

A. The tentative map may be recommended for denial by the Planning Commission, or denied by the City Council on any of the grounds provided by city ordinances or the Map Act.

B. The Planning Commission and/or City Council shall deny the tentative map if it makes any of the following findings:

1. That the proposed map is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, then the Planning Commission may still approve the tentative map;

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record and to easements established by judgment of a court of competent jurisdiction. No authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Ord. 2533 § 1 (part), 2001)

16.10.120 - Appeal of Planning Commission Action.

A. If any interested party or the applicant who filed the tentative map is dissatisfied with any requirement, ruling, finding, or disapproval that was specifically considered by the Planning Commission with respect to the map or the kinds, nature, and extent of the improvements

and conditions imposed, they shall within ten (10) days after such action appeal in writing to the City Council for relief. Said written appeal shall be filed with the City Clerk and shall set forth the grounds and reasons for such an appeal.

B. The City Council may sustain, modify, or overrule any such requirements, ruling, findings, or disapproval of the Planning Commission, and may modify the kinds, nature, and extent of any improvements required. The City Council shall consider such appeal within thirty (30) days of its filing with the City Clerk. The appeal hearing shall be a public hearing with notice being given pursuant to Section 16.12.080 of this chapter and with additional notices to be given to the subdivider and affected interested persons in a similar manner. The decision of the City Council shall be final, and upon making its decision the City Clerk shall, within ten (10) days, mail a written report of the outcome directly to the applicant or owner and to the various City Departments. Pursuant to Section 66451.2 of the Map Act, fees shall be collected from the subdivider or from persons appealing or filing a complaint, for expenses incurred in addressing the appeal or complaint. The specific fee shall be set in accordance with Section 16.36.020 of this title.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 6, 10-16-2018)

Editor's note— Ord. No. 2937, § 6, adopted October 16, 2018, renamed § 16.10.120 from "action by City Council" to "appeal of Planning Commission action."

16.10.130 - Extension of time for Planning Commission/City Council action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission/City Council in accordance with the provisions of Section 66451.1 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.10.140 - Expiration of approved tentative map.

An approved or conditionally approved tentative map shall expire twenty-four (24) months following such approval by the Planning Commission, if the final map has not been approved by the City Engineer, unless permission to extend the expiration period is granted by the Planning Commission. Such extension of time shall not exceed an additional twelve (12) months. However, pursuant to Section 66452.6 (a) of the Map Act, if the subdivider is subject to a requirement of two-hundred thirty-six thousand seven hundred ninety dollars ($236,790) or more to construct, improve or finance the construction or improvement of public improvements outside the boundaries of the tentative map, each filing of a phase of a multiple final map authorized by Section 16.16.100 herein, shall extend the expiration of the approved tentative map thirty-six (36) months from the original or extended expiration date, or thirty-six (36) months from the date of recordation of the previous phase map. Such extensions shall not extend the tentative map more than ten (10) years beyond the original approval date. "Public improvements" include traffic control, streets, roads, highways, freeways, bridges, overcrossings, streets, interchanges, flood control or storm drain facilities, sewer facilities, water facilities and lighting facilities.

A. A tentative map on property subject to a development agreement with the city or redevelopment agency may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement.

B. The time periods specified in subsection A. of this section shall not include any period of time during which a development moratorium or lawsuit affecting the property is in effect, pursuant to Sections 66452.6 (b), (c), and (f) or Section 66456.6(f) of the Map Act.

C. The subdivider shall file a request with the Planning Services Manager to extend the expiration of an approved tentative map no less than fifteen (15) days prior to the expiration date. Such filing shall automatically extend the expiration date for sixty (60) days, or until the request is acted upon by the Planning Commission.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 7, 10-16-2018)

16.10.150 - Map checking fees to City Engineer.

Applicants for final parcel maps shall deposit a fee with the City Engineer to cover the cost associated with the checking of the tentative map, preparation of conditions of approval, final and parcel map, grading plans and offsite improvement plans.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 8, 10-16-2018)

16.10.160 - Amendments to approved tentative map.

A. Amendments to an approved tentative map shall be submitted to the Planning and Engineering Divisions for their review. Applications for amendments shall conform to the requirements of the Planning Services Manager and the City Engineer, accompanied by the appropriate fee as established by resolution of the City Council.

B. The Planning Services Manager shall determine whether the requested amendment(s) are minor or major. If the Director determines that such amendment(s) is minor, the matter shall be set for review by the Planning Commission and shall prepare a written report concerning such amendment for consideration by the Planning Commission.

C. If the Planning Services Manager determines that an amendment is major, the matter shall set for a public hearing, and the amendment shall be processed as provided in Sections 16.10.060, 16.10.100, 16.10.110 and 16.10.120 of this title.

D. Actions on requested amendments shall not alter or extend the expiration date of the originally approved tentative map.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.12 - PARCEL MAPS

16.12.010 - General.

The form and contents, submittal, and approval of tentative parcel maps shall conform to the provisions of this section. The tentative parcel map shall be prepared by a registered civil engineer or licensed land surveyor.

(Ord. 2533 § 1 (part), 2001)

16.12.020 - Pre-filing conference.

After reviewing the requirements of this division, it is required that the subdivider confer with the city planning and engineer staff before preparing and filing the parcel map.

(Ord. 2533 § 1 (part), 2001)

16.12.030 - Form and content.

The parcel map shall be clearly and legibly drawn on one sheet. The scale shall be approved by the City Engineer and all lettering shall be one-eighth inch minimum in height. The final form shall be as approved by the City Engineer and shall be prepared by a registered civil engineer or licensed land surveyor.

The map shall show the following information:

A. A title which shall contain the subdivision number assigned by the County Engineer, subdivision name, and type of subdivision.

B. Name, address, and telephone number of legal owner, subdivider, and person preparing the map (including registration number).

C. Sufficient legal description to define the boundary of the proposed subdivision.

D. Date, north arrow, scale, and contour interval.

E. Existing and proposed land use.

F. A vicinity map showing roads, adjoining subdivisions, towns, creeks, railroad, and other data sufficient to locate the proposed subdivision and show its relation to the community.

G. Existing topography of the proposed side and at least one hundred (100) feet beyond its boundary, including but not limited to:

    1. Existing contours at one-foot intervals if the existing ground slope is less than ten (10) percent and at not less than two (2) foot intervals for existing ground slopes equal to or greater than ten (10) percent. Contour intervals shall not be spread more than one hundred fifty (150) feet apart. Existing contours shall be represented by dashed lines or by screened lines.

    2. Type, circumference and dripline of existing trees and any trees proposed to be removed shall be so indicated.

3. The approximate location and outline of existing structures identified by type. Structures to be removed shall be so marked.
4. The approximate location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of each water course.
5. The location, pavement and right-of-way width, grade and name of existing streets or highways.
6. The widths, location and identity of all existing easements.
7. The location and size of existing sanitary sewers, water mains and storm drains. The approximate slope of existing sewers and storm drains shall be indicated.
8. The location of existing overhead utility lines on peripheral streets.
9. The source and date of existing contours.

H. Proposed improvements to be shown shall include but not be limited to:

1. The location, grade, centerline radius and arc length of curves, pavement, right-of-way width and name of all streets. Typical sections of all streets shall be shown.
2. The location and radius of all curb returns and cul-de-sacs.
3. The location, width and purpose of all easements, including the instrument number of the document recording the easement.
4. The angle of intersecting streets if such angle deviates from a right angle by more than four (4) degrees.
5. The approximate lot layout and the approximate dimensions of each lot and of each building site. Engineering data shall show the approximate finished grading of each lot, the preliminary design of a grading, the elevation of proposed building pads, the top and toe of cut and fill slopes to scale and the number of each lot.
6. Proposed contours at one-foot intervals shall be shown if the existing ground slope is less than ten (10) percent and shall be shown at two (2) foot intervals for existing ground slopes of ten (10) percent or more. A separate grading plan may be submitted.
7. Proposed recreation sites, trails and parks for private or public use.
8. Proposed common areas and areas to be dedicated to public open space.
9. The location and size of sanitary sewers, water mains and storm drains. Proposed slopes and approximate elevations of sanitary sewers and storm drains shall be indicated.
10. The name or names of any geologist or soils engineer whose services were required in the preparation of the design of the tentative map.
11. All lettering size shall be one-eighth inch minimum.

If the subdivider plans to develop the site in units, the proposed units and their proposed sequence of construction shall be shown.

The City Engineer or Planning Services Manager may waive any of the above map requirements if the type of subdivision does not need to comply with these requirements, or that other circumstances justify a waiver, such waivers shall be in writing. The City Engineer or Planning Services Manager may require other drawings, data or information as deemed necessary.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 9, 10-16-2018)

16.12.040 - Environmental impact determination.

The time limits set forth in this chapter for taking action on the parcel map shall not be deemed to commence until the land division is found exempt or an initial study is completed and a Negative Declaration or Environmental Impact Report, as appropriate, is prepared, processed, and a final environmental document, prepared in accordance with the provisions of the California Environmental Quality Act, is available for concurrent consideration with the parcel map. The subdivider shall provide such additional data and information and shall deposit and pay such fees as may be required for the preparation and processing of environmental review documents pursuant to the city's procedures for implementation of the California Environmental Quality Act.

(Ord. 2533 § 1 (part), 2001)

16.12.050 - Filing of parcel map.

The parcel map shall be considered for filing only when such map conforms to Sections 16.12.030 and 16.12.040, and has been submitted and accepted by the Planning Services Manager and all application fees have been paid in full. The subdivider shall file with the Department of Planning and Community Development the number of maps as required in the city filing procedures.

(Ord. 2533 § 1 (part), 2001)

16.12.060 - Subdivision Committee review.

The Subdivision Committee shall meet to review and make recommendations and comments on the parcel map. A report containing such recommendations or comments concerning the tentative parcel map and its bearing on the community shall be submitted to the Planning Commission. Such reports shall be in writing and a copy shall be available to the subdivider, and each tenant of the subject property in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project at least three (3) days prior to any hearing or action on such map by the Planning Commission.

(Ord. 2533 § 1 (part), 2001)

16.12.070 - Notice of public hearing.

A. Upon receipt of a valid application, the Planning Services Manager shall set the matter for public hearing before the Planning Commission. Noticing shall be pursuant to the public hearing requirements in Government Code Section 65090 or 65091.

B. In addition, in the case of a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, notice shall be given as required by Government Code Section 66451.3(b). All costs of such notice shall be computed by the city and paid by the subdivider as part of the application fee for the condominium conversion.

(Ord. 2533 § 1 (part), 2001)

16.12.080 - Action by the Planning Commission.

At the public hearing, the Planning Commission shall hear all the evidence, and recommendations, and shall approve, conditionally approve, or disapprove the parcel map within fifty (50) days of the filing thereof, a completed application. If an Environmental Impact Report is prepared for the parcel map, the fifty (50) day period specified above shall not be applicable and the Planning Commission shall render its decision within forty-five (45) days after certification of the Environmental Impact Report. The decision of the Planning Commission may be recorded in the form of a resolution. If a resolution is prepared it shall contain the facts and reasons upon which the decision was based, and include the finding that said division is or is not consistent with the city general plan, or any applicable specific plans, or other applicable ordinances or policies. The Secretary of the Planning Commission shall thereafter report the Commission's decision in writing to the applicant within ten (10) days of the action. Such action by the Planning Commission shall become final in the absence of any appeal. Time limits specified herein shall be modified only to the extent provided for in the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.12.090 - Approval.

A. In determining whether to approve or disapprove an application for a parcel map, the Planning Commission shall apply only those ordinances, policies and standards in effect at the date the Planning Services Manager has determined that the application is complete, pursuant to Section 65943 of the Government Code, except in the following instances:

1. The city has initiated proceedings to modify land use regulations by way of ordinance, resolution or motion.

2. The city has published legal notice containing a description sufficient to notify the public of the nature of the proposed change in the applicable general or specific plans, and zoning or subdivision ordinances.

3. Whenever the city has performed both subsections (A)(1) and (A)(2) of this section, it may apply any ordinances, policies or standards enacted or instituted as a result of

those proceedings which are in effect on the date the Planning Commission approves or disapproves the parcel map.

4. If the applicant requests changes in applicable ordinances, policies or standards in connection with the same development project, any ordinances, policies or standards adopted pursuant to the applicant's request shall apply.

B. The Planning Commission, (or on appeal, the City Council) may modify or delete any of the conditions of approval recommended in the Community Development Department's report. The Planning Commission and City Council may add additional requirements as a condition of their approval.

(Ord. 2533 § 1 (part), 2001)

16.12.100 - Denial.

A. The parcel map may be denied by the Planning Commission on any of the grounds provided by city ordinances or the Subdivision Map Act.

B. The Planning Commission shall deny the parcel map if it makes any of the follow findings:

1. That the proposed map is not consistent with applicable general and specific plans;

2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;

3. That the site is not physically suitable for the type of development;

4. That the site is not physically suitable for the proposed density of development;

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. However, if an environmental impact report was prepared for the project and a finding was made pursuant to Subdivision (c) of Section 21081 of the Public Resources Code that specific economic, social and other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report, the Planning Commission may still approve the parcel map;

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or easements established by judgment of a court of competent jurisdiction. No authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.

(Ord. 2533 § 1 (part), 2001)

16.12.110 - Appeal of Planning Commission action.

A. If any interested party or the applicant who filed the parcel map is dissatisfied with any requirement, ruling, finding, or disapproval that was specifically considered by the Planning Commission with respect to the map or the kinds, nature, and extent of the improvements and conditions imposed, they shall within ten (10) days after such action appeal in writing to the City Council for relief. Said written appeal shall be filed with the City Clerk and shall set forth the grounds and reasons for such an appeal.

B. The City Council may sustain, modify, or overrule any such requirements, ruling, findings, or disapproval of the Planning Commission, and may modify the kinds, nature, and extent of any improvements required. The City Council shall consider such appeal within thirty (30) days of its filing with the City Clerk. The appeal hearing shall be a public hearing with notice being given pursuant to Section 16.12.080 of this chapter and with additional notices to be given to the subdivider and affected interested persons in a similar manner. The decision of the City Council shall be final, and upon making its decision the City Clerk shall, within ten (10) days, mail a written report of the outcome directly to the applicant or owner and to the various City Departments. Pursuant to Section 66451.2 of the Map Act, fees shall be collected from the subdivider or from persons appealing or filing a complaint, for expenses incurred in addressing the appeal or complaint. The specific fee shall be set in accordance with Section 16.36.020 of this title.

(Ord. 2533 § 1 (part), 2001)

16.12.120 - Extension of time for Planning Commission/City Council action.

The time limits set forth above for acting on the tentative map may be extended by mutual consent of the subdivider and the Planning Commission in accordance with the provisions of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.12.130 - Map checking fees to City Engineer.

Applicants for final parcel maps shall deposit a fee with the City Engineer to defray the cost associated with the checking of the tentative map, preparation of conditions of approval, final and parcel map, grading plans and offsite improvement plans.

(Ord. 2533 § 1 (part), 2001)

16.12.140 - Expiration/extension of approved parcel map.

The expiration period, procedures for extension of time and other limitations specified in Section 16.10.140 herein, shall apply.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.14 - VESTING MAPS

16.14.010 - General.

The requirements for forms and content, submittal, review, and approval/denial of a tentative vesting map, whichever applies, in accordance with Chapters 16.10 and 16.12 of this title. In addition, the face sheet of a vesting map shall contain the words "vesting tentative tract map" or "vesting parcel map" in a conspicuous location and letter style. The filing of a vesting map is at the exclusion option of the subdivider and shall not be the prerequisite to any proposed subdivisions or an application for development.

(Ord. 2533 § 1 (part), 2001)

16.14.020 - Expiration of approved vesting tentative tract or parcel map.

An approved vesting tentative tract or parcel map shall expire within twenty-four (24) months, unless extended by the Planning Commission, pursuant to the provisions of Section 16.10.140.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 10, 10-16-2018)

16.14.030 - Vesting tentative tract or parcel map amendments.

If the ordinances, standards and policies in effect at the time of vesting tentative tract or parcel map approval are subsequently changed prior to expiration of the vesting tentative map, the applicant may apply for an amendment to that map, to secure a vested right to proceed with the changed ordinances, policies and standards. Such an application shall be reviewed by the Subdivision Committee and acted upon by the Planning Commission and/or City Council pursuant to the requirements for tentative tracts and parcel maps, specified in Chapters 16.10 and 16.12 of this title.

(Ord. 2533 § 1 (part), 2001)

16.14.040 - Vesting upon approval of a tentative map.

The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the standards, policies and ordinances in effect at the time of such approval. However, the city may impose reasonable conditions or deny a request for a subsequent permit, approval, extension or other entitlement, if it determines that:

A. Failure to do so could place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both; or

B. The condition or denial is required, to comply with state or federal laws.

(Ord. 2533 § 1 (part), 2001)

16.14.050 - Time period to exercise vested rights.

A. The rights conferred by an approved vesting tentative map shall last for an initial time period of one year beyond the recording of the final map, parcel map or waiver of parcel map. When multiple final maps are recorded, the one-year initial period shall begin for each phase when the final map for the phase is recorded.

B. The initial time period shall be automatically extended if the city fails to complete its review of an application for a grading permit or for design or architectural review within thirty (30) days from the date that a complete application is received by the city.

C. At any time prior to the expiration of the initial one-year time period, the subdivider may apply for a maximum, one-year time extension, to be considered by the Planning Commission. If such request is denied, the subdivider may appeal that denial to the City Council, within fifteen (15) days of the action.

D. If the subdivider submits a complete application for a building permit within the initial one-year period specified above, the rights conferred by the vesting map shall continue until the expiration of that permit or any extension of such permit granted by the Building Official.

(Ord. 2533 § 1 (part), 2001)

16.14.060 - Applications inconsistent with existing regulations.

Pursuant to Section 66498.4 of the Map Act, a property owner may seek approval for a development within the subdivision for which a vesting tentative map was approved and subsequently recorded, which is not consistent with the ordinances, standards and policies in effect at the time of approval of the vesting tentative map, and the city may approve such request, only to the extent authorized under applicable law.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.16 - FINAL, PARCEL AND REVERSION TO ACREAGE MAPS

16.16.010 - General.

The subdivider shall file the required number of copies of the final map with the City Engineer. Such filing shall also include adequate evidence that the subdivider has filed the statement required by Section 66492 of the Map Act, with the Los Angeles County Recorder, indicating that there are no liens against the subdivision for unpaid taxes or special assessments.

(Ord. 2533 § 1 (part), 2001)

16.16.020 - Title sheets.

A. The title sheet of each map shall contain a title consisting of "Tract No. _____" (insert map number) for final maps, "Parcel Map No. _____" (insert map number) for parcel

maps, and a subtitle consisting of "A Reversion to Acreage of (insert legal description of land being reverted), for Reversion to Acreage Maps, along with the words "In the City of El Monte" or "Partly in the City of El Monte and partly in unincorporated territory" or "Partly in the City of El Monte and partly in the City of _____" (Insert the name of the adjacent city), whichever is applicable. The title sheet shall also contain a subtitle consisting of a description of all the property in the division of land or reversion to acreage by reference to such map or maps of such property as shall have been previously recorded or filed in the Office of the County Recorder, or filed with the County Clerk pursuant to a final judgment in any action in partition, or filed in the Office of the County Recorder pursuant to the Code of Civil Procedure of the state or by reference to the plat of any United States survey. Each reference in such subtitle to any record maps shall be worded and spelled identically with, and contain a complete reference to, the book and page of the original record thereof.

B. The certificate of the surveyor or engineer, as required by the Map Act, shall appear on the title sheet along with the date of any survey and the basis of hearings with a reference to a record satisfactory to the City Engineer, of a solar or polaris observation.

C. If applicable, an acknowledgment of the owner's development lien shall be placed on the title sheet, pursuant to Section 66434.1 of the Map Act. The notary's official seal need not appear on the title sheet, provided that the notary's name, county of the notary's principal place of business and the notary's commission expiration date are typed or printed below the notary's signature of acknowledgment.

D. Title sheets may be prepared in a horizontal or vertical format, as approved by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.16.030 - Certificates and acknowledgments.

Those certificates and acknowledgments required by Chapter 2, Article 2 of the Map Act commencing with Section 66425, along with the following additional acknowledgments shall be made by separate instrument and filed concurrently with final maps:

A. All of those certificates, acknowledgments, declarations and statements required by Chapter 2, Article 2, of the Map Act, along with the following additional certificates, may be combined and shall be made by separate instrument and filed concurrently with final maps and reversions to acreage maps.

1. Special assessments certificate, signed by the Director of Finance;

2. Planning commission Certificate, signed by the Planning Services Manager;

3. All of those certificates, acknowledgments and statements required by Chapter 2, Article 3, of the Map Act shall be recorded by separate instrument, concurrently with the parcel map;

4. Subdivider's and/or owner's statement consenting to recordation of the parcel map, as specified in Section 66445(e) of the Map Act;

5. Dedications or offers of dedication, signed by the same parties and in the same manner as specified in Section 66439 of the Map Act for dedications by a final map.

