

## DIVISION 15 – DEFINITIONS

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### CHAPTER 17.150 – USE DEFINITIONS

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#### **17.150.010 – Purpose. (NEW)**

Use classifications describe one or more uses of land having similar characteristics, but do not list every use or activity that may appropriately be within the classification. The Community Development Director shall determine whether a specific use shall be deemed to be within one or more use classifications, or not within any classification in this article. The Community Development Director may also determine that a specific use shall not be deemed to be within a classification, whether or not generally named within the classification, if its unique characteristics are substantially incompatible with those typical of uses named within the classification.

#### **17.150.020 – Land Uses. (FULLY UPDATED)**

**“Accessory use”** means a use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of a lot or a building located on the same lot, and that is not independent of the principal use.

**“Assembly and entertainment use”** means the occupancy or use of a building or indoor or outdoor facility or venue by a gathering of persons for athletic, cultural, gaming, leisure, recreational, religious, social, travel or similar purposes, or a combination thereof.

**“Commercial use”** means any business activity serving the general public that is a retail, office or service use.

**“Industrial use”** means lands, buildings or structures or any portion thereof used for the purpose of manufacturing, assembling, processing, preparing, dismantling, finishing, treating, repairing, warehousing or recovering of articles or substances or materials or components into products or goods. It may also include the storage of building materials, construction equipment, trucks and other vehicles. For purposes of this Title, industrial uses may also include transportation facilities and public utilities. The industrial use may include ancillary office space.

**“Mixed-use”** means a complementary mix of residential, commercial and/or office uses in a single district. Mixed-use is primarily categorized as one of the following:

**“Horizontal”** means the nonresidential and residential portions are in different buildings but on the same property. Typically, the nonresidential is in the portion facing the street where visibility is higher.

**“Vertical”** means the combination of uses are in the same building. Typically, the nonresidential occupies the bottom portion of the building, with the residential on the upper portions.

**“Nonresidential use”** means any use that is not a residential use. This includes nonresidential uses that are part of a mixed-use project.

**“Office use”** means lands, buildings or structures primarily used for, or designed or intended for, conducting the affairs of businesses, professions, services, industries, governments, or like activities and where the chief product of labor within that use is the processing and/or storage of information and provision of services rather than the production and distribution of goods.

**“Public and quasi-public use”** means lands, buildings or structures primarily used for a variety of public and quasi-public (i.e. a private use that provides a public benefit) purposes, including government related services, recreation facilities, primary and secondary schools, college and university campuses, hospitals, utility companies and other related facilities and services.

**“Community care use”** means a facility, place, or building that is maintained and operated to provide care for a specific sector or group of people. The care may be for children, adults, an seniors and/or other persons receiving care or services from a community care facility as defined by Section 1502(a) of the California Health and Safety Code. The length of assistance may be for less than 24-hour basis or on a 24-hour basis. While most facilities provide nonmedical services, some may provide limited medical care. Examples include adult daycare facilities, emergency shelters, family daycare homes and group homes.

**“Residential use”** means a use in a building or portion of a building which is a person’s permanent principal residence. Excludes recreational vehicles, emergency shelters, hotels, motels or assisted living facilities.

**“Retail use”** means lands, buildings or structures used for the sale or rental of goods for consumption or use. Examples include drug and discount stores, food and beverage establishments, furniture stores, pet stores and vehicle sales. The retail use may include ancillary office space.

**“Service uses”** means a use that provides a professional or personal service to clients or customers that does not involve manufacturing goods. Examples include ambulance companies, drive-thru businesses, financial institutions, recycling facilities, vehicle repair and vehicle rental. Service uses may have an office component, but the office component is typically ancillary to the service being provided.

### **17.150.030 – Residential – Main Uses. (FULLY UPDATED)**

**“Factory-built housing”** means housing that falls under four (4) general types: manufactured, modular, panelized and precut. Manufactured housing, as defined by Section 18007 of the California Health and Safety Code, is a type of housing that is completely constructed in a factory and built on a permanent chassis. They are generally constructed after June 15, 1976 and are designed to be used as a single-family dwelling when connected to the required utilities. Construction must comply with building codes set up by the Department of Housing and Urban Development (HUD). Modular housing is a house that is partially constructed in a factory and shipped to a property, where it is pieced together, put on a foundation and then completed. The construction must comply with local building codes. The housing may be for a single-family or multiple-family development. Other categories of factory-built housing include panelized construction, in which factory-built wall panels are shipped to a site for assembly, and precut housing, in which materials are cut to size before being shipped to a site for assembly.

**“Live/work”** or **“work/live”** means a single integrated dwelling unit consisting of both a commercial/office space reserved for and regularly used by one or more occupants of the unit and a residential component that is occupied by a single household. For live/work, the living portion of the space is dominant, with the working portion typically having a maximum size. For work/live, the working portion of the space is dominant, with the living portion typically have a maximum size.

**“Mixed-use with housing”** means the combination of commercial and residential uses on the same property in an integrated development project with functional interrelationships and a coherent physical design. The project design may be horizontal (commercial and residential in separate structures), vertical (commercial and residential in the same structure) or walkable (mixture of horizontal and vertical structures in close proximity of each other).

**“Mobile home”** means a mobile home 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, 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. Mobile home does not include a “recreational vehicle,” as defined in Section 799.29 of the Civil Code and Section 18010 of the California Health and Safety Code and does not include a “commercial coach” or “commercial modular” as defined in Section 18001.8 of the California Health and Safety Code.

**“Mobile home park”** or **“trailer park”** means any lot designated, used, or intended to be used for the parking of two (2) or more mobile homes.

**“Planned residential development”** or **“PRD”** means a type of residential project where regulations are intended to facilitate greater flexibility, and, consequently, more creative and imaginative designs than generally is possible under conventional zoning or subdivision regulations. Projects are typically larger and place a greater emphasis on open space, amenities, walkability and access to bicycling and transit and recreation facilities.

**“Primary dwelling”** means the legally established main residential dwelling on a property or a single urban dwelling unit on a property that is zoned R-1. The property may also be developed with an Accessory Dwelling Unit (ADU) and/or a Junior ADU or the property may be developed with a second urban dwelling unit.

**“Religious institutions housing”** means the construction of affordable and market rate multiple-family housing on a property developed with an existing or proposed religious institutions. They often include development standards that allow for the sharing of parking, open space and other amenities between the housing and religious use.

**“Residential dwellings”** or **“dwelling unit”** 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. A dwelling unit means one or more rooms in a building or portion thereof which is 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. Main examples include the following:

**“Family, one-”** or **“single-”** means a building containing one dwelling unit located on a single lot or property. This use includes primary dwellings, factory-built housing, mobile homes and urban dwelling units. More than one or single family dwelling units may be permitted on a single lot or property zoned R-1B, depending on the property’s lot width and square footage, under limited conditions.

**“Family, two-”** means two (2) dwelling units on a lot or property that is not zoned R-1. Units can be attached or detached. Excludes Accessory Dwelling Units (ADUs), Junior ADUs and urban dwelling units.

**“Family, multi-”** or **“multiple-”** means three (3) or more dwelling units on a lot that is not zoned R-1 or MMU. Units can be attached or detached.

**“Senior housing”** means a congregation of aged-restricted dwelling units with kitchen facilities in each unit and there is at least one occupant who is aged 55 years or older. Typically, such housing developments include facilities for the preparation and serving of food and beverages to its residents and guests, activity areas, fitness and exercise areas and/or other common amenities and services.

**“Single Room Occupancy”** or **“SRO”** or **“efficiency unit”** means housing consisting of single-room dwellings units typically with no more than 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). Excludes accessory structures (e.g. a garage) or an Accessory Dwelling Unit (ADU) or a Junior Accessory Dwelling Unit (ADU)).

**“Urban dwelling unit”** means a single-family dwelling of a qualifying residential development with up to two (2) units located on a property zoned R-1, as outlined per Senate Bill No. 9 (January 1, 2022, Atkins) and Section 65852.21 of the California Government Code. One (1) new urban dwelling may be permitted on a lot or property with an existing or proposed primary single-family dwelling. A maximum of two (2) new urban dwellings may be permitted

on a lot or property that is vacant or proposed to be vacant. The dwellings may be attached or detached.

**“Urban lot split”** means taking one (1) legally established lot or parcel on land zoned R-1 into two (2) lots or parcels of relatively equal size as outlined per Senate Bill No. 9 (January 1, 2022, Atkins) and Section 66411.7 of the California Government Code. Ministerial approval of a tentative parcel map is required. Dedications or off-site improvements shall not be required.

**“Urban housing”** means a high-density, multi-story, multiple-family project with a minimum density of 35 dwelling units per acre, on a site in a commercial district as part of a transit-oriented development near a major transit intersection or along a major transit corridor. The use shall be classified as mixed-use with housing if it includes a commercial component.

#### **17.150.040 – Residential – Ancillary and Other Uses. (FULLY UPDATED)**

**“Accessory building”** means a detached subordinate building or structure, 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 proposed or existing primary single-family or multifamily dwelling is or will be situated. The definition also includes the following: (i) an efficiency unit, as defined in Section 17958.1 of the California Health and Safety Code; and (ii) a manufactured home, as defined in Section 18007 of the California Health and Safety Code.

**“Accessory dwelling unit, Junior”** 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.

**“Animals, breeding and raising”** means the keeping and raising of small animals such as poultry, fowl, nutria, birds, rabbits, chinchilla, earthworms, fish, frogs and bees for domestic or commercial use.

