

# EL MONTE COMMUNITY DEVELOPMENT ZONING CODE



ADOPTED 06-21-22  
AMENDED 05-02-23 & 05-14-25

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# CITY OF EL MONTE MUNICIPAL CODE – TITLE 17

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## ZONING CODE

Adopted June 21, 2022 (Ordinance No. 3011)

### ***City Council***

Jessica Ancona, Mayor  
Alma Puente, Mayor Pro Tem  
Martin Herrera, Councilmember  
Victoria Martinez Muela, Councilmember  
Dr. Maria Morales, Councilmember

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Amy Wong, Chairperson  
Alfredo Nuño, Vice Chairperson  
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### ***Amendments***

Amended May 2, 2023 (Ordinance No. 3023)  
Amended May 14, 2025 (Ordinance No. 3053)

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# CITY OF EL MONTE MUNICIPAL CODE – TITLE 17

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## ZONING CODE

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## DIVISION A – CITYWIDE MATRIX OF PERMITTED USES

### CHAPTER 17.A – MATRIX OF PERMITTED USES

- A. **Permitted Uses.** Table 17.A-1 prescribes the land use regulations for commercial zoning districts. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review. Home occupation businesses and nonresidential uses shall require a Business Occupancy Permit (BOP). Refer to Chapter 17.14 (Zoning Classifications and Map) of this Title for a full listing of the different zoning districts.
- B. **Unlisted Uses.** Any land use not listed in Table 17.A-1 is not permitted in commercial zoning districts, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.A-1 – Permitted Uses – Citywide Matrix                                         |      |                  |                |                |                |                |     |     |     |     |     |                |     |     |                   |                  |    |        |
|-----------------------------------------------------------------------------------------|------|------------------|----------------|----------------|----------------|----------------|-----|-----|-----|-----|-----|----------------|-----|-----|-------------------|------------------|----|--------|
| Residential – Main Uses                                                                 | R-1A | R-1B             | R-1C           | R-2            | R-3            | R-4            | MMU | UMU | OMU | C-1 | C-2 | C-3            | M-1 | M-2 | MS/Z              | ST               | MV | Notes  |
| Residential dwelling, single-family, one (1) on a lot, one (1) story                    | P    | P                | P              | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | --  | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- |        |
| Residential dwellings, single-family, greater than one (1) story                        | P    | P/D <sup>2</sup> | D <sup>2</sup> | P <sup>1</sup> | P <sup>1</sup> | P <sup>1</sup> | --  | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- | 17.122 |
| Residential dwellings, single-family, two (2) or more detached on a lot                 | --   | P                | --             | P              | P              | P              | --  | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- |        |
| Residential dwellings, two-family, two (2) attached or detached on a lot                | --   | --               | --             | P              | P              | P              | --  | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- |        |
| Residential dwellings, multiple-family, three (3) or more attached or detached on a lot | --   | --               | --             | P              | P              | P              | --  | --  | --  | P   | P   | P <sup>3</sup> | --  | --  | --                | --               | -- |        |
| Residential dwellings, multiple-family, five (5) or more attached on a lot              | --   | --               | --             | P              | P              | P              | P   | P   | --  | P   | P   | P <sup>3</sup> | --  | --  | --/p <sup>4</sup> | P/C <sup>5</sup> | P  |        |

<sup>1</sup> Subject to the development standards of the R-1A zoning district.

<sup>2</sup> A maximum of 1½-stories shall require Community Development Director approval for properties located in the RHOD overlay.

<sup>3</sup> Not permitted in the East Valley Entryway Area as shown on the City's Zoning Map or on Valley Boulevard at the intersections of Baldwin Avenue and Peck Road.

<sup>4</sup> Only permitted in Main Street DOR-2 and Zócalo Subareas. Shall not be permitted in Main Street DOR-1.

<sup>5</sup> Ground floor residential facing Santa Anita Avenue shall require approval of a Conditional Use Permit (CUP).

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |    |     |     |     |     |                |     |     |                   |                  |    |            |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|----|-----|-----|-----|-----|----------------|-----|-----|-------------------|------------------|----|------------|
| Residential – Main Uses (continued)                         | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MU | UMU | OMU | C-1 | C-2 | C-3            | M-1 | M-2 | MS/Z              | ST               | MV | Notes      |
| Affordable housing in comm. areas                           | --   | --   | --   | --  | --  | --  | P  | P   | --  | P   | P   | P              | --  | --  | --                | --               | -- | 17.104     |
| Corridor housing                                            | --   | --   | --   | --  | --  | --  | P  | P   | --  | P   | P   | P              | P   | P   | P                 | P                | P  | 17.110.040 |
| Factory-built housing                                       | P    | P    | P    | P   | P   | P   | P  | P   | --  | P   | P   | P <sup>6</sup> | --  | --  | --                | P/C <sup>7</sup> | P  |            |
| Live-work unit                                              | --   | --   | --   | --  | --  | --  | M  | M   | --  | C   | C   | C <sup>6</sup> | --  | --  | --                | M <sup>7</sup>   | M  | 17.110.060 |
| Mixed-use development –                                     |      |      |      |     |     |     |    |     |     |     |     |                |     |     |                   |                  |    |            |
| Horizontal                                                  | --   | --   | --   | --  | --  | --  | P  | P   | --  | --  | --  | P <sup>6</sup> | --  | --  | --                | P/C <sup>7</sup> | P  | 17.110.070 |
| Vertical <sup>8</sup>                                       | --   | --   | --   | --  | --  | --  | P  | P   | --  | --  | --  | --             | --  | --  | P                 | P                | P  | 17.110.070 |
| Mobile home or trailer park                                 | --   | --   | --   | --  | --  | C   | -- | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- |            |
| Planned Residential Development (PRD)                       | --   | --   | --   | --  | R   | R   | -- | --  | --  | R   | R   | R <sup>6</sup> | --  | --  | --                | --               | -- | 17.127     |
| Religious institutions housing                              | --   | P    | --   | P   | P   | P   | P  | P   | --  | P   | P   | P              | --  | --  | --                | --               | P  | 17.110.080 |
| Senior housing                                              | --   | --   | --   | --  | C   | C   | C  | C   | --  | C   | C   | C <sup>6</sup> | --  | --  | P                 | P/C <sup>7</sup> | P  |            |
| Single room occupancy (SRO)                                 | --   | --   | --   | --  | --  | --  | -- | --  | --  | --  | --  | C <sup>6</sup> | --  | --  | --                | --               | -- | 17.110.090 |
| Urban dwelling                                              | P    | P    | --   | --  | --  | --  | -- | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- | 17.110.110 |
| Urban housing development                                   | --   | --   | --   | --  | --  | --  | -- | P   | --  | --  | --  | --             | --  | --  | --/P <sup>9</sup> | P/C <sup>7</sup> | P  | 17.110.120 |
| Residential – Ancillary Uses                                |      |      |      |     |     |     |    |     |     |     |     |                |     |     |                   |                  |    |            |
| Accessory building                                          | P    | P    | P    | P   | P   | P   | P  | P   | --  | P   | P   | P              | --  | --  | --                | --               | P  | 17.110.020 |
| Accessory Dwelling Unit (ADU) and Junior ADU                | P    | P    | P    | P   | P   | P   | P  | P   | --  | --  | --  | --             | --  | --  | --                | --               | -- | 17.110.030 |
| Animals, breeding and raising                               | --   | P    | P    | --  | --  | --  | -- | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- |            |
| Animals, horses                                             | --   | P    | P    | --  | --  | --  | -- | --  | --  | --  | --  | --             | --  | --  | --                | --               | -- |            |

<sup>6</sup> Not permitted in the East Valley Entryway Area as shown on the City's Zoning Map or on Valley Boulevard at the intersections of Baldwin Avenue and Peck Road.

<sup>7</sup> Ground floor residential facing Santa Anita Avenue shall require approval of a CUP.

<sup>8</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.

<sup>9</sup> Only permitted in Main Street DOR-2 and Zócalo Subareas. Shall not be permitted in Main Street DOR-1.

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |            |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|----|----|------------|
| Residential – Ancillary Uses (continued)                    | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2 | C-3 | M-1 | M-2 | MS/Z | ST | MV | Notes      |
| Animals, husbandry product                                  | --   | C    | C    | C   | C   | C   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Community garden                                            | M    | M    | M    | M   | M   | M   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Garage sale                                                 | P    | P    | P    | P   | P   | P   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Greenhouse or conservatory, private                         | P    | P    | P    | P   | P   | P   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Home occupation business                                    | P    | P    | P    | P   | P   | P   | P   | P   | --  | P   | P   | P   | P   | P   | P    | P  | P  | 17.110.050 |
| Lighted outdoor sporting field or court, private            | M    | M    | --   | M   | M   | M   | M   | --  | --  | M   | M   | M   | --  | --  | --   | -- | -- |            |
| Transitional parking                                        | C    | C    | --   | M   | M   | M   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Transitional use                                            | C    | C    | --   | M   | M   | M   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- | 17.110.100 |
| Community Care Uses                                         |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |            |
| Adult daycare home –                                        |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |            |
| Small, less than seven (7) adults                           | P    | P    | P    | P   | P   | P   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Large, seven (7) to 12 adults                               | C    | C    | --   | C   | C   | C   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Adult daycare facility, general                             | --   | --   | --   | --  | --  | --  | C   | C   | --  | C   | C   | C*  | --  | --  | --   | -- | C  |            |
| Alcoholism or drug abuse treatment facility                 | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C   | C   | C   | --   | -- | -- |            |
| Childcare facility                                          | --   | --   | --   | --  | --  | --  | C   | C   | --  | C   | C   | C*  | --  | --  | --   | C  | C  |            |
| Elder care or assisted living facility                      | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | C   | C*  | --  | --  | --   | -- | C  |            |
| Emergency shelter –                                         |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |            |
| Less than 25 beds/occupants                                 | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | P   | P   | P   | --   | -- | -- | 17.112.090 |
| 25 or more beds/occupants                                   | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C   | C   | C   | --   | -- | -- | 17.112.090 |
| Family daycare home –                                       |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |            |
| Small, less than nine (9) children                          | P    | P    | P    | P   | P   | P   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |
| Large, nine (9) to 14 children                              | Z    | Z    | Z    | Z   | Z   | Z   | --  | --  | --  | --  | --  | --  | --  | --  | --   | -- | -- |            |



| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |     |     |     |     |     |                 |     |     |      |    |    |            |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----------------|-----|-----|------|----|----|------------|
| Community Care Uses (continued)                             | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2 | C-3             | M-1 | M-2 | MS/Z | ST | MV | Notes      |
| Group home –                                                |      |      |      |     |     |     |     |     |     |     |     |                 |     |     |      |    |    |            |
| Small, less than (7) residents                              | P    | P    | P    | P   | P   | P   | --  | --  | --  | --  | --  | --              | --  | --  | --   | -- | -- |            |
| Large, seven (7) or more residents                          | Z    | Z    | Z    | Z   | Z   | Z   | --  | --  | --  | --  | --  | --              | --  | --  | --   | -- | -- |            |
| Low barrier navigation center –                             |      |      |      |     |     |     |     |     |     |     |     |                 |     |     |      |    |    |            |
| Less than 25 beds/occupants                                 | --   | --   | --   | --  | --  | --  | P   | P   | --  | P   | P   | P <sup>10</sup> | --  | --  | --   | -- | -- | 17.112.110 |
| 25 or more beds/occupants                                   | --   | --   | --   | --  | --  | --  | Z   | Z   | --  | Z   | Z   | Z <sup>10</sup> | --  | --  | --   | -- | -- | 17.112.110 |
| Residential care home –                                     |      |      |      |     |     |     |     |     |     |     |     |                 |     |     |      |    |    |            |
| Small, less than seven (7) residents                        | P    | P    | P    | P   | P   | P   | --  | --  | --  | --  | --  | --              | --  | --  | --   | -- | -- |            |
| Large, seven (7) to 12 residents                            | Z    | Z    | Z    | Z   | Z   | Z   | --  | --  | --  | --  | --  | --              | --  | --  | --   | -- | -- |            |
| Residential care facility, general                          | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | C   | C               | --  | --  | --   | -- | C  |            |
| Social rehabilitation facility                              | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C               | C   | C   | --   | -- | -- |            |
| Supportive or transitional housing                          | --   | --   | --   | P   | P   | P   | P   | P   | --  | P   | P   | P <sup>10</sup> | --  | --  | --   | -- | -- |            |
| Public & Quasi-Public Uses                                  |      |      |      |     |     |     |     | --  | --  |     |     |                 |     |     |      |    |    |            |
| Electrical distribution substation                          | --   | --   | --   | --  | --  | --  | C   | --C | --  | C   | C   | C               | M   | M   | --   | -- | C  |            |
| Government or related facility                              | P    | P    | --   | P   | P   | P   | P   | P   | --  | P   | P   | P*              | P   | P   | P^   | P  | P  |            |
| Hospital or clinic –                                        |      |      |      |     |     |     |     |     |     |     |     |                 |     |     |      |    |    |            |
| Hospital                                                    | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C               | --  | --  | --   | -- | -- |            |
| Urgent care or medical clinic                               | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*              | P   | P   | --   | P* | P* |            |
| Recreation facility –                                       |      |      |      |     |     |     |     |     |     |     |     |                 |     |     |      |    |    |            |
| Public                                                      | P    | P    | P    | P   | P   | P   | P   | P   | --  | P   | P   | P               | --  | --  | P^   | P  | P  |            |
| Private                                                     | C    | C    | --   | C   | C   | C   | --  | --  | --  | --  | C   | C               | --  | --  | --   | -- | -- |            |

<sup>10</sup> Not permitted in the East Valley Entryway Area as shown on the City's Zoning Map or on Valley Boulevard at the intersections of Baldwin Avenue and Peck Road.