B. All required certificates, affidavits, acknowledgments, and signatures appearing on the title sheet shall be legibly stamped, printed, or signed with opaque ink and all such entries shall be readily reproducible by normal methods of reproduction.

(Ord. 2533 § 1 (part), 2001)

16.16.040 - Map sheets.

A. General. Each map sheet shall bear the main title of the map, the scale, north point and sheet number and designation of the relation, if any, between that sheet and each other sheet comprising the map.

B. Lot Numbers and Area. All lots shall be numbered and the numbers shall begin with the numeral "1" and continue consecutively without omission or duplication throughout the entire map. No prefix or suffix or combination of letter and number shall be used. Each lot shall be shown entirely on one map sheet. Upon each lot contain an area of three-fourths of an acre or more shall have designated on the map sheet, the acreage of the lot to the nearest one-hundredth of an acre.

C. Lot, Block and Boundary Lines. The bearing and length of each lot, block, and boundary line shall be shown on the map provided, however, when bearings of lot lines in a series of lots are the same, the bearings may be omitted from each interior, parallel lot line of the series. Each required bearing or length shall be shown in full and no ditto mark or other designation of repetition shall be used.

D. The arch length, radius and total central angle or bearings of terminal radii of each curve and the bearing of each radial line to each lot corner of each curve, or the central angle of each segment within each lot, shall be shown.

E. Centerline and Widths of Streets, Alleys, and Other Ways. The centerline, the total width, and the total fractional widths on each side of the centerline of each street, alley or other way shall appear on the map sheets. The bearing and length of each tangent and the radius, central angle and arc length of each curve shall also be shown on each centerline.

F. The map sheets shall also show the following widths and fractional widths or right-of-way when dedications are to be made on the map:

1. The total width dedicated prior to the recording of such map; and

2. The width of additional strips to be dedicated by such map.

G. Street Names. The approved names including the word "Avenue", "Street", "Place" or other approved street designation shall be shown on the map sheet. Such names and designations shall be shown in, or arrowed into, both the newly dedicated portion and any existing portion of the street. No numerals or abbreviations shall be used in delineating street names.

H. Rights-of-Way and Easements. All rights-of-way and easements which are a burden upon the land and lots within the division of land or reversion to acreage or which are required as a condition precedent to the filling of the map shall be shown on the map sheets and shall conform to the following:

1. The centerline, sideline, width, and the length, bearing and sufficient ties thereto shall be shown, as necessary to definitely locate each right-of-way or easement. If the right-of-way or easement cannot be definitely located from the official records, a statement showing the existing of such right-of-way or easement shall be placed on the map.

2. All rights-of-way or easements shall be delineated by a fine dashed line, excepting where such rights-of-way or easements are lots or series of lots, they shall be shown as such in conformance with the provisions of this Title.

3. Distances, bearings, and all other indications of measurements on the lot lines which are crossed by rights-of-way or easements shall be arrowed or otherwise shown so as to clearly indicate the actual length, bearing or measurement, of each lot line.

4. The rights-of-way or easements shall be clearly labeled and identified and, if of record, the record reference shall be shown thereon.

5. Notes or figures pertaining to easements shall be subordinated in form and appearance to other notes or figures on the map sheets.

I. City Boundary Lines. City boundary lines crossing or abutting the division of land or reversion to acreage shall be clearly designated and tied.

J. Map Boundary Lines. The map boundary lines of the land included within the division of land or reversion to acreage shall be indicated by distinctive symbols and clearly so designated.

K. Evidence Determining Boundary. In all cases where a survey is required for a map, each map sheet shall show fully and clearly evidence where there may be found on the ground the stakes, monuments, and other evidence used to determine the boundaries of the division of land or reversion to acreage.

Each stake, monument or other object found shall be fully described and referenced and the method used to establish each point or line shall be clearly shown and explained on the map sheet. It shall also show and identify each adjacent corner or each adjoining parcel of land or portion thereof by lot and block number, number or name, and place of record, or by section, township, and range, or, where no such identifying data is available, by another approved designation sufficient to establish the relation with such adjoining parcels of land. In those cases where a parcel map is compiled from record data, the source of the information used shall be contained in a note on the map sheet.

(Ord. 2533 § 1 (part), 2001)

16.16.050 - Waiver of parcel map.

A. Pursuant to Section 66428 of the Map Act, the Planning Commission may waive the filing of a parcel map for the following:

1. Subdivision of a portion of the operating right-of-way of a railroad corporation defined as such by Section 230 of the Public Utilities Code, which are created by short term leases (terminable by either party on not more than thirty (30) days notice in writing); or

2. Land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map; or

3. Construction of a condominium project on a single parcel of land.

B. However, a tentative map shall still be required, except where waived by the City Engineer and Planning Services Manager.

(Ord. 2533 § 1 (part), 2001)

16.16.060 - Waiver of signature—Parcel map.

The signatures of all parties having any record title interest in the real property being divided shall not be required on any parcel map unless dedications or offers of dedication are made by certificate on the parcel map.

(Ord. 2533 § 1 (part), 2001)

16.16.070 - Additional information.

Pursuant to Section 66434.2 of the Map Act, the City Engineer may require additional information to be filed or recorded simultaneously with the final map, parcel map or reversion to acreage map. The additional information shall be in the form of a separate document or an additional map sheet which shall indicate its relationship to the final map and shall contain a statement that the additional information is for information purposes, describing conditions as the date of filing, and is not intended to affect record title interest.

(Ord. 2533 § 1 (part), 2001)

16.16.080 - Approval of final map.

A. Review by City Engineer. The City Engineer shall review the final map and all improvement agreements, and the subdivider's engineer or surveyor shall make corrections and/or additions until the map is acceptable to the City Engineer. The City Engineer shall also ensure that all required certificates and statements have been signed and, where required, acknowledged. The City Engineer shall ensure that all other conditions of the tentative map approval have been met.

B. Prior to approval of the final map by the City Engineer, the subdivider shall provide sufficient evidence of compliance with the provisions of Chapter 4, Article 8, of the Map Act, with respect to required security for taxes and special assessments not yet payable.

C. The final map shall be deemed filed, for the purpose of establishing the time limit for action on the final map by the City Council, as of the date the final map is approved and

executed by both the City Engineer and the Planning Services Manager and filed with the City Clerk.

D. Approval by City Council. Upon execution by the City Engineer and the Planning Services Manager, the final map, along with the Undertaking Agreement, shall be placed on the Council agenda for approval. The City Council shall consider the final map for approval within ten (10) days after filing with the City Clerk, or at its next regular meeting at which it receives the map, whichever is later. The City Council shall have approved the Undertaking Agreement before approving the final map.

E. If the Undertaking Agreement and final map are approved by the City Council, it shall instruct the Mayor to execute the agreement on behalf of the City. If the undertaking agreement and/or final map is unacceptable, the Council shall recommend corrections, instruct the City Engineer to draft a new agreement and/or revise the final map and defer approval until after an acceptable agreement and/or final map are resubmitted.

F. Offers of dedication shall be accepted, subject to improvement or rejected by the City Council, at the time of approval of the final map. The City Clerk shall certify or state on the map, the action of the City Council. The City Council may also designate an officer of the county to accept into the county road system, pursuant to Section 941 of the Streets and Highways Code, any road for which an offer of dedication has been accepted or accepted subject to improvements. Rejected offers shall remain open and shall terminate as specified in Section 66477.2 of the Map Act. Acceptance of offers of dedication on a final map shall not be effective until the final map is filed with the office of the County Recorder, or a resolution of acceptance by the City Council is filed with the County Recorder's office.

G. Denial by City Council. The City Council may deny approval of the final map as provided for in the Map Act.

H. Filing with the County Recorder. Upon approval of the final map by the City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and forward the map, or have an authorized agent forward the map to the Clerk of the County Board of Supervisors for transmittal to the County Recorder.

(Ord. 2533 § 1 (part), 2001)

16.16.090 - Approval of parcel map.

A. Review by City Engineer. The provisions of Section 16.16.080 of this chapter shall apply.

B. Review by Planning Services Manager. The provisions of Section 16.16.080 of this chapter shall apply.

C. Approval/Denial by the Planning Commission. If dedications or offers of dedication are not required, the Planning Commission shall approve or deny the parcel map as provided for in the Map Act.

D. Approval/Denial by the City Council. If dedications or offers of dedication are required, the provisions of Section 16.16.080 of this chapter shall apply.

E. Filing with the County Recorder. Upon approval of the parcel map by the Planning Commission or City Council, the City Clerk shall execute the appropriate certificate on the certificate sheet and the subdivider(s) shall forward the map, or have an authorized agent forward the map to the County Recorder for recordation.

(Ord. 2533 § 1 (part), 2001)

16.16.100 - Approval of reversion to acreage map.

Reversion to Acreage Maps submitted for final approval prior to recordation, shall be subject to review and approval as specified above for final or Parcel Maps, as the case may be. In addition, except as provided in subdivision (e) of Section 66445 of the Map Act, a certificate shall accompany the parcel map, acknowledge by all parties having any record title interest in the land being reverted, consenting to the preparation and filing of the parcel map. The Planning Commission shall approve such requests, only upon making the following finding:

A. That the proposed division of land complies with all city requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and all other applicable provisions of the city's general plan, zoning ordinance or other applicable ordinances and regulations.

(Ord. 2533 § 1 (part), 2001)

16.16.110 - Multiple final maps.

Pursuant to Section 66456.1 of the Map Act, multiple final maps may be filed prior to the expiration of the tentative map if:

A. The subdivider informs the city at the time of filing of the tentative map of his or her intention to file multiple final maps; or

B. After the filing of the tentative map, the subdivider and the city agree to the filing of multiple final maps. In providing such notice, the subdivider shall not be required to define the number or configuration of the proposed final maps. The city may impose reasonable conditions relating to the filing of multiple final maps.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.18 - LOT LINE ADJUSTMENT

16.18.010 - Definition.

A lot line adjustment pursuant to Section 66412(d) of the Subdivision Map Act is where the land, in total, taken from one parcel and added to an adjacent parcel, does not exceed fifty (50) percent of the gross area of the parcel from which it is taken and where the same number of parcels as originally existed are the resultant.

(Ord. 2533 § 1 (part), 2001)

16.18.020 - Required map and information.

When the owner or owners of contiguous properties desire to obtain approval of a boundary line adjustment, the original and three (3) copies of an eight and one-half (8 ½) inch by eleven (11) inch map, prepared on vellum or drafting linen with a one-inch border, shall be prepared and submitted to the City Engineer and shall contain the following information:

A. Name and address of owner(s) whose properties are shown on the map;

B. North arrow;

C. Scale of map;

D. Date of preparation;

E. Name, location and width of all streets and alleys abutting the property;

F. Tract and lot identification, lot lines, bearings and dimensions of each of the two lots;

G. Approximate location of existing improvements, buildings and permanent;

H. Structures;

I. Location and width of all easements upon or abutting the property;

J. Location of the proposed lot boundary line adjustment, together with all

K. Applicable dimensions and bearings;

L. Signatures of all owners of lots involved in such boundary line adjustment; and

M. A complete survey of both parcels involved.

(Ord. 2533 § 1 (part), 2001)

16.18.030 - Fees.

Fees shall be paid in accordance with Section 16.36.020 of this chapter.

(Ord. 2533 § 1 (part), 2001)

16.18.040 - Review and approval.

The City Engineer and Planning Services Manager shall review and approve a lot line adjustment map if the following conditions exist:

A. No street or alley dedication or subdivision improvement is necessary to properly service the properties involved in the proposed boundary adjustment;

B. The lots, as proposed by the boundary line adjustment, will conform in all respects to the provisions for minimum lot size established in Chapter 16.26.

C. The lots, as proposed by the boundary line adjustment, are in accordance with established neighborhood lot design patterns and do not violate any statute, ordinance, regulation or good planning practice.

(Ord. 2533 § 1 (part), 2001)

16.18.050 - Filing with County Recorder.

Upon approval of the lot line adjustment by the City Engineer and Planning Services Manager, the applicant shall cause to be filed record certificates of compliance, containing the descriptions of the parcel as they exist after adjustment pursuant to the applicable provisions of this title and the satisfaction of the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.18.060 - Denial and appeal.

If the City Engineer or Planning Services Manager denies a requested lot line adjustment, the applicant thereof shall be notified. Said notice shall be by United States mail, postage prepaid, addressed to the applicant at the last known address and shall contain reasons for denial. Within ten (10) days of receipt of notice of denial the applicant may appeal the decision to the Planning Commission.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.20 - REVERSION TO ACREAGE AND PARCEL MERGER BY DOCUMENT ADJUSTMENTS

16.20.010 - General.

Subdivided property may be reverted to acreage pursuant to provisions of this title and Chapter 6, Article 1 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.20.020 - Initiation of proceedings.

Proceedings for reversion to acreage may be initiated by the Planning Commission on its own motion or by petition of all of the owners of record of real property within the subdivision.

(Ord. 2533 § 1 (part), 2001)

16.20.030 - Contents of petition.

The petition shall be accompanied by the following:

A. Evidence of title to the real property within the subdivision.

B. A statement of the reasons for the proposed merger.

C. Form and contents of such maps shall be specified for a final or parcel map, pursuant to Chapter 16.16 of this title.

D. Other pertinent information as deemed necessary by the City Engineer and Planning Services Manager.

E. The required filing fee, in accordance with the fees and charges pursuant to Section 16.36.020 of this title.

(Ord. 2533 § 1 (part), 2001)

16.20.040 - Submittal of petition to the Planning Service Manager.

A. The final map or parcel map for the revision, together with all other data as required by this chapter shall be submitted to the Planning Services Manager for review.

B. Upon finding that the petition meets with all the requirements of this title and the Map Act, the Planning Services Manager shall submit the final map or parcel map, together with a report and recommendations of approval, conditional approval, or denial of the reversion to acreage, to the Planning Commission for their consideration.

(Ord. 2533 § 1 (part), 2001)

16.20.050 - Approval by Planning Commission.

A. A public hearing shall be held by the Planning Commission on all petitions for initiation for reversions to acreage. Notice of the public hearing shall be given as provided in Section 16.10.080 of this chapter and Section 66451.3 of the Map Act. The Planning Services Manager may give such other notice deemed necessary or advisable.

B. The Planning Commission may approve a reversion to acreage only if it finds and records by resolution that the provisions of Section 66499.16 of the Map Act have been satisfied.

C. The Planning Commission shall require those conditions of reversion specified in Section 66499.17 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.20.060 - Filing with County Recorder.

A. Following approval of a reversion to acreage by the Planning Commission, the petitioner(s) shall be responsible for submitting the final or parcel map, prepared in accordance with Chapter 16.16 of this title to the Los Angeles County Recorder for recordation.

B. The reversion shall be effective only after recordation of the final or parcel map pursuant to Section 66499.18 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.20.070 - Merging and resubdividing without reversion.

A. Pursuant to Section 66499.20 ½ of the Map Act, subdivided lands may be merged and resubdivided without reverting to acreage. Such merging and resubdividing may be accomplished upon completion of all standard requirements for approval of tentative and final maps or parcel maps, as stated herein.

B. Any unused fees or deposits previously made pursuant to a request for merger and resubdivision pertaining to the property shall be credited pro rata towards any requirements for the same purposes which are applicable at the time of filing a new request.

(Ord. 2533 § 1 (part), 2001)

16.20.080 - Merger without reversion application requirements.

Requests for merger and resubdivision as defined above, must be submitted to the City Engineer and shall include the following:

A. Evidence of title to the real property involved.

B. A statement of the reasons for the proposed merger.

C. A tentative tract or tentative parcel map, unless certain information requirements are waived by the City Engineer.

D. Any other information deemed necessary by the City Engineer or the Planning Services Manager.

E. The required filing fee, in accordance with the fees and charges pursuant to Section 16.36.020 of this title.

(Ord. 2533 § 1 (part), 2001)

16.20.090 - Merger without reversion review and approval.

Requests for merger and resubdivision, as defined above, shall be reviewed by the Planning Commission in the same manner as prescribed for a tentative tract or parcel map as stated herein.

(Ord. 2533 § 1 (part), 2001)

16.20.100 - Merger without reversion filing with County Recorder.

Following approval, the owner or his or her authorized representative shall file a certificate of compliance, approved by the City Engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder.

(Ord. 2533 § 1 (part), 2001)

16.20.110 - Merger of contiguous parcel by document.

A. Pursuant to Section 66499.20 ¾ of the Map Act, the owner of contiguous parcels may request a merger of the parcels, without reverting to acreage, to be recorded by a document approved by the City Engineer as to form and content properly describing the merged parcels.

B. Prior to approval of a merger by document each parcel to be merged shall conform to the current minimum lot standards

(Ord. 2533 § 1 (part), 2001)

16.20.120 - Merger by document application requirements.

Applications for requests as defined above must be submitted to the City Engineer and shall include the following:

A. Adequate evidence of title to the real property involved.

B. A statement of the reasons for the proposed merger.

C. The information required for a parcel map, as specified in Chapter 16.12 of this title, unless certain information requirements are waived by the City Engineer.

D. Any other information deemed necessary by the City Engineer or Planning Services Manager.

E. The required filing fee, as established pursuant to Section 16.36.020 of this title.

(Ord. 2533 § 1 (part), 2001)

16.20.130 - Merger by document review and approval.

Requests for merger by document, as defined above, shall be reviewed and approved by the City Engineer and the Planning Services Manager.

(Ord. 2533 § 1 (part), 2001)

16.20.140 - Merger by document filing with County Recorder.

Following approval, the owner or an authorized representative shall file a certificate of compliance, approved by the City Engineer as to form and content, evidencing the merger, with the Los Angeles County Recorder.

(Ord. 2533 § 1 (part), 2001)

16.20.150 - Appeals of decision.

The owner of the affected parcels or any other directly affected party may file a written appeal of the City Engineer, Planning Services Manager, or Planning Commission action, to the appropriate body within ten (10) days of receipt of the decision. The appeal procedure shall be as specified in this title.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.22 - CERTIFICATE OF COMPLIANCE

16.22.010 - Request.

Pursuant to Section 66499.35 of the Map Act, any person owning real property or a vendee of such person pursuant to a contract of sale may request the issuance of a certificate of compliance, stating that such real property (or any division thereof) complies with the provisions of the Subdivision Map Act and this title. Such request shall be filed with the City Engineer upon such forms, and accompanied by a fee in accordance with Section 16.36.020 of this title, and such information as may be prescribed by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.22.020 - Determination.

A. Based upon the criteria set forth in Section 66499.35 of the Map Act, the City Engineer shall approve, conditionally approve or deny a request for a certificate of compliance.

B. The determination of the City Engineer may be appealed by the applicant to the Planning Commission, within ten days of the determination by the City Engineer. Such appeals shall be in writing and accompanied by the standard appeal fee in accordance with Section 16.36.020 of this title.

(Ord. 2533 § 1 (part), 2001)

16.22.030 - Recordation.

The certificate of compliance shall be filed with the County Recorder pursuant to the Map Act.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.24 - CONDOMINIUM CONVERSION

16.24.010 - General.

The requirements and procedures for tentative and parcel maps and final maps (Chapters 16.10, 16.12 and 16.16 of this title) regarding map format, contents, review and approval, shall apply to conversions of existing rental housing to condominiums, community apartments, stock cooperative and any other subdivision which is a conversion of existing rental housing.

(Ord. 2533 § 1 (part), 2001)

16.24.020 - Notice to existing tenants.

Notice shall be provided in the manner required in Chapters 16.10 or 16.12 of this title. An additional notice shall be given to all tenants one hundred eighty (180) days prior to the filing of the tentative or parcel map, in the manner prescribed in 66452.9 (b) of the Map Act. Copies of the actual notice shall also be submitted to the city at the time of filing of the map.

(Ord. 2533 § 1 (part), 2001)

16.24.030 - Notice of prospective tenants.

Upon serving notice to the tenants as required in Section 16.24.020, the subdivider or their agent shall also provide written notice as required in 66452.8 (b) of the Map Act to prospective tenants prior to acceptance of any rent or deposit. Failure to provide the required notice shall subject the subdivider to the following:

A. Actual moving expenses incurred by the tenant when moving to and from the subject property.

B. The first's month rent on the tenant's new rental unit, if any, immediately after moving from the subject property.

C. Cash payment in an amount equal to the above can also be made subject to the tenants concurrence.

(Ord. 2533 § 1 (part), 2001)

16.24.040 - Reports required.

A. The applicant shall submit a property report describing the age and condition of each of the following elements of each structure situated within the project proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), heating and air conditioning, fire and earthquake safety provisions, security provisions, interior common or public areas, landscaping and trash control. Such report shall be prepared by an appropriately licensed civil engineer or an architect registered in California, and shall contain recommendations for the correction or improvement of any deficiencies noted.

B. The applicant shall submit a structural pest report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code, relating to written reports on the absence or presence of wood-destroying pests or organisms.