**“Animals, horses”** means the keeping of horses on a residentially zoned and used property.

**“Animals, husbandry products”** means a branch of agriculture concerned with animals that are raised for meat, fiber, milk, eggs or other products. Any program of animal husbandry shall be formally sponsored, conducted or approved by the Future Farmers of America, Boys Scouts of America, Four-H-Club or any similar non-profit group.

**“Community gardens”** means a single piece of land gardened individually by one person or collectively by a group of people. Community gardens utilize either individual or shared plots on private or public land for the cultivation of fruits, vegetables, herbs, flowers and/or plants grown for their attractive appearance, personal consumption and/or donation.

**“Garage sales”** means the sale of personal property in, at or upon any residentially zoned property, or upon any commercially zoned property independent of any business licensed under Chapter 5.08 (Business License Tax) of this Title to conduct retail sales upon such property. Garage sales can also be known as yard sales, front yard sales, back yard sales, home sales, patio sales and rummage sales.

**“Greenhouse, private”** or **“conservatory”** means a building or room with a maximum area of 500 square feet with glass roofing and walls to maximize sun exposure for the growing of flowers, plants, vegetables and fruit trees. In most instances, it is a stand-alone structure. If it is attached to the dwelling, it would only be attached on one side.

**“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.

**“Outdoor sporting field or court, private”** means an outdoor area on private R zoned property and used for playing outdoor sports such as tennis, basketball, volleyball, baseball/softball and soccer. The field shall be to the rear of, and ancillary to, the main dwelling unit. The field shall be for use for those who live on the property and their guests. The field may or may not be illuminated. It may also require over-height fencing. Excludes public or private recreation facilities.

**“Trailer, temporary”** means one (1) trailer that may be used as a temporary residence during the construction of a permanent residence for a maximum of 90 days. The trailer must be located on the same site where the permanent residence will be located and must be occupied by the same people that will ultimately live in the permanent residence.

**“Transitional parking”** means a parking lot on a residentially zoned property that abuts a property that is zoned C-1, C-2, C-3 or MMU and developed with a permitted use.

**“Transitional use”** means a legal nonconforming use that is less legal nonconforming than the most previous use. This typically applies to properties that had commercial or manufacturing uses on properties that are now zoned for residential uses.

#### **17.150.050 – Community Care Uses. (FULLY UPDATED)**

**“Adult daycare home”** or **“adult daycare facility”** means a community-based facility or program that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision or assistance essential for sustaining the activities of daily living for the protection of these individuals on a less than 24-hour basis, as defined by Section 1502(a)(2) of the California Health and Safety Code. The use is further defined as one of the following:

**“Adult daycare home, small”** means a residential use for less than seven (7) adults, in a residential zone;

**“Adult daycare home, large”** means a residential use for seven (7) to 12 adults, in a residential zone; and

**“Adult daycare facility, general”** means a facility for adults, typically greater than 12 adults, in a nonresidential zone.

**“Alcoholism abuse treatment facility”** or **“Drug abuse treatment facility”** means a premise, place or building approved and licensed by the State Department of Drug and Alcohol Programs that provides 24-hour residential nonmedical services to adults who are recovering from problems related to alcohol, drug or alcohol and drug misuse or abuse. The use provides alcohol, drug or alcohol and drug recovery treatment or detoxification services, as defined by Section 11834.02 of the California Health and Safety Code.

**“Child daycare center”** means a child daycare facility other than a family daycare that provides nonmedical care on a less than 24-hour basis. This classification also includes infant centers and may be combined with preschools or nursery schools. A day-care center is considered a commercial business and not a residential use.

**“Community care facility”** as defined in Section 1250(a) of the California Health and Safety Code means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children.

**“Elder care facility”** or **“assisted living facility”** means a living arrangement licensed by the California Department of Social Services chosen voluntarily by persons 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 Section 1569 et seq. of the California Health and Safety Code. An elder care facility may house residents less than 60 years of age with compatible needs pursuant to Section 1569.316 of the California Health and Safety Code and provide levels of care pursuant to Section 1569.70 of the California Health and Safety Code. Excludes adult daycare and residential care facilities.

**“Emergency shelter”** means housing with minimal supportive services in a facility that is the first step in a homeless continuum of care program and is designed to allow homeless people on a temporary basis, with a six (6) month limit of stay. Shelters may offer different levels of supplemental services including food, counseling and access to other social programs. No individual or household may be denied emergency shelter because of an inability to pay. Refer to Section 50800 et seq. of the California Health and Safety Code for additional information.

**“Emergency shelter, small”** means providing overnight shelter for less than 25 occupants at one time; and

**“Emergency shelter, large”** means providing overnight shelter for 25 or more occupants at one time.

**“Family daycare home”** means a facility that regularly provides care, protection, and supervision for children in the provider’s own home, whether rented, leased or owned, on a less than 24-hour basis, as licensed by the California Department of Social Services. The use is further defined as either of the following:

**“Family daycare home, small”** means a residential use for less than nine (9) children, inclusive, including children under ten (10) years of age who reside at the home, as set forth in Section 1597.44 of the California Health and Safety Code and as defined in regulations; and

**“Family daycare home, large”** means a residential use for nine (9) to 14 children, inclusive, including children under ten (10) years of age who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code and as defined in regulations.

**“Group home”** means a residential use with shared living quarters without separate kitchen or bathroom facilities for each room or unit. It is typically offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes boarding houses (in accordance with California Attorney General Opinion No. 01-402), clean and sober facilities, other types of organizational housing, private residential clubs, housing for disabled individuals and farmworker housing. Excludes alcoholism or drug abuse treatment facilities, hotels and motels, short-term rentals and residential care facilities. The use is further defined as the following:

**“Group home, small”** means providing housing for less than seven (7) adults; and

**“Group home, large”** means providing housing for seven (7) or more adults.

**“Low barrier navigation center”** as defined by Section 65660 of the California Government Code means a housing first, low-barrier, service-enriched shelter that provides temporary living facilities while case managers connect individuals experiencing homelessness or at risk of homelessness to income, public benefits, health services, shelter and permanent housing. The term low barrier means best practices to reduce barriers to entry. This may include, but is not limited to, the presence of partners (unless it is a population specific site, e.g. for survivors of domestic violence or sexual assault), pets, storage of possessions and some level of privacy (e.g. partitions around beds in a dormitory setting).

**“Low barrier navigation center, small”** means providing shelter for less than 25 occupants; and

**“Low barrier navigation center, large”** means providing shelter for 25 or more occupants.

**“Residential care home”** or **“residential care facility”** means a State licensed facility that is maintained and operated to provide 24-hour nonmedical residential care for children

and/or adults in need of personal services, supervision and/or assistance essential for sustaining the activities of daily living or the protection of the individual. The use includes the administration of limited medical assistance and is further defined as one of the following:

**“Residential care home, small”** means a residential use providing housing for less than seven (7) children and/or adults. The use is required by State law to be treated as a single housekeeping unit for zoning purposes;

**“Residential care home, large”** means a residential use providing housing for seven (7) or more children and/or adults in a residential zone; and

**“Residential care facility, general”** means providing housing for adults, usually greater than seven (7), in a nonresidential zone.

**“Social rehabilitation facility”** means a facility for individuals with social rehabilitation services with an 18-month limit of stay. The facility provides a group setting for adults recovering from mental illness who temporarily need assistance, guidance or counseling. Program components shall be subject to program standards pursuant to Article 1 (commencing with Section 5670) of Chapter 2.5 of Part 2 of Division 5 of the Welfare and Institutions Code. Excludes other types of community care facilities.

**“Supportive housing”** means a residential use with no limit on length of stay, that is occupied by a targeted population and that is linked to on-site or off-site services that assist the supportive housing resident. Such supportive services may include retaining the housing, improving health status, maximizing the resident’s ability to live, and when possible, find employment in the community.

**“Transitional housing”** means a residential use with supportive services with a 24-month limit of stay, that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible. It typically limits rents and service fees to an ability-to-pay formula reasonably consistent with the United States Department of Housing and Urban Development’s requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing. Refer to Section 50800 et seq. of the California Health and Safety Code for additional information.

**17.150.060 – Public and Quasi-Public Uses. (FULLY UPDATED)**

**“Electrical distribution substation”** means a part of an electrical generation, transmission and distribution system. A substation transforms voltage from high to low, or the reverse, or performs any of several other important functions. Substations may be owned and operated by an electrical utility or may be owned by a large industrial or commercial customer. Generally, they are unattended and rely on remote supervision and control.

**“Government”** or **“Government related facility”** means a publicly-accessible facility, building, and/or structure and/or piece of land owned, operated or occupied by a government or related agency to provide a governmental service to the public. The use shall be classified as

a government office if it is not publicly-accessible. Includes post offices, civic centers and libraries. Excludes public recreation facilities and cultural institutions.

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

**“Recreation facility”** means one of the following:

**“Recreation facility, private”** means a privately owned recreational facility which generally require some form of membership or residence. This may include tennis, basketball or swimming clubs. Excludes membership health clubs. In addition, it does not include recreation amenities on private property for the exclusive use of the residents of that property.

**“Recreation facility, public”** means public parks, play lots, picnic areas, playgrounds, sports courts, equestrian establishments and athletic fields for non-commercial neighborhood or community use. This may include indoor public facilities such as aquatic centers. The definition does not include the same facilities that are privately owned or commercial facilities.

**“Schools and educational institutions”** means a building or group of buildings, primarily intended for educational purposes, including establishments furnishing onsite and/or online courses or offerings, and customary ancillary uses such as a cafeteria or kitchen facilities, playground, offices and gathering spaces. Schools and educational facilities include the following:

**“College or university – public or private”** means an institution of higher education providing curricula and instruction, in many areas of advanced learning. The university or college may be public or private and for-profit or non-profit. Degrees or certificates are granted at the associate’s, bachelor’s and/or master’s level. Excludes specialized educational and training facilities.