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |           |      |      |     |     |     |     |     |     |     |           |     |     |     |      |    |    |                        |
|-------------------------------------------------------------|-----------|------|------|-----|-----|-----|-----|-----|-----|-----|-----------|-----|-----|-----|------|----|----|------------------------|
| Public & Quasi-Public Uses (continued)                      | R-1A      | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2       | C-3 | M-1 | M-2 | MS/Z | ST | MV | Notes                  |
| School & educational facility –                             |           |      |      |     |     |     |     |     |     |     |           |     |     |     |      |    |    |                        |
| College or university, public                               | --        | --   | --   | --  | --  | --  | P   | P   | --  | --  | C         | C   | --  | --  | --   | P  | P  |                        |
| College or university, private                              | --        | --   | --   | --  | --  | --  | C   | P   | --  | --  | C         | C   | --  | --  | --   | C  | C  |                        |
| School & educational facility –                             |           |      |      |     |     |     |     |     |     |     |           |     |     |     |      |    |    |                        |
| K-12, public                                                | P         | P    | --   | P   | P   | P   | P   | P   | --  | P   | P         | P   | --  | --  | --   | -- | P  |                        |
| K-12, private                                               | --        | --   | --   | --  | C   | C   | C   | C   | --  | C   | C         | C   | --  | --  | --   | -- | C  |                        |
| Preschool, public                                           | P         | P    | --   | P   | P   | P   | P   | P   | --  | P   | P         | P*  | --  | --  | --   | P  | P  |                        |
| Preschool, private                                          | --        | --   | --   | --  | C   | C   | C   | C   | --  | C   | C         | C*  | --  | --  | --   | C  | C  |                        |
| Specialized education and training                          | --        | --   | --   | --  | --  | --  | M   | M   | --  | --  | M         | M*  | M   | M   | --   | C  | C  |                        |
| Tutoring and educational center                             | --        | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P         | P*  | --  | --  | P*   | P* | P* |                        |
| Utility facility                                            | C         | C    | --   | C   | C   | C   | C   | C   | --  | C   | C         | C   | C   | C   | --   | -- | C  |                        |
| Wireless facility                                           | See notes |      |      |     |     |     |     |     |     |     | See notes |     |     |     |      |    |    | 17.90 & 92             |
| Assembly & Entertainment Uses                               |           |      |      |     |     |     |     |     |     |     |           |     |     |     |      |    |    |                        |
| Adult entertainment                                         | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --        | --  | C   | C   | --   | -- | -- | 5.16, 5.98, 17.112.020 |
| Ancillary entertainment                                     | --        | --   | --   | --  | --  | --  | P*  | P*  | --  | --  | P         | P*  | P   | P   | P*^  | P* | P* |                        |
| Assembly or meeting facility                                | --        | --   | --   | --  | --  | --  | C   | C   | --  | --  | C         | C   | C   | C   | C    | C  | C  |                        |
| Commercial entertainment                                    | --        | --   | --   | --  | --  | --  | C   | C   | --  | --  | --        | C   | C   | C   | C^   | C  | C  |                        |
| Commercial recreation facility –                            |           |      |      |     |     |     |     |     |     |     |           |     |     |     |      |    |    |                        |
| Indoor                                                      | --        | --   | --   | --  | --  | --  | C   | C   | --  | --  | --        | C*  | C   | C   | C^   | C  | C  | 5.76 for billiards     |
| Outdoor                                                     | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --        | C   | C   | C   | --   | -- | -- |                        |
| Community center                                            | --        | --   | --   | --  | --  | --  | P   | P   | --  | P   | P         | P*  | --  | --  | P^   | P  | P  |                        |
| Cultural institution                                        | --        | --   | --   | --  | C   | C   | C   | C   | --  | C   | C         | C*  | --  | --  | P^   | P  | P  |                        |

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |     |     |     |     |     |                   |                   |                   |      |    |    |            |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-------------------|-------------------|-------------------|------|----|----|------------|
| Assembly & Entertainment Uses (cont.)                       | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2 | C-3               | M-1               | M-2               | MS/Z | ST | MV | Notes      |
| Family entertainment center                                 | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | --  | C                 | C                 | C                 | --   | C  | C  |            |
| Gaming center or arcade                                     | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | C   | M/C <sub>11</sub> | M/C <sub>11</sub> | M/C <sub>11</sub> | --   | C  | C  | 5.96       |
| Nightclub                                                   | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | --  | C                 | C                 | C                 | C^   | C  | C  | 5.32       |
| Religious institutions                                      | --   | --   | --   | --  | C   | C   | C   | C   | --  | C   | C   | C                 | --                | --                | --   | -- | C  |            |
| Retail & Offices Uses                                       |      |      |      |     |     |     |     |     |     |     |     |                   |                   |                   |      |    |    |            |
| Alcohol sales <sup>12</sup> –                               |      |      |      |     |     |     |     |     |     |     |     |                   |                   |                   |      |    |    |            |
| Assembly and entertainment use, on-site <sup>13</sup>       | --   | --   | --   | --  | --  | --  | C   | C   | --  | C   | C   | C                 | C                 | C                 | C^   | C  | C  | 17.112.030 |
| Bar or tavern, on-site                                      | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | C   | C                 | C                 | C                 | C^   | C  | C  | 17.112.030 |
| Brew pub, on-site and off-site                              | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | --  | C                 | C                 | C                 | --   | -- | C  | 17.112.030 |
| Liquor store, off-site                                      | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | C   | C                 | C                 | C                 | --   | -- | C  | 17.112.030 |
| Restaurant, limited hours, on-site                          | --   | --   | --   | --  | --  | --  | C*  | C*  | --  | M   | M   | M*                | M                 | M                 | M**^ | M* | M* | 17.112.030 |
| Restaurant, on-site                                         | --   | --   | --   | --  | --  | --  | C*  | C*  | --  | C   | C   | C*                | C                 | C                 | M**^ | C* | C* | 17.112.030 |
| Retail store, off-site                                      | --   | --   | --   | --  | --  | --  | C   | C   | --  | --  | C   | C*                | C                 | C                 | C**^ | C* | C* | 17.112.030 |
| Cannabis activity, commercial – Dispensary                  | --   | --   | --   | --  | --  | --  | p*  | p*  | --  | p   | p   | p*                | p                 | p                 | p**^ | p* | p* | 5.18       |
| Convenience store or minimart                               | --   | --   | --   | --  | --  | --  | C*  | C*  | --  | --  | C   | C*                | C                 | C                 | M**^ | M* | C* |            |
| Food or beverage establishment –                            |      |      |      |     |     |     |     |     |     |     |     |                   |                   |                   |      |    |    |            |
| Bakery or pâtisserie, retail                                | --   | --   | --   | --  | --  | --  | p*  | p*  | --  | p   | p   | p*                | p                 | p                 | p**^ | p* | p* |            |
| Bakery, commercial                                          | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | p                 | p                 | p                 | --   | -- | -- |            |

<sup>11</sup> A CUP shall be required for arcade with more than 3,500 sq. ft. in Gross Floor Area (GFA). An MUP shall be required in all other instances.

<sup>12</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

<sup>13</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |                    |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|----|----|--------------------|
| Retail & Office Uses (continued)                            | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2 | C-3 | M-1 | M-2 | MS/Z | ST | MV | Notes              |
| Food or beverage establishment (cont.)                      |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |                    |
| Coffeehouse or ice cream parlor                             | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Outdoor seating/dining                                      | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P^A  | P* | P* | 17.112.130         |
| Restaurant                                                  | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Grocery store                                               | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | --  | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Multiple-tenant center                                      | --   | --   | --   | --  | --  | --  | M*  | M*  | --  | P   | M   | M*  | M   | M   | P^A  | M* | M* | 17.112.120         |
| Offices –                                                   |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |                    |
| Ancillary                                                   | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Administrative, business Professional                       | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P*   | P* | P* |                    |
| Government                                                  | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P*   | P* | P* |                    |
| Medical and dental                                          | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P*   | P* | P* |                    |
| Office supply store                                         | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Pawnbroker or pawnshop                                      | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C   | C   | C   | --   | -- | -- | 5.68<br>17.112.140 |
| Pharmacy                                                    | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | P   | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Retail sales (unless listed as a separate use)              | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | --  | P   | P*  | P   | P   | P^A  | P* | P* |                    |
| Secondhand vendor                                           | --   | --   | --   | --  | --  | --  | P*  | P*  | --  | --  | P   | P*  | P   | P   | P^A  | P* | P* | 5.68<br>17.112.170 |
| Showroom sales                                              | --   | --   | --   | --  | --  | --  | P   | --  | --  | P   | P   | P   | P   | P   | --   | -- | -- |                    |
| Significant tobacco retailer                                | --   | --   | --   | --  | --  | --  | C   | --  | --  | --  | --  | C   | C   | C   | --   | -- | -- | 17.112.180         |
| Vehicle retail use –                                        |      |      |      |     |     |     |     |     |     |     |     |     |     |     |      |    |    |                    |
| Parts and accessory store                                   | --   | --   | --   | --  | --  | --  | P   | P   | --  | --  | P   | P*  | P   | P   | --   | -- | P  |                    |

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |                 |                 |     |     |                 |     |     |     |      |    |    |                   |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----------------|-----------------|-----|-----|-----------------|-----|-----|-----|------|----|----|-------------------|
| Retail & Office Uses (continued)                            | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU             | UMU             | OMU | C-1 | C-2             | C-3 | M-1 | M-2 | MS/Z | ST | MV | Notes             |
| Vehicle retail use (continued) –                            |      |      |      |     |     |     |                 |                 |     |     |                 |     |     |     |      |    |    |                   |
| Sales and lease, limited                                    | --   | --   | --   | --  | --  | --  | M               | M               | --  | --  | M               | M*  | P   | P   | --   | -- | M  |                   |
| Sales and lease, general new & used                         | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | C               | C   | --  | --  | --   | -- | -- | 17.112.190        |
| Sales and lease, general used                               | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --              | C   | --  | --  | --   | -- | -- | 5.96 & 17.112.190 |
| Sales and lease, major                                      | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --              | C   | C   | C   | --   | -- | -- | 17.112.190        |
| Warehouse retailer or retail warehouse                      | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | P               | P   | P   | P   | --   | -- | -- |                   |
| Wholesaler                                                  | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --              | P   | P   | P   | --   | -- | -- |                   |
| Service Uses                                                |      |      |      |     |     |     |                 |                 |     |     |                 |     |     |     |      |    |    |                   |
| Alternative financial establishment                         | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --              | M*  | --  | --  | --   | -- | -- | 17.112.040        |
| Ambulance service                                           | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --              | C   | M   | M   | --   | -- | -- |                   |
| Animal service –                                            |      |      |      |     |     |     |                 |                 |     |     |                 |     |     |     |      |    |    |                   |
| Animal boarding/kennel                                      | --   | --   | --   | --  | --  | --  | C <sup>14</sup> | C <sup>14</sup> | --  | --  | C <sup>14</sup> | C   | M   | M   | --   | -- | -- | 5.96              |
| Animal grooming                                             | --   | --   | --   | --  | --  | --  | P               | P               | --  | P   | P               | P*  | P   | P   | P^   | P  | P  |                   |
| Veterinary service or animal hospital/clinic                | --   | --   | --   | --  | --  | --  | P               | P               | --  | --  | P               | P   | P   | P   | --   | -- | P  |                   |
| Appliance or electronics repair                             | --   | --   | --   | --  | --  | --  | P               | --              | --  | --  | P               | P   | P   | P   | --   | -- | -- |                   |
| Automated Teller Machine (ATM), walk-up                     | --   | --   | --   | --  | --  | --  | P*              | P*              | --  | P   | P               | P*  | P   | P   | P*^  | P  | P  | 17.112.050        |
| Bail bonds                                                  | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --              | M   | P   | P   | --   | -- | -- |                   |

<sup>14</sup> Overnight boarding shall be limited to indoors.

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |                 |                 |     |     |     |     |     |     |      |    |                 |                    |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----------------|-----------------|-----|-----|-----|-----|-----|-----|------|----|-----------------|--------------------|
| Service Uses (continued)                                    | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU             | UMU             | OMU | C-1 | C-2 | C-3 | M-1 | M-2 | MS/Z | ST | MV              | Notes              |
| Collection containers –                                     |      |      |      |     |     |     |                 |                 |     |     |     |     |     |     |      |    |                 |                    |
| Small                                                       | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | Z   | Z   | --  | --  | --   | -- | --              | 17.112.060         |
| Large                                                       | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --  | Z   | --  | --  | --   | -- | --              | 17.112.060         |
| Correctional facility                                       | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --  | C   | C   | C   | --   | -- | --              | 17.112.070         |
| Drive-thru business –                                       |      |      |      |     |     |     |                 |                 |     |     |     |     |     |     |      |    |                 |                    |
| Food or beverage establishment                              | --   | --   | --   | --  | --  | --  | C               | C               | --  | --  | C   | C   | C   | C   | --   | -- | C               | 17.112.080         |
| Service or retail                                           | --   | --   | --   | --  | --  | --  | M               | M               | --  | M   | M   | M*  | M   | M   | C    | C  | M               | 17.112.080         |
| Financial institution                                       | --   | --   | --   | --  | --  | --  | P*              | P*              | --  | P   | P   | P*  | P   | P   | P*   | P  | P               |                    |
| Funeral home or mortuary                                    | --   | --   | --   | --  | --  | --  | P <sup>15</sup> | P <sup>15</sup> | --  | --  | P   | P   | P   | P   | --   | -- | P <sup>15</sup> |                    |
| Hotels and motels                                           | --   | --   | --   | --  | --  | --  | C               | C               | --  | --  | --  | C*  | --  | --  | C*^  | C  | C               | 5.48<br>17.112.100 |
| Office concierge service                                    | --   | --   | --   | --  | --  | --  | P*              | P*              | --  | P   | P   | P*  | P   | P   | P*   | P  | P               |                    |
| Personal service use –                                      |      |      |      |     |     |     |                 |                 |     |     |     |     |     |     |      |    |                 |                    |
| General                                                     | --   | --   | --   | --  | --  | --  | P*              | P*              | --  | P   | P   | P*  | P   | P   | P*^  | P  | P               | 17.112.150         |
| Restricted                                                  | --   | --   | --   | --  | --  | --  | M*              | M*              | --  | --  | M   | M*  | M   | M   | M*^  | M  | M               | 17.112.150         |
| Massage                                                     | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --  | C   | --  | --  | --   | -- | --              | 5.56<br>17.112.150 |
| Philanthropic or charitable institution                     | --   | --   | --   | --  | C   | C   | P*              | P*              | --  | P   | P   | P*  | P   | P   | P*   | P  | P               |                    |
| Recycling facility –                                        |      |      |      |     |     |     |                 |                 |     |     |     |     |     |     |      |    |                 |                    |
| Mobile                                                      | --   | --   | --   | --  | --  | --  | P               | P               | --  | P   | P   | P   | P   | P   | --   | -- | P               | 17.112.160         |
| Self-service                                                | --   | --   | --   | --  | --  | --  | Z               | Z               | --  | --  | Z   | Z   | P   | P   | --   | -- | Z               | 17.112.160         |
| Small                                                       | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --  | M   | Z   | Z   | --   | -- | --              | 17.112.160         |
| Large                                                       | --   | --   | --   | --  | --  | --  | --              | --              | --  | --  | --  | --  | M   | M   | --   | -- | --              | 17.112.160         |

<sup>15</sup> Funeral home or mortuary shall not include crematories.