(Ord. 2533 § 1 (part), 2001)

16.24.050 - Improvements required.

All residences proposed for conversion to a condominium, community apartment or stock cooperative shall comply with the following requirements:

A. All current zoning and development requirements of Title 17 of this code.

B. Wall and floor-ceiling assemblies shall conform to the sound insulation performance criteria promulgated in Uniform Building Code, 1997 Edition, or its successor, and Regulations Establishing Energy Conservation Standards promulgated by the California Energy Commission.

C. The consumption of gas and electricity within each dwelling unit shall be separately metered. A water shut-off valve shall be provided for each unit. Each dwelling unit shall have a separate hot water heater.

D. All ovens, ranges, dishwashers, garbage disposals, hot water heaters, heating and air-conditioning shall be in good working order and the developer shall provide a one year warranty for each item.

E. Approval of a certificate of occupancy shall be required for any such conversion. Upon receipt of an application for a certificate of occupancy, the Building Official shall cause an inspection to be made of all buildings and structures in the proposed condominium, community apartment project or stock cooperative. The Building Official shall prepare an inspection report identifying all items not in conformance with the current city building, electrical, mechanical, and plumbing codes, and any additional equipment and facilities the building official determines to be deteriorated or hazardous. The developer shall repair, replace or add any equipment or facilities determined to be in violation of any such city codes or to be deteriorated or hazardous.

F. The applicant shall provide a schedule of proposed improvements which shall be made to the project prior to the sale of any of the units.

(Ord. 2533 § 1 (part), 2001)

16.24.060 - Exceptions.

Recognizing that condominium conversions present unique problems with respect to meeting current requirements, the Planning Commission may recommend, and the City Council may grant, exceptions to Section 16.24.050 with regard to a particular conversion proposal upon finding that the exception will not contravene the intent and purpose of this division.

(Ord. 2533 § 1 (part), 2001)

DIVISION 3 – DESIGN, STANDARDS, IMPROVEMENTS & SECURITY

Chapter 16.26 - DESIGN STANDARDS

16.26.010 - Compliance required.

A. The standards and requirements specified in this title shall apply to all final maps.

B. The requirements applicable to a parcel map, parcel map waiver, lot line adjustment, conditional certificate of compliance and parcel merger, shall be limited to the dedication of rights-of-way, easements and the construction of reasonable off-site and on-site improvements for the parcel being created.

(Ord. 2533 § 1 (part), 2001)

16.26.020 - Design standards.

A. Streets and Highways. Street right-of-way, alignment and design specifications shall conform to the standards set by the City Engineer and Director of Public Works.

B. Alleys. Alley alignment and design specifications shall conform to the standards set by the City Engineer, in accordance with the adopted studies, or other standards adopted by the City Council. In the event that standards have not been adopted, the Director of Public Works shall establish the standards which decision may be appealed to the City Council.

C. Traffic Control and Safety Devices. The subdivider shall install all required traffic control and safety devices, in accordance with the standards and recommendations of the City Engineer, the Director of Public Works and Ordinance Number 2297.

D. City Blocks. Blocks shall be two (2) lots deep and not less than two hundred (200) feet in depth, measured from the frontage on one street to the frontage on the closest parallel street. Where lots back up to a street or highway and where it is intended that there shall be no access from said lot to the street or highway against which they back, a six (6) foot high masonry wall shall be erected in accordance with the standards of the City Engineer on the rear property line as a physical separation between the lot and the street or highway.

E. Super Blocks. Super blocks may be submitted to the Commission for approval when such blocks propose special design features which will provide for greater amenities than those set forth in the minimum standard provisions of this title and where no hardship is wrought on the community as a whole by the approval of such super block plans.

F. Walkways. The subdivider may be required to dedicate and improve walkways to standards prescribed by the Planning Commission across blocks greater than nine hundred (900) feet in length, in order to provide more convenient access to school, park or other public arm.

G. Lots. Minimum frontage and depth. All lots, except those in a Planned Residential Development, shall have a minimum frontage of sixty (60) feet, on a dedicated public

street, and a minimum depth of one hundred (100) feet and shall in all ways conform to the standards established in Title 17, (Zoning Regulations) of this code.

H. Minimum Area—Residentially Zoned Lots. All residentially zoned lots, except those in a planned development, shall have a minimum area of six thousand (6,000) square feet. Easements over any such lot for public utility purposes shall not be considered as a reduction from the required lot area; provided, however, that said easements shall not cover more than one-sixth (⅙) of the total area of such lot. The provisions of this Section 16.26.020.H. shall not apply to a parcel of land subdivided for use or ownership by a public agency.

I. Minimum Area—Commercially Zoned Lots. All commercially zoned lots shall have a minimum area of thirty thousand (30,000) square feet with a minimum frontage of one hundred fifty (150) feet and a minimum depth of two hundred (200) feet. Smaller, individually owned parcels within these larger commercial subdivisions are permitted if the overall size of the project parcel is a minimum of five (5) acres (two hundred seventeen thousand eight hundred (217,800) square feet) and the size of the smaller parcel is no less than ten thousand (10,000) square feet and a minimum of one hundred (100) feet of frontage along a public street. A maximum of three (3) individually owned parcels are permitted for those developments measuring between five (5) and ten (10) acres and an additional parcel is permitted for every five (5) additional acres thereafter. Smaller parcels within a larger commercial development are subject to covenants, conditions and restrictions (CC&Rs) which tie them to the design and development standards of the larger development plan and/or subdivision and expressly address common or reciprocal access, parking, landscaping, maintenance, design, signage and other operational standards. The provisions of this Section 16.26.020.I. shall not apply to a parcel of land subdivided for use or ownership by a public agency.

J. Industrially Zoned Lots. All industrially zoned lots shall have a minimum area of forty thousand (40,000) square feet with a frontage of two hundred (200) feet and a depth of two hundred (200) feet. The provisions of this Section 16.26.020.J. shall not apply to a parcel of land subdivided for use or ownership by a public agency.

K. Determining Block Face to be Considered Frontage. On major traffic, collector and local streets, all lots shall front upon the street that parallels the long dimension of the block. In the case of square blocks, the commission shall determine on the basis of the exiting uses which block face shall be considered as frontage.

L. Flag Lots. Flag lots are prohibited.

M. Double Frontage. Double frontage lots are prohibited.

N. Side Lot Lines. Side lot lines of rectangular lots shall be as nearly perpendicular to the centerline of the street upon which the lot fronts as is practical; side lot lines of lots fronting on curved streets shall be as nearly radial as is practical.

O. Exceptions. In cases where more than fifty (50) percent of the frontage on the same side of the street between intersecting streets is already subdivided into lots, which lots are

already built upon, the Commission may approve the predominant width of the existing lots in this frontage as the minimum standard; provided, however, that in no case shall the Commission approve the creation of any lot with an average width less than forty-five (45) feet and with less than thirty-five (35) feet of frontage on a dedicated street.

P. Corner lots shall be at least ten (10) percent wider than the minimum requirements for interior lots in any zone, in order to maintain required building lines on both side and front streets.

(Ord. 2533 § 1 (part), 2001; Ord. No. 2879, § 2, 4-5-2016; Ord. No. 2914, §§ 13—15, 7-18-2017)

Chapter 16.28 - SUBDIVISION IMPROVEMENTS

16.28.010 - General requirements.

A. The dedication, completion and/or upgrading of all abutting and/or affected public rights-of-way and on- and off-site public improvements shall be required as a condition of all proposed developments.

B. The entire contiguous property ownership on which the proposed development is placed shall be considered unless there is a defined and definite separation and change in land use.

C. The subdivider shall make all public improvements required in this or any other chapter, prior to approval of final, parcel, or reversion to acreage maps; lot line adjustments; or conditional certificates of compliance; except when an undertaking agreement has been approved pursuant to Section 16.32.010 of this title.

D. Improvement work shall not be commenced until plans and specification therefor, prepared in accordance with approved standards, have been submitted to and approved by the City Engineer. Plans and specifications shall be required prior to approval of the final map and shall become the property of the city.

E. Pursuant to Section 66456.2 of the Map Act, the city shall review and act upon improvement plans within sixty (60) working days of its submittal, except that at least fifteen (15) working days shall be provided for processing any resubmitted improvement plan. The sixty (60) working-day period shall not include any days during which the improvement plan has been returned to the applicant for correction, has been subject to review by agencies other than the city or, following that review, has been returned to the applicant for correction. These time limits may be extended by mutual consent of the subdivider and the City Engineer.

F. The city may also contract with other private entities or persons to review the improvement plans, if it determines that it is unable to meet the above-specified time limits. The city may charge the subdivider for all costs directly attributable to employing or contracting with other entities to perform the improvement plan checking services.

G. All required improvements shall be constructed to permanent line and grade under the inspection of and to the satisfaction of the City Engineer. The number and classification of inspectors and engineers necessary to adequately inspect and control the various phases of the work shall be determined by the City Engineer. The City Engineer shall keep a complete record of all inspections, laboratory, supervision and appurtenant costs which shall include overhead. The City Clerk shall submit monthly to the subdivider a detailed statement of such costs. The subdivider shall pay all such costs within fifteen days after receipt of such detailed statement. The work will not be accepted by the city until all such costs have been paid. The subdivider shall agree to pay for all such costs.

H. The subdivider shall provide all necessary field engineering for the purpose of establishing lines and trades during installation of all required improvements.

I. The subdivider shall provide all monuments, ties, calculations, notes and other survey data required by Chapter 16.30 prior to approval of the final map, except as otherwise provided in Chapter 16.32.

(Ord. 2533 § 1 (part), 2001)

16.28.020 - Streets.

All streets, highways, ways and alleys shall be graded and paved to widths, grades, and structural sections, as approved by the City Engineer. The subdivider shall improve the extension of all subdivision streets, highways, ways or alleys to the intercepting paving line of any city street or alley, country road or state highway.

(Ord. 2533 § 1 (part), 2001)

16.28.030 - Underground utilities.

All underground utilities, both public and private, sanitary sewers, and storm drains installed in streets, service roads, alleys or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Connections for all underground utilities and sanitary sewers shall be laid to such lengths as will obviate the necessity of disturbing the street or alley improvements when service connections thereto are made.

(Ord. 2533 § 1 (part), 2001)

16.28.040 - Structures.

Structures shall be installed as deemed necessary by the City Engineer, for drainage, access, and/or public safety. Such structures shall be placed to grades and shall be of a design approved by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.050 - Curbs and gutters, storm drains and culverts.

Curbs and gutters, storm drains and culverts shall be installed to the specifications of the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.060 - Sidewalks.

Sidewalks shall be installed to grades and widths approved by the City Engineer provided that exceptions to this provision may be granted by the City Engineer where topographical conditions make the installation of sidewalks impractical.

(Ord. 2533 § 1 (part), 2001)

16.28.070 - Grade of lots.

Lots shall be graded as required per Chapter 15.40 (Grading and Erosion Control) of the El Monte Municipal Code and approved by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2933, § 3, 8-21-2018)

16.28.080 - Sewers.

Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot in a land subdivision and each unit in a condominium project subdivision or community apartment project subdivision in accordance with the standards of the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.090 - Drainage.

Adequate provision for drainage shall be made and storm drains and facilities shall be installed to grade and sizes approved by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.100 - Water.

Water mains and fire hydrants, connecting to the public water system serving the city, shall be installed as required by the City Engineer and shall be approved by the designated agent of the Los Angeles County Fire Department.

(Ord. 2533 § 1 (part), 2001)

16.28.110 - Telephone and electrical services.

A. Utility lines, including but not limited to electric, communications, and cable television, shall be required to be placed underground. Appurtenances and associated equipment such as, but not limited to surface-mounted terminal boxes and meter cabinets and concealed ducts in an underground system, may be placed above ground. The City Engineer or Planning Services Manager may recommend to the Planning Commission or City Council may waive the requirements of this section of topographical, soil, or any other conditions make such underground installation unreasonable or impractical. This section shall not apply, to overhead lines of a continuous lead crossing or abutting any portion of the subdivision boundaries, or to any other overhead lines which do not provide service to the area being subdivided or developed.

B. The developer or subdivider shall reimburse the telephone corporation or cable television system for all costs incurred by such entities for replacement, underground or relocation of such facilities, caused by construction of the subdivision improvements, as specified in Section 66473.6 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.28.120 - Removal and/or relocation of utility facilities.

When the approval of private property developments requires the improvement of public streets and such street improvements will result in the removal and/or relocation of facilities including, but not limited to electric, gas, water or telephone fines, the land developer shall bear the cost of such removal or relocating of facilities and otherwise meet the requirements of the serving utilities. Prior to the final approval of the development plans, the owner/developer shall provide the city's Department of Public Works with a letter of compliance from the servicing utility.

(Ord. 2533 § 1 (part), 2001)

16.28.130 - Gas.

Gas facilities connecting to gas mains serving the city shall be provided in a manner deemed appropriate by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.140 - Street trees.

Street trees shall be installed per the type and size shown on the El Monte tree planting plan and planted in locations approved by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.150 - Planting of cut and fill slopes.

Wherever land has been cut or filled as part of the development of hillside areas, slopes exceeding a grade of one foot in the vertical direction to three feet in the horizontal direction (3:1 slope) or which exceed three feet in height, shall be planted with approved landscape material and maintained for purposes of retaining the slope from erosion or movement.

(Ord. 2533 § 1 (part), 2001)

16.28.160 - Street name signs.

Street name signs shall be installed in accordance with the standards of the city. Street names shall be provided by the city. In the case of private streets, there shall be installed at or near the entrance of each intersection of a private street with a dedicated public street, a sign posted to which is attached a sign having a minimum size of two (2) feet by three (3) feet, upon which is printed clearly and legibly in at least two and one-half (2 ½) inch high letters the following:

(NAME OF STREET)

PRIVATE STREET

NOT DEDICATED FOR PUBLIC USE

(Ord. 2533 § 1 (part), 2001)

16.28.170 - Street lighting.

Street lighting shall be required and shall be provided for by the subdivider. The street lighting system shall consist of a city-owned underground system. The installation of a street lighting system shall be in accordance with the standards and specifications of the city.

(Ord. 2533 § 1 (part), 2001)

16.28.180 - Railroad crossings.

Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the State of California Public Utilities Commission for the establishment and improvement of the crossings. The subdivider may be required to bear the full cost of the crossing improvement.

(Ord. 2533 § 1 (part), 2001)

16.28.190 - Safety devices.

Safety devices such as traffic islands, street signs, reflectors, traffic signals and safety lighting shall be installed where deemed necessary by the City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.28.200 - Demolition, moving, altering or conversion.

The subdivider shall perform all work required by the Commission and/or City Council in connection with the demolition, moving, alerting or conversion of any structure or facility either wholly or partially within the subdivision or affected thereby.

(Ord. 2533 § 1 (part), 2001)

16.28.210 - Supplemental size of improvements.

The city may require that improvements installed by the subdivider for the benefit of the subdivision shall contain supplemental size, capacity, length, or number for the benefit of property not within the subdivision, and that such improvement be dedicated to the public, and the subdivider shall be reimbursed for the supplemental costs, pursuant to Sections 66485, 66486, and 66487 of the Subdivision Map Act.

(Ord. 2533 § 1 (part), 2001)

16.28.220 - Other improvements.

The subdivider shall make such other improvements where deemed necessary by the Commission and/or Council, for the public health, safety or welfare.

(Ord. 2533 § 1 (part), 2001)

16.28.230 - Designated remainder parcel improvements.

The subdivider or developer shall not be required to provide required improvements for a designated remainder parcel, except as specified in Section 66424.6 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.30 - SURVEY AND MONUMENTS

16.30.010 - Survey procedures.

The procedures and practices for all survey work done in conjunction with the preparation of the map shall conform to the provisions of Chapter 15 of the Business and Professions Code (the Land Surveyor's Act of the State of California), and shall have an allowable error of closure on any portion thereof not to exceed 1/10,000.

(Ord. 2533 § 1 (part), 2001)

16.30.020 - Durable monuments required.

Pursuant to Section 66495 of the Map Act, durable monuments shall be set at the time of making the survey for the final map or parcel map. Such monuments shall be two (2) inches by two (2) inches O.P. & T.

(Ord. 2533 § 1 (part), 2001)

16.30.030 - Subdivision boundaries.

Durable monuments shall be set at all angle and curve points on the exterior boundary of subdivisions, and at points not more than one thousand (1,000) feet apart in cases where exterior boundaries between any two (2) angle or curve points exceed said distance. Monuments shall be set as follows:

A. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.

B. A boundary monument shall not be less substantial than an iron pipe of a two (2) inch outside diameter, not less than thirty (30) inches in length, with the concrete plug and tag, and set no higher than flush with the surface of the ground—two (2) inches I.P. & T. If the tag is not secured by the concrete, a brass tack shall secure the tag. In areas subject to dishing, pipes must be set no less than six (6) feet deep, and in areas subject to commercial cultivation, no less than twelve (12) inches deep.

C. Acceptable substitute monuments are:

    1. A lead, brass tack and tag set in concrete—L.T. & T.;

    2. A six (6) inch spike, stamped washer and tin set in A.C.—S.W. & T.;

    3. Any other substitutes shall be approved in writing by the City Engineer before setting;

4. State depth of all two (2) inch I.P. & T.'s set on the map or use a depth of monument note.

(Ord. 2533 § 1 (part), 2001)

16.30.040 - Parcel/lot corners.

A durable monument shall be set at each angle and curve point in the boundary of each lot, which portion is not covered in Section 16.30.030. Monuments shall be set as follows:

A. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.

B. Each monument shall not be less substantial than a one inch I.P., eighteen (18) feet long set as described under Section 16.30.020.

(Ord. 2533 § 1 (part), 2001)

16.30.050 - Street centerline.

A. Centerline monument shall be placed at the following locations:

1. All points of intersection with the centerline of other streets or alleys;

2. All points of beginning and end of curves, or at the points of intersection of tangents or semi-tangents of curves;

3. All points of intersection with the subdivision boundary except where said subdivision boundary is a street sideline. In cases where a street terminates at the subdivision boundary and is planned for future extension, the terminal centerline monument shall be set on an offset no less than three (3) feet and no greater than five (5) feet along the centerline inside the subdivision boundary;

4. All angle points.

B. All monuments shall be tagged or marked with the registration or license number of the engineer or surveyor who signed the map.

C. Each centerline monument shall be not less durable than:

1. A six (6) inch monument spike, marked washer and tin in A.C.;

2. A lead, brass tack and tag in concrete or cement concrete;

3. An iron pipe of a two (2) inch outside diameter, not less than thirty (30) inches in length, with concrete plug and tag no less than six (6) inches deep in unimproved, gaveled or oiled surface. If the tag is not secured by the concrete, a brass tack shall secure the tag;

4. Any substitute monument shall be approved in writing by the City Engineer before setting.

D. Centerline Ties.

1. If the intersection is improved with concrete curbs, set four L. & T.'s (using brass tacks) as tangent ties on curbs;

2. If the intersection is not improved with concrete curbs, set four (4) tangent ties, no less than four (4) feet from the centerline monument.
    a. If the ties fall on the pavement, they shall be set approximately two feet from the edge of pavement.
    b. If in A.C., use six (6) inch monument spikes and tins.
    c. If in concrete, use brass tacks set in lead.
    d. If the ties must be set off of the pavement, use iron pipes of a two (2) inch outside diameter, thirty (30) inches in length, with concrete plugs and brass tacks, set in natural ground no closer than two feet from the edge of pavement, and no less than six (6) inches deep;
3. Any substitute centerline tie should be approved in writing by the City Engineer before setting;
4. If it is impractical to set tangent ties, the City Engineer may approve, in writing, deviation from tangent ties;
5. Notes showing centerline ties are to be filed in the office of the City Engineer after inspection.

(Ord. 2533 § 1 (part), 2001)

16.30.060 - Notification of set monuments.

Pursuant to Section 66497 of the Map Act, within five (5) days after the final setting of all monuments. The engineer or surveyor shall provide written notice to the subdivider and to the City Engineer that the final monuments have been set. The written notice shall contain information on the number and location of the monument set. The notice shall be signed by the engineer and surveyor and shall bear his/her stamp. This document shall be recorded. All monuments shall be set prior to obtaining a grading and building permit. If the applicant wishes to delay the establishment of the monument a five hundred dollar ($500.00) deposit per monument shall be provided to the city.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.32 - IMPROVEMENT SECURITY

16.32.010 - Undertaking agreement.

Any act or obligation (improvement) required as a condition of approval of a final or parcel map, reversion to acreage map, a parcel map waiver, parcel merger, lot line adjustment or a conditional certificate of compliance, which has not been completed prior to final approval, shall be guaranteed by an undertaking agreement, between the subdivider and the city, which satisfies the requirements of Section 66462 of the Map Act. The form of the undertaking

agreement shall be approved by the City Attorney prior to consideration by the City Council, Planning Commission or City Engineer.

(Ord. 2533 § 1 (part), 2001)

16.32.020 - Supplemental improvement reimbursement agreement.