**“K-12 – public or private”** means public or private elementary, middle, junior high and high schools serving kindergarten through 12<sup>th</sup> grade students, including denominational and sectarian, boarding schools and military academies. May also include after-school programs. Excludes preschools or family daycare homes.

**“Preschool – public or private”** means an early childhood setting where two (2) to five (5) year old children receive education and care. Children can experience preschool in a variety of settings, including child daycare centers, government funded prekindergarten programs such as Transitional kindergarten (TK) and Head Start, and private preschool programs.

**“Specialized education and training”** means a wide range of business, secretarial and vocational schools offering specialized trade and commercial courses. This includes specialized non-degree-granting schools offering subjects such as airplane

flying, art, computers, cooking, dance, drama, driver education, language, music and religion. Also includes seminaries and other facilities exclusively engaged in training for religious ministries. Facilities, institutions, and conference centers are included that offer specialized programs in personal growth and development (e.g., arts, communications, environmental awareness, and management).

**“Tutoring and educational center”** means a business where supplemental educational instruction in specific subjects and skills is provided to school-age children.

**“Utility facility”** means a lot, building or structure used in conjunction with the supply of a public utility including a municipal water supply well, a water or sewage pumping station, a water treatment facility, a water storage reservoir, a gas regulator building, a hydro substation, a telephone building for exchange, long distance or repeater uses.

**“Wireless facility”** or **“wireless communications facility”** means any device or system for transmitting and/or receiving electromagnetic signals, including, but not limited to, radio waves and microwaves for cellular technology, personal communication services, mobile services, paging systems and related technologies. Facilities include towers, freestanding facilities, ground-mounted facilities, rooftop facilities, utility poles, transmitters, microwave dishes, antennas and parabolic antennas, small cells, macro- and microcells, DAS, DCU, all other types of equipment used in transmitting or receiving signals, antenna structures, associated buildings, base stations, emergency power systems or cabinets which house support equipment, and other accessory development.

#### **17.150.070 – Assembly and Entertainment Uses. (FULLY UPDATED)**

**“Adult entertainment establishment”** 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.” Such an area may include (i) less than completely and opaquely covering human genitals or pubic region, buttocks and/or female breast below a point immediately above the top of the areola; (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered; or (iii) any device, costume or covering that simulates and of the body parts identified in (i) or (ii) above. An adult business can mean any of the business types listed below, as well as any other business 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.” Refer to Section 17.152.030 (Use Definitions – Assembly and Entertainment Uses) of this Title for general definitions related to adult entertainment establishments.

**“Adult bookstore,” “adult video store”** or **“adult novelty store”** means any establishment where more than ten (10) percent or 200 square feet of the gross floor area (whichever is greater) sells or rents, or offers for sale or rental, any one (1) or more of the following: (i) 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;” and (ii) 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 cabaret”** means a nightclub, bar, restaurant or similar commercial establishment, whether or not alcoholic beverages are served, which, on a regular and substantial basis, features: (i) persons or entertainers who appear on stage; (ii) live performances which are characterized by the exposure of “specified sexual activities” or “specified anatomical areas;” or (iii) 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": (i) 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 (ii) offers, rents, leases, or lets any room for less than a ten (10) hour period; or (iii) 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 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” 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.”

**“Sex supermarket”** or **“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." Excludes an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.

**“Assembly or meeting facility”** means a facility for private assembly and meetings. Examples include banquet rooms, conference facilities and meeting halls for clubs, including civic, social and fraternal organizations, and other membership organizations. Excludes religious institutions, community centers or uses listed under commercial entertainment.

**“Commercial entertainment”** means a spectator entertainment establishment within buildings specifically intended for live theater, comedy or music venues, karaoke and movie theaters.

**“Commercial recreation facility”** means one of the following:

**“Commercial recreation facility, indoors”** means a building or place that provides participant or spectator recreation that is open to the public for a fee. This definition includes uses such as billiards parlors, bowling alleys, health clubs, ice- or roller-skating rinks, laser tag, table tennis and indoor swimming pools. Health clubs less than 3,500 square feet in gross floor area may be classified as a general personal care facility.

**“Commercial recreation facility, outdoors”** means a primarily outdoor use that provides participant or spectator recreation that is operated as a business and open to the public for a fee. This definition includes uses such as amusement parks, golf courses, miniature golf course, equestrian establishments, tennis courts and outdoor swimming pools.

**“Community center”** means a public hall or public multi-purpose meeting facility where members of the public may gather for group activities, social support, public information and other purposes. It may operate for the entire community, for a specific segment of the community (e.g. senior centers) or may be reserved for private functions. Excludes religious institutions, assembly or meeting facilities or uses listed under commercial entertainment.

**“Cultural institution”** means a facility such as a museum, art gallery and garden that displays or preserves objects of community or cultural interest relating to one or more of the arts or sciences. Excludes philanthropic or charitable institutions.

**“Family entertainment center”** means a facility that is marketed toward families with children from toddlers to teenagers, with activities usually occurring indoors. It typically attracts customers from the local or sub-regional market. Activities can include arcade games (often redemption based), ball pits, batting cages, bumper cars, kiddie rides, laser tag, miniature golf, playgrounds and climbing structures. Supportive uses include restaurants and snack bars as well as specialty shops selling toys, gifts and novelties.

**“Gaming center”** or **“arcade”** means an establishment that provides five (5) or more amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices may include electronic or mechanical equipment, games, or machines that are played or used for amusement. Such activities often require different levels of skill. This use may also include internet/cyber cafes, where people access the internet to play video games or other use software programs.

**“Karaoke”** means a commercial entertainment establishment 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.

**“Nightclub”** means a bar, tavern or similar establishment that provides live entertainment that may serve alcoholic beverage for sale, where the performance area exceeds 75 square feet and/or customer dancing is permitted. Typically operates late at night.

**“Pool hall”** or **“billiard parlor”** means a type of indoor commercial recreation facility where a building, or portion thereof, is designed, intended and equipped with five (5) or more pool tables, billiard tables, snooker tables or combination thereof.

**“Religious institutions”** means a building or structure and/or group of buildings or structures, which by design and construction are primarily intended for religious assembly, or the conducting of organized religious service, ceremonies or worship and accessory uses associated therewithin. Religious institutions shall include, but are not limited to chapels, churches, mosques, synagogues, shrines, and temples. They may also include ancillary uses such as kitchens, offices, meeting rooms and gathering halls and ancillary buildings such as rectories, monasteries and convents.

#### **17.150.080 – Retail and Office Uses. (FULLY UPDATED)**

**“Alcohol sales establishment”** means one of the following, subject to obtaining an alcohol license from the California Department of Alcoholic Beverage Control (ABC):

**“Bar or tavern, on-site”** means an establishment that serves beer, wine and/or distilled spirits (per ABC License Types 40, 48 and/or 61) for on-site consumption for a business that does not meet the definition of a bona fide restaurant. The consumption of alcohol is typically the primary use; however, the business may serve meals or other food items. Ancillary entertainment may occur, provided the performance area does not exceed 75 square feet and customer dancing or karaoke is not permitted (the use shall be classified as commercial entertainment or nightclub if either dancing or karaoke is permitted). This definition also includes cocktail lounges, pubs and saloons.

**“Brew pub, on-site and off-site”** means a bona fide restaurant which sells beer that is brewed on-site (Type 75 ABC license) for on-site consumption or sold for off-site consumption, only if the beer produced by the brew pub is also sold to California licensed wholesalers.

**“Liquor store, off-site”** means a retail establishment where 30 percent or more of the sales area is devoted to the selling of beer, wine and/or other alcoholic beverages for consumption off the premises.

**“Restaurant, on-site”** means an establishment that is a bona fide restaurant and serves beer, wine and/or distilled spirits (per ABC License Types 41 or 47) for on-site consumption as an ancillary use.

**“Restaurant, on-site, limited hours”** means an establishment that is a bona fide restaurant and serves beer, wine and/or distilled spirits (per ABC License Types 41 or 47) for on-site consumption as an ancillary use, with no meal or alcohol service between the hours of 10:00 p.m. and 6:00 a.m.

**“Retail store, off-site”** means a retail establishment where less than 30 percent of the sales area is devoted to the selling of beer, wine and/or other alcoholic beverages for consumption off the premises.

**“Other uses, on-site”** means an establishment, other than a restaurant, bar, tavern or brew pub, that serves beer, wine and/or distilled spirits for on-site consumption. Examples include, but are not limited to, government facilities, recreation facilities, assembly and entertainment uses. The serving of alcohol may be a primary or incidental use. The establishment may or may not serve meals.

**“Ancillary entertainment”** means an establishment that provides entertainment where the combined activity area does not exceed 75 square feet and does not permit dancing or karaoke. Examples of ancillary entertainment include live music performances, poetry reading, four (4) or less pool tables and/or four (4) or less amusement devices such as electronic or mechanical equipment, games or machines. If the activity area exceeds 75 square feet and/or customer dancing occurs, the use shall be defined as a nightclub. If karaoke occurs, the use shall be defined as commercial entertainment. If there are more than four (4) pool tables, the use shall be defined as a pool hall or billiard parlor. If there are more than four (4) amusement devices, the use shall be defined as a gaming center or family entertainment center.

**“Cannabis activity, commercial”** means the term as defined under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as regulated under Chapter 5.18 (Commercial Cannabis Activities) of the EMMC. The following is the City’s retail example:

**“Dispensary”** or **“retailer”** means a facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered, either

individually or in any combination, for retail sale, including an establishment that delivers cannabis and cannabis products.