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |      |      |      |     |     |     |     |     |     |     |     |                 |                   |                   |      |    |    |            |
|-------------------------------------------------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----------------|-------------------|-------------------|------|----|----|------------|
| Service Uses (continued)                                    | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2 | C-3             | M-1               | M-2               | MS/Z | ST | MV | Notes      |
| Self-Storage                                                | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | C                 | C                 | --   | -- | -- |            |
| Vehicle service uses –                                      |      |      |      |     |     |     |     |     |     |     |     |                 |                   |                   |      |    |    |            |
| Repair, limited                                             | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | M   | M               | P                 | P                 | --   | -- | -- | 17.112.200 |
| Repair, minor                                               | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | C   | C               | M                 | M                 | --   | -- | -- | 17.112.200 |
| Repair, major                                               | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C               | C                 | C                 | --   | -- | -- | 17.112.200 |
| Rental, automobile                                          | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | M   | M               | M                 | M                 | --   | -- | -- |            |
| Rental, truck                                               | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C               | C                 | C                 | --   | -- | -- |            |
| Service station, minimum                                    | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | C   | C               | C                 | C                 | --   | -- | -- | 17.112.210 |
| Service station, full                                       | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C               | C                 | C                 | --   | -- | -- | 17.112.210 |
| Washing facility                                            | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | C   | C               | C                 | C                 | --   | -- | -- | 17.112.220 |
| Wedding chapel                                              | --   | --   | --   | --  | --  | --  | M   | M   | --  | --  | M   | M*              | M                 | M                 | M    | M  | M  |            |
| Industrial, Transportation & Other Uses                     |      |      |      |     |     |     |     |     |     |     |     |                 |                   |                   |      |    |    |            |
| Cannabidiol (CBD) products manufacturer                     | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P                 | P                 | --   | -- | -- |            |
| Cannabis, commercial –                                      |      |      |      |     |     |     |     |     |     |     |     |                 |                   |                   |      |    |    |            |
| Cultivation, distributor, manufacturing and microbusiness   | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | p <sup>16</sup> | P                 | P                 | --   | -- | -- | 5.18       |
| Testing laboratory                                          | --   | --   | --   | --  | --  | --  | --  | --  | --  | P   | P   | P*              | P                 | P                 | --   | -- | -- | 5.18       |
| Commercial fulfillment center                               | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C <sup>17</sup> | P/C <sup>18</sup> | P/C <sup>18</sup> | --   | -- | -- |            |
| Courier service or messengers                               | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | M                 | M                 | --   | -- | -- |            |

<sup>16</sup> Limited to the East Valley Entryway Area, west of Durfee Avenue, as shown on the City's Zoning Map.

<sup>17</sup> Limited to the East Valley Entryway Area, as shown on the City's Zoning Map.

<sup>18</sup> A CUP shall be required for new construction or conversion from an existing building of 100,000 sq. ft. or greater in GFA. It shall not be required for a change in tenant.

| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued)                                        |      |      |      |     |     |     |     |     |     |     |     |                 |                 |                 |      |    |    |           |
|----------------------------------------------------------------------------------------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----------------|-----------------|-----------------|------|----|----|-----------|
| Industrial & Transportation Uses (cont.)                                                           | R-1A | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2 | C-3             | M-1             | M-2             | MS/Z | ST | MV | Notes     |
| Distribution, fulfillment or warehouse center –                                                    |      |      |      |     |     |     |     |     |     |     |     |                 |                 |                 |      |    |    |           |
| Less than 100,000 square feet                                                                      | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P               | P               | --   | -- | -- |           |
| 100,000 square feet or greater                                                                     | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | C <sup>19</sup> | C <sup>19</sup> | --   | -- | -- |           |
| Hazardous materials, any use involving storage of                                                  | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | C               | C               | --   | -- | -- | 17.50.100 |
| Industrial hemp processing                                                                         | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | C               | C               | --   | -- | -- |           |
| Impound or tow yard                                                                                | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | --              | C               | --   | -- | -- |           |
| Laboratory, testing                                                                                | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P               | P               | --   | -- | -- |           |
| Laundry or dry cleaning plant                                                                      | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P               | P               | --   | -- | -- |           |
| Machine shop                                                                                       | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P               | P               | --   | -- | -- |           |
| Manufacturing (unless listed as separate use) –                                                    |      |      |      |     |     |     |     |     |     |     |     |                 |                 |                 |      |    |    |           |
| Ancillary                                                                                          | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | Z               | P               | P               | --   | -- | -- |           |
| Commercial                                                                                         | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C <sup>20</sup> | P               | P               | --   | -- | -- |           |
| Light                                                                                              | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P               | P               | --   | -- | -- |           |
| General                                                                                            | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | --              | P               | --   | -- | -- |           |
| New industrial construction over 5,000 sq. ft. and within 150 ft. of a residential zoning district | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | C               | C               | --   | -- | -- |           |
| Passenger transport or taxi service                                                                | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | C               | C               | C               | --   | -- | -- |           |
| Recycling processing facility                                                                      | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | --              | C               | --   | -- | -- |           |
| Research and development                                                                           | --   | --   | --   | --  | --  | --  | --  | --  | --  | --  | --  | --              | P               | P               | --   | -- | -- |           |

<sup>19</sup> Limited to new construction or conversion from an existing building.

<sup>20</sup> Limited to the East Valley Entryway Area as shown on the City's Zoning Map.



| Table 17.A-1 – Permitted Uses – Citywide Matrix (continued) |           |      |      |     |     |     |     |     |     |     |                 |                  |     |     |      |    |    |              |
|-------------------------------------------------------------|-----------|------|------|-----|-----|-----|-----|-----|-----|-----|-----------------|------------------|-----|-----|------|----|----|--------------|
| Industrial & Transportation Uses (cont.)                    | R-1A      | R-1B | R-1C | R-2 | R-3 | R-4 | MMU | UMU | OMU | C-1 | C-2             | C-3              | M-1 | M-2 | MS/Z | ST | MV | Notes        |
| Rock, sand and gravel storage and Distribution              | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --              | --               | --  | C   | --   | -- | -- |              |
| Temporary use                                               | See notes |      |      |     |     |     |     |     |     |     | See notes       |                  |     |     |      |    |    | 17.124       |
| Towing facility                                             | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --              | --               | --  | C   | --   | -- | -- |              |
| Transit station                                             | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --              | --               | --  | --  | --   | P  | P  |              |
| Truck terminal                                              | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --              | --               | C   | C   | --   | -- | -- |              |
| Vehicle parking –                                           |           |      |      |     |     |     |     |     |     |     |                 |                  |     |     |      |    |    |              |
| Attendant or valet parking                                  | --        | --   | --   | --  | --  | --  | M   | M   | --  | C   | M               | M*               | M   | M   | M    | M  | M  |              |
| Car sharing, residential use                                | --        | --   | --   | --  | --  | --  | M   | M   | --  | C   | M               | M*               | --  | --  | M    | M  | M  | 17.70.070(C) |
| Car sharing, nonresidential use <sup>21</sup>               | --        | --   | --   | --  | --  | --  | M   | M   | --  | M   | M               | M*               | M   | M   | M    | M  | M  |              |
| Commercial parking                                          | --        | --   | --   | --  | --  | --  | M   | M   | --  | --  | M               | M                | M   | M   | C    | M  | M  |              |
| Parking structure                                           | --        | --   | --   | --  | --  | --  | M   | M   | --  | --  | M <sup>22</sup> | M <sup>*22</sup> | M   | M   | M    | M  | M  |              |
| Shared parking                                              | --        | --   | --   | --  | --  | --  | Z   | Z   | --  | Z   | Z               | Z*               | Z   | Z   | Z    | Z  | Z  | 17.70.070(D) |
| Vehicle parking, fleet/ancillary                            | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | M               | M                | P   | P   | --   | -- | -- |              |
| Vehicle parking, limited                                    | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --              | --               | C   | C   | --   | -- | -- |              |
| Vehicle parking, general                                    | --        | --   | --   | --  | --  | --  | --  | --  | --  | --  | --              | --               | --  | C   | --   | -- | -- |              |

Key:

\* Horizontal mixed-use projects in the C-3: Use may be permitted. Other uses shall be prohibited.

\* MMU, UMU, MS/Z, ST and MV: Use is pedestrian oriented and may occupy the ground floor of vertical mixed-use buildings. Other uses shall not be permitted on the ground floor.

^ MS: Use is pedestrian oriented and may occupy the ground floor of building facing Main Street west of Tyler Avenue. Other uses shall not be permitted on the ground floor.

-- Use not permitted.

P Use permitted by-right.

<sup>21</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>22</sup> Parking structures shall be ancillary to a permitted use.

- D Use permitted after review and approval of the Community Development Director.
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).
- R Use permitted after review and approval of a Planned Residential Development (PRD).
- Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

List of Zoning Districts Acronyms:

|     |                                               |
|-----|-----------------------------------------------|
| R-1 | One-family Dwelling                           |
| R-2 | Low-density Multiple-family Dwelling          |
| R-3 | Medium-density Multiple-family Dwelling       |
| R-4 | High-density Multiple-family Dwelling         |
| MMU | Mixed/Multiuse                                |
| UMU | Reserved for Urban/Multiuse                   |
| OMU | Reserved for Office/Multiuse                  |
| C-1 | Office Commercial                             |
| C-2 | Retail Commercial                             |
| C-3 | General Commercial                            |
| M-1 | Light Manufacturing                           |
| M-2 | General Manufacturing                         |
| MS  | Downtown Specific Plan – Main Street Sub-Area |
| Z   | Downtown Specific Plan – Zocalo Sub-Area      |
| ST  | Downtown Specific Plan – Station Sub-Area     |
| MV  | Downtown Specific Plan – Monte Vista Sub-Area |

**C. Other Zoning Districts:**

1. For the Public Facilities (PF), Open Space (OS), Airport (AP), Railroad (RR) and Transitway (TW) zoning districts, refer to Chapter 17.44 (Public and Quasi-Public Zoning Districts) of this Title.
2. For the Residential Mobilehome Park (RMP) zoning district, refer to Chapter 17.24 (Multiple-family Dwelling Zoning District) of this Title.
3. For the Gateway Specific Plan, refer to Chapter 17.131 (SP-1, Gateway Specific Plan) of this Title.
4. For the Mountain View Specific Plan, refer to Chapter 17.132 (SP-2, Mountain View Specific Plan) of this Title.
5. For the Flair Spectrum Specific Plan, refer to Chapter 17.133 (SP-3, Flair Park Specific Plan) of this Title.
6. For the Esperanza Village Specific Plan, refer to Chapter 17.135 (SP-5, Esperanza Village Specific Plan) of this Title.

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## **DIVISION 1 – INTRODUCTION**

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### **CHAPTER 17.10 – GENERAL REGULATIONS**

#### **Sections.**

- 17.10.010 – Purpose.
- 17.10.020 – Compliance with Regulations.
- 17.10.030 – Zoning Code Organization.
- 17.10.040 – Effective Date of This Title.
- 17.10.050 – Planning Authorities.
- 17.10.060 – Applicant Responsibilities.
- 17.10.070 – Planning Permits and Actions.
- 17.10.080 – Projects with Multiple Applications or Actions.
- 17.10.090 – Continuing Public Hearings.
- 17.10.100 – Ability to Appeal.
- 17.10.110 – Application Resubmittals.
- 17.10.120 – Inactive Applications.
- 17.10.130 – Changes to an Approved Project.
- 17.10.140 – Revocation of Permits.
- 17.10.150 – Fees.
- 17.10.160 – Enforcement.

#### **17.10.010 – Purpose.**

The purpose and intent of this Title is for the following:

- A. To implement the goals, objectives and policies of the City's General Plan, any applicable Specific Plan and the most current Housing Element;
- B. To consolidate and coordinate all existing zoning regulations and provisions into one (1) comprehensive Zoning Code in order to designate, regulate and control the location and uses of buildings, structures and land;
- C. To foster a harmonious relationship among land uses and ensure compatible infill development;
- D. To preserve the character and integrity of residential neighborhoods and protect and enhance the quality of the City's natural and built environment;
- E. To support economic development and job creation;
- F. To provide for the housing needs of all economic segments of the community;
- G. To facilitate high quality commercial and residential development with regards to the site plan, architecture, materials, colors, signing and landscaping/open space; and

- H. To promote the safe and efficient mobility for passenger vehicles, transit riders, bicyclists and pedestrians.

**17.10.020 – Compliance with Regulations.**

This Title shall apply, to the extent permitted by federal and state law, to all private property within the City of El Monte, including all uses, structures and land owned by any person, firm, corporation or organization. The regulations shall be subject to the following interpretations, applications and exceptions:

- A. **Entitlements.** Prior to the issuance of any land use entitlement, the Planning Division must determine that the proposed building, structure or use is consistent with the General Plan, the Zoning Code and any applicable Specific Plan.
- B. **Permitted Uses.** No building or structure shall be erected, and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this Title as permitted in the respective zoning district in which such land, building or premises is located.
- C. **Nonconforming Uses.** No business, occupation or activity which is or may lawfully be conducted shall be altered, expanded or substantially changed in any manner so as to make it nonconforming to any provision of law, ordinance or resolution applicable to the premises or to the property or the business or activity conducted thereon.
- D. **Nonconforming Buildings or Structures.** No building or structure shall be erected nor shall any existing building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building site requirements and the area and yard regulations established by this Title for the zoning district in which such building is located.

**17.10.030 – Zoning Code Organization.**

**Division 1:** Introduction. This Division includes the rules and regulations of this Title, identifies the Zoning District and Overlay Zones and outlines certain processes such as appeals.

**Divisions 2, 3 and 4:** Zoning Districts and Overlays. This Division provides regulations that control the height, bulk and location of structures for the City's Zoning Districts.

**Division 5:** Performance Standards. This Division provides a list of environmental standards that properties and uses must meet to mitigate impacts such as noise, air quality and energy usage.