Where the subdivider is required to install supplemental improvements pursuant to Section 16.28.220 herein, the city shall enter into an agreement to reimburse the subdivider pursuant to Section 66486 of the Subdivision Map Act.

(Ord. 2533 § 1 (part), 2001)

16.32.030 - Improvement security.

A. Any liability upon the security given for the faithful performance of any act or agreement shall be limited, as specified in Section 66499.9 of the Map Act.

B. Pursuant to Section 66499, 66499.1 and 66499.2 of the Map Act, improvement securities shall be required to be posted by the subdivider as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final or parcel map, parcel map waiver, lot line adjustment, conditional certificate of compliance, or parcel merger. All such improvement securities shall be provided in a form subject to the approval of the City Engineer and the City Attorney.

(Ord. 2533 § 1 (part), 2001)

16.32.040 - Amount of security.

Security to guarantee the performance of any act or agreement shall be in the following amounts, pursuant to Section 66499.3 of the Subdivision Map Act:

A. An amount determined by the City Engineer equal to one hundred (100) percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement. The total estimated cost of the improvement shall provide for increase or projected inflation computed to the estimated midpoint of construction.

B. An additional amount determined by the City Engineer equal to fifty (50) percent of the total estimated cost of the improvement, or the performance of the required act, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement of the performance of the required act.

C. An additional amount equal to ten (10) percent of the estimated cost of the improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

D. Required security for subdividers who are California nonprofit corporations, funded by the United States of America or one of its agencies, or funded by the state or one of its agencies, shall be established in accordance with Section 66499.3 of the Map Act.

(Ord. 2533 § 1 (part), 2001)

16.32.045 - Alternative security for certain subdivisions.

A. In lieu of executing an undertaking agreement as set forth in Section 16.32.010, the subdivider may deliver alternate improvement security in favor of the city as provided in this Section 16.32.045 guaranteeing the performance of any act, public improvement or obligation (collectively herein, the "work") which has been required by the city as a condition of approval for such subdivision, or a revision to acreage, parcel merger, lot line adjustment or a conditional certification of subdivision compliance.

B. This Section 16.32.045 shall apply at the written request of the subdivider when the City Engineer has confirmed either:

   1. The estimated cost of completing the installation of any required work as set forth in Chapter 16.28 in connection with a subdivision, including any survey monument as set forth in Chapter 16.30, is less than twenty thousand dollars ($20,000); or

   2. The estimated cost of completing the installation of any required work as set forth in Chapter 16.28 in connection with a subdivision, including any survey monument as set forth in Chapter 16.30, is between twenty thousand dollars ($20,000) and one hundred thousand dollars ($100,000).

C. The subdivider/owner of the property may initiate the alternate security provisions authorized by this Section 16.032.045 prior to the recordation of a final tract map, parcel map, reversion to acreage map, parcel merger, lot line adjustment or conditional certificate of compliance upon the delivery to the City Engineer of a written application for approval of alternate security which references Section 16.32.045 and includes the following:

   1. A current title report for the subject property, which has been issued by a title insurance company within not more than sixty (60) days prior to the date of the subdivider's request to the City Engineer;

   2. Complete plans and specification for the proposed construction and installation of the work;

   3. A suitably detailed subdivider's estimate of the cost to complete the construction and installation of the work;

   4. A completed form of the Notice of Subdivision Security Agreement as provided in Section 6.32.045.G., signed in recordable form by the owner of the property in the event that the subdivider estimates that the cost of the work may exceed the sum of twenty thousand dollars ($20,000.00.)

The City Engineer shall acknowledge the city's receipt of such written application within thirty (30) days of receipt from the subdivider and such acknowledgment shall confirm whether the provisions of 16.32.045.D., or 16.32.045.E., shall be applicable to the work. The City Engineer may determine that the alternate security provisions of this Section 16.32.045 do not apply to the subdivision in light of unusual or special conditions applicable to the work, in which case the City Engineer shall so inform the subdivider in writing that the undertaking agreement for the work shall conform to Section 16.32.010.

D. If the City Engineer confirms that Section 16.32.045.B.1, applies to the Work, then the subdivider shall deliver cash to the City in the amount as so determined by the City Engineer; provided however, that the minimum amount of such a cash deposit regardless of the City Engineer's estimate of the cost of the work shall be five thousand dollars ($5,000.00). The city shall deposit such sum with other funds of the city as a cash security for the completion of such work by the subdivider. The City Engineer is authorized to release the cash security upon completion of the Work as provided in Section 16.32.045.F., or cause such cash security to be forfeit to the city in the event that the work has not been completed within two (2) years following the date of the city's receipt of such cash security.

E. If the City Engineer confirms that Section 16.32.045.B.2, applies to the work, then the subdivider shall deliver two thousand five hundred dollars ($2,500.00) to the city together with a Notice of Security Agreement substantially in the form as provided in Section 16.32.045.G., in recordable form executed by the subdivider/owner of the subdivided lands. The city shall deposit such sum with other funds of the city as a partial cash security for the completion of such work by the subdivider. The City Engineer is authorized to release the partial cash security and record a release of the Notice of Security Agreement Work as provided in Section 16.32.045.F., or cause such partial cash security to be forfeit to the city in the event that the work has not been completed within two (2) years following the date of the city's receipt of such partial cash security.

F. The city shall release the security for the work upon written request delivered to the City Engineer in which the subdivider certifies that the construction and installation of the work has been completed as evidenced by the recordation by the subdivider of a certificate of completion for the work as provided in Civil Code Section 8182(c)(1), and subject to the confirmation by the City Engineer that all of the other requirements of Section 16.32.090 with respect to the completion of the work have been satisfied, the City Engineer shall release the security for the work in favor of the subdivider.

G. The general form of the Notice of Security Agreement as required under Section 16.32.095.B.2, shall be substantially as follows:

RECORDING REQUESTED BY

[insert name of subdivider]

AND WHEN RECORDED MAIL TO:

City of El Monte
City Hall — West
11333 Valley Boulevard
El Monte, California 91731
Attn: City Engineer

_____

[Space above this line for Recorder's use]

NOTICE OF SECURITY AGREEMENT

(CITY OF EL MONTE)

(CITY OF EL MONTE>

TO ALL INTERESTED PERSONS

PLEASE TAKE NOTICE

_____ (the "Subdivider") is the owner of the land situated in the City of El Monte which is more particularly described in Exhibit "A" (the "Property").

The City of El Monte (the "City") has approved the subdivision and improvement of the Property as provided in El Monte Planning Commission Resolution No. _____, dated _____, subject to the satisfaction of certain conditions including a condition that the Subdivider design, construction, install and complete certain public improvements (the "Work") as part of the subdivision and improvement of the Property.

The Subdivider has requested the City accept certain alternate subdivision improvement security for the construction, installation and completion of the Work as authorized by El Monte Municipal Code Section 16.32.045.

PLEASE TAKE FURTHER NOTICE that the Subdivider covenants in favor of the City and agrees that until such time as the Work has been completed by the Subdivider and the City has accepted the Work as completed as provided in El Monte Municipal Code Section 16.32.090, that the City shall have no duty to approve or authorize the occupancy of any structure on the Property as otherwise provided in El Monte Municipal Code Section 17.16.

Upon the acceptance of the Work by the City as provided in El Monte Municipal Code Section 16.32.090, the City Engineer shall cause to be recorded a written release of this Notice of Security Agreement.

This Notice of Security Agreement has been executed by the Subdivider and the City as evidenced by the signatures of the officers of each of them whose signatures appear below.

;hg;SUBDIVIDER

By: _____

ACCEPTED BY CITY OF EL MONTE

By: _____

City Manager
City of El Monte

By: _____

City Engineer
City of El Monte

APPROVED AS TO FORM

City Attorney

[FORM OF NOTICE OF SECURITY AGREEMENT]

(Ord. No. 2937, § 11, 10-16-2018)

16.32.050 - Reduction in performance security.

The City Engineer may authorize, in writing, the release of a portion of the security in conjunction with the acceptance of the satisfactory completion of a part of the improvements as the work progresses, upon application by the subdivider, but in no case shall the security be reduced to less than fifty (50) percent of the total improvement security given for faithful performance. The amount of reduction of the security shall be as determined by the City Engineer; however, in no event shall the City Engineer authorize a release of the improvement security which would reduce such security to an amount below that required to guarantee the completion of the improvements and any other obligation imposed by this title, the Map Act, or the improvement agreement.

(Ord. 2533 § 1 (part), 2001)

16.32.060 - Release of improvement securities.

A. Performance Security. The performance security shall be released only following acceptance of the improvement by the city and when an approved warranty security has been filed with the city.

B. Material, Labor and Equipment Security. Any security for the payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Article 3 (commencing with Section 3114) of Chapter 2 of Title 15 of Part 4 of Division 3 of the Civil Code and after acceptance of the work, by the City Council, be reduced to an amount equal to the total claimed by all claimants for whom claims of lien have been recorded and notice thereof given in writing to the legislative body, and if no such claims have been recorded, the security shall be released in full.

The release shall not apply to any required guarantee and warranty period required by Section 66499.9 for the Map Act for the guarantee or warranty nor to the amount of the security deemed necessary by the local agency for such guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys fees.

(Ord. 2533 § 1 (part), 2001)

16.32.070 - Forfeiture.

In addition to any other remedy provided by law, upon the failure of the subdivider to complete any improvement, acts, or obligations within the time specified in the improvement agreement, or upon failure of the subdivider to faithfully comply with the terms and provisions of this chapter or any improvement security given thereby, the City Council may, upon notice in

writing of not less than ten (10) days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty (20) days, served by registered mail addressed to the last known address of such person, determine that the foregoing have not been complied with or said work has not been completed, and may cause to be forfeited to the city such portion of said improvement security given for the performance of the foregoing.

(Ord. 2533 § 1 (part), 2001)

16.32.080 - Default in infrastructure bonds due to initiative.

A. If the City Council finds, based upon substantial evidence in the record, that any project for which a tentative map, parcel map or a vesting tentative map has been approved will be affected by a previously enacted initiative measure to the extent that there is likely to be a default on land-secured bonds issued to finance infrastructure on the project, the City Council shall allow that portion of the project served by the infrastructure to proceed in a manner consistent with the approved tentative map or vesting tentative map.

B. For purposes of this division, land-secured bond means any bond issued pursuant to the Improvement Act of 1911 (Division 7 [commencing with Section 5000] of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 [commencing with Section 10000] of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 [commencing with Section 85001 of the Streets and Highways Code), or the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 [commencing with Section 53311] of Part I of Division 2 of Title 5, so long as the bond was issued and sold at least ninety (90) days before the proposed initiative was adopted by either popular vote at an election or by ordinance adopted by the legislative body.

C. Notwithstanding subsection A of this section, the City Council may condition or deny a permit, approval, extension, or entitlement if it determines any of the following:

    1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;

    2. The condition or denial is required, in order to comply with state or federal law.

D. An approved or conditionally approved tentative or vesting tentative map shall be subject to the periods of time set forth in Section 66452.6 of the Map Act.

E. The rights conferred by this division shall expire if a final map is not approved prior to the expiration of the tentative map or of the vesting tentative map.

F. An approved or conditionally approved tentative map or vesting tentative map shall not limit the Planning Commission from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies and standards described in Section 66474.2 or 66498.1 or other applicable provisions of the Map Act.

(Ord. 2533 § 1 (part), 2001)

(Ord. No. 2937, § 12, 10-16-2018)

16.32.090 - Acceptance of improvements.

Construction of required improvements shall not commence until required improvement plans have been approved by the City Engineer.

A. General. All improvements are subject to inspection and testing by the City Engineer or authorized personnel in accordance with the standards and specifications specified and required by this title.

B. Pre-Construction Conference. Prior to commencing any construction, the developer shall arrange for a pre-construction conference with the City Engineer or the City Engineer's authorized personnel.

C. The City Engineer and his or her authorized representatives shall have the right to stop any work, refuse to inspect any work, or reject any and all work and construction if it is found that the work is unauthorized, is unsafe in any way to the workmen or the public, is inferior in materials or workmanship, was performed without inspection, or does not meet or comply with the city standards, specifications, or city-approved construction plans.

D. All work and improvements must be found to conform to the specified standards and specifications as a condition of the city's acceptance of them and the release of any improvement securities held therefore.

When all improvement deficiencies have been corrected and as-built improvement plans filed, the subdivision improvements shall be considered for acceptance by the city. The City Engineer shall be responsible for the acceptance of improvements for all divisions of land by tract map, divisions of land by parcel map, lot line adjustments, reversions to acreage or conditional certificates of compliance. Upon such acceptance, the City Engineer shall recommend that the City Council take final action to accept the improvements. The council shall take action on such matters within ten (10) days following recommendation by the City Engineer, or at the next available City Council meeting, whichever occurs later.

Acceptance of the improvements shall only imply that the improvements have been completed satisfactorily and that public improvements have been accepted for public use. When requested by the subdivider in writing, the city may consider acceptance of a portion of the improvements as recommended by the City Engineer. The improvements will be accepted by the city only if it finds that it is in the public interest and such improvements are for the use of the general public.

Acceptance of a portion of the improvements shall not relieve the developer from any other requirements imposed by this title.

(Ord. 2533 § 1 (part), 2001)

DIVISION 4 – DEDICATION & FEES

Chapter 16.34 - DEDICATIONS, RESERVATIONS AND FEES

16.34.010 - Dedications.

A. As a condition of approval for a proposed subdivision for which a tentative tract or parcel map is required by this chapter, the subdivider shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision, which are needed for vehicular, rail or bicycle transit; drainage casements; water, sewer, natural gas, electricity and cable television facility casements; sunlight, open space; scenic easements; and other public purpose easements of rights-of-way deemed necessary by the Planning Commission, upon recommendation by the City Engineer and/or Planning Services Manager.

B. The Planning Commission may, pursuant to Section 66476 of the Map Act, impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights to such street from any property shown on the map as abutting thereon, and that if the dedication is accepted such waiver shall become effective in accordance with the provisions of the waiver of direct access.

(Ord. 2533 § 1 (part), 2001)

16.34.020 - Certificates.

A. Dedications or offers to dedicate interests in real property as described above, shall be made by certificate of a final map, pursuant to Section 66439 of the Map Act, and by certificate on or separate instrument with a parcel map, pursuant to Section 66447 of the Map Act.

B. In addition, pursuant to Section 66476 of the Map Act, the final or parcel map shall contain a certificate stating the approval or rejection of the dedications or offers of dedication, by the Planning Commission.

(Ord. 2533 § 1 (part), 2001)

16.34.030 - Parkland dedication.

Pursuant to Section 66477 of the California Government Code (hereinafter, the "Quimby Act"), the subdivider shall be required to dedicate land, pay fees in lieu thereof, or pay and dedicate a combination of both, for park and/or recreational purposes, including open space purposes. The standards for land dedication or in-lieu fees are established in City Council Ordinance No. 2663 copies of which can be obtained from the City Clerk as a public record.

(Ord. 2663 § 11, 2006: Ord. 2533 § 1 (part), 2001)

16.34.040 - Elementary school site dedication.

Pursuant to Section 66478 of the Map Act, subdivider shall be required to dedicate land for an elementary school site. The standards and procedures for such dedication shall be established by the City Council.

(Ord. 2533 § 1 (part), 2001)

16.34.050 - Public use site dedication.

Pursuant to Section 66479 of the Map Act, and subject to conditions subdivider shall be required to reserve specific sites for a park, recreational facility, police or fire station, library or other public use. The standards and procedures for such dedication shall be established by the City Council.

(Ord. 2533 § 1 (part), 2001)

16.34.060 - Fees for storm drainage and sanitary sewer off-site improvements.

A. Pursuant to Section 66483 of the Map Act and subject to conditions, subdivider shall pay fees for required storm drainage and sewer improvements. The City Council shall establish procedures and standards for determining the appropriate fees.

B. In addition, pursuant to Section 66488 of the Map Act, the City Council may establish benefit areas for drainage and sanitary sewer facilities and may impose a reasonable charge on properties within the benefit areas, which charges shall be paid to the city, or to the subdivider, through a reimbursement agreement.

(Ord. 2533 § 1 (part), 2001)

16.34.070 - Fees for bridges and major thoroughfares.

A. Pursuant to Section 66484 of the Map Act and subject to conditions, subdivider shall pay fees for purposes of defraying the actual or estimated cost of constructing bridges or other major thoroughfares. The City Council shall establish procedures and standards for determining the appropriate fees.

B. In addition, pursuant to Section 66489 of the Map Act, the City Council may establish benefit areas for bridges or major thoroughfares and may impose a reasonable charge on properties within the benefit areas, which charges shall be paid to the city, or to the subdivider, through a reimbursement agreement.

(Ord. 2533 § 1 (part), 2001)

16.34.080 - Fees for review of covenants, conditions and restrictions.

Following approval of the tentative tract map or parcel map, the subdivider shall submit to the city for review and approval the covenants, conditions and restrictions as directed by the Planning Commission and prepared in accordance with the guidelines prepared by the City Attorney's office for such development projects. Each submission shall be accompanied by a review fee in accordance with Section 16.36.020 of this title. Covenants, conditions and restrictions that are returned by the city because they were not done in accordance with the

guidelines, or do not contain all of the conditions of the Planning Commission shall pay a resubmittal fee based upon actual cost.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.36 - FEES AND CHARGES—GENERALLY

16.36.010 - General.

Fees shall be established for the purpose of defraying the expenditure incidental to the proceedings described in this chapter.

(Ord. 2533 § 1 (part), 2001)

16.36.020 - Fee schedule.

A. The City Council, from time to time, shall by resolution establish fees in accordance with Section 16.38.030 of this title. Such fees shall not be refunded whether or not the application is granted or denied.

B. Fees shall be due and payable in advance to the city, and shall be collected by the Department of Planning and Community Development, unless otherwise noted, before accepting any such application for filing.

(Ord. 2533 § 1 (part), 2001)

16.36.030 - Annual report.

The Planning Services Manager and the Director of Public Works shall submit a joint written report annually to the City Council, at the close of the fiscal year, which identifies the amount of the fees, costs and charges as collected by the Planning Division and Public Works Department for their respective review of development permits and other land use entitlements. Such report shall also contain any recommendation for modifications, adjustments or additions to the fees, charges and costs as specified in this title.

(Ord. 2533 § 1 (part), 2001)

Chapter 16.38 - FEES—MODIFICATION AND AMENDMENT

16.38.010 - General purposes.

Various sections of this title provide for the payment by the applicant for a specific development or land use approval, entitlement or permit of certain fees, costs and charges of the city as may be associated with the review of an application for such development or land use approval, entitlement or permit. The purpose of this chapter is to establish a procedure whereby the fees, costs and charges of the city as associated with the submission of an application for each development or land use approval, entitlement or permit may be created,

modified or amended from time to time by resolution of the City Council upon receipt of a written recommendation of the Planning Services Manager.

(Ord. 2533 § 1 (part), 2001)

16.38.020 - Fees superseded by this chapter.

All fees, costs and charges as associated with the submission of an application for each development of land use approval, entitlement or permit as specified in this title as of the effective date of the ordinance codified in this title are superseded by the fees, costs and charges as created, modified or amended from time to time by resolution of the City Council in accordance with this chapter.

(Ord. 2533 § 1 (part), 2001)

16.38.030 - Resolution of the City Council creating, modifying or amending fees.

A. The City Council may from time to time adopt resolutions which create, modify or amend one or more of the fees, costs and charges associated with a development and land use approval, entitlement or permit as provided in this title as the same exists as of the effective date of the ordinance codified in this chapter or as provided in this title as any provision thereof may hereafter be amended by ordinance of the City Council. The City Council shall conduct a public hearing prior to the adoption of any such resolution and shall cause notice of such public hearing to be published in a newspaper of general circulation in accordance with Government Code Section 6062a.

B. Prior to setting any proposal for the creation, modification or amendment of any fee, cost or charge as authorized under this title for public hearing, the Planning Services Manager shall prepare a written report which identifies the proposed fee, cost or charge and describes (1) the purpose of the fee; (2) the use to which the fee is to be put, and (3) the relationship between the amount of the fee and the estimated cost to the city of providing for the administration of the applicable development or land use regulation. During the public hearing, the City Council shall consider all relevant evidence as presented and shall receive and file the report of the Planning Services Manager together with any changes or modifications as may be appropriate. Upon the conclusion of the public hearing, the City Council shall adopt a resolution which refers to this chapter as authority for procedures applicable to the creation, modification or amendment of the fee, cost or charge by the City Council.

(Ord. 2533 § 1 (part), 2001)

16.38.040 - Annual report of the Planning Services Manager.

The Planning Services Manager shall submit a written report to the City Council each year commencing on June 1, 1991, which identifies the amount of the fees, costs and charges as collected by the Planning Department for the review of applications for development and land use approvals, entitlements and permits as performed under this title during the twelve (12) months preceding the date of the report. Such report shall also contain any recommendations as the Planning Services Manager may deem appropriate regarding modifications, adjustments or additions to the fees, charges and costs as specified in this title.