**“Convenience store”** or **“minimart”** means a neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise for daily convenience shopping needs. A convenience store may be part of a service station or may be an independent land use. This use shall be classified as a grocery store if it is more than 3,500 square feet.

**“Department store”** means a type of retail use with a minimum 25,000 square feet operated by a single tenant. Excludes warehouse retailer or retail warehouse.

**“Destination retail”** or **“entertainment development”** means a development project in the Gateway Specific Plan, greater than 20,000 square feet, that provides products and services that are unique and marketed to a consumer base that extends beyond the El Monte area. Destination retail may include “big box” and warehouse-type retail, such as electronics, furniture, appliances, movie theaters, and other similar retail and entertainment uses.

**“Food or beverage establishment”** means one of the following:

**“Bakery”** or **“pâtisserie, retail”** means an establishment open to the public that produces and sells flour-based food baked in an oven such as bread, cookies, cakes and pies for on-site sales. Confectionery items may also be made in bakery shops. Some retail bakeries may also be categorized as cafés, serving beverages to customers who wish to consume the baked goods on the premises.

**“Bakery, commercial”** means a bakery employing more than ten (10) people that produce breads, pastries and other baked products using high-volume mixing machines, ovens and other equipment. In some cases, the machines are automated to mass-produce standardized baked goods. While customers can consume the baked goods on the premises, products are primarily distributed to off-site retailers for sales.

**“Coffeehouse”** or **“café”** means an establishment that sells specialty coffee, espresso drinks, teas, assorted pastries and other food items. A maximum 30 percent of the gross floor area may be devoted to incidental uses including ancillary entertainment as defined in this Chapter, restrooms and offices. Excludes the sale of alcohol for on-site consumption.

**“Outdoor seating”** means an area adjacent to a restaurant or other food or beverage establishment, where customers can consume products purchased at the associated business. The dining area may include a solid covering (e.g. patio), partial covering (e.g. trellis), umbrellas or open to the sky. The dining area may also be on private property or may encroach into the public right-of-way, subject to receiving an encroachment permit.

**“Restaurant”** means an establishment engaged in the sale of food and beverages for consumption on or off the premises. All of the following must be met for the use to be considered a bona fide restaurant:

- i. A minimum 20 percent of the gross floor area shall be designed, equipped and used exclusively for the storage and preparation of food and beverages;
- ii. A minimum 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;
- iii. A maximum of 30 percent of the gross floor area may be devoted to incidental uses including the sale of alcoholic beverages for on-site consumption, ancillary entertainment as defined in this Chapter, restrooms and offices;
- iv. Meals shall be served at all times the restaurant is open; and
- v. The sale of alcoholic beverages shall be incidental to the sale of food.

**“Grocery store”** means retail sale of food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, dry cleaners, food take-outs, pharmacies, etc.) under one roof. This use shall be classified as a minimart if it is 3,500 square feet or less.

**“Multiple-tenant commercial development”** means any nonresidential development which is improved with three (3) or more retail sales, retail services, restaurants or a combination thereof. Excludes commercial projects which are designed and devoted to office uses and/or industrial uses exclusively.

**“Office”** means a room, set of rooms or building used as a place for commercial, professional or bureaucratic work. Main examples include the following:

**“Ancillary”** means an office facility that is incidental and accessory to another business or sales, service or manufacturing activity that is the primary use of the structure or property.

**“Administrative business professional”** means an establishment providing direct services to consumers in office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property, excluding financial institutions, which are defined separately. Examples include:

- 
- |   |   |
|---|---|
| • Accounting, auditing and bookkeeping                        | • Employment, stenographic and word processing services |
| • Advertising agencies  | • Insurance claim processing                            |
| • Architectural, engineering, planning and surveying services | • Literary and talent agencies                          |
| • Attorneys, legal services                                   | • Mail order and e-commerce transaction processing      |

- Commercial art and design services
  - Counseling services
  - Court reporting services
  - Data processing services
  - Detective agencies and similar services
  - Educational, scientific and research organizations
  - Elective official satellite offices
  - Employment centers
  - Management and public relations services
  - Media postproduction services
  - Photography and commercial art studios
  - Psychologist
  - Real estate brokerage or sales
  - Telecommunications facility design management
  - Telemarketing
  - Writers and artists office
- 

**“Government”** means an administrative, clerical or office of a government agency. The use may include the incidental storage and maintenance of vehicles. The use shall be classified as a government or government related facility if it is publicly-accessible and provides a public service.

**“Medical or dental”** means an office or outpatient health facility providing direct health services to patients including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services. Medical or dental laboratories may be ancillary to a medical use or may function as its own use. Excludes inpatient services and overnight accommodations.

**“Office supply store”** means an establishment which primarily tailors to the needs of an office environment. The items sold typically include paper products, ink cartridges, computers, communications equipment, printers, scanners, copiers, data storage, and other such devices. May include office concierge services as an ancillary use.

**“Pet store”** means a retail establishment that sells animal-related products (e.g. food and toys) and/or services (e.g. grooming) for animals on a commercial basis and/or where household animals are offered for adoption and/or sale. A pet store is not used for the breeding or commercial boarding of animals. This definition may include veterinary services as an ancillary use for pet stores greater than 5,000 square feet in gross floor area.

**“Pawnbroker”** or **“pawnshop”** means an individual or business that offers secured loans to persons, with items of personal property used as collateral. While many items can be pawned, pawnshops typically accept jewelry, musical instruments, home electronics, computers, coins, gold, silver or other relatively valuable items as collateral. If the loan is not paid within a specified time period, the pawned item will be offered for sale to other customers by the pawnbrokers.

**“Pharmacy”** means a retail store where prescription medicinal drugs and/or other medical supplies are dispensed and sold. Pharmacies may have ancillary sales of other household items. Pharmacies greater than 3,500 square feet in gross floor area shall be classified as a retail use.

**“Retail sales”** means the sale of retail merchandise in stores, showrooms and shops not specifically listed under another defined use (e.g. office supply stores, adult bookstores and convenience stores). Main examples include the following:

- 
- Appliance stores
  - Art galleries
  - Artists’ supply stores
  - Antique stores
  - Bicycle stores
  - Bookstores
  - Camera and photographic supply stores
  - Clothing and apparel shops
  - Collectibles stores (e.g. cards, coins, comics, stamps)
  - Confectionery stores
  - Consumer electronics stores
  - Department store
  - Discount stores
  - Drug stores
  - Dry goods
  - Eyeware stores
  - Fabric and sewing supplies
  - Florists and houseplant stores
  - Flooring and tile
  - Fruit and vegetable stores (less than 5,000 square feet in area)
  - Furniture store
  - Garden center or nursery
  - Gift and souvenir stores
  - Hardware stores
  - Hobby stores
  - Jewelry stores
  - Luggage and leather goods stores
  - Mattress sales
  - Meat markets
  - Musical instruments stores
  - Orthopedic supply stores
  - Paint supply stores
  - Pet stores
  - Religious goods stores
  - Shoe stores
  - Small ware stores
  - Specialty shops
  - Sporting goods and equipment stores
  - Stationery stores
  - Toy and game stores
  - Upholstery stores
  - Variety stores
  - Vitamin and nutrition stores
  - Window stores
- 

**“Secondhand store”** means an establishment in the retail sale of used goods and merchandise such as a thrift store, whereby the sale of such used goods and merchandise comprises 25 percent or more of the total monthly sales volume. This definition does not apply to pawnshops.

**“Showroom sales”** means an establishment that displays merchandise, but has minimal or no onsite customer retail sales. The items on display can include preowned items (e.g. an Auction House) or items devoted to a particular subject or industry (e.g. bathroom fixtures).

**“Significant tobacco retailer”** means any establishment, where 25 percent or more of the gross floor area is devoted to the sale of tobacco products, substances intended for smoking, or smoking accessories, including but not limited to pipes, vaporizing devices, or other smoking paraphernalia. Public or private smokers’ lounges shall not be permitted as an ancillary use. Does not include commercial cannabis activity uses.

**“Temporary use”** means a use that is designed, operated, and occupies a site for a limited period of time, typically less than 12 months. Examples include Christmas tree lots, parking lot sales and special events.

**“Vehicle retail use”** means one of the following:

**“Vehicle 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.

**“Vehicle sale and lease, limited”** means the sales and leasing of automobiles, motorcycles or trucks within an enclosed structure without any incidental maintenance or repair work allowed. Vehicles shall not be displayed or stored outdoors. Accessory part installation as part of the vehicle sale is permitted.

**“Vehicle sale and lease, general”** means the sale, or leasing of automobiles, motorcycles or trucks. Merchandise may be new, a combination of new and used, or exclusively used. Indoor and/or outdoor is permissible. Ancillary uses such as maintenance or repair work and vehicle washing shall be allowed.

**“Vehicle sale and lease, major”** means the sale, or leasing of trailers, campers, travel trailers, utility trailers, tractors, construction equipment, mobile homes and similar equipment. Ancillary uses such as maintenance or repair work and vehicle washing shall be allowed.

**“Warehouse retailer”** or **“retail warehouse”** means a retail establishment that provides goods and services related to construction, home repair, building materials supplies and other similar items. Showrooms are also permitted.

**“Wholesaler”** means a business that buys products or goods in bulk from one (1) or more manufacturers and sells them to other businesses or to the public at prices that are typically lower than those available in retail stores. The use may include ancillary distribution of goods, provided the merchandise being distributed is limited to products that can be sold in the zoning district the business is located within.

**17.150.090 – Service Uses. (FULLY UPDATED)**

**“Alternative financial establishment”** means an establishment that offers financial services outside traditional federally insured financial institutions, including, but not limited to check cashing outlets, payday lenders and vehicle title lenders.