**Division 6:** General Property Development Standards. This Division provides development standards for items that may apply to some or all properties. Examples include height exceptions, refuse storage facilities and walls.

**Division 7:** Parking and Landscaping Regulations.

**Division 8:** Signage and Billboard Regulations.

**Division 9:** Wireless Regulations.

**Division 10:** Affordable Housing Regulations. This Division provides regulations to incentivize the construction of affordable housing by allowing density bonuses.

**Division 11:** Regulations Applicable for Certain Uses. This Division provides regulations for specific land uses such as Accessory Dwelling Units (ADUs), hotels and motels, outdoor dining and vehicle service stations.

**Division 12:** Administration of Applications and Permits. This Division contains detailed procedures for the administration of this Title, and includes common procedures, processes and standards for discretionary entitlement applications and other permits.

**Division 13:** Specific Plans. This Division includes the procedures, processes and standards to establish a Specific Plan. It also includes the land use regulations for existing Specific Plans in the City.

**Division 14:** Design Guidelines. This Division provides information needed to ensure projects throughout the City follow high design standards. Portions of the Design Guidelines are found in numerous Chapters of this Title. However, the complete Guidelines are found in Division 14 of this Title.

**Division 15:** Definitions. This Division furnishes use classifications, articulates terms and provides definitions used throughout this Title.

#### **17.10.040 – Effective Date of This Title.**

##### **A. Projects Approved Prior to the Adoption of this Title:**

1. Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which said Building Permit was granted, provided construction is diligently pursued and completed within 12 months of permit issuance. No extensions of time, except as provided for in Title 15 (Building and Construction) of the El Monte Municipal Code (EMMC), shall be granted for commencement of construction, unless the applicant has secured an allowed permit extension from the Building Official.
2. Any previously approved permit, entitlement or subdivision map shall remain vested, subject to the requirements of the Title in effect on the effective date of approval, unless the approval expires.

##### **B. Pending Projects.** Planning permit applications that are subject to the Permit Streamlining Act, that have been submitted to the City prior to the effective date of this Title, which do not require a plan amendment, rezone, or other legislative decision, shall be subject to the Title under the rules in effect at the time the application was deemed complete. However, the applicant may choose to use the updated provisions of this Title in their entirety.

#### **17.10.050 – Planning Authorities.**

##### **A. City Council.** The powers and duties of the City Council as the legislative body under this Title include, but are not limited to, the following:

1. Consider and decide General Plan Amendments (including changes to the Land Use Plan or Map), Zoning Map Amendments (Zone Changes), Zoning Code Amendments, Special Sign Districts), Specific Plans and Specific Plan Amendments;
  2. Initiate new plans and ordinances and amend existing plans and ordinances;
  3. Consider and decide applications for Development Agreements;
  4. Make environmental determinations on projects subject to the California Environmental Quality Act (CEQA);
  5. Hear and decide appeals from decisions of the Planning Commission;
  6. Establish, by Resolution, a Master Fee Schedule listing fees and charges for various applications and services provided; and
  7. Designate the authority of the Planning Commission and Zoning Review Committee.
- B. **Planning Commission.** The powers and duties of the Planning Commission under this Title include, but are not limited to, the following:
1. Consider and make decisions on land use entitlements;
  2. Make recommendations to the City Council on General Plan Amendments (including for the Land Use Plan or Map), Zoning Map Amendments (Zone Changes), Zoning Code Amendments, Special Sign Districts, Specific Plans and Specific Plan Amendments;
  3. Make recommendations to the City Council on Development Agreements;
  4. Make or recommend that the City Council make environmental determinations on projects subject to CEQA;
  5. Hear and decide appeals from decisions of the Zoning Review Committee and Community Development Director; and
  6. Other duties and powers assigned or directed by the City Council.
- C. **Zoning Review Committee:**
1. The provisions of the Zoning Review Committee under this Title include the following:
    - a. **Membership.** The Zoning Review Committee shall consist of a member of the Planning Commission (as annually elected by the full Planning Commission), the Building Official and the Community Development Director. If any are unable to attend a meeting or disqualified from an agenda item, a designated alternate may attend on their behalf.
    - b. **Secretary and Chairperson.** The Planning Commission Secretary shall serve as the Zoning Review Committee Secretary, and the records of said Zoning Review Committee shall at all times be available to the Planning Commission. The Chairperson of the Zoning Review Committee shall be the Planning Commission member thereon. Minutes of all Zoning Review Committee meetings shall be distributed to all members of the Planning Commission.

- c. Meetings. The Zoning Review Committee shall meet prior to the first Planning Commission of each month, unless all three (3) members or their alternates are unable to attend the meeting or there is a lack of applications to consider. The Chairperson of the Zoning Review Committee may call a special meeting to consider applications.
- d. Actions by the Zoning Review Committee:
  - i. No application upon which the Zoning Review Committee has the authority and the duty to act under this Title may be approved except by the unanimous affirmative vote of all of the members of the Zoning Review Committee. If any application is disapproved by two (2) or more members of the Committee, the application shall be deemed to have been denied.
  - ii. If only one (1) member of the Zoning Review Committee disapproves an application, such application shall automatically be referred to the Planning Commission for decision.
  - iii. The Zoning Review Committee may, in its discretion, refer to the Planning Commission any application for decision by the Planning Commission without further fee to the applicant.
- 2. The powers and duties of the Zoning Review Committee under this Title include, but are not limited to, the following:
  - a. Consider and make decisions on Minor Variances and Minor Use Permits as outlined in this Title;
  - b. Make environmental determinations on projects subject to CEQA; and
  - c. Other duties and powers assigned or directed by the City Council.
- D. **City Manager.** The powers and duties of the City Manager under this Title include, but are not limited to, the following:
  - 1. Negotiate the components and provisions of Development Agreements for recommendation to the Planning Commission and City Council; and
  - 2. Consider and make decisions on Administrative, Section 6409 and Temporary Wireless Permit appeals.
- E. **Community Development Director.** The powers and duties of the Community Development Director under this Title include, but are not limited to, the following:
  - 1. Maintain and administer this Title, including acceptance and processing of applications, abatements and other enforcement actions;
  - 2. Make recommendations to the City Council, Planning Commission and Zoning Review Committee on all applications, appeals and other matters upon which the Community Development Director has the authority and the duty to act under this Title;
  - 3. Negotiate the components and provisions of Development Agreements for recommendation to the Planning Commission and City Council;



4. Consider and make decisions on Minor Design Review items, Zoning Clearances (Director Level), Temporary Use Permits and other Director level reviews as outlined in this Title;
  5. Consider and make Director Determinations on Zoning Code interpretations and additionally permitted use interpretations of this Title;
  6. Refer items to the Planning Commission where, in his or her opinion, the public interest would be better served by Planning Commission consideration;
  7. Issue administrative regulations for the submission and review of applications subject to the requirements of this Title;
  8. Delegate administrative functions as deemed appropriate to members of the Planning Division staff; and
  9. Other duties and powers assigned or directed by the City Manager.
- F. **Planner (Planning Division Staff).** The powers and duties of the Planning Division staff under this Title include, but are not limited to, the following:
1. Consider and make decisions on Zoning Clearances (Staff Level), Business Occupancy Permits and Master Sign Plans;
  2. Review applications for ministerial permits and licenses for conformation with this Title and issue a permit when the proposed use or building is allowed by-right and conforms to all applicable development and use standards and other requirements of this Title;
  3. Review applications for discretionary permits and approvals to make a preliminary determination as to whether a project is subject to review under CEQA; and
  4. Other duties assigned or directed by the Community Development Director.

**17.10.060 – Applicant Responsibilities.**

- A. The applicant shall bear the burden of providing sufficient documents and exhibits to allow the Advisory Body, Review Authority or Appeal Body to render a decision upon the application under consideration. The Advisory Body, Review Authority or Appeal Body may request additional information before rendering a decision.
- B. It is the applicant's responsibility to certify the information contained therein. The filing of an application also grants City staff the right to enter the property to make any inspections necessary to render a decision on the application. All inspections shall be conducted with the owner's knowledge and advance notice shall be provided.
- C. For all calculations, it is the applicant's responsible to supply drawings that illustrate the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Community Development Director and Planning Division staff.

**17.10.070 – Review Authority for Planning Permits and Actions.**

Table 17.10-1 lists the different permits or actions under the authority of the Planning and Building Divisions. For information on extensions, refer to the listed Chapter or Section:

| Table 17.10-1 – Planning Permits and Actions   |                                |                   |                          |                               |
|------------------------------------------------|--------------------------------|-------------------|--------------------------|-------------------------------|
| Permit or Action                               | Advisory Body                  | Review Authority  | Appeal Body <sup>1</sup> | Applicable Chapter or Section |
| <i>Ministerial Actions</i>                     |                                |                   |                          |                               |
| Business Occupancy Permits (BOP)               | --                             | Planning Division | Planning Commission      | Chapter 17.120                |
| Change to a Project, Minor                     | --                             | Director          | --                       | Section 17.10.130             |
| Design Review, Minor (MDR) <sup>2</sup>        | --                             | Director          | Planning Commission      | Chapter 17.122                |
| Director's Determination (DD)                  | --                             | Director          | Planning Commission      | Throughout Title              |
| Initial Plan Review (IPR)                      | --                             | Planning Division | --                       | Chapter 17.121                |
| Sign Permit (SP)                               | --                             | Planning Division | Planning Commission      | Chapter 17.80                 |
| Modification for Disabilities (MD)             | --                             | Director          | Planning Commission      | Chapter 17.126                |
| Temporary Use Permit (TUP)                     | --                             | Director          | City Manager             | Chapter 17.124                |
| Master Sign Program (MSP)                      | --                             | Planning Division | --                       | Chapter 17.80                 |
| Wireless, Administrative Permit (WP-A)         | --                             | Director          | City Manager             | Chapter 17.90                 |
| Wireless, Section 6409 Permit (WP-S)           | --                             | Director          | City Manager             | Chapter 17.92                 |
| Wireless, Temporary Permit (WP-T)              | --                             | Director          | City Manager             | Section 17.90.110             |
| Zoning Clearance, Director Level (ZCD)         |                                | Director          | Planning Commission      | Chapter 17.120                |
| Zoning Clearance Staff (ZCS)                   | --                             | Planning Division | Planning Commission      | Chapter 17.120                |
| <i>Discretionary or Quasi-Judicial Actions</i> |                                |                   |                          |                               |
| Art in Public Places (APP)                     | Art in Public Places Committee | City Council      | --                       | Chapter 15.07                 |

<sup>1</sup> Only the applicant shall have the authority to appeal Ministerial Actions.

<sup>2</sup> This permit does not apply to Minor Design Review items for properties in the RHOD.

| Table 17.10-1 – Planning Permits and Actions (continued) |                     |                                        |                                                |                               |
|----------------------------------------------------------|---------------------|----------------------------------------|------------------------------------------------|-------------------------------|
| Permit or Action                                         | Advisory Body       | Review Authority                       | Appeal Body                                    | Applicable Chapter or Section |
| Change to a Project, Major                               | --                  | Original Review Authority <sup>3</sup> | Dependent on the Review Authority <sup>4</sup> | Section 17.10.130             |
| Conditional Use Permit (CUP)                             | --                  | Planning Commission                    | City Council                                   | Chapter 17.123                |
| Design Review, Minor for the RHOD (MDR)                  | --                  | Director                               | Planning Commission                            | Chapter 17.122                |
| Design Review (DR)                                       | --                  | Planning Commission                    | City Council                                   | Chapter 17.122                |
| General Plan Conformity (GPC)                            | Planning Commission | City Council                           | --                                             | Chapter 17.128                |
| Minor Use Permit (MUP)                                   | --                  | Zoning Review Committee                | Planning Commission                            | Chapter 17.123                |
| Planned Residential Development (PRD)                    | --                  | Planning Commission                    | City Council                                   | Chapter 17.127                |
| Variance (V)                                             | --                  | Planning Commission                    | City Council                                   | Chapter 17.125                |
| Variance, Minor (MV)                                     | --                  | Zoning Review Committee                | Planning Commission                            | Chapter 17.125                |
| <i>Legislative Actions</i>                               |                     |                                        |                                                |                               |
| Development Agreement (DA)                               | Planning Commission | City Council                           | --                                             | Chapter 17.129                |
| General Plan Amendment (GP) <sup>5</sup>                 | Planning Commission | City Council                           | --                                             | Chapter 17.128                |
| Special Sign District (SD)                               | Planning Commission | City Council                           | --                                             | Chapter 17.80                 |
| Specific Plan and Amendment (SP)                         | Planning Commission | City Council                           | --                                             | Chapter 17.130                |
| Zoning Map Amendment or Zone Change (ZC)                 | Planning Commission | City Council                           | --                                             | Chapter 17.128                |

<sup>3</sup> All items shall return to the original review authority except the Planning Commission shall review all major changes involving items that were originally authorized by the City Council, with exception to changes involving a Development Agreement, which shall be reviewed by the City Council.

<sup>4</sup> The appeal body shall be dependent on the review authority for the major change. For example, if the review authority was the Zoning Review Committee, then the appeal shall be reviewed by the Planning Commission. If the review authority was the Planning Commission, then the appeal shall be reviewed by the City Council.

<sup>5</sup> A General Plan Amendment can be for the text or any plan, map, table, graphic or other illustration.

| Table 17.10-1 – Planning Permits and Actions (continued) |                     |                  |             |                               |
|----------------------------------------------------------|---------------------|------------------|-------------|-------------------------------|
| Permit or Action                                         | Advisory Body       | Review Authority | Appeal Body | Applicable Chapter or Section |
| Zoning Code Amendment (CA)                               | Planning Commission | City Council     | --          | Chapter 17.128                |

#### **17.10.080 – Projects with Multiple Applications or Actions.**

- A. Concurrent Filing. An applicant for a project that requires the filing of more than one (1) application (e.g., Conditional Use Permit, Subdivision Map, etc.), shall file all related applications concurrently, together with all required application fees, unless these requirements for concurrent filing are waived by the Community Development Director.
- B. Concurrent Processing. Multiple applications for the same project shall be processed concurrently and shall be reviewed and acted upon by the highest review authority for which designated by this Title. For example, if a project included a Minor Design Review and Minor Use Permit, the review authority for both entitlements shall be the Zoning Review Committee. For an additional example, if a project included a Minor Design Review and a Conditional Use Permit, the review for both entitlements shall be the Planning Commission.
- C. Multiple Projects. Multiple applications for different projects on the same property shall be prohibited. For example, an application for a commercial project cannot be submitted for a property that already has an application pending for a residential project.