Chapter 5.56 - MASSAGE ESTABLISHMENTS AND MASSAGE PRACTITIONERS/THERAPISTS[2]

[2] – Editor's note— *Ord. No. 2878, § 9, April 5, 2016, repealed former ch. 5.56, §§ 5.56.010—5.56.160, and enacted a new ch. 5.56 as set out herein. Former ch. 5.56 pertained to similar subject matter and derived from Ord. No. 2779, § 2, adopted October 18, 2011.*

5.56.010 - Findings and purpose.

The City Council finds and declares as follows:

A. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city, while recognizing massage as a legitimate business interest that provides benefits to its patrons in a therapeutic setting.

B. This chapter is enacted pursuant to the provisions of the State Constitution, Sections 51030 et seq. of the Government Code, Sections 460, 4600 through 4620 and Section 16000 of the Business and Professions Code, Section 13 of the Chiropractic Act (initiative measure approved by the electors November 7, 1922, as amended), and California Assembly Bill 1147.

C. There is a significant risk of injury to massage clients by persons improperly trained and/or educated in providing massage services, and this chapter provides reasonable safeguards against injury and economic loss.

D. There is opportunity for acts of prostitution, lewdness, and other unlawful sexual activity to occur in massage establishments, as well as problems relating to human trafficking in massage establishments. Courts have long recognized massage as a pervasively regulated activity and that massage establishments are often brothels in disguise. The establishment of reasonable standards for issuance of permits and restrictions on operations would serve to reduce the risk of illegal activity and would thereby benefit the public health.

E. The provisions of this chapter are intended to enhance the efficient processing of permits for massage establishments, owners and managers and the ongoing regulation of those permittees and certificate holders by the city. The provisions of this chapter in no way limit the authority of the city to inspect massage establishments or conduct investigations to ensure permittees are complying with applicable rules and regulations.

F. The restrictions and requirements contained in this chapter are intended to stop the practice of massage establishments changing ownership upon the discovery of criminal activity by law enforcement authorities.

G. The restrictions and requirements contained in this chapter are intended to be in addition to, and not in lieu of, (i) the requirement to obtain a valid business license issued pursuant to Chapters 5.04 (Business Licenses General) and 5.08 (Business License Taxes) of Title 5 (Business Licenses and Regulations) of the El Monte Municipal Code; (ii) where applicable, the requirement to separately apply for and secure any discretionary land use approvals

required under Title 17 (Zoning) of the El Monte Municipal Code; (iii) the requirement to obtain any and all building permits required under Title 15 (Building and Construction) of the El Monte Municipal Code; (iv) the requirement to obtain any certificate of occupancy or temporary certificate of occupancy required under Chapter 17.16 (Certificate of Occupancy) of Title 17 (Zoning) of the El Monte Municipal Code; or (v) or any other permit, authorization or approval which may be required under the laws of the United States of America, the State of California, the County of Los Angeles, the El Monte Municipal Code or any other public agency or entity with jurisdiction over the applicants profession or business operations.

H. The regulations and restrictions contained in this chapter are intended to discourage massage establishments from degenerating into houses of prostitution, and the means utilized in this chapter bear a reasonable and rational relationship to the goals sought to be achieved within the confines allowed by state law.

I. The provisions of this chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal service businesses.

J. The California Massage Therapy Council ("CAMTC") can better, and more efficiently, regulate massage technicians in order to best protect the public and it is in the public interest that all persons providing massage in the city have a certificate from CAMTC.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.020 - Definitions.

For the purpose of this chapter, the following words and phrases shall be construed to have the meanings set forth in this Section, unless it is apparent from the context that a different meaning is intended:

"California Massage Therapy Council" or **"CAMTC"** mean the nonprofit organization created to regulate and issue massage practitioner and therapist certificates pursuant to California Business and Professions Code Section 4600 et seq.

"CAMTC certificate" means a massage practitioner or massage therapist certificate issued by CAMTC.

"CAMTC identification card" means a massage practitioner or massage therapist identification card issued by CAMTC.

"Chief of Police" means the Chief of Police of the City of El Monte, or his designee.

"City" means the City of El Monte.

"City Manager" means the City Manager of the City of El Monte, or his designee.

"Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

"Conviction" or **"convicted"** means a conviction following a guilty plea, nolo contendere plea, or judgment or verdict where the time for appeal has elapsed or conviction has been

affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing the applicant to withdraw his plea of guilty or nolo contendere and to enter a plea of not guilty, or dismissing the accusation or information.

"Employee" means any person, other than a massage practitioner, massage therapist, or operator, who renders any service, with or without compensation, to the operator or agent of an operator of a massage establishment relating to the day-to-day operation of the massage establishment whether as an employee or independent contractor.

"Finance Director" means the Finance Director of the City of El Monte, or his designee.

"Main entry door" means a door from the outside of the establishment leading into the reception area.

"Manager" means the person(s) designated by the owner of the massage establishment to act as the representative and agent of the owner in managing day-to-day operations with corresponding responsibilities. Evidence of management includes, but is not limited to, the ability of the individual to direct, hire, and/or dismiss employees, control of hours of operation of the massage establishment, create policies or rules, purchase supplies for the massage establishment, and ensure that the massage establishment complies with the requirements of this code and other laws. A manager may also be an owner. A manager must have a valid operator permit.

"Massage" means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purpose. "Massage" includes, but is not limited to, treatment by means of manual pressure, acupressure, friction, stroking, kneading, rubbing, tapping, pounding, vibrating, with or without the aid of or by means of any mechanical, electronic, or electrical apparatus or appliance, and with or without rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations. Massage specifically includes the application of any of these methods to the scalp, neck, or feet of any individual. (Some persons practicing massage may be exempt all or parts of the permit requirements, please consult Section 5.56.030).

"Massage establishment" means any enterprise or establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any of the activities set forth in the definition of "massage" in this section.

"Massage establishment certificate" means the certificate issued by the Finance Director entitling a business to be operated as a massage establishment.

"Massage practitioner" means a person who is certified as such by CAMTC in accordance with the Massage Therapy Act.

"Massage technician" means a massage practitioner or massage therapist certified by the CAMTAC in accordance with the Massage Therapy Act.

"Massage therapist" means a person who is certified by the CAMTC in accordance with the Massage Therapy Act.

"Massage Therapy Act" means Chapter 406 of the 2013—2014 legislative session as the same may be amended from time to time.

"Operator" means all persons who are the owners of a massage establishment as well as all persons who serve as the designated manager(s) of a massage establishment.

"Operator permit" means the permit issued by Chief of Police allowing a person to own and/or manage a massage establishment.

"Out-call massage" means and refers to massage services performed or otherwise provided for compensation at a location within the city other than a massage establishment.

"Owner" means all of the following:

(i) The sole provider or sole proprietor of a massage establishment/business entity, i.e., where the owner is the only person performing massage at that establishment and is also the holder of a state certificate;

(ii) In the case of a general business, each owner of the business entity;

(iii) In the case of a business entity that is a corporation, each stockholder holding more than ten (10) percent of the corporation and each officer and director of the corporation;

(iv) In the case of a business entity that is a partnership of any variety, each partner, excluding limited partners owning less than ten (10) percent of the partnership, and where a partner is a corporation, the provisions pertaining to a corporate applicant in subsection C apply;

(v) Any person who is a member of a limited liability company that owns a massage establishment;

(vi) All owners/members of any other type of business entity that owns a massage establishment.

"Patron" means an individual on the premises of a massage establishment for the purpose of receiving a massage.

"Permit" means an operator permit or massage establishment certificate, unless the context dictates otherwise.

"Permittee" means any person who has obtained an operator permit or massage establishment certificate from the city.

"Person or business entity who has engaged in disqualifying conduct" means a person or business entity who:

(i) Within ten (10) years preceding the date of filing of the application in question or, in the case of revocation proceedings, within ten (10) years preceding the date of the revocation notice, has been convicted in a court of competent jurisdiction of any of the following:

1. A violation of any provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or
2. Conduct in violation of Penal Code Sections 266h, 266i, 314, 315, 316, 318, 653.22, 653.23, or subsections (a), (b) or (d) of Section 647, or
3. An attempt to commit or conspiracy to commit any of the above mentioned offenses, or
4. When the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of Penal Code Section 415, 602 or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or
5. A violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Section 11054, 11055, 11056, 11057 or 11058, or
6. Any offense under a statute of any state or ordinance of any city or county, which is the equivalent of any of the aforementioned offenses.

(ii) Within ten (10) years preceding the date of the filing of the application in question or, in the case of revocation proceedings, within ten (10) years preceding the date of the revocation notice, has had any massage establishment, operator, technician, practitioner, therapist or trainee certificate, license or permit issued by any state, local agency or other licensing authority, including the CAMTC, denied, revoked or suspended for any reason other than lack of sufficient education; or has had to surrender such a certificate, license or permit as a result of pending criminal charges or administrative proceedings for suspension or revocation of any such certificate, license or permit; or

(iii) Within five (5) years preceding the date of filing of the application in question or, in the case of revocation proceedings, within five (5) years preceding the date of the revocation notice, has been convicted in a court of competent jurisdiction of any of the following:

1. Any crime, other than an infraction or those listed above, involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or another, or substantially injure another; or
2. Any crime, other than an infraction or crimes relating to those offenses listed above, where the crime or act is substantially related to the management or ownership of a massage establishment or the practice of massage; or

(iv) Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Sections 11225 through 11235 of the Penal Code as the same may be amended from time to time, or any similar provisions of law in a jurisdiction outside the State of California; or

(v) Has been found to be maintaining a nuisance in connection with the same or similar type of business.

"Proof of bona fide employment" means proof of an employer-employee relationship between the operator of the massage establishment and any person working at the massage establishment. Satisfactory proof of bona fide employment must be shown by written payroll documentation evidencing the employer's compliance with California Employment Development Department (EDD) requirements for the withholding of California income tax, unemployment insurance contributions and disability contributions from the employee and written payroll documentation of the employer's compliance with Internal Revenue Service (IRS) requirements for the withholding of federal income taxes, Social Security (FICA) and Medicare contributions from the employee. Such written documentation can include, but is not limited to, W-2 wage and tax statements.

"Reception area" means an area immediately inside the main entry door of the massage establishment dedicated to the reception and waiting of patrons and visitors of the massage establishment and which is not a massage room or otherwise used for the provision of massage services.

"Residence address" means the actual physical home address and shall not include a P.O. Box, mailbox service, or other similar location.

"Sexually-oriented material" means any element of sexually-oriented merchandise or any books, periodicals, magazine, photographs, drawings, sculptures, motion pictures, videos, slides, films, or other written, oral or visual representations which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical parts.

"Sole provider" means a massage business where the owner owns one hundred (100) percent of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active CAMTC certificate, and has no other employees or independent contractors.

"Spa" means facilities such as mineral baths, salt rooms, mineral rooms, saunas, steam rooms, whirlpools and other therapeutic baths.

"Specified anatomical areas" mean any of the following human anatomical areas: genitals, pubic area, buttocks, anus, female breasts below a point immediately above the top of the areolae, without a health care referral and written consent of the patron.

"Visitor" means a nonemployee who has entered the massage establishment for purposes other than receiving services.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.030 - Exceptions.

A. Complete Exception. The requirements of this chapter shall have no application and no effect upon and shall not be construed as applying to:

1. Any physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist licensed to practice such profession in the State of California, within the scope of their license; or

2. Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the State of California, who is an employee of and working under the on-site direction of a physician, surgeon, chiropractor, osteopath, or physical therapist, duly licensed to practice their respective professions in this state.

    a. Any other person providing massage services that is employed by a physical surgeon, chiropractor, osteopath, or physical therapist shall be required to have a valid CAMTC certificate, as well as work under the on-site direction of such physician, surgeon, chiropractor, osteopath, or physical therapist.

    b. If a duly licensed acupuncturist wishes to provide massage therapy to his or her clients by an individual(s) other than him- or her-self, said individuals(s) must have a valid CAMTC certificate and the office of the acupuncturist shall be subject to all the provisions of this chapter, as well as any other applicable provisions of this code.

3. Any person licensed to practice any healing art under the provisions of California Business and Professions Code Division 2, commencing with Section 500, when engaging in such practice within the scope of such license.

4. State-licensed hospitals, nursing homes, sanatoriums, or other healthcare facilities duly licensed by the State of California, and the employees of such facilities while working on the premises of such state-licensed facilities.

5. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

6. Barbers, beauticians, or manicurists who are duly licensed by the State of California pursuant to the Barbering and Cosmetology Act set forth in Business and Professions Code Section 7300 et seq., as the same may be amended from time to time, while engaging in practices within the scope of such license, except that this exemption applies solely for the massaging of the neck, face, and/or scalp of the customer or client of said barber or beautician or, in the case of a licensed manicurist, the massaging of the forearms, hands, calves, and/or feet at a state licensed facility. However, if a state licensed establishment also has a massage establishment certificate from the city to operate as a massage establishment, the business must also comply with all provisions of this chapter.

7. Schools of cosmetology or barbering which comply with the requirements of Business and Professions Code Section 7362 et seq. when instructors are acting within the scope of their employment or when students are working as unpaid externs pursuant to the requirements of Business and Professions Code Section 7395.1.

8. Any other business or professions exempt by state law.

B. Partial exemption.

1. Businesses that offer massage services that are ancillary to the primary business shall only be required to comply with the provisions set forth subsection (B)(2) of this section. Ancillary massage services shall be those services where less than twenty (20) percent of the gross floor area of the business is devoted to massage.

2. Massage services provided under (B)(1) of this section shall be required to comply with the following:

   a. Massage services must be performed by the holder of a valid CAMTC certificate.

   b. The business shall comply with the following provisions of this chapter:

      (i) Section 5.56.130(A) relating to hours;

      (ii) Section 5.56.130(C) relating to instruments, equipment, and personnel;

      (iii) Section 5.56.130(D) relating to personnel lists;

      (iv) Section 5.56.130(E) relating to prohibited conduct;

      (v) Section 5.56.140 relating to building and facility requirements; and

      (vi) Section 5.56.150 relating to inspections.

C. Evidence of Exception. Any person claiming exception under this section shall furnish satisfactory evidence upon request that he or she is entitled to such exception, including, proof of bona fide employment, or if applicable, a citation to the particular provision of state law upon which that person relies.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.040 - Business license and other permits required.

A. No permit or other authorization granted pursuant to this chapter shall in any way relieve any person or business entity from the separate obligation to: (i) obtain a valid business license issued pursuant to Chapters 5.04 (Business Licenses General) and 5.08 (Business License Taxes) of Title 5 (Business Licenses and Regulations) of the El Monte Municipal Code; and (ii) as appropriate, the obligation to apply for and secure any discretionary land use approvals required under Title 17 (Zoning) of the El Monte Municipal Code; any and all building permits required under Title 15 (Building and Construction) of the El Monte Municipal Code; any certificate of occupancy or temporary certificate of occupancy required under Chapter 17.16 (Certificate of Occupancy) of Title 17 (Zoning) of the El Monte Municipal Code; or any other permit, authorization or approval which may be required under the laws of the United States of America, the State of California, the County of Los Angeles, the El Monte Municipal Code or any other public agency or entity with jurisdiction over the applicants profession or operations.

B. Any person applying for a business license as a massage practitioner or a massage therapist shall provide proof of a current CAMTC certificate before being issued a business license.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.050 - Floor plans required.

A. All massage establishments shall be required to submit a scaled floor plan as part of their application for a massage establishment certificate.

B. All businesses that claim a partial exemption from this Chapter pursuant to subsection 5.56.030(B) shall be required to submit scaled floor plans in order to verify the applicability of the exemption.

C. Once the floor plan has been approved, no changes can be made without written approval from the city.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.060 - CAMTC certificate required (massage practitioners and massage therapists).

A. No person shall perform or provide the services of massage for compensation, including out-call massage, from any location in the city without having been issued a CAMTC certificate, regardless of whether such person is the holder of an operator permit or the massage establishment where the person provides such massage services possesses a valid massage establishment certificate.

B. Any holder of a CAMTC certificate who desires to own, operate and/or manage a massage establishment, must obtain an operator permit in accordance with this chapter.

C. No massage establishment shall hire as an employee or utilize as an independent contractor any person to perform massage unless such person has been issued a CAMTC certificate.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.070 - Certificate and permit required (massage establishment certificate and operator permit).

A. No person shall own, operate or manage a massage establishment in any location within the city without first having obtained an operator permit. No business entity shall own, operate or manage a massage establishment unless the persons whose names must be included in any application submitted on behalf of a business entity each obtain an operator permit as required under Section 5.56.080, below.

B. No massage establishment shall be allowed to operate within the city unless the business first obtains a massage establishment certificate. No massage establishment shall be allowed to operate unless the establishment has identified and designated all person(s) who shall act as the operator(s) and/or manager(s) of the massage establishment and such operator(s) and/or manager(s) each become the holders of an operator permit as required under Section 5.56.080, below.

C. Any person or business entity desiring to obtain a massage establishment certificate and/or an operator permit shall make application in accordance with the provisions of this chapter, which application shall be accompanied by a nonrefundable fee in an amount established by resolution of the City Council.

D. All applications shall be dated and shall contain the following statements:

1. A certification under penalty of perjury that the information contained in the application is true and correct; and

2. An authorization for the city, its officers, agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and to ensure continual compliance with all applicable provisions of law.

3. The provisions of Sections 5.56.050, 5.56,130, 5.56.140, 5.56.150, and 5.56.160 shall apply to any business that operates as a massage establishment, even if such business fails to obtain a massage establishment certificate or an operator permit. The city may immediately order any business that fails to have a massage establishment certificate or an operator permit to cease operation.

4. Within thirty (30) business days following the receipt of a completed application the Finance Director shall either issue the massage establishment certificate and the Chief of Police shall issue an operator permit or mail a written statement for denial thereof. Notwithstanding the above, failure of the city to act upon a completed application within the time frame set forth above shall not be deemed approval of the application pursuant to this chapter. Any massage establishment certificate or operator permit issued pursuant to this subsection shall be deemed conditional pending the city's receipt of the California Department of Justice report on the relevant applicant's fingerprints. If the fingerprint report demonstrates that the applicant has made any false, misleading, or fraudulent statement of material fact in the permit application or in any report or record required to be filed therewith, or discloses any disqualifying conduct, the permit shall be subject to denial or revocation pursuant to this chapter.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.080 - Operator permit.

A. Application—Contents. Applicants for operator permits shall submit the following information to the El Monte Police Department on a form supplied by the department:

1. The full true name of the applicant;

2. A complete statement listing and explaining any and all aliases and fictitious names used by the applicant within the ten (10) years immediately preceding the application;

3. The current residence address and business address and current residence and business telephone number of the applicant;

4. A list of all previous residential and business addresses for a minimum of eight (8) years immediately preceding the present address of the applicant and the dates of residence for each address;

5. The applicant's place of birth, and original documentation to verify both the applicant's identity and employment authorization (if applicable), as listed under 8 USC 1324a(b)(1) and 8 CFR 274a.2(b)(1). Documentation to satisfy this requirement may include, but is not limited to, a California driver's license, California identification card,

Social Security card, resident alien ("green") card, United States passport (unexpired), unexpired foreign passport that contains a temporary 1-551 stamp, or an unexpired employment authorization document issued by the United States Government in compliance with 8 CFR 274a.2(b)(1)(v)(A);

6. The history of the applicant as to any similar business or occupation within ten (10) years immediately preceding the filing of the application. Such information shall include, but not be limited to, the names and addresses of any other massage establishments or similar businesses the applicant has owned, managed, provided massage services at, or worked at, whether the applicant has had a permit or license to operate, manage, provide massage services at, or work at a massage establishment denied, revoked or suspended in any jurisdiction; the reasons for any such denial, revocation or suspension; and the business, activity or occupation the applicant engaged in subsequent to such denial, revocation or suspension;

7. All criminal convictions within the last ten (10) years and the date and place of each such conviction and reason therefor, excluding minor traffic violations;

8. Such other reasonable identification and information as the Chief of Police may require in order to discover the truth of the matter specified as required to be set forth in the application; and

9. The applicant shall have his or her picture taken by the El Monte Police Department or otherwise supply a recent photograph of the applicable as directed by the Police Department; and

10. An acknowledgment that, by applying for an operator permit, the applicant understands that they are responsible for all violations of employees or independent contractors that may take place in the massage establishment which they own or manage, and that such violations are grounds for revocation of the operator permit.

B. Once the information required by subsection A is submitted, the applicant shall have his/her fingerprints taken for a criminal history background (Livescan) check in the manner directed by the El Monte Police Department.

C. The Chief of Police shall issue the operator permit, unless after investigation he or she makes any of the following findings:

1. The applicant has failed to provide any or all information, documentation and assurances required by this chapter or by the Chief of Police; has failed to reveal any fact material to qualification; or has supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria; or

2. The applicant is a person or business entity who has engaged in disqualifying conduct; or

3. There is substantial evidence that the applicant has engaged in disqualifying conduct, even if there is no conviction for such conduct; or

4. The applicant has violated any provision of this chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage establishments; or

5. The applicant is not at least eighteen (18) years of age; or

6. The applicant is delinquent in paying city fees or penalties owed in relation to any permit issued pursuant to this chapter.