**“Ambulance service”** or **“emergency medical service”** means a service that provides urgent pre-hospital treatment and stabilization for serious illness and injuries and transport to definitive care. Ambulance service can be summoned by members of the public via an emergency telephone number (911). As a first resort, the service provides treatment on the scene. If deemed necessary, the transports the patient to the next point of care.

**“Animal service”** means one of the following:

**“Animal boarding/kennel”** means the commercial provision of shelter and care for dogs, cats, other household animals, including activities associated with such shelter and care (e.g., feeding, exercising, grooming, and incidental medical care).

**“Animal grooming”** means a general personal service use providing for the bathing and trimming services for dogs, cats, and other household animals. Overnight boarding is not allowed.

**“Veterinary service”** or **“animal hospital/clinic”** means an establishment where household animals receive medical and surgical treatment and may be temporarily boarded (more than one-night stay) in association with such medical or surgical treatment. Short-term animal boarding may be provided as an accessory use.

**“Appliance or electronics repair”** means an establishment that provides repair services for a wide variety or specific type of appliance or electronics equipment. Such items include computers, laptops, televisions, kitchen appliances and video recording systems.

**“Automated Teller Machine (ATM)”** means an electronic banking self-service machine that allows customers to complete basic financial transactions without the aid of a financial institution representative or personnel. The machine may be located at or within banks or credit unions, or in other locations, including independent machines in grocery or convenience stores. The use shall be classified as a drive-thru business – service or retail if it is a drive-up or drive-thru service.

**“Bail bond”** means a business regulated by the California Department of Insurance (CDI) operated by and through a person holding a bail license that provides, as a service, an agreement for a method of release of a criminal defendant whereby the appearance in court and obedience to orders of a court or payment of a sum of money set by the court is guaranteed. The bail bond is cosigned by a bail bondsman, who charges the defendant a fee in return for guaranteeing the payment. A bail bond is a type of surety bond.

**“Collection containers”** means one of the following:

**“Collection containers, small”** means an unattended center, bin, receptacle or other container used for the acceptance by donation from the public of salvageable personal property, including, but not limited to, clothing, shoes, books and household items, for periodic off-site processing or redistribution. Excludes recyclable materials not intended for re-use including newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials and solid waste. The use shall not exceed an area of 400 square feet, shall not occupy more than two (2) parking spaces and shall be located on the same site as the host use.

**“Collection containers, large”** means an unattended center, bin, receptacle or other container used for the acceptance by donation from the public of salvageable personal property, including but not limited to, clothing, shoes, books and household items, for periodic off-site processing or redistribution. Excludes recyclable materials not intended for re-use including newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials and solid waste. The use may occupy an area of 400 square feet or more and may occupy more than two (2) parking spaces.

**“Correctional facility”** means a facility, whether owned and/or operated by an individual, a for-profit or not-for-profit entity used for the 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; or (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.

**“Drive-thru business”** means an establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-thru services. Main examples include the following:

**“Drive-thru business – car washing”** means a business that cleans the exterior and, in some cases, the interior of vehicles. Car washes can be self-service (e.g. coin operated), full-service (e.g. attendants wash the vehicle) or fully automated (e.g. at a service station). This definition may include ancillary uses such as gift shops or shoe shining.

**“Drive-thru business – food or beverage establishment”** means a business that operates a drive-up or a drive-thru service to serve food and/or beverages in conjunction with a restaurant, fast food restaurant, coffeehouse or other similar business.

**“Drive-thru business – service or retail”** means a business that operates a drive-up or a drive-thru service such as a bank, pharmacy, dry cleaners or other use that generates minimal traffic. Excludes car washing facilities or business that serve food or beverages.

**“Financial institution”** means a bank, credit union, savings and loan, investment company or other federal or state regulated financial institution which offers predominantly banking type or investment services to its customers. Excludes alternative financial establishment uses, such as check cashing outlets and payday lenders.

**“Funeral home”** or **“mortuary”** means an establishment engaged in the provision of service involving the care and preparation of the deceased for burial or cremation and/or where funeral services are conducted. It may or may not include crematories and/or mortuaries. No internment shall be provided on site. The use may include areas for assembly services, chapels and similar rooms for viewing, religious services, wakes and similar activities, together with accessory office facilities and living quarters for the funeral home/mortuary director.

**“Hotels”** or **“motels”** means a building with access provided through a common entrance, lobby or hallway to one or more guest rooms or suites, with or without kitchen facilities, designated to be rented out for transient lodging for a period of between one (1) and 30 days, and which may include other ancillary uses and/or guest facilities such as restaurants, banquet facilities, meeting rooms, business centers, swimming pools and fitness centers. Includes bed and breakfast establishments and inns.

**“Metaphysical store”** means a type of general personal service use selling an array of crystals and minerals from around the world, fine jewelry, unique gifts, incense, apothecary, clothing, and books. Charactered by a focus on personal service to help people find minerals that will assist them in bettering their lives.

**“Office concierge service”** means a business that provides any combination of printing, packaging, designing, binding, scanning and computer access for businesses and the general public. May also provide shipping services. Businesses that include the on-site storage of delivery vehicles shall be classified as a courier or messenger service business.

**“Personal service use”** means any business that provides non-medical individual care to persons involving their personal health, fitness, grooming or appearance. Main examples include the following:

**“Personal service, general”** means an establishment that provides recurrently services of a personal nature. Examples include: barber shops, hair salons, beauty services such as facials and non-surgical facial enhancements, clothing rental shops, cryotherapy, dry cleaning services with limited on-site cleaning equipment, locksmiths, modeling agencies, metaphysical stores, nail salons, personal fitness and training facilities. Excludes fitness and training facilities greater than 3,500 square feet in gross floor area, which shall be classified as an indoor commercial recreational facility.

**“Personal service, restricted”** means an establishment that provides needed services of a personal nature which has the potential to adversely impact surrounding areas and which may need to be disbursed to minimize impacts. Examples include: fortune-telling and psychic services, laundromats, palm and card reading, tanning salons and tattoo and body piercing services.

**“Personal service, massage”** means an 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 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC.

**“Philanthropic”** or **“charitable institution”** means any nonprofit nongovernmental entity that utilizes donated assets and income to provide social useful services. Community foundations, endowments and charitable trusts are types of philanthropic organizations.

**“Recycling facility”** means a center for the collection and/or processing of reusable and/or recyclable materials. Reusable material includes, but is not limited to, metals, glass, plastic and paper which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. Recyclable materials may include electronic waste and universal waste, provided that it is collected, handled, transported and recycled in accordance with the California Universal Waste Regulations. The use shall be classified as a collection container if it includes clothing, small goods and household items. A certified recycling facility or certified processor means a recycling facility certified by California's Department of Resources Recycling and Recovery (CalRecycle). Main examples include the following:

**“Recycling facility, self-service”** or **“reverse vending machine”** means an unattended recycling facility that accepts reusable materials (aluminum cans, glass bottles and plastic containers) through an automated device. May be redeemed for monetary value. The machines shall not occupy any required parking spaces. In addition, they shall not exceed a combined area of 100 square feet. Self-service recycling facilities must be ancillary to a primary use, which is typically a grocery store.

**“Recycling facility, small”** means a recycling facility or center that is overseen by at least one (1) attendant where the public may donate, redeem or sell reusable and/or recyclable materials. It may also include reverse vending machines. The total area of the facility shall not exceed 500 square feet. Small recycling facilities must be ancillary to a primary use, which is typically a grocery store.

**“Recycling facility, large”** means a recycling facility or center that is overseen by at least one (1) attendant where the public may donate, redeem or sell reusable and/or recyclable materials. A large recycling facility may occupy an area of 500 square feet or more and may include permanent structures. Most often, it is the primary or only use on the site.

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

**“Self-storage”** means an establishment that rents secured, compartmentalized storage space such as rooms, lockers and containers to tenants, usually on a short-term basis (often month-to-month). Self-storage tenants include businesses and individuals. Facilities may offer ancillary uses for sale such as boxes, locks and packing supplies to assist tenants in packing and safekeeping their goods. Characterized by low parking demand.

**“Short-term rental”** means the use of a dwelling unit, or portion thereof, that is offered or provided to a guest for lodging purposes by a short-term rental owner or operator for a fee for 30 or fewer consecutive nights. It is commonly referred to as a vacation rental. Excludes community care uses, hotels and motels.

**“Urgent care medical center”** means a category of walk-in clinic that is focused on the delivery of ambulatory care in a medical facility outside of a traditional Hospital Emergency Room (ER). Urgent care medical centers primarily treat injuries or illnesses requiring immediate care but are not serious enough to require a visit to the ER (e.g. a broken foot or the seasonal flu).

**“Vehicle service use”** means one of the following:

**“Vehicle service stations”** means an establishment primarily engaged in the retail sale of vehicle fuel. Ancillary uses may include convenience stores, self-service auto washes and facilities and service bays for vehicle service and repair. The service

and repair may include incidental maintenance and repair of automobiles and light. Excludes the maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles.

**“Full service station”** means a service station that has one or more service bays for vehicle service and repair.

**“Minimum service station”** means a service station that has no service bays.

**“Vehicle repair, minor”** means the repair of automobiles, trucks, motorcycles and recreational vehicles. Specific repairs include the sale, installation, and servicing of related equipment and parts. These uses include auto repair shops, wheel and brake shops, oil change shops and the sale and installation of auto glass, stereo and alarms, upholstery and tires. Excludes the specific list of items associated with major automobile repair.