#### **17.10.090 – Continuing Public Hearings.**

The City Council, Planning Commission or Zoning Review Committee may continue a public hearing to a date certain without additional noticing, provided the date, time and place to which the hearing will be continued is announced before adjournment or recess of the hearing. Planning Division staff or the applicant may continue a public hearing a maximum of three (3) times to a date certain without additional noticing. If a public hearing is continued a fourth time, additional noticing shall be required.

#### **17.10.100 – Ability to Appeal.**

The ability to appeal a decision by the Planning Commission, Zoning Review Committee, Community Development Director and Planning Division staff is outlined below:

##### **A. Appeals on Planning Commission Decisions:**

- 1. Decisions on appeals of Minor Design Review items for new developments or additions that result in more than one (1) story in the Rurban Homesteads Overlay District (RHOD). If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council.
- 2. Decisions on appeals of all other Minor Design Review items. If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council.

3. Decisions on appeals of all other Community Development decisions. The decision of the Planning Commission shall be final, unless otherwise noted.
  4. Decisions on denials of Amendments and Specific Plans that were initiated by the City Council. Two (2) members of the City Council may request, in writing to the City Clerk, the item be set for a hearing before the City Council for review. At its next regular meeting, after the filing of the appeal with the City Clerk, the City Council shall set a date for a public hearing by the City Council.
  5. All other Planning Commission decisions. If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Planning Commission, he or she may file an appeal with the City Clerk to have the case reviewed by the City Council, unless otherwise noted.
- B. **Appeals on Zoning Review Committee Decisions.** If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Zoning Review Committee, he or she may file an appeal with the Planning Commission Secretary to have the case reviewed by the Planning Commission.
- C. **Appeals on Community Development Director and Planning Division Staff Decisions:**
1. Decisions on wireless permits (including administrative, temporary or Section 6409 permits). If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director, he or she may file an appeal with the City Clerk to have the case reviewed by the City Manager. The decision of the City Manager shall be final.
  2. Minor Design Review decisions in the Rurban Homesteads Overlay District (RHOD). If an applicant or any interested party is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director, he or she may file an appeal with the Planning Commission Secretary to have the case reviewed by the Planning Commission, and ultimately the City Council.
  3. All other Community Development Director and Planning Division staff decisions. If an applicant is dissatisfied with any requirement, ruling, finding or disapproval by the Community Development Director, he or she may file an appeal with the Planning Commission Secretary to have the case reviewed by the Planning Commission, unless otherwise noted.
- D. **Submittal Requirements.** The appeal shall be made in writing and shall state the basis for disputing the determination. In addition, it should include any tangible evidence and/or authority supporting the appellant's position.
- E. **Time Limits and Effective Date.** The appeal must be submitted within ten (10) days following the date of the decision. If City Hall is closed on the tenth day, the deadline shall automatically extend to the next day City Hall is open to the public. For decisions that may be appealed by the public, the effective date of the decision shall not commence until the deadline to appeal has expired.

- F. **Public Noticing.** Notice shall be given in the same manner as that required for the original application. A public hearing shall also be required if one was required for the original application.
- G. **Permits.** An approval shall not be valid and no other permits dependent on its approval shall be issued until the appeal period has expired without the filing of an appeal. This shall not apply to approvals where only the applicant may appeal.

**17.10.110 – Application Resubmittals.**

When a discretionary land use permit, entitlement or amendment is denied or revoked, a new application for the same or substantially similar discretionary permit, entitlement or amendment for the same property shall not be filed for a minimum of 12 months. This requirement may be waived by the Community Development Director if he or she is presented with compelling new evidence or proof of changed circumstances, or the application was denied without prejudice.

**17.10.120 – Inactive Applications.**

An incomplete application may be considered inactive if 90 or more days have passed since the application was deemed incomplete. The Community Development Director may, at his or her discretion, send the applicant a letter stating the application will be administratively withdrawn in 30 days, unless one (1) of the following occurs: (a) the applicant resubmits the application addressing all or substantially all of the corrections noted in the incomplete letter; or (b) the applicant requests the application be withdrawn, at which point the applicant may be eligible for a partial refund. However, if neither occurs, the application shall be administratively withdrawn and the applicant shall not be eligible for a refund.

**17.10.130 – Changes to an Approved Project.**

- A. **Project Development or a New Land Use.** Any entitlement granted in compliance with this Title shall be established only as approved by the applicable review authority and subject to any conditions of approval, except where changes to the project are approved in compliance with this Section.
- B. **Request for a Change.** Requests for a change to an existing entitlement shall include the following:
  - 1. The applicant shall request the desired changes in writing and shall also furnish appropriate supporting materials and an explanation of the reasons for the request.
  - 2. The application for the changes shall be processed, and may be appealed, in compliance with the same procedures required for the original permit application.
  - 3. The review authority shall make the same findings required for the original approval, and an additional finding that there are changed circumstances sufficient to justify revising the original approval.

**C. Minor Change:**

1. The Community Development Director shall review and approve, conditionally approve, deny or refer to the Planning Commission an application for a Minor Change to an Approved Project, subject to all of the following requirements:
  - a. Is consistent with all applicable provisions of this Title;
  - b. Does not involve a feature of the project that was specifically addressed in, or was a basis for findings in a Negative Declaration (ND), Mitigated Negative Declaration (MND) or Environmental Impact Report (EIR);
  - c. Does not involve a feature of the project that was specifically addressed in or was a condition of approval that was specifically considered by the applicable review authority;
  - d. Does not expand the approved floor area, height or any outdoor activity area by ten (10) percent or more over the life of the project;
  - e. Does not significantly revise the colors or materials of a structure and the planting plan of a landscape area;
  - f. Does not include revising a Development Agreement; and
  - g. Does not increase the number of residential units.
2. The Community Development Director shall make a decision within 30 days after a complete request is filed. Notice shall not be required. Decisions of the Community Development Director are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 of this Chapter for additional information.

- D. Major Change.** Changes to the project that do not comply with Subsection (C) above shall be considered a major change and an application for a Major Change to an Approved Project shall be submitted. All items shall return to the original review authority except that the Planning Commission shall review all major changes involving items that were originally authorized by the City Council, with exception to changes involving a Development Agreement. Notice shall be given in the same manner as what was required for the original application. A public hearing shall also be required if one was required for the original application.

**17.10.140 – Revocation of Permits.**

Any entitlement or permit granted under this Title may be revoked or revised for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated.

- A. Applicability.** All entitlements and permits approved by the City Council, Planning Commission, Zoning Review Committee Community Development Director (and Public Works Director for permits issued for items in the public right-of-way) or Planning Division staff shall remain in full force and effect as long as the use, building or structure remains in

operation. Any entitlement granted pursuant to this Title is transferable and assignable; however, all successors in interest shall abide by all of the original conditions.

- B. **Initiation of Proceeding.** Revocation proceedings may be initiated by the City Council, Planning Commission or Community Development Director (or Public Works Director for permits issued for items in the public right-of-way). The City Council shall act on any approval that included a Development Agreement. The Planning Commission shall act on all other items approved by the City Council. All other approvals shall be considered by the original decision maker.
- C. **Notice to the Applicant.** The applicant shall be given a written summary outlining the reasons for initiating revocation proceedings and a minimum ten (10) days to address all items written in the summary. If the items have not been addressed to the satisfaction of the Community Development Director (or Public Works Director for permits issued for items in the public right-of-way), he or she may move forward with the revocation.
- D. **Public Notice and Hearing.** Notice to the applicant shall be provided a minimum ten (10) days prior to considering a decision. Notice to the public shall be given in the same manner as what was required for the original application. A public hearing shall also be required if one was required for the original application. The notices outlined in this Subsection and Subsection (C) above may occur concurrently.
- E. **Findings.** Any entitlement or permit may be revoked if one (1) or more of the following conditions exist:
  - 1. The entitlement or permit was obtained in a fraudulent manner;
  - 2. The use, building or structure has expanded beyond what is set forth in the permit or has changed in character;
  - 3. The entitlement permit is being, or has been, exercised contrary to the conditions of approval imposed upon such permit;
  - 4. The use in question has ceased to exist or has been suspended for 12 months or more;
  - 5. The entitlement permit is being, or has been, exercised in violation of any federal, state, and local law; and/or
  - 6. The use for which the entitlement or permit was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- F. **Other Decisions.** In lieu of revoking the entitlement or permit, the original decision body may revise, remove and/or add conditions of approval to address items written in the summary, as well as other items of concern.
- G. **Appeals.** Planning Commission decisions regarding this Section are appealable to the City Council. Community Development Director and Public Works Director decisions regarding this Section are appealable to the Planning Commission and ultimately, the City Council. If the decision body revokes the permit and an appeal is not submitted within the specified deadline, the use shall cease operations the day the revocation becomes effective. If the decision body revokes the permit and an appeal is submitted and unsuccessful, the use the



use shall cease operations the day the revocation becomes effective. Refer to Section 17.10.100 of this Chapter for additional information.

#### **17.10.150 – Fees.**

Before accepting an application for filing, the Planning Division shall collect a fee for the purpose of defraying the expenditures incidental to the proceedings prescribed in this Chapter. The amount of the fees collected shall be in accordance with the most recently adopted City Council Resolution, which shall be posted on the Planning Division webpage.

#### **17.10.160 – Enforcement.**

The purpose of this Section is to establish procedures to ensure that the provisions of this Title and any land use entitlement granted by the City are diligently pursued to completion, and to provide effective administration of this Title, in order to promote the City's planning efforts and to protect the public health, safety, general welfare and peace.

- A. **Administration.** The provisions of this Title shall be interpreted and administered by the Community Development Department. Any decision of the Department may be appealed to the Planning Commission, and/or City Council in accordance with the provisions contained herein.
- B. **Enforcement.** The Community Development Department, which includes the Planning Division, Building Division and the Code Enforcement Division, along with their respective deputies, employees and subordinates, are authorized to enforce the provisions of this Title. All departments, officials and public employees of the City vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall not issue permits or licenses for uses, buildings or purposes in conflict with the provisions of this Title. Any such permit or license issued in conflict with the provisions of this Title shall be null and void.
- C. **Violation or Penalty.** Any person, entity or corporation violating any provision of this Title or any condition imposed upon a land use entitlement, shall be guilty of a misdemeanor which shall be punishable as provided in Chapter 1.24 (General Penalty) Title 1 (General Provisions) of the EMMC.
- D. **Abatement:**
  - 1. Any building or structure erected altered, expanded or maintained, or any use of property, contrary to the provisions of this Title or any condition imposed upon a land use entitlement shall be, and the same is declared to be, unlawful and a public nuisance.
  - 2. The City Attorney, at his or her discretion, may immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law. The City Attorney may request a court with jurisdiction to abate or remove such building, structure or use and restrain any individual, entity, company or corporation from erecting, enlarging or maintaining such building or structure, or using any property contrary to the provisions of this Title or any condition imposed upon a land use entitlement. Subsequent to the abatement of the public nuisance, a lien will be

filed against the property in order to recover all costs associated with the abatement of said nuisance.

- E. **Cumulative Remedies.** This Title may also be enforced by an injunction issued from the Superior Court upon the City suing the owner or occupant of any real property affected by such violation or prospective violation. This method of enforcement shall be cumulative and in no way effect the penal provisions hereof.

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## **CHAPTER 17.12 – RULES AND MEASUREMENTS**

### **Sections.**

- 17.12.010 – Purpose.
- 17.12.020 – Rules of Interpretation.
- 17.12.030 – Uses Expressly Prohibited
- 17.12.040 – Procedures for Interpretations.
- 17.12.050 – Additional Permitted Uses.
- 17.12.060 – Measurements and Calculations.
- 17.12.070 – Properties that are Split Zoned.
- 17.12.080 – Measuring Signs.

### **17.12.010 – Purpose.**

The purpose and intent of this Chapter is to provide rules to resolve questions about the meaning or applicability of any part of this Title. The provisions of this Chapter are intended to ensure the consistent interpretation and application of the requirements of this Title and the General Plan. In addition, this Chapter explains how various measurements referred to in this Title shall be calculated.

### **17.12.020 – Rules of Interpretation.**

In interpreting the various provisions of this Title, the following rules shall apply:

#### **A. Abbreviated Titles and Phrases:**

1. The City of El Monte General Plan may be referred to as the “General Plan.”
2. The City of El Monte Municipal Code may be referred to as the “Municipal Code” or the “EMMC.”
3. The City of El Monte Zoning Code may be referred to as this “Zoning Code” or “Title.”
4. The City of El Monte may be referred to as the “City” or a “local government.” The County of Los Angeles may also be referred to as a “local government.”
5. The City of El Monte’s City Council may be referred to as the “City Council.”
6. The City of El Monte Planning Commission may be referred to as the “Planning Commission” or “Commission.”
7. The City of El Monte Zoning Review Committee may be referred to as the “Zoning Review Committee” or “Committee.”
8. The Community and Economic Development Department may be referred to as the “Community Development Department” or “Department.”
9. The Director of Community and Economic Development may be referred to as the “Community Development Director” or “Director.” Any responsibility or task of the Community Development Director may be performed by his or her designee.

**B. Terminology:**

1. The particular controls the general.
2. The words "shall," "will," "is to," and "are to" are always mandatory; the word "should" is not mandatory but is strongly recommended; and the word "may" is permissive.
3. The present tense includes the past and future tenses and the future tense includes the present.
4. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise.
5. The words "include," "includes," and "including," mean "including but not limited to."
6. The word "and" means that all connected words or provisions apply; and the word "or" means that the connected words or provisions shall apply singly or in any combination.
7. The words "either ... or" indicates that the connected words or provisions shall apply singly, but not in combination.

**C. State Law Requirements.** Where this Title references applicable provisions of state law (e.g., the California Government Code, Subdivision Map Act, California Public Resources Code, etc.), the reference shall be construed to be to the applicable state law provisions as they may be amended from time to time.

**D. Conflicting Requirements.** Any conflicts between different requirements of this Title or between this Title and other regulations, shall be resolved as follows:

1. Development agreements or specific plans. In the event of any conflict between the requirements of this Title and standards adopted as part of any development agreement or specific plan, the requirements of the development agreement or specific plan shall control. However, in the event a Chapter of this Title is devoted to a specific plan, the Chapter shall control.
2. EMMC provisions. In the event of any conflict between requirements of this Title and other regulations of the City, the Community Development Director shall determine which provision shall control.
3. Private agreements. It is not intended that the requirements of this Title shall interfere with, repeal, abrogate, or annul any easement, covenant, or other agreement that existed when this Title became effective. This Title applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than an applicable private agreement or restriction, without affecting the applicability of any agreement or restriction. The City shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.
4. City adopted guidelines. In the event of any conflict between requirements of this Title and any City adopted guidelines, this Title shall control.