D. Permits issued pursuant to this section shall remain in effect, unless revoked, for a period of one year. Applications for the renewal of a permit shall be filed on a form supplied by the city with the Chief of Police. Temporary permits shall not be issued and expired permits are not valid unless the permittee has a written receipt showing that the renewal application was filed at least thirty (30) days prior to expiration. Renewal applications shall be signed under penalty of perjury and shall be accompanied by a nonrefundable filing fee established by resolution of the city council. A permittee shall be required to update the information contained in his or her original permit application and provide any new and/or additional information as may be reasonably required by the Chief of Police in order to determine whether said permit should be renewed, including all information required by subsection A of this section. Failure to provide this documentation shall be grounds for nonrenewal of the permit.

E. If the criminal history background check report demonstrates that the applicant has made any false, misleading or fraudulent statement of material fact in the permit application or in any report or record required to be filed therewith, or discloses any disqualifying conduct, the permit shall be subject to denial.

F. Automatic issuance and renewal for CAMTC certificate holders.

1. Any person who holds a valid CAMTC certificate shall only be required to provide the following information on a form that also includes the statements set forth in subsection 5.56.070(D).

   a. The full true name of the applicant;

   b. The current residence and business address and current residence and business telephone of the applicant; and

   c. The name and address of the massage establishment for which the operator permit is being sought.

2. A copy of the applicant's CAMTC certificate and CAMTC identification card shall be provided with the application, along with a fee in an amount set by resolution of the City Council.

3. The applicant shall be required to have his or her picture taken as specified above.

4. The operator permit shall automatically be issued upon completion of the form and verification of the validity of the CAMTC certificate by the Police Department. No background check shall be required.

5. Renewals shall be required in accordance with subsection D of this section, but such renewals shall be automatic so long as the permittee maintains and provides a copy of his or her valid CAMTC certificate.

G. Every person to whom an operator permit has been granted pursuant to this chapter shall be issued an identification certificate/badge by the Police Department which shall contain the person's name, photograph, expiration date and any other information deemed necessary by the Chief of Police. The identification certificate/badge shall be worn so as to be readily visible at all times while on the premises of the massage establishment.

H. Permits issued pursuant to this chapter may not be assigned or transferred.

I. It is the duty of each operator or manager to notify the Chief of Police and Finance Department whenever there is a change in information which was required to be submitted in the application for the operator permit in the first instance. Such notification shall be in writing and made within ten (10) business days of the change on a form provided by the city.

J. Each operator of a massage establishment shall be responsible for the conduct of all employees and independent contractors working on the premises of the business. Failure of the employees or independent contractors to comply with this chapter may result in the revocation of the operator's permit.

K. The operator of the massage establishment is responsible for verifying that all persons hold the appropriate CAMTC certificate as required by this chapter.

L. Any requirements of this chapter applying to an operator of a massage establishment shall apply to each and every operator of such massage establishment.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.090 - Massage establishment certificate.

A. Applications for a massage establishment certificate shall be filed with the Finance Department and shall include the information set forth below.

1. The full name of the applicant;

2. The name under which the business is to be conducted, which name must match the name of the business under which the corresponding business license is issued under Chapter 5.04 of the El Monte Municipal Code. No massage establishment business shall operate under any business name or conduct business under any designation not specified in the massage establishment certificate. If the applicant is a corporation, the name shall be exactly as shown on the articles of incorporation or on a valid DBA ("doing business as");

3. The address of the proposed massage establishment, a detailed floor plan indicating how the use is proposed to be conducted within the premises, and a description of any other business operated on the same premises;

4. The full name of each manager and operator of the massage establishment;

5. A detailed floor plan drawn to scale showing entrances, exits, windows, interior doors, restrooms, all other separately enclosed rooms with dimensions, including, but not limited to closets, storerooms, break rooms, and changing rooms; location of massage tables and chairs;

6. The full name, address, and phone number of the legal owner of the property, if other than the applicant, on which the massage establishment is to be located; and

7. The hours and days of operation.

B. The Finance Director shall issue a massage establishment certificate upon verification of the following:

1. The massage establishment complies with all applicable laws, including, but not limited to building, fire, zoning, health and safety regulations, as well as any conditions which have been imposed to comply with such laws; and

2. Each person identified and designated as an operator or manager has obtained an operator permit.

C. Every massage establishment for which a massage establishment certificate has been granted pursuant to this chapter shall display the certificate in a conspicuous place so it may be readily seen by persons entering the premises.

D. A massage establishment certificate is not transferable to a separate location of the same business, to a different business at the same location, or to the same business under different ownership at the same location.

E. It is the duty of each owner, manager and/or operator of a massage establishment to notify the Finance Department whenever there is a change in information which was required to be submitted in the application for the massage establishment certificate in the first instance. Any sale or transfer of any reportable interest of an owner in a massage establishment, which interest would be required to be reported under subsection A of this section in the first instance, shall render the massage establishment certificate temporarily suspended and subject to revocation in accordance with the provisions of this chapter unless, prior to the effective date of such sale or transfer, the new owner applies for and obtains an operator permit.

F. Notwithstanding any other provision(s) of this code to the contrary, where a notice of intent to suspend or revoke, or a notice of suspension or revocation has been issued regarding a massage establishment, or the business has otherwise been required to close because of suspension or revocation proceedings against the operator, the Finance Department shall not process or issue a new application for a massage establishment certificate for said location unless or until the revocation or suspension proceedings are dismissed or a final determination is made that the current massage establishment certificate should not be suspended or revoked, or a two-year period has passed since the occurrence of the activity which gave rise to the suspension or revocation proceedings or other criminal actions.

G. Notwithstanding any other provision(s) of this code to the contrary, when a massage establishment has been closed due to criminal activity and such decision is final, no new massage establishment may open in such location and no massage establishment certificate shall be issued for such location for a period of two (2) years from the date of such final determination. For purposes of this section, closure due to criminal activity includes voluntary closure of the business after there have been arrests at the location or other notices relating to criminal activity or notices relating to suspension or revocation proceedings.

H. Where the applicant for the massage establishment certificate is not the record owner, as shown on the latest county assessment roll, then upon issuance of the massage establishment certificate, the city shall send written notice to the property owner advising of the issuance of the certificate and a copy of this chapter in order to advise of the regulations applicable to the message establishment and the property.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.100 - Suspension and revocation of permits and certificates.

A. Subject to the procedures set forth in this section, the Chief of Police may suspend or revoke a permit or certificate issued pursuant to this chapter whenever the Chief of Police determines that any of the following has occurred:

1. The permittee, employee, or independent contractor working on the premises is conducting operations in a manner contrary to the provisions of this code;
2. The permittee, employee, or independent contractor working on the premises is conducting operations in a manner which constitutes a public nuisance;
3. The permittee, employee, or independent contractor working on the premises is conducting operations in a manner which is detrimental to the health, safety, and/or welfare of the city or its inhabitants;
4. There is substantial evidence of prostitution;
5. The permittee, employee, or independent contractor working on the premises is a person who has engaged in disqualifying conduct, as defined in Section 5.56.020; or
6. The Chief of Police makes any of the findings that would have justified denying the application in the first instance.

B. If, in the discretion of the Chief of Police, an alleged violation is minor and capable of correction, then prior to suspension or revocation, a written notice shall be given to the permittee of the alleged violations involved to allow a period of time to correct the alleged violation(s), which period shall not exceed five (5) business days, at the end of which period an inspection shall be conducted to determine whether the alleged violations(s) has been corrected. For purposes of this section, written notice shall include either a notice violation or an administrative citation.

C. If the Chief of Police determines that an alleged violation is not minor or capable of correction, that an alleged violation(s) continues without correction, or that there have

been previous violations of this chapter, even if for difference reasons, then the Chief of Police may issue a notice of intent to suspend or revoke, along with an administrative or criminal citation. Examples of a violation which will be determined by the Chief of Police to be not capable of correction include, but are not limited to, substantial evidence of prostitution activity on the premises of the massage establishment or an immediate threat to the public health, safety, or welfare.

D. Notice of Intent to Suspend or Revoke. A notice of intent to suspend or revoke shall contain a statement of an alleged violation(s) which constitutes the basis for the suspension or revocation, notice of the right of the permittee to respond to the charges, either orally or in writing to the Chief of Police for a pre-appeal determination, notice of the right to appeal to the City Manager, and notice that a failure to respond in the time specified shall constitute a waiver of the right to respond, but not the right to appeal. If an alleged violation is capable of correction, the notice shall also advise the permittee to correct the alleged violation(s) within the time to respond.

E. Reponse to notice of intent/pre-appeal determination.

1. The time to respond and request a pre-appeal determination shall be five (5) business days from the date of service of the notice, regardless of whether the materials upon which the notice of intent is based are provided to the permittee at that time.

2. If there is no response, the permit shall be considered suspended or revoked upon the expiration of time in which to respond request a pre-appeal hearing.

3. If there is a response, the permit shall remain in effect until a determination is made by the Chief of Police. In no event shall the Chief hold a hearing until at least five (5) business days have passed from the time the city provides the materials upon which the notice of intent is issued to the permittee.

F. Suspension or Revocation.

1. If, after consideration of the permittee's response, the Chief of Police determines that the notice of intent to suspend or revoke should be upheld, then the Chief of Police shall issue a notice of suspension or revocation and serve it upon the permittee as well as any other interested person requesting a copy of the same. Where all massage activity is required to cease, notice shall also be served on the owner of the property if different from the operator or certificate holder. The notice shall include information about the right of appeal.

a. Upon issuance of a notice of suspension or revocation of a massage establishment certificate, all massage activity at the relevant massage establishment shall cease and no activity for which the massage establishment certificate is required shall be conducted while any appeal may be pending.

b. Upon issuance of a notice of suspension or revocation of an operator permit, the operator must cease all work at the relevant massage establishment. If there is no other person who has an operator permit which is not the subject of a suspension or revocation proceeding, then all massage activity at the massage establishment

shall also cease and no massage activity shall be conducted while any appeal may be pending.

G. Surrender of massage establishment certificate and permits. Any permittee shall immediately surrender his or her permit or certificate to the Chief of Police upon its suspension or revocation.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.110 - Appeals to city manager.

A. Appeals.

1. Appeals shall be in writing and filed with the Clerk within the following time frames:

   a. Appeals from any decision of the Chief of Police or Finance Director to deny a permit shall be in writing, shall clearly state the applicable basis for the appeal, and shall be filed with the City Clerk not later than ten (10) calendar days following the giving of a notice of denial.

   b. Appeals from a notice of intent to suspend or revoke a permit where no response is filed in accordance with Section 5.56.100(E) above shall be filed not later than ten (10) calendar days following the expiration of the response period.

   c. Appeals form a notice of suspension or revocation issued after a response is filed in accordance with subsection 5.56.100(E) above shall be filed not later than ten (10) calendar days following the giving of the notice of suspension or revocation.

2. The City Clerk shall not accept an appeal pursuant to this section unless the appellant has paid a filing fee, in an amount set by resolution of the City Council, to defray the cost of such appeal. Any appeal without timely payment of fees shall be considered to be untimely.

3. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the written appeal, as submitted pursuant to subsection (A)(1) of this section.

B. City Manager Action.

1. Upon receipt of a timely filed appeal, the City Clerk shall set the matter for hearing before the City Manager. The hearing shall be held not fewer than ten (10) calendar days nor more than thirty (30) calendar days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties. For the purposes of this section, "City Manager" may include a hearing, officer appointed by the City Manager to act in his or her place.

2. The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least seven (7) calendar days prior to the hearing.

3. At the time of such hearing, the City Manager shall review the records and files related to the decision.

a. The City Manager shall permit any interested person to present any relevant evidence bearing upon the issues involved in the matter.

b. In conducting the hearing, technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

c. In determining whether a person should be disqualified for meeting the definition of a "person who has engaged in disqualifying conduct," as defined in Section 5.56.020, the City Manager may consider the nature and severity of the act(s) or crime(s), whether there were any additional subsequent act(s) or crime(s), and/or the number of act(s) or crime(s), and how recent the act(s) or crime(s) occurred.

4. The appellant shall have the burden of proving that he or she meets the requirements for issuing the permit or certificate in the first instance. The city shall have the burden in proving that grounds exist for revoking or failing to renew a permit.

5. Based upon the evidence presented at the hearing, the City Manager shall determine whether the decision should be affirmed, modified, or reversed.

6. The City Manager's decision shall be communicated in writing to the appellant within ten (10) working days after the close of the hearing and submission of the matter to the City Manager for decision. The City Manager's decision shall state whether the decision is affirmed, modified, or reversed and the reasons therefor.

7. The City Manager's decision shall include notice that the decision is final and conclusive and judicial review may be sought by writ of mandate.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.120 - Notices.

A. All notices required to be given pursuant to this chapter shall be served on the responsible party (i.e. permittee, applicant, appellant, or representative thereof) either by personal delivery or by deposit in the United States Mail in a sealed envelope postage prepaid addressed to such responsible party as the name and address appear in the most recent application on file with the city. Service by mail shall be deemed to have been completed on the date deposited in the mail. Notices shall include information regarding appeal rights and a statement that the failure to file an appeal shall constitute a failure to exhaust administrative remedies.

B. In all cases where the permit or certificate holder is not the property owner, notices shall also be sent to the property owner of record where the notice relates to possible closure of the business due to suspension or revocation.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.130 - Operational requirements.

A. Hours and conditions of operation.

1. No massage establishment shall operate nor shall any massage be administered in any massage establishment between the hours of 11:00 p.m. and 7:00 a.m. A massage begun any time before 11:00 p.m. must nevertheless terminate at 11:00 p.m. The hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in any front window clearly visible from outside of the massage establishment. These hours of operation may be modified pursuant to a conditional use permit.

2. During hours of operation, no person other than the holder of a valid permit or patron shall be allowed beyond the front lobby of the massage establishment.

3. Patrons and visitors shall only be permitted in the massage establishment during the hours of operation.

   a. Visitors shall only be permitted in the reception area of the massage establishment.

   b. Patrons shall only be permitted in massage treatment areas if at least one massage technician is on the premises.

4. The massage establishment shall be supervised during all hours of operation by a manager who is one of the operators specified in the applicable permit application. The name and photograph (minimum size of four (4) inches by six (6) inches) of the on-duty manager shall be posted in a conspicuous public place in the lobby of the massage establishment at all times that the business is open. This provision shall not apply to sole providers.

5. No massage establishment shall be used for residential purposes. There shall be no massage tables, cots, or beds in the establishment other than shown on the approved floor plan. Locker facilities shall be provided for all employees and independent contractors and all personal items of the employees independent contractors shall be kept in the lockers while at the massage establishment.

B. Posting requirements. In addition to any other requirements for posting set forth in this chapter, the following shall also apply:

1. A recognizable and legible sign complying with the requirements of this chapter shall be posted at the main entrance identifying the establishment as a massage establishment.

2. A list of each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in English and such other languages as may be convenient to communicate such service, in a conspicuous public location in each massage establishment. No services shall be performed and no sums shall be charged

for such services other than those posted. Nothing herein prohibits a voluntary tip from being paid by the patron.

3. Any posted signs which are in a language other than English shall also be posted in English. Any brochures, cards, flyers or other similar hand-out materials distributed to patrons on site which are in a language other than English shall also contain a translation in English.

C. Instruments, equipment, and personnel.

1. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage and said instruments shall be disinfected and sterilized after each use.

2. Massages shall be administered only on standard or portable massage tables or chairs which are covered with a durable, washable plastic or other acceptable waterproof material. Beds, mattresses, water beds, futons, sofa beds, any type of portable or convertible beds, and foam pads more than four (4) inches thick or with a width of more than four (4) feet shall not be permitted in the establishment.

3. No massage technician shall massage the genitals or any anal area of any patron, nor shall any operator of a massage establishment allow or permit such massage to the above-specified areas.

4. No massage technician shall massage the breasts of a female patron without the written consent of the person receiving the massage and a referral from a licensed California health care provider, nor shall any operator of a massage establishment allow or permit such a massage to the above-specified area.

5. A massage shall not be given and no patron shall be in the presence of any massage establishment staff unless the patron's genitalia, and, if a female patron, the female patron's breasts, are fully covered by a fully opaque, nontransparent covering.

6. Massage technicians shall not be dressed: in attire that is transparent, see-through, substantially exposes undergarments, or exposes the masseuse's breasts, buttocks, or genitals; in a manner which has been deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the profession in California; or in swim attire unless such person is providing CAMTC approved water-based massage modality.

7. All massage establishments shall be so equipped, maintained and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present effective control measures shall be instituted for their control or elimination.

8. Clean and sanitary towels, sheets and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person and then discarded into a sanitary receptacle.

9. All massage tables must be at least two (2) feet away from walls at all times.

D. Personnel lists.

1. Within seven (7) calendar days of receiving a massage establishment certificate, the operator shall provide the Police Department with: a complete list of all massage technicians who are working or will work, be employed, or provide massage services in the massage establishment; a copy of the CAMTC certificate and CAMTC identification card for each such massage technician; and the name and residence address of the manager principally in charge of the operation of the massage establishment and of any other manager.

2. The operator shall have a continuing obligation to notify the Chief of Police in writing of any change to the list provided pursuant to subsection (D)(1) of this section within seven (7) calendar days of such change, including but not limited to, changes in massage technicians and managers.

3. The operator shall maintain copies of each massage technician's CAMTC certificate and CAMTC identification card on file on the premises of the massage establishment which shall be available to any individual upon request. Additionally, the operator shall be required to file copies of each such CAMTC certificate and CAMTC identification card with the Police Department within seven (7) days of a massage technician beginning to work at the massage establishment. Information required by this section shall be maintained at the massage establishment for a minimum of two (2) years following the date that the person ceases providing services/employment to the massage establishment.

4. The operator shall maintain on the premises of the massage establishment a register of all non-state certified persons employed, working or providing other services at the massage establishment. The register shall be maintained for a minimum of two (2) years following the time that the person ceases providing services/employment to the massage establishment. The operator shall make the register immediately available for inspection upon demand of a representative of the Police Department, the Neighborhood Services Division, or any other official charged with enforcement of this chapter. The register shall include but is not limited to the following information:

a. Name, nicknames and/or aliases;

b. Home address and relevant phone number, including but not limited to home, cellular and pager numbers;

c. Age, date of birth, gender, height, weight, color of hair and eyes;

d. The date of employment, and termination, if any;

e. The duties of each person; and

f. In a separate portion of the register, Social Security numbers, which shall only be available for review by the Police Department or other law enforcement

personnel, but not health officers or other officials charged with the enforcement of this chapter.

E. Prohibited conduct.

1. No alcoholic beverages shall be sold, served, or furnished on the premises of any massage establishment without a valid alcoholic beverage license from the State of California and a conditional use permit from the city.

2. No storage or sale of condoms or spermicides shall be permitted within the massage establishment.

3. No operator shall hire, employ or allow a person to perform massage services unless such person possesses a valid CAMTC certificate. Each operator of a massage establishment shall verify that all persons hold the appropriate CAMTC certificate required by this chapter. Nothing herein prevents an operator from hiring, employing, or allowing a person to perform services allowed by such person's cosmetology or barber license, if the business has a state establishment license in addition to a massage establishment certificate.

4. No person shall use or possess, nor shall there be any storage of any sexually-oriented implements or paraphernalia designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

5. No electrical, mechanical or artificial device shall be used by any massage establishment staff for audio and/or video recording or for monitoring the performance of a massage, of the conversation or other sounds in the massage rooms, without the knowledge and written consent of the patron.

6. No massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons or clients that any service is available other than those services described in this chapter and posted on the premises as required in this chapter, nor shall any massage establishment employ language in the text of any advertising that would reasonably suggest to a prospective patron that any service is available other than those services described in this chapter and posted on the premises as required by this chapter.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.140 - Building and facility requirements.

A. The building or unit within the building where the massage establishment is located shall comply with all applicable building code requirements.

B. All massage rooms and dressing rooms shall be screened off by hinged doors that can open inward. Swinging doors that open inward, draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner dressing rooms and massage therapy rooms or cubicles. Except for bathroom doors, interior doors may not have locks on them.

C. In addition to the minimum lighting required by applicable provisions of the El Monte Municipal Code, at least one artificial light equivalent to a minimum of forty (40) incandescent watts shall be provided and turned on in each room or enclosure where massage services are to be administered during the administration of such services. No dimmer switches shall be allowed in massage rooms. No strobe or flashing lights shall be used. No colors lights shall be used nor shall any coverings or other apparatus be used which changes the color of the light source.

D. Any locker facilities provided for the use of patrons shall be fully secured for the protection of the patron's valuables and the patron shall be given control of the key or other means of access.

E. The walls in all rooms where water or steam baths are given shall have a washable mold-resistant surface.

F. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned and disinfected each day the business in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use.