**“Vehicle repair, major”** means the repair of automobiles, trucks, motorcycles, recreational vehicles, or boats. Specific repairs include all those listed under minor automobile repair. It may also include body and fender repair and spray booths, as well as tire retreading or recapping. Excludes vehicle dismantling or salvage.

**“Vehicle rental, automobile”** means a place of business used for the storage and display of complete and operative automobiles and vans for the purpose of renting or leasing said vehicles on a short- or long-term basis.

**“Vehicle rental, truck and other large vehicle”** means a place of business used for the storage and display of complete and operative cargo vans, cargo trailers, utility trailers and trucks (with cargo space up to 26 feet long) typically used for moving purposes. In addition, this definition may include buses and recreation vehicles (RV) used for touring and leisure. Excludes semi-trailers or semi-trucks.

**“Wedding chapel”** means a business with a building or room, other than a legal court or religious institution, where marriages are regularly performed and that is licensed for that purpose by the State.

#### **17.150.100 – Industrial and Transportation. (FULLY UPDATED)**

**“Aircraft servicing facilities”** means a use that provides supporting services for an airplane at an airport such as aircraft washing racks, aircraft repairing stations and fuel storage and dispensing facilities.

**“Airport”** means an area of land used or intended for landing or takeoff of aircraft including appurtenant areas used or intended for taxiways, aircraft storage, hangars, other airport buildings and facilities, as well as rights of way, and including supportive buildings such as passenger terminals with waiting areas, restrooms, eateries and offices.

**“Cannabidiol (CBD) products manufacturer”** means a business that manufactures different items which are infused with finished and tested CBD (isolate and/or distillate). Examples of items include, but are not limited to, oils and tinctures, edibles, vaporizers, creams and lotions.

There shall be no extracting of “Industrial hemp” as defined by Section 11018.5 of the of the California Health and Safety Code. In addition, the finished and tested CBD (isolate and/or distillate) shall not exceed a maximum of 0.3 percent tetrahydrocannabinol (THC).

**“Cannabis activity, commercial”** means the term as defined under the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products as regulated under Chapter 5.18 (Commercial Cannabis Activities) of the EMMC. The following are the City’s industrial example:

**“Cultivation”** means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities may occur.

**“Distributor”** means a person engaged in the distribution of cannabis and cannabis products. Distribution means the procurement, sale, and transport of cannabis and cannabis products between persons lawfully conducting commercial cannabis activity.

**“Manufacturing”** means a location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis.

**“Microbusiness”** means a cannabis business engaged in at least three (3) of the following commercial cannabis activities: cultivation (on areas less than ten thousand (10,000) square feet), manufacturing (without the use of volatile solvents), distribution, or retail sale.

**“Testing laboratory”** means a laboratory, facility, or entity that offers or performs tests of cannabis or cannabis products and that is both of the following:

- i. Accredited by an accrediting body that is independent from all other persons involved in the cannabis industry in the state; and
- ii. Licensed by the Bureau of Cannabis Control and is owned and operated by a person issued a valid commercial cannabis business license for laboratory testing from the City.

**“Courier service”** or **“messengers”** means a business that focuses on express and door-to-door delivery of parcels and documents without operating under a universal service obligation. Deliveries may be intercity, local, national and/or international. Sorting and transportation activities, where necessary, are generally mechanized. Businesses may include the on-site storage of delivery vehicles.

**“Distribution, fulfillment or warehouse centers”** means a business involved in the movement of goods from a place of origin to an end receiver. The vehicles or trucks used to transport the products and goods may be stored on-site. While the names terms are often used interchangeably, they have specific differences, as noted below:

**“Distribution center”** means a center that provides temporary short-term storage and distribution of goods according to orders as they are received. The flow of goods is typically business to business (B2B) or business to retailer (B2R). Value added services such as product mixing and packaging may be provided.

**“Fulfillment center”** or **“logistics center”** means a third-party center that receives, processes and delivers customer orders in a very short period of time (i.e. it fulfills orders). The flow of goods is mostly business to consumer (B2C), with orders received through e-commerce. Centers closely manage the flow of merchandise between the point of origin and the point of consumption to meet the requirements of customers. Value added services such as product mixing and packaging are often provided.

**“Warehouse center”** means a center that provides for the long-term storage of commercial goods of any natures. Traditionally, the flow of goods is business to business (B2B). However, with the rise of e-commerce, facilities may also transport goods directly to consumers (B2C). Excludes self-storage.

**“Impound yard,”** or **“tow yard”** means a lot used for the temporary storage of vehicles which have been towed by a towing company or for impounded vehicles. Vehicles 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. No vehicle shall stay at the yard longer than 90 days. The vehicles may or may not be operable.

**“Industrial hemp processor”** means a business that refines, treats, or converts “Industrial hemp” as defined by Section 11018.5 of the California Health and Safety Code, where a physical, chemical or similar change of industrial hemp occurs. Examples of hemp processing include the freezing, dehydrating, extracting oil, and the sorting, cleaning, packing, and storing of products preparatory to sale or shipment.

**“Laboratory, testing”** means a wide range of testing facilities that may or may not have associated risks. They include, but are not limited to, analytical and quality (for quality control), biosafety (for containing potentially harmful biological agents), incubator (for microbiological and cell or tissue culture work) and research and development (for a spectrum of laboratories with various risk qualifications). Excludes medical clinics and laboratories (which are classified under medical office) and cannabis testing laboratories.

**“Laundry plant”** or **“dry cleaning plant”** means a building in which the business of laundering, dry cleaning, dry dyeing, stain removal or pressing of articles or goods of fabric is carried on in which non-combustible and non-flammable solvents are, or can be, used when in compliance with the Environmental Protection Act (EPA).

**“Machine shop”** means a workshop where power-driven tools are used for making, finishing or repairing machines or machine parts made of metal or other relatively hard materials.

**“Manufacturing”** means one of the following, unless specifically listed under another use:

**“Ancillary manufacturing”** means manufacturing that is clearly incidental to the retail or wholesale store or business conducted on the premises. In addition, the ancillary manufacturing shall not employ more than five (5) persons at any time and the area it occupies shall not exceed 30 percent of the gross floor area of the business. Such operation or production shall not generate objectionable noise, odor, dust, smoke, vibration or similar negative impact.

**“Light manufacturing”** means a use involving the basic processing and manufacturing of materials or products into finished goods predominantly from previously prepared materials. It includes the fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of products or parts, but excludes the processing of raw materials, except for food products. It may include ancillary uses such as offices, retail and showroom space. Examples include the following:

Hard goods (durable goods with long lifespans):	Fast consumer moving goods (with extremely short lifespans):
<ul style="list-style-type: none"> <li>• Appliances and small parts</li> <li>• Consumer electronics</li> <li>• Doors, windows and awnings</li> <li>• Flooring</li> <li>• Furniture and cabinets</li> <li>• Housewares</li> <li>• Jewelry</li> <li>• Musical instruments</li> <li>• Printing and publishing</li> <li>• Signs and billboards</li> <li>• Small machinery</li> <li>• Sporting goods</li> <li>• Tools</li> </ul>	<ul style="list-style-type: none"> <li>• Baked goods</li> <li>• Batteries</li> <li>• Beverages including brewery</li> <li>• Candy</li> <li>• Cleaning products</li> <li>• Cosmetics</li> <li>• Dry goods</li> <li>• Food processing (except for sauerkraut, fish, pickles and hot sauce)</li> <li>• Fresh foods</li> <li>• Frozen foods</li> <li>• Office supplies</li> <li>• Prepared meals</li> </ul>
Soft goods (usually textile-based goods with shorter lifespans):	
<ul style="list-style-type: none"> <li>• Bags and backpacks</li> <li>• Bedding</li> <li>• Carpets</li> <li>• Ceramics</li> <li>• Clothing and apparel</li> </ul>	<ul style="list-style-type: none"> <li>• Footwear</li> <li>• Optical goods</li> <li>• Pillows</li> <li>• Textiles</li> <li>• Towels</li> </ul>

**“General manufacturing”** means the manufacture and/or processing of materials and goods utilizing large quantities of raw materials and requiring significant health, safety, and environmental precautions. Generally includes the sale of output to other business users (B2B) rather than consumers. Characteristics include, but are not limited to, heavy trucking activity, noise, emissions requiring federal or state environmental permits, use of hazardous materials as defined the U.S. Environmental Protection Agency and requirement for specialized permits from

the Federal or State government. May include ancillary offices, but typically do not have clients visiting the facility. Examples include:

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| <ul style="list-style-type: none"><li>• Boats, pools and spas and related products</li><li>• Building materials</li><li>• Concrete, tile and brick</li><li>• Die casting (electrically operated only)</li><li>• Dye-stuffs</li><li>• Flour mill</li><li>• Food processing (including sauerkraut, fish and pickles)</li><li>• Foundry</li><li>• Glass</li><li>• Grain milling or processing</li></ul> | <ul style="list-style-type: none"><li>• Large machinery</li><li>• Metal processing and refining</li><li>• Motor vehicles and related products (including truck, automobiles, small trucks or vans, motorcycles and scooters)</li><li>• Paint (by blending ingredients)</li><li>• Paper, wood or lumber processing</li><li>• Pharmaceutical products and chemicals</li><li>• Plastics</li><li>• Shoe polish</li><li>• Starch</li></ul> |
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**“Passenger transport service” or “taxi service”** means a place of business that has vehicles which provide private transportation to customers for compensation. Types of vehicles include taxis, shuttle vans, busses and limousines. Passenger transport services may have vehicle storage for operable vehicles when not in use and may have associated minor vehicle repair (conducted within a fully enclosed building) and washing of vehicles.