#### **17.12.030 – Uses Expressly Prohibited.**

- A. A proposed land use within a zoning district must expressly be listed as a permitted use per the applicable zoning district or overlay zone in order to be authorized under this Title, except as authorized per Section 17.12.050 of this Chapter. Home occupation businesses and nonresidential uses shall require a Business Occupancy Permit.
- B. The express enumeration and authorization in this Title of a particular class of building, structure, premises or use in a designated zoning district shall be deemed a prohibition of such building, structure, premises or use in all zoning districts of a more restrictive classification, unless otherwise noted.

#### **17.12.040 – Procedures for Interpretations.**

- A. **Authority.** The Community Development Director, in consultation with the City Attorney, shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Title.
- B. **This Title and Other Laws and Ordinances.** Where any provision of this Title imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other EMMC law or ordinance, the provisions of this Title shall govern.
- C. **This Title and Development Agreements or Specific Plans.** Where the requirements of this Title and standards adopted as part of any Development Agreement or Specific Plan are in conflict, the requirements of the Development Agreement or Specific Plan shall control.
- D. **Requesting an Interpretation.** An applicant may request an interpretation of a provision or requirement of this Title. The request shall be in writing and may include any supporting information. The Community Development Director shall make a Director's Determination in writing within 30 days of the request. The decision shall constitute the precedent for all future interpretations of the provision or requirement. The Director also has the authority to initiate interpretations without a request from an applicant.
- E. **Appeals.** Decisions of the Community Development Director are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title.

#### **17.12.050 – Additional Permitted Uses.**

- A. Uses that are not specifically listed in a specific zoning district of this Title may be permitted, provided the Community Development Director finds and determines all of the following:
  - 1. The use is similar to other uses permitted in the respective zoning district;
  - 2. The use will not have a negative impact related to traffic, noise, air quality, parking or public safety;
  - 3. The use will not have a negative effect to the welfare of other businesses or individuals in the respective zoning district or surrounding area;

4. The applicant has submitted information that is substantial and compelling to support his or her request; and
  5. The applicant has agreed to any conditions placed by the Community Development Director to ensure the use is not altered over time to become inconsistent with the original request and approval.
- B. Once the necessary information has been submitted, the Community Development Director shall make a Director's Determination in writing within 30 days approving or denying the request. The Director, at his or her discretion, may also refer the decision to the Planning Commission. The decision shall constitute the precedent for all future uses that match the same characteristics. The Director also has the authority to initiate the determination of additional permitted uses without a request from an applicant.

#### **17.12.060 – Measurements and Calculations.**

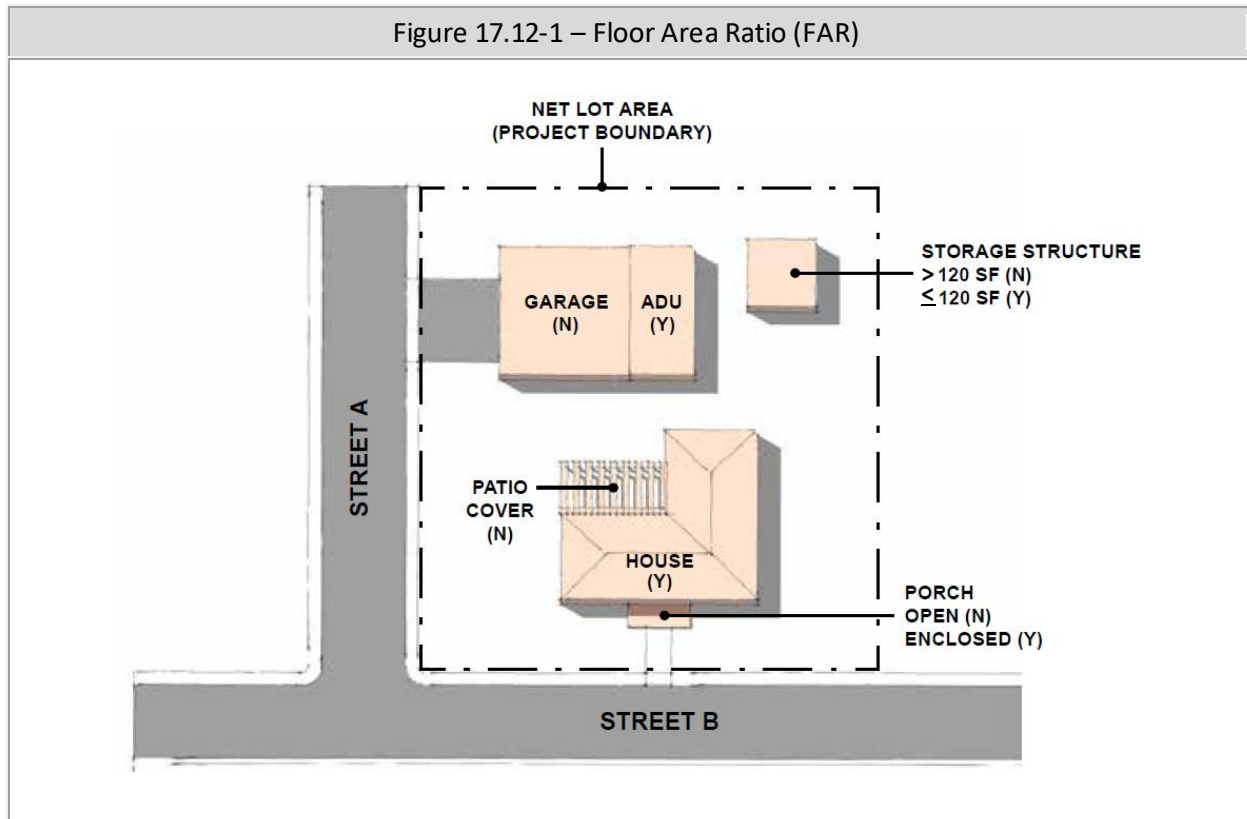
**A. Distance:**

1. Measurements are the shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
2. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land.
3. Measurements involving a building or structure. Measurements involving a structure are made to the closest support wall of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances.
4. Measurements for vehicle stacking or travel areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the center arc of the driveway or traffic lane.
5. Measurements for a radius. When measuring a radius from a property or multiple properties, it is measured in a straight line, without regard to a City boundary or intervening structures, from the outer portion of the property or multiple properties. All properties within the radius, either in full or part, shall be considered within the radius.
6. Measurements for use separations. When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line, without regard to a City boundary or intervening structures, from the nearest portion of the property line for the one use to the nearest property line of the other use. If multiple properties are linked through access easements or other methods (e.g. a shopping center made up of several legal parcels), the distance shall be measured from the specific parcel the land use is located. When multiple applications for uses are submitted and must be separated from each other, the application submitted first shall be processed and the others may be deemed incomplete.

7. Measurements for walking distance. When a specified land use is required to be located a minimum walking distance from another land use or specific object (e.g. transit stop), the minimum distance is measured along sidewalks from the nearest portion of the property line for the one use to the nearest property line of the other use or the actual specific object (e.g. the sign for the transit stop). If no sidewalk exists, it shall be measured along the edge of the street curb or paved area (if no curb exists).
  8. Measurements for yard setbacks. When a specific item is to meet a required street side, interior side yard and rear yard setback, it only needs to meet the minimum distance required in this Title, regardless the actual setback of the structure. In all other instances, it shall mean the established distance.
- B. **Floor Area – Gross and Net.** The following shall apply to calculate gross floor area (GFA) and net floor area (NFA) of a building or structure:
1. Residential only projects.
    - a. The GFA. The sum of the horizontal areas of all floors of a building or structures and other areas enclosed by a minimum of 75 percent. Measurements shall be from the exterior walls of the building or structure. Staircases shall only be counted once. Any space where the floor-to-ceiling height is less than six (6) feet shall not be counted. Any portion of a structure over 17 feet in height shall be counted twice.
    - b. The NFA. The total GFA minus the following:
      - i. All residential projects. Up to 120 square feet for one (1) storage structure shall not be counted.
      - ii. One-family and two-family projects. Up to 650 square feet for enclosed parking per unit shall not be counted.
      - iii. Multiple-family projects. Lobby areas, hallways, stairways and elevator shafts used to access individual units or common open space areas shall not be counted. In addition, areas used exclusively for vehicle parking or loading shall not be counted.
    - c. For floor area requirements, the NFA shall always apply.
  2. Nonresidential projects:
    - a. The GFA. The sum of the horizontal areas of all floors of a building or structures including hallways, service areas, mechanical rooms and attic areas having a height of more than seven (7) feet. Elevator shafts and stairwells shall only be counted once. Fully subterranean basements, courtyards, outdoor passageways and areas used exclusively for vehicle parking or loading shall not be counted. Measurements shall be from the interior walls of the building or structure.
    - b. The NFA. The sales area or customer area of a business. It shall include register areas, bar areas, waiting areas and display areas that may not be directly accessible to customers. It shall not include hallways, offices, restrooms, courtyards, fitting rooms, kitchens and break areas.



- c. When the floor area requirements are not specified. The GFA shall apply.
- 3. Multiuse projects. The residential portion of the buildings or structures shall comply with Subsection (1) above and the nonresidential portion of the buildings or structures shall comply with Subsection (2) above.
- C. **Floor Area Ratio (FAR).** To calculate FAR, the net floor area is divided by the net lot area and is expressed as a decimal. For example, if the net floor area of all buildings on a site totals 20,000 square feet, and the net lot area is 10,000 square feet, the FAR is expressed as 2.0. Refer to Figure 17.12-1 for information in a graphics form:



**D. Fractions:**

- 1. General rounding. Fractions of one-half ( $\frac{1}{2}$ ) or greater shall be rounded up to the nearest whole number and fractions of less than one-half ( $\frac{1}{2}$ ) shall be rounded down to the nearest whole number, except as otherwise noted.
- 2. Residential units rounding. The maximum number of units permitted shall always be rounded down to the nearest whole number (e.g. 3.8 units = 3.0 units), except as described in Subsection (D)(3) below.
- 3. Exceptions:
  - a. Sections 17.70.090 (Parking Regulations – Electric Vehicle Charging Spaces/ Stations) and 17.70.100 (Parking Regulations – Bicycle Parking) of this Title. Calculations for the number of spaces shall be rounded up to the nearest whole number.

- b. Chapter 17.100 (Density Bonus Provisions) of this Title. The base density of permitted units, for projects eligible for a bonus density pursuant to Section 695915 of the California Government Code, shall be rounded up to the next whole number. In addition, any fractional number of permitted bonus density units shall be rounded up to the next whole number.
- c. Chapter 17.102 (Inclusionary Housing) and Section 17.110.080 (Standards for Specific Residential Uses – Religious Institutions Housing) of this Title. In calculating the required number of inclusionary units, for projects up to 20 units, fractions of three-quarters ( $\frac{3}{4}$ ) or greater shall be rounded up to the nearest whole number and fractions of less than three-quarters ( $\frac{3}{4}$ ) shall be rounded down to the nearest whole number. For projects with more than 20 units, fractions of one-half ( $\frac{1}{2}$ ) or greater shall be rounded up to the nearest whole number and fractions of less than one-half ( $\frac{1}{2}$ ) shall be rounded down to the nearest whole number.

**E. Height:**

- 1. Measuring the height of a building or structure. Building height is measured from the average finished ground level of the site to the highest point of the structure, not including the exceptions outlined in Section 17.60.030 (General Property Development Standards – Height Exceptions and Restrictions) of this Title.
- 2. Measuring the height of decks. Deck height is determined by measuring from the natural grade of the ground to the top of the floor of the deck.
- 3. Measuring the number of stories in a building. A balcony or mezzanine shall be counted as a full story if its floor area exceeds one-quarter ( $\frac{1}{4}$ ) of the total area of the nearest full floor directly below it or if it is enclosed on more than three sides, unless Title 15 (Building and Construction) provides for other balcony or mezzanine definitions based on building construction type and other factors.
- 4. Refer to Figure 17.12-2 for information in a graphics form.

**F. Lot Area – Gross and Net.** The gross lot area (GLA) means the total horizontal area within the lot lines of a lot. The following shall not be included in determining the net lot area (NLA):

- 1. private streets in the One-family Dwelling (R-1) zoning district;
- 2. The pole portion of flag lots; and
- 3. Any future street dedications.