G. One main entry that enters into the reception area shall be provided for patron use. All patrons and any persons other than those providing services at the massage establishment shall be required to enter and exit through the front door of the establishment.

H. All exterior doors (except rear exterior doors used only for employee entrance to and exit from the massage establishment) shall remain unlocked during business hours, and the establishment shall comply with the provisions of the El Monte Municipal Code pertaining to the posting of signs stating that doors shall remain unlocked during business hours. Exits for fire safety purposes may be allowed where deemed necessary by the appropriate public safety agency. The foregoing notwithstanding, the front door may be locked if there is no staff available to assure security for the clients and massage establishment staff who are behind closed doors, provided that the massage establishment is owned by one individual with no more than one employee or independent contractor.

I. There shall be no buzzer alarm or intercom system.

J. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs or darkens the view into the premises or by signs that cover more than twenty-five (25) percent of any windowpane. The interior business shall be plainly visible form the exterior of the business by passing vehicles and pedestrians.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.150 - Inspections.

A. Representatives of the city's Police Department, the Los Angeles County Fire Department, the El Monte Code Enforcement Division, Community Development Department, and Finance Department, and agents for the Los Angeles County Department of Public Health and representatives of any state or local agencies with regulatory authority over massage establishments shall have the right to enter massage establishments, from time to time and without prior notice, during regular business hours, or at any time that the massage establishment is occupied or open for business, to verify the massage establishment is being operated in compliance with all applicable laws. Should the owner or operator of a massage establishment refuse such an inspection the local and/or state representatives shall secure an inspection or abatement warrant.

B. The operator shall cause to be conspicuously posted so that the same may be readily visible to persons in the reception area of the massage establishment, in letters that are a minimum of one inch, a notice in English which provides substantially as follows:

THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY AND HEALTH OFFICIALS

In addition, operators are encouraged to post this notice in language(s) that are best understood by the customers of the massage establishment.

C. No person shall refuse to permit, cause delay of, or interfere with a lawful inspection or compliance check of the premises by the officials listed in subsection A of this section at any time.

(Ord. No. 2878, § 9, 4-5-2016)

5.56.160 - Penalties.

A. It is unlawful for any person to engage in conduct that violates any provision of this chapter, to engage in conduct which fails to meet the standards set forth in this chapter, or to own, manage, or operate a massage establishment that is not fully in compliance with the operational standards set forth in this chapter.

B. Any violation of this chapter shall be a misdemeanor unless, in the sole discretion of the City Prosecutor, it is charged as, or reduced to, an infraction. Citations and warning notices may be utilized as determined appropriate to the circumstances by the enforcing personnel.

C. In addition to the above, any massage establishment operated, conducted or maintained contrary to the provisions of this chapter shall be and is declared to be unlawful and a public nuisance and the city may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinment thereof, in the manner provided by law, including any code enforcement procedures established pursuant to the laws of the State of California or the City of El Monte; and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or

maintaining a massage establishment contrary to the provisions of this chapter. If an injunction is sought, attorneys' fees and costs will be assessed at the discretion of the court against the party subject to said injunction.

D. Any violation of the provisions of this chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

(Ord. No. 2878, § 9, 4-5-2016)

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Chapter 14.03 - TREE PROTECTION AND PRESERVATION

14.03.010 - Purpose and intent.

Tree protection and preservation is necessary for the health and welfare of the City of El Monte. Trees growing within the city are a natural, aesthetic resource, which help define the character of the city and provide many social, economic, and environmental benefits. Trees are worthy of protection in order to preserve the scenic beauty, prevent soil erosion, provide shade and wind protection, serve as a natural buffer between adjacent land uses, and counteract air pollution.

It is pertinent to the public peace, harmony, and welfare that such trees be protected from indiscriminate cutting or removal of mature trees, especially where such trees are located on properties that are slated for new development. Trees have a positive economic effect on the city by enhancing property values and making the city a more attractive place in which to live, visit, and do business.

This chapter establishes policies, regulations, and standards necessary to ensure that the city will continue to realize the benefits that a healthy urban forest provides. The provisions of this chapter are enacted to:

A. Establish polices for the protection of certain categories of trees and criteria for the removal the orderly (as opposed to indiscriminate) removal of such trees;

B. Protect the indiscriminate removal of healthy, mature trees within the city;

C. Prohibit the destruction, "severe pruning" and "topping" of mature, protected trees;

D. Maintain trees and mitigate hazards using the most current acceptable arboricultural standards and practices; and

E. Provide for the enforcement and administration of tree protection, there by promoting and protecting public health, safety and welfare and enhancing the quality of life.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.020 - Definitions.

For purposes of this chapter the following terms shall have the meaning set forth below:

"ANSI A300 Pruning Standards." Industry-developed, national consensus standards for the practice of tree care such as reasons to prune a tree may include, but are not limited to, reducing risk, managing tree health and structure, improve aesthetics, or achieving other specific objectives. Intended for use by federal, state, municipal, private entities including arborists, property owners, property managers, and utilities.

"Carve" means to take an object and scrape, cut, gouge, slice, or pierce through the bark of a live tree and remove pieces of the bark and tree, causing damage.

"Certified arborist" means a person who has demonstrated extensive knowledge regarding trees and their culture and holds a current arborist certificate by the International Society of

Arboriculture and/or is a Registered Consulting Arborist by the American Society of Consulting Arborists.

"Circumference measured at breast height." The measurement around the tree trunk that is measured at four and one-half (4½) feet above ground level. Trees that split into multi-trunks below four and one-half (4½) feet shall use the sum of each individual trunk measured at four and one-half (4½) feet above ground level to determine the circumferences.

"City-owned tree." Any tree in the public right-of-way, parks, parkway, median, easement and on other city-owned property.

"Destroy(s) or destruction." With regard to a tree, any physical state or condition in which a tree is dead or is so severely damaged that its death is imminent.

"Diameter at breast height (dbh)." A form of measurement of an existing tree trunk. Diameter is measured at four and one-half (4½) feet above ground level. Trees that split into multi trunks below four and one-half (4½) feet shall use the sum of each individual trunk measured four and one-half (4½) feet above the natural grade to determine the diameter

"Drip line." A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

"Hazard or hazardous condition." Any condition in a tree that poses a significant and imminent threat of serious injury or harm to the public or catastrophic damage to real property.

"Heritage Tree." The capitalized term **"Heritage Tree"** means any tree, shrub, or plant that meets one of the following criteria:

(i) Any woody plant having a single trunk circumference of thirty-six (36) inches or more measured at breast height, a point four and one-half (4½) feet above the natural grade;

(ii) Any multi-trunk tree whose multiple trunks have a combined circumference of seventy-five (75) inches or more measured at a point four and one-half (4½) feet above the root crown;

(iii) Any tree that is thirty-five (35) feet or more in height as measured from the root crown to the highest point above the root crown;

(iv) Any stand of trees the nature of which makes each dependent upon the others for survival;

(v) Any other tree as may be deemed historically or culturally significant by the City Arborist or the Economic Development Director because of its size, connection to the city's history or lore, location, or aesthetic qualities.

"Lion-tailing." The excessive removal of branches from the lower two-thirds of a stem or branch, or the removal of only the lower and interior branches when pruning.

"ISA." The International Society of Arboriculture ("ISA") which is a professional association of arborists and tree workers that is recognized internally as one of the leading agencies in the research and establishment of high standards for all aspects of tree care.

"Maintain or maintenance." The act of routinely pruning, trimming, spraying, fertilizing, watering, treating for disease or injury or any other similar act which promotes growth, health, beauty, and life of trees.

"Multi-trunk." Any tree with multiple trunks attributed to a single tree. Each trunk shall be measured at a height of four and one-half (4½) feet above ground level, and the combined circumference of the trunks shall be used to determine the tree's size for purposes of this chapter.

"Native Tree." The capitalized term **"Native Tree"** means any tree with a trunk more than eight (8) inches in diameter measured at a height of four and one-half (4½) feet above natural grade that is one of the following species: Quercus agrifolia (Coast live oak), Quercus engelmannii (Engelmann oak), Quercus chrysolepis (Canyon oak), Platanus racemosa (California sycamore), Juglans californica (California walnut), Quercus berberidifolia (Scrub oak), Quercus lobata (Valley oak), Umbellularia californica (California bay), Populus fremontii (Cottonwood), Alnus rhombifolia (California alder), Populus trichocarpa (Black cottonwood), Salix lasiolepis (Arroyo willow), Aesculus californica (California buckeye) and Sequoia sempervirens (California redwood).

"Protected Tree." The capitalized term "Protected Tree" means any public tree, Heritage Tree or Native Tree as the foregoing are defined under this chapter.

"Protected zone." The word "protected zone" shall mean a specifically defined area totally encompassing a Protected Tree within which work activities are strictly controlled. When depicted on a map, the outermost edge of the protected zone will appear as an irregular shaped circle that follows the contour of the drip line of the Protected Tree. In no case shall the protected zone be less than fifteen (15) feet from the trunk of a Protected Tree, or exclude the known root structure in the case of irregularly shaped trees.

"Pruning." Pruning, trimming, or thinning means to reduce the size of a tree using industry accepted standards, as established by the International Society of Arboriculture and/or the American National Standards Institute (ANSI) A300 Standards-Pruning, to control the height and spread of the tree, preserve its health and natural appearance, produce fuller branching and shaping, or make adjustments which will increase its longevity in an urban environment.

"Public tree." Any tree planted in the public right-of-way, park, parkway, median, easement or on any other city-owned property.

"Removal/remove." Removal or remove means the uprooting, cutting or severing of the main trunk, or major branches of a tree or any act which causes, or maybe reasonably expected to cause a tree to die, including but not limited to the following; inflicting damage upon the root system of a tree by machinery, storage of materials, or soil compaction; substantially changing the grade above the root system or trunk of the tree and excessively or severely pruning or root pruning.

"Root prune." The process of cutting roots behind the line of a planned excavation to prevent tearing and splintering of remaining roots.

"Serious harm." With regard to any tree, any act or activity that causes damage to a tree thereby leaving the tree in a physical state that, in the judgment of the City Arborist or any other Certified Arborist retained by the city, (i) makes the death of the tree reasonably eminent; (ii) significantly shortens the normal life expectancy of the tree; or (iii) makes it impossible or reasonably unlikely that the tree can be fully restored to a condition of good health and/or normal appearance within thirty (30) calendar days of such harm having been inflicted.

"Severely prune" means pruning the tree that deviates from industry standards by "topping," "lion's tailing," removal of more than twenty-five (25) percent of the foliage or leaving stubs.

"Topping," also known as **"heading back," "stubbing,"** and or **"pollarding"** means a severe type of trimming which results in the indiscriminate cutting back of large diameter branches to stubs. Such severe practices disfigures the tree and is generally hazardous to the overall health and stability of a tree.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.030 - Prohibited activities.

A. It shall be unlawful for any person to carve, remove, severely prune or relocate a Protected Tree, unless such activity is performed incident to the lawful removal, relocation or destruction of the Protected Tree pursuant to a tree removal permit issued pursuant to this chapter.

B. It shall be unlawful for any person to engage in the practice lion-tailing or topping of a Protected Tree, unless such activity is performed incident to the lawful removal or destruction of the Protected Tree pursuant to a tree removal permit issued pursuant to this chapter.

C. It shall be unlawful for any person to attach or keep attached to any Protected Tree any rope, wire, nail(s), tack(s), staples, advertising posters, or other contrivance whatsoever.

D. It shall be unlawful for any person to poison or allow any agent, employee, licensee or invitee allowed to enter upon a property to poison a Protected Tree.

E. It shall be unlawful for any person deposit, discharge, release or apply or allow any agent, employee, invitee or licensee allowed to enter upon his or her property to deposit, discharge, release or apply any hazardous material or toxic substance upon the ground that lies within the drip line of a Protected Tree.

F. It shall be unlawful for any person to engage in any activity or practice that causes or otherwise results the removal of more than twenty-five (25) percent of the foliage of a protected tree or that otherwise leaves a Protected Tree completely deprived of branches (i.e., only stubs), unless such activity or practices is performed incident to the lawful

removal or destruction of the Protected Tree pursuant to a tree removal permit issued pursuant to this chapter.

G. It shall be unlawful for any person to engage in any activity or practice that causes or otherwise results in the destruction of a Protected Tree or that is reasonably likely to cause or result in the destruction of a Protected Tree unless such activity is performed incident to the lawful removal or destruction of the Protected Tree pursuant to a tree removal permit issued pursuant to this chapter.

H. It shall be unlawful for any person to engage in any activity or practice that causes serious harm to a Protected or that is reasonably likely to cause serious harm to a Protected Tree, unless such activity is performed incident to the lawful removal, relocation or destruction of the Protected Tree pursuant to a tree removal permit issued pursuant to this chapter.

I. For purpose of this chapter, actions or activities that are reasonably likely to cause serious harm to a Protected Tree or result in its destruction include but are not limited to the following prohibited activities:

1. Setting fire to or otherwise burning any part of the root system, bark or branches of a Protected Tree;
2. The depositing, discharge, release or application of hazardous materials, toxic substances or poisons upon the Protected Tree (excluding the use of legal and properly applied pesticides or fungicides) upon the tree itself or upon the ground that lies within the drip line of the tree;
3. Changing the grade above the root system or the trunk;
4. Any action or activity deemed unlawful pursuant to subsections (A) through (F) of this section;
5. Trenching, excavating or paving within the protected zone of the tree;
6. Excessive paving with concrete, asphalt or other impervious materials in such a manner which may reasonably be expected to kill the tree;
7. Substantially changing the grade above the root system or trunk;
8. Excessive watering within the drip line of the tree;
9. Damage, disfigurement or other injury inflicted upon the trees branches, trunk or root system by machinery, the storage of materials or soil compaction.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.040 - Protection of protected trees during construction.

Except with protected trees whose removal is authorized pursuant to a permit issued pursuant to this chapter, all persons shall undertake the following prior to the commencement of any construction or demolition activities and until the issuance of a certificate of occupancy or a temporary certificate of occupancy:

A. Install a sturdy fence at the perimeter of the protected zone of a Protected Tree;

B. Prohibit excavation, grading, drainage and leveling within the protected zone of a Protected Tree;

C. Prohibit the storage or disposal of oil, gasoline, chemicals or other harmful materials within the protected zone or in drainage channels, swales or other areas that may lead to the protected zone;

D. Refrain from any of the unlawful activities set forth under Section 4.03.030;

E. Design utility services and irrigation lines to be located outside of the protected zone of a Protected Tree to the extent reasonable feasible;

F. Notify the City Arborist of any serious harm, destruction or other damage that befall a Protected Tree during construction or demolition activities and in no event shall the applicant undertake the removal of any Protected Tree not otherwise slated for removal unless and until the City Arborist has been given the opportunity to inspect the subject tree, evaluate its prospects for survival and issue a written determination as to whether the tree should be allowed to remain or removed pursuant to a retroactively issued permit pursuant to this chapter.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.050 - Exemptions.

The following types of trees and/or activities shall be exempt from the provisions of this chapter:

A. Trees planted, grown, and/or held for sale by licensed nurseries and/or tree farms or the removal or transplanting of such trees pursuant to the operation of a licensed nursery and or tree/farm;

B. Routine pruning and maintenance that adheres to those industry accepted pruning and maintenance standards set forth under the ANSI A300 Pruning Standards;

C. Trees which are determined by a Certified Arborist to be a hazard and/or pose a threat to public safety or personal property;

D. Trees which, in the opinion of the Director of Public Works/City Engineer or his or her designee, has caused damage or the potential to cause damage to public infrastructure;

E. Trees which require maintenance or removal action for the protection of existing electrical power or communication lines or other property of a public utility;

F. Trees located within existing or proposed public rights-of-way where their removal or relocation is necessary to obtain adequate line-of-sight distances as required by the Director of Public Works/City Engineer or his or her designee;

G. Trees which are fruit, nut bearing and all species of palms; and

H. Any tree located on the site of a development project for which a variance, conditional use permit, design review, or tentative map approval was obtained from the city prior to March 2, 2010 for a development project for which a valid building permit was lawfully issued by the city prior to March 2, 2010, provided that the physical improvements contemplated

and authorized under such land use entitlements and/or building permits necessarily require the removal or relocation of the tree in order to construct the improvements in the manner approved under the land use entitlement(s) or permit(s). Prior to removal or relocation of any Protected Tree pursuant to this exemption that property or developer shall notify the City Arborist of its intent to remove or relocate a Protected Tree so that the arborist may evaluate whether or not the tree may be preserved or relocated without undue burden or expense to the developer or property owner.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.060 - Permit—Requirements.

A. No person shall remove, relocate, or destroy Protected Tree or engage in any activity that causes serious harm to a Protected tree unless such actions are incident to the authorized removal or destruction of a Protected Tree pursuant to a permit issued by the Economic Development Department. The requirement to first obtain a permit pursuant to this chapter shall apply equally to the holders of any building permit or certificate of occupancy or any business license or business permit. The requirement to first obtain a permit pursuant to this chapter shall also apply equally to the holder of any discretionary land use entitlement issued by the Planning Commission, however, if the terms of the terms of a discretionary land use entitlement expressly call for the removal of a Protected Tree, the permit shall be granted upon the issuance of building permits for the improvements requiring the removal of the Protected Tree.

B. Routine pruning and maintenance of Protected Trees shall not require a permit but shall in all cases be in conformance with the most current guidelines of International Society of Arboriculture and the American National Standards Institute (ANSI) A300-Pruning Standards. Pruning which, in the opinion of a Certified Arborist, deviates from these guidelines, such as "topping," "lion's tailing," and severely pruning shall be subject to fines and penalties.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.070 - Same—Application.

An application for a tree removal permit shall be filed, together with any required fees as set by resolution of the city council. Applications shall be filed with Economic Development Department care of the City Arborist. The application shall be submitted with a report which shall contain information as determined by the City Arborist to be necessary for evaluating the proposed removal of any Protected Tree, and shall include, but not be limited to the following information:

A. A statement as to reasons for removal or relocation;

B. The number, species, and size (circumference as measured four and one-half (4 ½) feet from ground level) and height of tree;

C. The location of all trees onsite on a plot plan in relation to structures and improvements (e.g. streets, sidewalks, fences, slopes, retaining walls, etc.);

D. Photographs of the trees to be removed or relocated;

E. If the tree is proposed to be relocated, the relocation site shall be identified and site preparation and relocation methods described;

F. Proposed method of removal or relocation;

G. The health of any tree declared dead, diseased, infested, or dying shall be determined by a Certified Arborist; and

H. Proposed tree replacement plan the substantive features and content of which shall be established administratively by the City Arborist.

The City Arborist may require a report by a "third party" certified arborist to assist in making a determination on the tree removal permit application, All costs associated with using a certified arborist shall be paid by the applicant. For purposes of this chapter, the City Arborist shall be the Economic Development Director or designee.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.080 - Same—Procedure.

A. Upon receipt of the application, the City Arborist shall visit and inspect the subject property and the tree(s) proposed for removal and shall ascertain the following;

1. Confirm that the tree or trees in question are in fact Protected Trees.
2. The general health, vigor, and condition of the tree.
3. The presence of existence of any signs of disease, decay, or infestations that may be present.
4. Any damage or the potential to cause damage to public infrastructure, utilities, and property caused by the tree.
5. Any hazardous conditions or imminently hazardous conditions that may be present. If so, a tree risk assessment will be performed by the City Arborist. The cost incurred by the city for the tree risk assessment, requiring a certified arborist's report or tree appraisal shall be paid by the applicant.

The City Arborist may grant the issuance of a tree removal permit if any one or more of the following findings can be made:

1. The condition of the tree(s) is such as to create a hazardous condition;
2. The tree(s) pose a threat to the public health and safety;
3. The tree(s) are dead, severely diseased or decayed, infested, and in a state of irreversible decline;
4. The tree(s) have an abnormal and incorrectable structure or appearance due to severe pruning practices;
5. The tree(s) significantly interfere with utilities and utility service;
6. The tree(s) are causing damage to structures as follows:

a. Sidewalks, Curbs, Drives, Buildings, and Other Structures. Removal shall be granted if the cost to repair the damage exceeds the appraised value of the tree (using the method established by the Guide for Plant Appraisal 9th edition, by the Council of Tree and Landscape Appraisers) or if the tree is incompatible with the growing space or proposed development.

b. Sewer, Gas, Electrical, Water and Other Utilities. Removal shall be granted if it can be determined that the tree caused the damage to the utility. It will be the applicant's responsibility to demonstrate the cause. Interference with underground utilities, which can be rerouted or repaired and protected from root pruning, generally does not constitute grounds for tree removal.

B. After-the-Fact Permit Fees. The standard tree removal permit fee shall be doubled for tree removals or other work requiring a tree removal permit pursuant to this section if the work commenced prior to issuance of said permit.

C. Subsequent to investigation, the City Arborist may deny or approve the permit for removal of all or some of the trees included in the application, and may attach conditions of compliance as deemed necessary, including but not limited to the replacement of the removed tree(s) with a reasonably equivalent replacement tree(s) from the city's recommended tree palette at a 2:1 ratio.