**“Recycling processing facility” or “Materials Recovery Facility (MRF)”** means a specialized center or facility that receives, sorts and processes reusable and/or recyclable materials on-site for market to end-user manufacturers. MRFs may be a separate, stand-alone facility, or incorporated into a new or existing transfer station. There are two (2) main categories of MRFs. The first is a clean MRF, which accepts recyclable materials that have already been separated at the source from waste generated by either residential or commercial sources. The second is a mixed-waste MRF, which accepts a mixed solid waste stream and then proceeds to separate out designated recyclable materials. The sorted recyclable materials undergo processing required to meet technical specifications before going to end-markets. The balance of the mixed waste stream not otherwise prepared for end-markets is sent to a disposal facility, such as a landfill. For the purpose of this definition, processing shall mean the process of changing the physical characteristics of a recyclable material, including the shredding, smelting, grinding and crushing of cans, bottles, and other materials, for other than temporary storage purposes. Includes scrap metal processing and transfer station.

**“Research and development”** means an establishment engaged in industrial or scientific research, including product design, development and testing. This includes electronic research firms and pharmaceutical, chemical and biotechnology research laboratories. Excludes manufacturing, except of prototypes, or medical testing and analysis.

**“Rock, sand and gravel storage and distribution”** means an establishment that stores and distributes rock, sand, gravel and other similar earth products. The materials are typically sent directly to construction sites or to other businesses that will sell it to end users.

**“Towing facility”** means an automotive service use in which three (3) or more tow trucks are employed in the hauling of motorized vehicles. The vehicles are typically delivered to vehicle repair businesses, service stations or impound yards. If vehicles are proposed to be stored on-site, the business shall be classified as an impound yard.

**“Transit station”** means a public facility that is primarily used, as part of the transit system, for the purpose of loading, unloading or transferring passengers or accommodating the movement from one mode of transportation to another.

**“Truck terminal”** means land and buildings used as a relay station for the transfer of products from a cargo truck to another usually smaller vehicle such as an ice cream truck. The terminal cannot be used for permanent or long-term storage. Truck terminals may have associated minor vehicle repair (conducted within a fully enclosed building) and washing of vehicles. Excludes distribution and fulfillment centers.

**“Vehicle parking”** means one of the following:

**“Attendant parking”** or **“valet parking”** means a parking facility where a lot attendant parks vehicles for drivers for a specific use or event, usually charging a fee.

**“Car sharing”** or **“vehicle sharing”** means a membership-based service provided by a business or entity with a distributed fleet of car sharing vehicles within a defined geographic area that charges guests a use-based fee related to a specific vehicle.

**“Car sharing, residential”** means a residential use that is in a contract with a car sharing facility, which provides vehicles for the residents to use. The use may be involuntary (where car sharing is required as a condition of approval) or voluntary (where the property owner or management company provides it as a residential amenity).

**“Car sharing, nonresidential”** means the facility that provides the vehicles for car sharing use. The nonresidential use may have vehicles that are off-site (the vehicles are placed at a specific residential use) and/or on-site (the vehicles can be used by nearby residents or businesses). If the car sharing organization has no on-site storage of vehicles, it shall be an office use.

**“Parking lot”** means the exclusive or primary use of a lot for off-street parking spaces in an open paved area.

**“Parking structure”** means a structure or portion thereof composed of one or more levels or floors used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (as an underground parking garage) or either partially or totally above grade with those levels being either open or enclosed.

**“Shared parking”** means a type of parking management, where parking spaces are shared by more than one user, which allows parking facilities to be used more efficiently. Shared parking takes advantage of the fact that most parking spaces are only used part time by a particular motorist or group and many parking facilities have a significant portion of unused spaces, with utilization patterns that follow

predictable daily, weekly and annual cycles. Shared parking can occur between uses on the same site or between uses on adjacent or nearby sites, provided the nearby site is a maximum 300 feet away.

**“Vehicle parking, limited”** means the storage of operative vehicles including, but not limited to, passenger cars, minivans, cargo vans, full-size pickups, heavy-duty pickups and box trucks up to 16,000 pounds (up to Class 4). Short term facilities shall be limited to less than one (1) year. Long term facilities may operate for a period longer than one (1) year. Vehicles may park overnight.

**“Vehicle parking, general”** means the storage of operative vehicles including, but not limited to, buses, recreational vehicles and trucks over 16,000 pounds (Class 5 and above). Vehicles may park overnight.

## **CHAPTER 17.152 – GENERAL DEFINITIONS**

### **Sections.**

- 17.152.010 – Purpose.
- 17.152.020 – General Definitions.
- 17.152.030 – Adult Entertainment Establishment Definitions.
- 17.152.040 – Landscaping and Water Efficiency Definitions.
- 17.152.050 – Public Utilities Definitions.
- 17.152.060 – Signage Definitions.
- 17.152.070 – Wireless Definitions.

### **17.152.010 – 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. Definitions can be classified into three (3) main categories: intensional (which try to give the sense of a term); extensional (which try to list the objects that a term describes); and ostensive (which convey the meaning of a term by pointing out examples). In the event that any definition, term or word in this Chapter conflicts with any federal or state-mandated definition, the federal or state-mandated definition shall control.

### **17.152.020 – General Definitions.**

**“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.

**“Advertise”** means public notice or announcement of items or services through the use of newspaper, handbills, radio, television, or other means of public communication.

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

**“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.

**“Applicant”** or **“project applicant”** means the individual or entity submitting an application for a Planning Division related permit. A project applicant may be the property owner or his or her designee.

**“Approval authority”** means the commission or official responsible for review of permit applications and vested with the authority to approve or deny such applications. Refer to Section 17.10.050 (General Regulations – Planning Authorities) of this Title for a list of authorities and the permits they are authorized to review.

**“Basement”** means a story partly or wholly underground. 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 Overlay Zone (BOZ)”** shall mean a zone that overlays the areas adjacent to the I-10 Freeway and California State Route 164 (more commonly known as Route 19) as shown on the official Billboard 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 17.82 (Billboard Overlay Zone) and the California Outdoor Advertising Act.

**“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.

**“Business establishment”** means 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.

**“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.

**“City Council”** means the City Council of the City of El Monte.

**“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 (Streets Sidewalks and Public Places – Parks and Recreation Activities) of the EMMC or any City-owned parking lot or parking structure.

**“City Manager”** means the City Manager of the City of El Monte, or the City Manager's designee.

**“Corral”** means an area or yard that is enclosed to adequately confine animals.

**“CPUC”** means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.

**“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”** or **“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 Chapter 17.129 (Development Agreements) of this Title. Such development agreement, as necessary, may also constitute a "relocation agreement," pursuant

to Section 5412 of the California Business and Professions Code, 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.

**“Development standard”** means 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 development pursuant to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation.

**“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 Section 12926 of the California Government Code.

**“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 Title 28, Section 35.104 of the Code of Federal Regulations (CFR).

**“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.

**“Community and Development Director”** or **“Director”** means the Community and Economic Development Director of the City of El Monte, or his or her designee.

**“Election”** 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.

**“Façade area”** means the area of the façade used to calculate the maximum allowable sign area. The calculation includes the width of the façade or lease line, whichever is less, multiplied by the height of the façade 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.

**“Primary façade”** means a façade or elevation that faces a street, on-site driveway or on-site parking area. The property owner shall determine which building elevation may be the primary façade.

**“Secondary façade”** means a façade or elevation that faces a street, alleyway, on-site driveway or on-site parking area that is not a primary façade.

**“Third façade”** means a façade or elevation that faces a street or alleyway that is not a primary or secondary façade.

**“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.

**“FCC”** means the Federal Communications Commission or its duly appointed successor agency.

**“Floor area,”** which includes **“gross floor area”** and **“net floor area,”** means the definitions outlined in Subsection 17.12.060(B) (Measurements and Calculations – Floor Area) of this Title.

**“Floor area ratio (FAR)”** means the definition outlined in Subsection 17.12.060(C) (Measurements and Calculations – Floor Area Ratio) of this Title.

**“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.

**“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.

**“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.

**“Housing development,”** as used in Chapter 17.100 (Density Bonus Provisions) of this Title, means a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by the City and consists of five (5) or more 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 (1) development application, but do not have to be based upon individual subdivision maps or parcels. The five (5) or more units shall be before any units are incorporated through the density bonus process. 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.

**“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.

**“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.

**“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.

**“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 135 degrees.

**“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.

**“Interior lot”** means a lot other than a corner lot.

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

**“Lot area,”** which includes **“gross lot area”** and **“net lot area,”** means the definitions outlined in Subsection 17.12.060(F) (Measurements and Calculations – Lot Area) of this Title.

**“Lot coverage”** means the definition outlined in Subsection 17.12.060(G) (Measurements and Calculations – Lot Coverage) of this Title.

**“Lot line, front”** 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”** means the property line opposite the front lot line.

**“Lot line, side”** means any lot line other than a front or rear lot line.

**“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.

**“Through lot”** means a lot having frontage on two (2) parallel or approximately parallel streets.

**“Mural”** means a picture on an exterior surface of a structure that does not pertain to the business, product, or services on the premises.

**“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 (NPDES) 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, per Section 13.20.010 (Stormwater and Urban Runoff Pollution Control – Definitions) of the EMMC.

**“Nonconforming building or structure”** means a building or structure which was lawful when brought into existence, but because of subsequent amendment to this Title, 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 Title, 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.

**“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.

**“Occupancy, change of”** means 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-premise”** means any business where the primary service or entertainment IS provided at a location or locations other than the premises of the subject business.

**“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.

**“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.

**“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.

**“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. 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.

**“Permit Committee”** means the El Monte Permit Committee organized under Chapter 5.12 (Business Permits Generally) of the EMMC.