**G. Lot Coverage.** Lot coverage is the ratio of the net footprint area of all roofed structures on a lot compared to the net lot area. The following shall not be included in the net footprint area:

- 1. Eaves and roof overhangs that project a maximum two (2) feet;
- 2. Trellises and similar structures that are a minimum 50 percent open to the sky;
- 3. Patios and landings that are a minimum 50 percent open to the sky;
- 4. Unenclosed stairways;

Figure 17.12-2 – Measuring Height

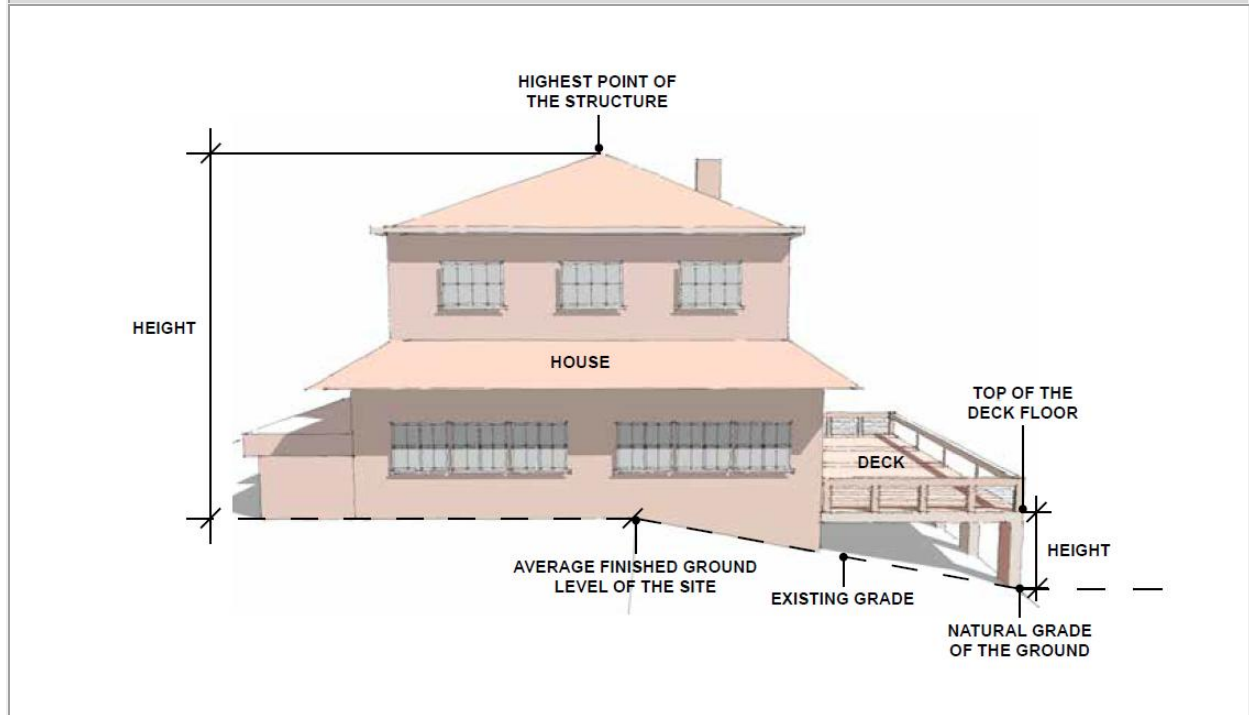
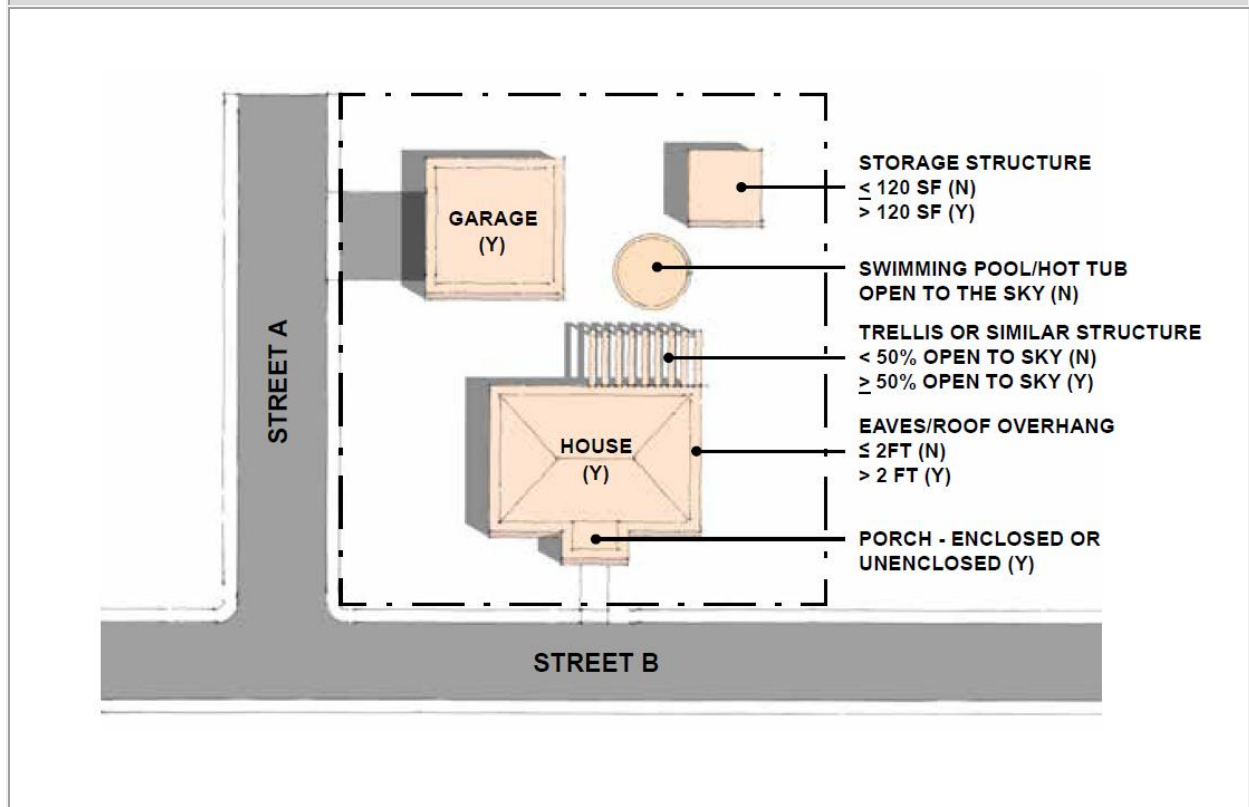
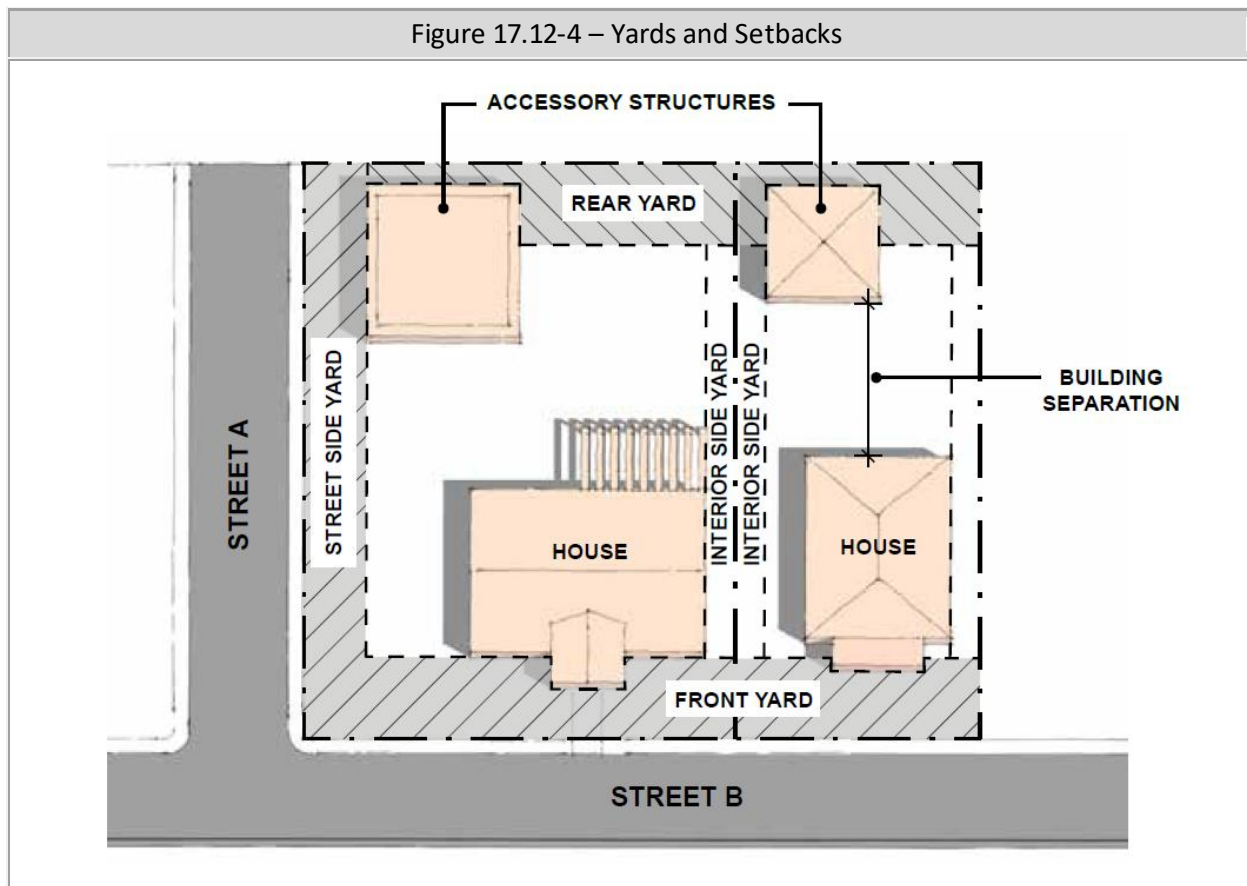


Figure 17.12-3 – Lot Coverage



5. Up to 120 square feet for one (1) storage structure;
  6. Outdoor swimming pools and hot tubs that are open to the sky; and
  7. Solar panel structures in nonresidential zoning districts (this exception shall not apply to solar panels constructed on the roof of enclosed garages or structures that can be occupied).
  8. Refer to Figure 17.12-3 for information in a graphics form.
- H. **Lot Line and Frontage.** A line of record bounding a parcel that divides one parcel from another parcel or from a public or private street or any other public space.
1. Front lot line. The parcel line separating a parcel from a street right-of-way. In the case of a corner parcel, the line separating the narrowest street frontage of the parcel from the street shall be considered the front. For parcels that have identical or near identical street frontage dimensions, the Community Development Director may determine which is the front. The lot frontage shall mean the horizontal distance between the side lot lines measured along the front lot line.
  2. Rear lot line. The parcel line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped parcel, a line 15 feet in length entirely within the parcel, parallel to, and at a maximum distance from the front lot line.
  3. Side lot line. Any parcel line other than a front or rear lot line.
  4. Street side lot line. A side lot line of a corner parcel that is adjacent to a street.
- I. **Residential Density:**
1. Residential-only projects. Density shall be measured in dwelling units per square feet or acres of net lot area. For example, if a project proposed ten (10) dwellings on a two (2) acres site, it has a residential density of five (5) dwelling units per acre. Accessory Dwelling Units (ADUs) or Junior ADUs shall not be included in the calculation.
  2. Mixed-use projects. The square footage or acreage of the net lot area shall be included in the calculation, including portions of the project site which feature only nonresidential uses.
- J. **Separation.** Building or other structure separation shall be measured from eave to eave (i. e. the separation is the area open to the sky).
- K. **Setbacks and Yards:**
1. A setback is the distance between the property line and a building, structure or post (not including permitted projections) that must be kept clear and open.
  2. Rules:
    - a. The setback shall be measured parallel to and at the specified distance from the corresponding property line.
    - b. The area that must be kept clear and open is the yard.

- c. Yards shall be measured from any future street dedication line.
  - d. If a side yard abuts an alley, the yard shall be considered an interior side yard rather than a street side yard.
3. Front yard. The area extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the main building closest to the front of the lot.
  4. Rear yard. The area extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building towards the nearest point of the rear lot line.
  5. Side yard. The area between the main building and the side lot line extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear yard and the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.
  6. Street side yard. The area between the main building and any adjacent public street right-of-way or private street.
  7. Refer to Figure 17.12-4 for information in a graphics form:



#### **17.12.070 – Properties and Project Areas that are Split Zoned.**

The following shall apply to properties or project sites that are split zoned and properties or project sites that cross jurisdictional boundaries:

##### **A. Permitted Uses:**

1. Projects within the City. The proposed use (e.g. residential, retail, office, etc.) must be permitted in both zoning districts, unless the use in the zoning district that it is not permitted is solely for access, parking, landscaping and signage.
2. For projects crossing jurisdictional boundaries:
  - a. The proposed use must be permitted in the City, unless the use in the City portion is solely for access, parking, landscaping and signing.
  - b. The Community Development Director shall determine whether the City or other jurisdiction will be the lead agency.

##### **B. Lot Coverage, Floor Area Ratio (FAR) and Residential Density:**

1. Projects within the City. Lot coverage, FAR and/or residential density may be transferrable from one zoning district to another, subject to the approval of a Conditional Use Permit and all the following:
  - a. The proposed use is permitted in both zoning districts (e.g. residential is permitted in both zoning districts);
  - b. The transferred lot coverage, FAR and/or residential units may extend a maximum 100 feet within the adjacent zoning district; and
  - c. Structures within the transferred area shall comply with the maximum height and minimum ground floor setback requirements of the underlying zone. For all other development standards, the structures may comply with either zoning district.
2. Projects crossing jurisdictional lines. The El Monte portion shall follow the standards of the City. Lot coverage, FAR and residential density shall not be transferrable from one jurisdiction to another.
3. Planned Residential Developments may follow the requirements of Chapter 17.127 (Planned Residential Development) of this Title.

- C. **All Other Development Standards.** For projects within the City, the standards for each zoning district shall be followed. For projects that cross jurisdictional boundaries, the El Monte portion shall follow the standards of the City.

#### **17.12.080 – Measuring Signs.**

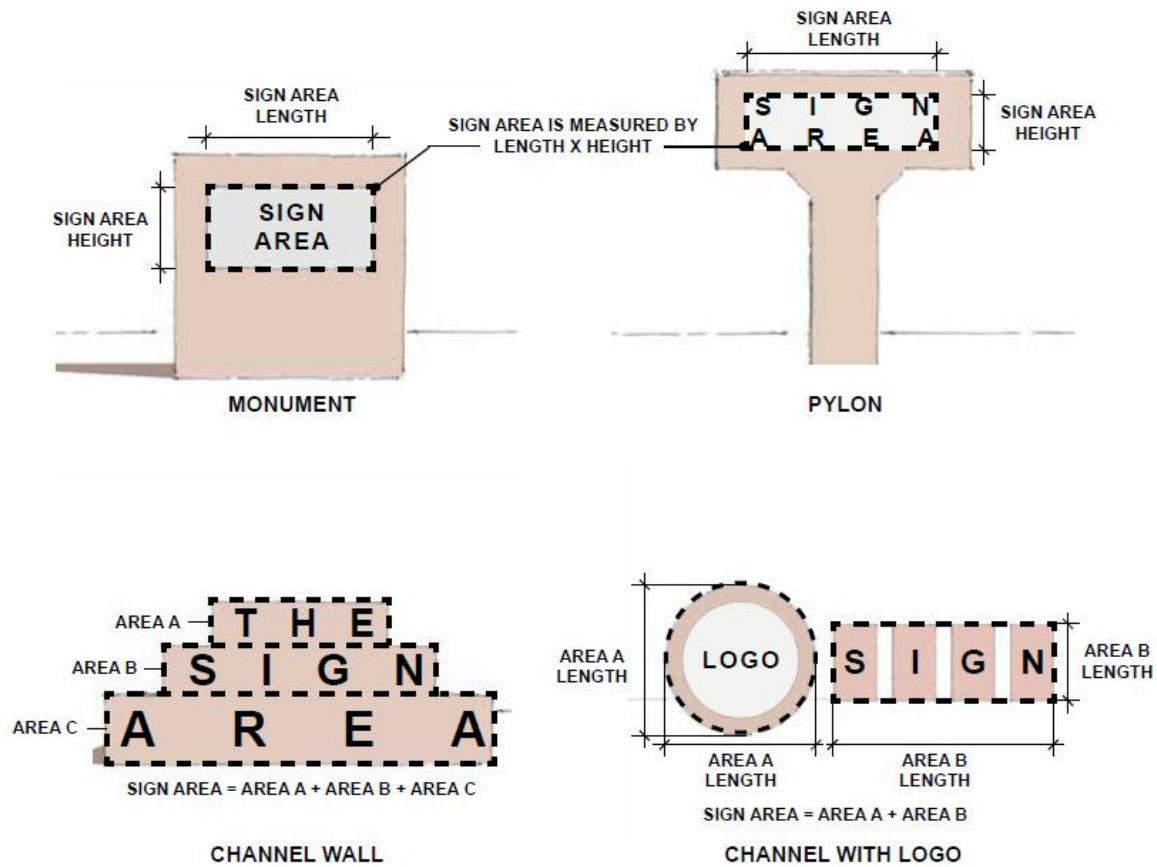
##### **A. Sign Area.** The area of an individual sign shall be calculated as follows:

1. Single-Faced Signs. Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles (consisting of horizontal and vertical lines and no more than 12 corners) that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols,

illustrations, and color. Supporting structures such as sign bases and columns are not included in the sign area, provided they contain no lettering or graphics except for addresses or required tags.