D. The permit shall be valid for a period of ninety (90) days, unless an extension is requested fourteen (14) days prior to the expiration of the permit.

E. The decision of the City Arborist can be appealed by the applicant by submitting a letter of appeal and the appropriate fee to the Economic Development Director within ten (10) calendar days of the City Arborist's decision. The appeal letter shall state with reasonable specificity the facts and grounds for the appeal and be signed by the appellant. Appeals shall be considered by the Economic Development Department within thirty (30) calendar days of the date of the filing of the appeal.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.090 - Tree replacement policy.

All removed trees shall be replaced with a tree ratio of 2:1. Two (2) thirty-six-inch box trees with a minimum height of twelve (12) feet shall be planted with suitable species selected from the city's recommended tree palette and with the approval from the Economic Development Department. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in lieu fee may be paid into the city's tree mitigation and planting fund pursuant to the fee schedule as adopted in Section 14.03.130 (Fee schedule).

(Ord. No. 2791, § 2, 3-20-2012)

14.03.100 - Tree mitigation and planting fund.

The tree fund shall consist of fees generated as a result of tree replacement requirements as well as general donations for public tree planting.

A. Establishment of Fund. A tree fund is hereby established

B. Funds to be Deposited. Tree replacement fees for the installation of replacement trees, as provided for in Section 14.03.090, shall be deposited in the tree fund.

C. Use of Funds. Expenditures from the tree fund shall be used solely for the purpose of purchasing and installing trees on public rights-of-way, public parks and any other city-owned property.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.110 - Emergency waiver.

A permit shall not be required for the removal or destruction of a Protected Tree under this chapter, in cases of emergency weather conditions or other catastrophic events including, but not limited to, earthquake, fire, flood, windstorms, or lightening wherein such conditions have created or are creating an immediate danger to the health, safety and welfare of persons or property and the immediate removal of a Protected Tree is deemed necessary to abate a hazardous condition, provided such removal is performed by (i) City of El Monte Public Works Maintenance personnel acting under the authority and direction of the City Manager, the Chief of Police or their designees; or (ii) emergency response personnel of the Los Angeles County Fie Department, the El Monte Police Department and/or the Los Angeles County Sheriffs Department in the course of responding to an emergency event or occurrence.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.120 - Violations—Penalties.

A. Any person who violates any provision of this chapter shall be guilty of a misdemeanor punishable by fine of up to one thousand dollars ($1,000.00), six (6) months in jail or combination thereof.

B. Any person who violates any provision of this chapter shall pay a civil penalty in the amount of the appraised value of each Protected Tree but no more than five thousand dollars ($5,000.00) per tree. If there is inadequate plant material to properly appraise the value of the Protected Tree, the penalty shall be no more than five thousand dollars ($5,000.00) per Protected Tree unlawfully removed or destroyed. The collection of the penalties may be enforced by civil action brought in the name of the City of El Monte by the City Attorney.

Any person who violates this chapter shall also be required to obtain a retroactive tree removal permit, if applicable and to comply with any tree replacement policy fees and replacement ratios and any other mitigation measures that may be required under this chapter.

C. If a violation occurs in the course of any construction activities authorized pursuant to a conditional use permit, variance, design review, tentative map or other discretionary land use approval or any city-issued grading permit, building permit, excavation permit or temporary certificate of occupancy, the city, in addition to all other remedies available to it under this chapter, may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Economic Development Director, agreed to in writing by the property owner(s) and either

implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for the protection of any remaining Protected Trees.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.130 - Fee schedule.

By resolution, the City Council may establish and from time to time amend a schedule of fees for the recovery of costs associated with the administration and enforcement of the regulatory program established under this chapter, including but not limited to the processing and review of appeals made to any decision or determination of the city pursuant to this chapter.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.140 - Appeals.

A permit applicant who wishes to overturn a decision of the City Arborist appeal the decision to the Economic Development Director or designee, provided such appeal is submitted to the Economic Development Department care of the Economic Development Director.

The filed appeal shall state the facts and grounds for the appeal, accompanied by the appropriate fee, and must be signed by the appellant and the property owner if different from the appellant.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.150 - Reserved.

14.03.160 - Surveys and inspections incident to development.

Any applicant for a discretionary land use approval (e.g., conditional use permit, variance and the like) issued by the Planning Commission who desires to remove one or more Protected Trees located upon any property in the city in connection with any residential or commercial development to be authorized under the land use approval shall include in their application to the Planning Division the following:

A. A tree survey plan that identifies all Protected Trees located upon the property and identifies those Protected Trees that are proposed to be removed or that may be affected by the proposed development. The plan shall specify the precise location of trunk and drip lines and the size, health and species of all existing Protected Trees on the property; and

B. The applicant shall also provide a report by a certified arborist. The report, based on the findings of the tree survey plan and other necessary information, shall be used to determine the health of existing trees, the effects of the proposed development upon the Protected Trees and recommendations for any special precautions necessary for the preservation of the Protected Trees. The report shall also identify which Protected Trees are proposed for removal.

All new commercial, industrial, or residential development shall require a field verification survey prior to the issuance of any building, demolition, or grading permit. A fee as set by a resolution by the city council shall be charged for this survey.

(Ord. No. 2791, § 2, 3-20-2012)

14.03.170 - Polices and guidelines.

The City Council may establish and from time to time amend or modify administrative policies and guidelines consistent with the provisions of this chapter to provide more detailed guidance and parameters to staff in the enforcement of this chapter.

(Ord. No. 2791, § 2, 3-20-2012)

Chapter 15.07 - EL MONTE ART IN PUBLIC PLACES PROGRAM

15.07.010 - Program creation.

This chapter may be known and cited as the "El Monte Art in Public Places Program." The intent of the Art in Public Places Program is to provide a collection of nationally recognized, permanent outdoor art work throughout the city of El Monte, to be of public benefit. The program is designed to present the community with a variety of art work styles and themes, all of the highest possible quality.

(Ord. 2642 § 1 (part), 2006)

15.07.020 - Definitions.

As used in this chapter:

"Advisory Committee" means the Art in Public Places Advisory Committee organized pursuant to section 15.07.070 of this chapter.

"Art Coordinator" means a person designated by the Economic Development Director who shall review and evaluate all applications submitted pursuant to this chapter; work with project applicants to develop and refine art work proposals; and make recommendations to the Art in Public Places Advisory Committee.

"Art work" means original creations of art, including, but not limited to, the following categories; sculpture, murals, mosaic, and fountains. These categories may be realized through such mediums as steel, bronze, stained glass, concrete, wood, ceramic tile, and stone, as well as other materials deemed suitable under the program guidelines established by the Economic Development Director.

“Building Division” means the El Monte Building Division of the El Monte Community and Economic Development Department.

"Development project" and **"project"** means any construction, rehabilitation or renovation undertaking for which a building permit is required, including, but not limited to, construction, rehabilitation or renovation

"Planning Division" means the El Monte Planning Division of the El Monte Economic Development Department.

"Project" means any undertaking that develops, erects, constructs, enlarges, alters, repairs, moves, improves, removes, converts or demolishes any real property and/or improvements.

"Project cost" means the total value of a development project, excluding the land value, as determined by the Building Division, for each applicable project building permit.

"Public place" means any exterior area on public or private property which is accessible and visible to the general public.

(Ord. 2642 § 1 (part), 2006; Ord. 2685 §§ 1, 2, 2007; Ord. No. 2883, §§ 2—4, 51, 6-21-2016)

15.07.030 - Requirement to provide art work or pay in-lieu contribution.

When a project is subject to the requirements of this chapter, the project applicant shall comply with provisions of either subsection A or B of this section or a combination of both:

A. The project applicant shall acquire and install an art work in a public place on or in the vicinity of the project site as approved by the City Council pursuant to this chapter. The cost or value of such work as approved by the City Council shall equal or exceed the amount of an in-lieu contribution that would otherwise be made under subsection B of this section.

B. In lieu of acquiring and installing an art work, project applicants may contribute funds to the art in public places fund established pursuant to Section 15.07.080 of this chapter equal to one percent (1%) of the total project cost, not-to-exceed a maximum in lieu contribution of $100,000 per project. The in-lieu fee shall be paid by the project applicant before the issuance of building permits, unless otherwise provided by the City Council. Project applicants shall indicate on their art in public places application that they wish to make an in-lieu contribution. The foregoing shall apply to projects for which relevant applications have been submitted to the City as of January 1, 2018.

(Ord. 2642 § 1 (part), 2006)

15.07.040 - Project subject to art in public places requirement.

A. The requirements of this chapter shall apply to the following development projects:

1. Commercial or industrial projects which incur project costs totaling more than five hundred thousand dollars ($500,000.00).

2. Development projects involving the new construction of four (4) or more residential dwelling units, including, but not limited to, development projects involving the new construction of four (4) or more residential dwelling units (i) within a single building, structure or mixed use development; (ii) within a planned unit development; or (iii) within a mixed-unit development.

For purposes of this section commercial or industrial development projects include, but are not limited to, the construction, rehabilitation and/or renovation of (i) multiple tenant developments; (ii) nonresidential portions of mixed-use developments; and (iii) buildings, facilities or other structures designed and approved for the following purposes: retail or wholesale; manufacturing; mechanical repair; office use; mini-mall; personal care facilities; entertainment; restaurant, dining or other food preparation; on-sale liquor establishment and off-sale liquor establishment; storage; agricultural; hotel, motel, motor hotel, inn, boarding house, or lodging house.

B. Exceptions. The requirements of this chapter shall not apply to the following activities:

1. All public work and governmental agency projects;

2. Reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;

3. Religious, hospital, scientific, charitable organizations, public educational institutions (such as public primary and secondary schools, public colleges, public adult schools and the like) if the project is constructed on property exempt from taxation pursuant to California Revenue and Taxation Code Section 214.

(Ord. 2685 § 3, 2007; Ord. 2642 § 1 (part), 2006)

15.07.050 - Guidelines for art work.

Subject to approval by the City Council, the El Monte Economic Development Department shall develop and establish guidelines for the construction, approval and maintenance of art works. For the purposes of this chapter such guidelines shall be referred to elsewhere in this chapter as the "city guidelines." The city guidelines shall include, but are not limited to, the following criteria;

A. The art work shall be displayed in an area that is open and freely accessible to the public for at least ten (10) hours each day or displayed in a manner which otherwise provides public accessibility in an equivalent manner based on the characteristics of the art work or its placement on the site;

B. The art in public places application shall include a site plan showing the location of the art work, complete with landscaping, lighting and other appropriate accessories to complement and protect the art work;

C. The composition of the art work shall be of a permanent type of material in order to be durable against vandalism, theft and weather, and in order to require a low level of maintenance;

D. The art work shall be related in terms of scale, materials, form and content to immediate and adjacent buildings and landscaping so that it complements the site and surrounding environment;

E. The art work shall be designed and constructed by persons experienced in the production of such art work and recognized by critics and by his or her peers as one who produces works of art;

F. The art work shall be permanently affixed to the property;

G. The art work shall be maintained by the property owner in a safe, neat, clean and orderly manner acceptable to the city. The art work shall also be maintained in good repair;

H. The art work installed on a project site shall remain the property of the project applicant. Art work installed on city property shall be the property of the city;

I. Prior to the issuance of building permits, the property owner shall execute and record with the Registrar-Recorder/County Clerk for the county of Los Angeles, covenants, conditions and restriction in the form and content approved by the Economic Development Director and the City Attorney providing, among other things:

1. That the property owner, its successor and assigns and all subsequent owners of the underlying real property shall maintain the art work as required by subsection G of this section;
2. That the owner shall indemnify, defend and hold the city, its elected and appointed officials, officers, employees, volunteers and related parties harmless from any and all claims or liabilities arising out of the art work; and
3. That owner shall provide the City Clerk's office with a certificate of public liability insurance naming the city as an additional insured including such coverage and liability limits as may be specified by the Economic Development Director.

J. The following items are not to be considered as art works:
1. Art objects which are mass produced from a standard design,
2. Reproductions of original art works,
3. Decorative, ornamental or functional elements which are designed by the building architect as opposed to an artist commissioned for the purpose of creating the art work,
4. Landscape architecture and landscape gardening except where these elements are designed or approved by the artist and are in integral part of the art work by the artist,
5. Services or utilities necessary to operate or maintain the art work.

(Ord. 2642 § 1 (part), 2006; Ord. No. 2883, §§ 5, 6, 6-21-2016)

15.07.060 - Processing.

The requirements and procedures for the processing of an art in public places application shall be as follows:

A. Upon submission of a project application subject to the requirements of this chapter, the Planning Division shall provide the project applicant with a copy of the ordinance as codified in this chapter of the El Monte Municipal Code and an art in public places application form.

B. The project applicant shall submit to the Planning Division a completed art in public places application form in a timely manner as set forth under the city guidelines.

C. The Planning Division shall, upon receipt of the application, submit the application to the Art Coordinator. The Art Coordinator shall review each project applicant's initial art work proposal; work with each project applicant to modify and/or refine each art work proposal to ensure its conformity with the city guidelines and to maximize its aesthetic compatibility with its anticipated surroundings; and make recommendations on each art work application based on his or her determinations. The Art Coordinator, in consultation with Economic Development staff, shall also ascertain the required value of the art work and the required amount of in-lieu fees in the event the project applicant elects to pay such fees as an alternative to the installation of art work.

D. Within sixty (60) days from the date the application is submitted to the Art Coordinator, the Art Coordinator shall submit to the Advisory Committee a written proposal based on the Art Coordinator's investigation and determinations and his or her consultations with the project applicant.

E. Within thirty (30) days from the date upon which the Advisory Committee receives a recommended proposal from the Art Coordinator, the Advisory Committee shall review and comment upon the recommendation and in its sole and absolute discretion, formulate and make a recommendation of its own to the City Council. The Advisory Committee's failure to make a recommendation to the City Council within the time allotted shall result in the Art Coordinator's recommendation becoming the recommendation of the Advisory Committee.

F. The City Council shall either approve the art work proposal as recommended by the Advisory Committee; approve the art work proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny the art work proposal. All City Council approvals shall be final.

If the City Council denies an initial art work proposal, the project applicant, within thirty (30) days of the denial, shall submit a written notice to the City Clerk indicating that the project applicant has elected: (1) to have the art work proposal reconsidered at the Advisory Committee level so that the Advisory Committee in consultation with the Art Coordinator and the project applicant may develop and submit a revised and reformulated proposal for City Council approval within thirty (30) days from the filing date of the project applicant's written request; or (2) to contribute appropriate funds into the art in public places fund in lieu of installing art work. Subject to the restrictions of subsection G of this section, a project applicant may make successive written requests to have a denied proposals reconsidered at the Advisory Committee level until a proposal acceptable to the City Council is developed. All written requests to have a revised proposal reconsidered at the Advisory Committee level shall be made within thirty (30) days from the date of a denial.

The City Council reserves the right to approve a revised and reformulated art work proposal as proposed; approve a revised and reformulated art work proposal subject to additional modifications and/or conditions acceptable to the project applicant; or deny such revised and reformulated proposals. Subject to the restrictions of subsection G of this section, denials of initial art work proposals or revised and reformulated art work proposals shall be final if the project applicant subsequently elects to contribute to the art in public places fund in lieu of installing art work; or upon the project applicant's failure to timely request that a denied proposal be reconsidered at the Advisory Committee level.

G. When the project applicant has elected to acquire and install an art work, no building permit may be issued until the City Council has approved an art work proposal, and no certificate of occupancy shall be issued until the approved art work has been installed.

H. In the event the City Council has approved an art work proposal but the art work itself cannot be completed before the completion of the overall private project, the project applicant may request that a certificate of occupancy be issued absent installation of the

art work, provided the project application first submits to the El Monte Economic Development Department a cashier's check in an amount equivalent to the required value of the art work. The Economic Development Department shall hold the funds in trust until the art work is completed, permanently installed and inspected for compliance with this chapter. As an additional condition to the issuance of a certificate of occupancy pursuant to this subsection, the project applicant shall be required to execute a three (3) party written agreement between the project applicant, the proposed artist and the city of El Monte regarding the artist's payment plan, using the funds held in trust by the Economic Development Department. The agreement shall provide that the city will be authorized to determine the final location of the art work, should there be any complications over the arrangement. Should the art work not be installed after six (6) months from the issuance of a certificate of occupancy, the city shall control the decision-making regarding the funds in trust and completion of the public art work. Any project applicant who is issued a certificate of occupancy pursuant to this subsection, must install the approved art work no later than six (6) months from the date the certificate of occupancy is issued. Nothing in this subsection shall preclude the city from denying a certificate of occupancy pursuant to provisions of the El Monte Municipal Code and/or state law unrelated to the subject matter of this chapter.

I. If the project applicant has elected to make an in-lieu contribution to the art in public places fund, no building permits shall be issued until such contribution has been paid.

(Ord. 2642 § 1 (part), 2006; Ord. No. 2883, §§ 7, 8, 6-21-2016)

15.07.070 - Art in Public Places Advisory Committee.

A. The Art in Public Places Advisory Committee (the "Advisory Committee") is a review panel charged with reviewing art in public places applications; evaluating the art work recommendations of the Art Coordinator with the aim of insuring that all art work criteria established pursuant to this chapter, including the city guidelines, are met; and making recommendations to the City Council as to each art in public places application. The Advisory Committee shall review the applications and examine the proposals for public safety, weather resistance, balance within the program, verification of value, public response, proper lighting, public accessibility, installation methods, proportion, composition, the artist's previous experience on monumental scale sculpture, the artist's art training and exhibition record, and the art works aesthetic compatibility with its anticipated surrounds. The Committee, shall consist of:

1. Two (2) representative member of the El Monte Planning Commission;

2. Three (3) El Monte residents appointed by the City Council who shall serve as public representatives.

B. The five (5) commission representatives to the Advisory Committee shall be appointed by the Mayor, subject to approval by the City Council, pursuant to Government Code Section 40605. Members of the commissions shall be reappointed annually; residents shall be reappointed bi-annually. All members of the Advisory Committee shall serve at will and

be4 subject to removal, without cause, by no less than three (3) affirmative votes of the City Council.

C. The El Monte Economic Development Department and the Art Coordinator shall be responsible for providing administrative, investigative and advisory support to the Advisory Committee. The presence of at least three (3) Advisory Committee members at any regular, adjourned or special meeting of the Advisory Committee shall constitute the minimum quorum necessary to conduct business and take action.

(Ord. 2642 § 1 (part), 2006; Ord. No. 2883, § 9, 6-21-2016)

15.07.080 - Art in public places fund.

A. Accounting. Any moneys collected in accordance with the in-lieu contributions provisions of this chapter shall be deposited in a separate account denominated as the "Art in Public Places Fund." The El Monte Economic Development Department in cooperation with the El Monte Finance Division shall establish accounting records sufficient to identify and control these funds. The account containing these funds shall earn interest and the earned interest shall be used for and be subject to the same restrictions established in subsection B of this section.

B. Use of Fund. The art in public places fund shall be used to provide sites for, and works of art in, public places in order to further the intent and purpose of this chapter as set forth in Section 15.07.010 of this chapter.

C. Permissible Expenditures. Expenditures of funds shall be limited to the following uses:

1. The cost of art work and its installation;
2. Waterworks, landscaping, lighting and other objects which are an integral part of the art work;
3. Frames, mats, pedestals, and other objects necessary for the proper presentation of the art work;
4. Walls, pools, landscaping or other architectural or landscape architectural elements necessary for the proper aesthetic and structural placement of the art work;
5. Maintenance and repair of art works funded through the art in public places fund.
6. Administration.
    a. The art in public places fund shall be administered jointly by the El Monte Economic Development Department and the El Monte Finance Division.
    b. The Advisory Committee shall make recommendations to the City Council concerning the purchase or commissioning of art works with art in public places funds, including:
        (i) Places which should be considered for art work;
        (ii) The medium of the proposed art work; and

(iii) The artist whose work should be considered for placement in the recommended location.

c. Selection of artists and art works shall be based on the guidelines to be established pursuant to Section 15.07.050 of this chapter.

d. The city will contract with the artist and with consultants as necessary for the purchase or commissioning as well as the execution and installation of the art work.

e. On-site activity in connection with the art work installation shall be coordinated by the Economic Development Director or his or her designee under the supervision of the City Manager and the Assistant City Manager.

f. Maintenance and repair of art work funded through the art in public places fund shall be financed from that account.

g. So far as is practical, in the event repair of the art work is required, the city shall first give the artist the opportunity to do that work for a reasonable fee. In the event the artist is unable or refuses to make the repair for such a fee, the city may proceed to contract for such repair with another qualified artist.

E. Endorsements. The art in public places fund shall also be used as a depository for endowments, bequests, grants or donations. Such sums may be expended as set forth in subsection C of this section as approved by the City Council.

(Ord. 2642 § 1 (part), 2006; Ord. No. 2883, §§ 10, 11, 6-21-2016)