**“Person”** means any natural person, firm, association, organization, sole proprietorship, 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, publicly regulated utility or any other legal entity.

**“Planning Commission”** means the Planning Commission of the City of El Monte.

**“Planning Division”** means the Planning Division of the Community and Economic Development Department of the City of El Monte or its duly appointed successor agency.

**“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”** 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.

**“Public thoroughfare”** means all that area dedicated to public use for public travel purposes, inclusive of vehicular highways, boulevards, avenues, drives, streets, roads, ways, lanes, places, circles, courts, cul-de-sacs, parkways, street medians and sidewalks 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. It shall also mean vehicular, railroad, pedestrian and bicyclist bridges, overpasses and underpasses.

**“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.

**“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.

**“Roadway”** means that portion of the public thoroughfare generally used for public use for public vehicular traffic.

**“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.

**“Shopping cart”** means a bag, basket or buggy mounted on wheels or similar device and is typically used by the customers, agents or employees of a retail business establishment for the purpose of transporting goods of any kind.

**“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.

**“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.

**"Street median"** or **"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.

**"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 eight (8) feet in height.

**"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 Section 50675.14(b)(3) of the California Health and Safety Code).

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

**"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,"** which includes **"front yard," "rear yard," "side yard"** and **"street side yard,"** means the definitions outlined in Subsection 17.12.060(K) (Measurements and Calculations – Setbacks and Yards) of this Title.

**"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.

**"Zoning Review Committee"** means the Zoning Review Committee of the City of El Monte.

**17.152.030 – Adult Entertainment Establishment Definitions. (RENUMBERED)**

**“Adult entertainment establishment”** means a business as defined in Section 17.150.070 (Use Definitions – Assembly and Entertainment Uses) of this Title.

**“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:

- i. The opening or commencement of any sexually-oriented business as a new business;
- ii. The conversion of an existing business, whether or not it is a sexually-oriented business, to any sexually-oriented business;
- iii. 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;
- iv. The relocation of any sexually-oriented business; or
- v. 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.

**“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.

**“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.

**“Regular and substantial basis”** means an activity or performance that constitutes more than 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.

**“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.

**“Specified anatomical areas”** means and includes any of the following:

- i. 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;
- ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered; or
- iii. 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:

- i. 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;
- ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral/anal copulation, bestiality, flagellation or torture in the context of a sexual relationship;
- iii. Masturbation, sodomy, oral copulation, coitus or ejaculation of human or animal, actual or simulated;
- iv. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- v. 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 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:

- i. The sale, lease, or sublease of the business;
- ii. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
- iii. 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 or control.

#### **17.152.040 – Landscaping and Water Efficiency Definitions. (RENUMBERED)**

**“Applied water”** means the portion of water supplied by the irrigation system to the landscape.

**“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.

**“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.

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

**“Effective precipitation”** or **“usable rainfall”** or **“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.

**“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 17.74.060 (Water Efficiency – Elements of the Landscape Document Package) of this Title.

**“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. Refer to Section 17922.12 of the California Health and Safety Code.

**“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”** shall mean...

**“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.

**“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.

**“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.

**“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 Chapter 17.74 (Water Efficiency) of this Title 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.

**“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.

**“Landscape”** shall mean...

**“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.

**“Landscape architect”** means a person who holds a license to practice landscape architecture in Section 5615 of the California Business and Professions Code.

**“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 17.74.040 (Water Efficiency – Compliance with Landscape Documentation Package) of this Title.

**“Landscape project”** means total area of landscape in a project as defined in "landscape area" for the purposes of meeting requirements under Section 17.74.020 (Water Efficiency – Applicability) of this Title.

**“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.

**“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.

**“Rehabilitated landscape”** means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 17.74.030 (Water Efficiency – Provisions for New Construction or Rehabilitated Landscapes) of this Title, 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.

**“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.

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

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

**“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 Chapter 17.74 (Water Efficiency) of this Title. 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.  
$$MAWA = (ET_o) (0.62) [(ETAF \times LA) + (1-ETAF) \times SLA]$$

**“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.

**“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.

**“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 Chapter 17.74 (Water Efficiency) of this Title, 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 0.1 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 Chapter 17.74 (Water Efficiency) of this Title 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).

**“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, amphitheatres 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.

**“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.

**“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.

#### **17.152.050 – Public Utilities Definitions. (RENUMBERED)**

**“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 this Chapter;
- 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.”

**17.152.060 – Signage Definitions. (RENUMBERED)**

**“Abandoned sign”** means any sign remaining in place or not maintained for a period of 90 days which no longer identifies an ongoing business, product, or service available on the property where the display is located.

**“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.

**“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.

**“Billboard”** means a sign, signboard, or outdoor advertising display, as defined in the California Outdoor Advertising Act, including electronic or digital 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.

**“Cabinet Sign”** or **“Can Sign”** or **“Box Sign,”** means a sign structure comprised of a frame and face or faces and mounted on a wall. The signs are usually, but not always, internally illuminated.

**“Changeable copy sign”** means a sign in which a percentage 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.

**“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 sign”** means a sign that advertises a candidate for public office, a proposition or other issue to be voted on by the electorate.

**“Electronic”** or **“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.

**“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, patterns, 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 (Business Licenses and Regulations – Garage Sales) of the EMMC.

**“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:

- i. 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;
- ii. 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
- iii. 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.

**“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 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 two (2) business establishment or tenant, or specifically identified as requiring a master sign plan per Section 17.80.050 (Signage Regulations – General Procedures) of this Title.

**“Moving sign”** means any sign or device which has any visible moving or revolving part or visible mechanical or non-mechanical movement.

**“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.

**“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:

- i. 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
- ii. 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.

**“Painted sign”** means a sign which is painted directly onto a building facade.

**“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.

**“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 2011 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.

**“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.

**“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.

**“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.

**“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 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.

#### **17.152.070 – Wireless Definitions. (RENUMBERED)**

Phrases, terms and words used in Chapters 17.90 (Wireless – New and Substantially Changed) and 17.92 (Wireless – Eligible Facilities Request (6409)) of this Title that are not defined in this Section shall have the meanings assigned to them in 47 U.S.C. § 153.

**“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, 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, does not support or house equipment described in 47 C.F.R. § 1.40001(b)(1)(i)-(ii).

**“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.

**“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: (i) facade or rooftop mounted pop-out screen boxes; (ii) antennas mounted within a radome above a streetlight; (iii) equipment cabinets in the public rights-of-way painted or wrapped to match the background; and (iv) 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.

**“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.

**“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.

**“RF”** means radio frequency or electromagnetic waves generally between thirty (30) kHz and 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.

**“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.

**“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 observer would need special knowledge to recognize their existence. Stealth concealment techniques include, but are not limited to: (i) transmission equipment placed completely within existing architectural features such that the installation causes no visible change to the underlying structure and (ii) 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.

**“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.

- i. 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 20 feet (whichever is greater);
  - 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 20 feet or more than the width of the tower structure at the level of the appurtenance (whichever is greater);
  - 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.
- ii. 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.
- iii. 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).

**“Telecommunications facilities”** means one of the following technical terms and phrases listed in Chapters 17.90 (Wireless – New and Substantially Changed) and 17.92 (Wireless – Eligible Facilities Request (6409)) of this Title:

**“Accessory antenna array”** means an antenna array that is mounted on an existing building and is intended to provide wireless telecommunications services solely for the occupants of that building.

**“Antenna array”** or **“wireless telecommunications antenna array”** means one (1) or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (dish), but excluding any support structure.

**“Co-location”** means the use of a common wireless telecommunications antenna facility, or a common site, by two (2) or more providers of wireless telecommunications services, or by one (1) provider of wireless telecommunications services, or by one (1) provider of wireless telecommunications services for more than one (1) type of telecommunications technology.

**“Satellite earth station antenna”** means any antenna in any zoning district:

- i. That is designed to receive direct broadcast satellite service, including direct-to-home satellite services, and that is one meter or less in diameter;
- ii. Where commercial or industrial uses are generally permitted, that is two meters or less in diameter;
- iii. That is designed to receive programming services by means of multi-point distribution services, instructional television fixed services, and local multi-point distribution services, that is one meter or less in diameter or diagonal measurement; and

iv. That is designed to receive television broadcast signals.

**“Support Structures”** means a freestanding structure designed and constructed to support an antenna array and that may consist of a monopole, a self-supporting lattice tower, a guy-wire support tower, or other similar structure.

**“Wireless telecommunications antenna facilities”** means an unstaffed facility for the transmission or reception of wireless telecommunications services, commonly consisting of an antenna array, connection cables, a support structure to achieve the necessary elevation, and an equipment facility to house accessory equipment, which may include cabinets, pedestals, shelters, and similar protective structures.

**“Wireless telecommunications antenna facilities, minor”** means a wireless telecommunications antenna facility that is designed to be building-mounted, or co-located on an existing structure with the facilities or other wireless communications service providers.

**“Wireless telecommunications antenna facilities, major”** means a wireless telecommunications antenna facility that is designed as a freestanding structure.

**“Wireless telecommunications antenna facilities, co-located (SCL)”** means a wireless telecommunications antenna facility that is placed on, or immediately adjacent to, an existing wireless telecommunications antenna facility that satisfies the requirements of Section 65850.6(a) of the California Government Code.

**“Wireless telecommunications or communications services”** means any personal wireless services as defined in the Federal Telecommunications Act of 1996, including federally licensed wireless telecommunications services consisting of cellular services, personal communications services (PCS), specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), paging, and similar services that currently exist or that may be developed in the future.

**“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.

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