2. **Double-Faced Signs.** Where two faces of a double-faced sign are parallel, or less than an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than 45 degrees from one another, both sign faces shall be counted toward sign area.
  3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with three (3) or more sides, sign area shall be calculated as the sum of all faces.
  4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one (1) or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of two (2) adjacent sides of the smallest cuboid that will encompass the sign.
- B. **Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign.
- C. **Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- D. **Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street or on-site parking area. For buildings with two (2) or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.
- E. Refer to Figure 17.12-5 for information in a graphics form:

Figure 17.12-5 – Measuring Signs





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## **CHAPTER 17.14 – ZONING CLASSIFICATIONS AND MAP**

### **Sections.**

17.14.010 – Purpose.

17.14.020 – Classifications.

17.14.030 – Zoning Map.

17.14.040 – Boundaries of Zoning Districts.

### **17.14.010 – Purpose.**

The City of El Monte has established a series of Zoning Districts, Overlay Zones and Specific Plans to achieve the following:

- A. To classify and regulate the type and intensity of land uses;
- B. To regulate and establish limitations on the height and bulk of buildings;
- C. To regulate the area of yards other open spaces around buildings; and
- D. To regulate the allowable density of residential units.

### **17.14.020 – Classifications.**

Table 17.14-1 lists the City's zoning districts, specific plans, overlay zones and special districts:

| Residential Zoning Districts | Table 17.14-1 – Description             |
|------------------------------|-----------------------------------------|
| R-1A                         | One-family Dwelling                     |
| R-1B                         | One-family Dwelling                     |
| R-1C                         | One-family Dwelling                     |
| R-2                          | Low-density Multiple-family Dwelling    |
| R-3                          | Medium-density Multiple-family Dwelling |
| R-4                          | High-density Multiple-family Dwelling   |
| RMP                          | Residential Mobilehome Park             |
| Multiuse Zoning Districts    |                                         |
| OMU                          | Office/Multiuse                         |
| MMU                          | Mixed/Multiuse                          |
| UMU                          | Urban/Multiuse                          |

| Commercial Districts                   | Table 17.14-1 – Description                                  |
|----------------------------------------|--------------------------------------------------------------|
| C-1                                    | Office Commercial                                            |
| C-2                                    | Neighborhood Commercial                                      |
| C-3                                    | General Commercial                                           |
| Manufacturing Zoning Districts         |                                                              |
| M-1                                    | Light Manufacturing                                          |
| M-2                                    | General Manufacturing                                        |
| Public & Quasi-Public Zoning Districts |                                                              |
| AP                                     | Airport                                                      |
| RT                                     | Railroad/Transitway                                          |
| OS                                     | Open Space                                                   |
| RW                                     | River/Wash                                                   |
| PF                                     | Public Facility                                              |
| Specific Plans                         |                                                              |
| SP-1                                   | El Monte Gateway Specific Plan                               |
| SP-2                                   | Mountain View Specific Plan                                  |
| SP-3                                   | Flair Spectrum Specific Plan                                 |
| SP-4                                   | Downtown Main Street Transit-Oriented District Specific Plan |
| SP-5                                   | Esperanza Village Specific Plan                              |
| Overlay Zones and Special Districts    |                                                              |
| RHOD                                   | Rurban Homestead Overlay District                            |
| BOZ                                    | Billboard Overlay Zone                                       |
| VEOD                                   | Valley Entryway Overlay District                             |
| SD-1                                   | El Monte Center Sign District                                |

#### **17.14.030 – City Zoning Map.**

For convenience of use, the City Zoning Map (ZM-1), as heretofore adopted and made a part of this Title, and as thereafter from time to time amended. A printed copy shall be made available to the public at the Planning Division and an electronic version shall be placed on the City's website. Each zoning district, specific plan, overlay zone and special district shall be identified by a different solid color, striped color and/or bold outline.

#### **17.14.040 – Boundaries of Zoning Districts.**

Where uncertainty exists as to the boundaries of any zoning district shown on said map, the following rules shall apply:

- A. The zoning boundary shall extend to the centerline of streets, whether they are public or private, unless shown otherwise on the City Zoning Map;
- B. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;
- C. In unsubdivided property or where a zoning district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;
- D. Where any public street or alley is officially vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley;
- E. Where any private right-of-way or easement of any railroad, railway, canal transportation or public utility company is vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned property;
- F. All property in the City not otherwise classified, and all property hereafter annexed and not zoned upon annexation, shall be classified as being zoned One-family Dwelling (R-1A); and
- G. In case any uncertainty exists, the Planning Commission shall determine the location of the boundaries.

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## **CHAPTER 17.16 – NONCONFORMING PROVISIONS**

### **Sections.**

- 17.16.010 – Purpose.
- 17.16.020 – Nonconforming Buildings or Structures.
- 17.16.030 – Nonconforming Lots.
- 17.16.040 – Nonconforming Residential Uses.
- 17.16.050 – Nonconforming Nonresidential Uses.
- 17.16.060 – Repairs and Maintenance.
- 17.16.070 – Loss of a Legal Nonconforming Status.
- 17.16.080 – Legal Nonconforming Massage and Alternative Financial Service Establishments.

### **17.16.010 – Purpose.**

The purpose and intent of this Chapter is to permit nonconforming uses and structures to continue until they are removed, restricted or abandoned, but not to encourage their existence. Nonconforming uses and structures are declared to be incompatible with permitted uses in the same district. Nonconforming uses and structures shall not be enlarged upon, expanded or extended, except as expressly provided herein, nor shall the existence of a nonconforming use or structure be grounds for adding other uses or structures prohibited in the same district.

### **17.16.020 – Nonconforming Buildings or Structures.**

A nonconforming building or structure may be continued in use as long as it remains otherwise lawful, subject to the following provisions:

- A. **Changing Nonconforming Buildings or Structures.** Nonconforming buildings or structures may not be enlarged, expanded or altered in any way which increases its nonconformity, except as permitted in this Title. The building or structure may be altered to decrease its nonconformity.
- B. **Damaged Nonconforming Buildings or Structures.** Whenever a building or structure which is deemed to be nonconforming by virtue of this Chapter, and is damaged by an act of nature, the following shall apply:
  - 1. A residential building or structure that is damaged up to 75 percent of its replacement value may be restored to its state prior to such damage, provided the restoration is started within 365 days of the date of damage and diligently pursued to completion. The most recent residential use may reoccupy the building or structure.
  - 2. A residential building or structure that is damaged over 75 percent of its replacement value may be restored to its state prior to such damage, subject to the following:
    - a. Minor Design Review is granted in compliance with Chapter 17.122 (Design and Minor Design Review) of this Title, within 360 days of the date of damage;
    - b. The restoration is started within 180 days of the date of Minor Design Review or Design Review approval; and

- c. The most recent residential use may reoccupy the building or structure.
- 3. A nonresidential building or structure that is damaged up to 50 percent of its replacement value may be restored to its state prior to such damage, provided the restoration is started within 180 days of the date of damage and diligently pursued to completion. The most recent nonresidential use may reoccupy the building or structure.
- 4. A nonresidential building or structure that is damaged over 50 percent of its replacement value shall comply with all development standards of this Title. In addition, the use shall comply with the zoning district of the property.
- 5. If the property includes more than one (1) building or structure, the replacement cost shall be based on the value of all the buildings or structures on the property.
- 6. The replacement cost shall be determined by the Building Official, whose decision may be appealed to a Hearing Officer.
- C. **Legality of Buildings or Structures.** Planning Division staff may use the following to determine whether a residential building, accessory structure or additional improvement was legally established (note: the building or addition may still be subject to additional permit requirements from the Building Division, Public Works Department or Los Angeles County Fire Department):
  - 1. Los Angeles County Assessor Records show the building or addition were given an assessed value for property tax purposes prior to January 1, 1979; and/or
  - 2. It is confirmed the building or addition existed when the property was annexed to the City.
- D. **Nonconforming Yard Setbacks.** Additions and structural alterations to a building or structure constructed prior to January 1, 2022, that has nonconforming yard setbacks:
  - 1. Front Yard. That the alteration or addition for a dwelling on a lot shall not exceed 25 percent of the existing floor area of the structure and a length of 20 feet. In addition, the structure's front yard setback shall not be made further nonconforming. In no case shall the front yard setback be less than ten (10) feet for a dwelling, unless a Minor Variance has been reviewed and approved in accordance with this Title.
  - 2. Interior Side Yards. That the alteration or addition shall not exceed 50 percent of the existing floor area or a length of 30 feet, whichever is less. In addition, the structure shall not be made further nonconforming. In no case shall the interior side yard setback be less than three (3) feet for the dwelling and less than one (1) foot for an accessory structure.
  - 3. Rear Yards. That the alteration or addition shall not exceed 50 percent of the existing floor area and a length of 20 feet. In addition, the structure shall not be made further nonconforming. In no case shall the rear yard setback be less than ten (10) feet for a main dwelling and one (1) foot for an accessory structure.

### **17.16.030 – Nonconforming Lots.**

A nonconforming lot may be constructed upon provided that, the lot was legally created and the structure or structures and uses conform to all other provisions of the El Monte Municipal Code (EMMC).

### **17.16.040 – Nonconforming Residential Uses.**

A. **Applicability.** This Section shall apply to the following:

1. Subsections (B) and (C) shall apply to properties with existing residential uses where the zoning district does not permit residential uses or the existing number of residential units exceed the maximum density permitted.
2. Subsection (D) shall apply to properties with existing residential units that do not meet the minimum parking and/or open space requirements.

B. **Development Standards.** Table 17.16-1 prescribes which zoning designation shall be followed when additions are proposed to an existing nonconforming residential unit.

| Table 17.16-1 – Development Standards |               |      |                 |                 |               |
|---------------------------------------|---------------|------|-----------------|-----------------|---------------|
| Existing # of Units                   | R-1A & R-1C   | R-1B | R-2, R-3 & R-4  | Multiuse & C    | M             |
| 1 unit                                | R-1A or R-1C  | R-1B | R-1A            | R-1A            | R-1A          |
| 2 units                               | R-2           |      | Existing zoning | C-1             | C-1           |
| 3 units                               |               |      |                 |                 |               |
| 4 units                               |               |      |                 |                 |               |
| 5+ units                              | Not permitted |      |                 | Existing zoning | Not permitted |

C. **Necessary Permits.** Table 17.16-2 prescribes the permit necessary, based on the size of the additions in gross square feet, to expand one (1) or more existing nonconforming unit.

| Table 17.16-2 – Necessary Permits               |                   |                              |                  |
|-------------------------------------------------|-------------------|------------------------------|------------------|
| Size of Addition                                | R-1A, R-1B & R-1C | R-2, R-3 & R-4, Multiuse & C | M                |
| Up to 35% or 400 sq. ft., whichever is greater  | Zoning Clearance  | Zoning Clearance             | Zoning Clearance |
| 36% to 50% or 750 sq. ft., whichever is greater | Minor Use Permit  | Minor Use Permit             | Minor Use Permit |
| More than 50% and more than 750 sq. ft.         | Not permitted     |                              | Not permitted    |

D. **Parking and Open Space.** Table 17.16-3 prescribes when parking and open space shall be upgraded for residential units, based on the size of the additions in gross square feet or when one (1) or more new unit is proposed.



| Table 17.16-3 – Parking and Open Space         |                                                                                        |                                     |                            |
|------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------|----------------------------|
| Size of Addition or New Units                  | Parking                                                                                | Private Open Space                  | Overall Open Space         |
| Up to 35% or 400 sq. ft., whichever is greater | Not required unless a Variance is requested to exceed the maximum floor area permitted | Not required                        | Not required               |
| More than 35% and more than 400 sq. ft.        |                                                                                        | Provide for the unit being enlarged |                            |
| >1 new unit                                    | Provide for all new units                                                              | Provide for all new units           | Provide for entire project |

- E. The percentages and square footages identified in Subsections (C) and (D) above shall be cumulative for all units on the property and over a five (5) year period.
- F. If the nonconforming residential use is superseded by a permitted use, such use shall thereafter conform to the regulations for the zoning district, and the nonconforming residential use shall not be resumed.

**17.16.050 – Nonconforming Nonresidential Uses.**

The use may or may not occupy a building or structure. A nonconforming commercial, industrial or other nonresidential use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. **Enlarging or Expanding a Use.** The nonconforming nonresidential use may not be enlarged, extended, moved or altered, except as specifically permitted in this Chapter or to change the use of a structure or land to a use permitted in the zoning district in which it is located.
- B. **Superseded by a Permitted Use.** If the nonconforming nonresidential use is superseded by a permitted use, such use shall thereafter conform to the regulations of the zoning district and the nonconforming use shall not be resumed.
- C. **In Residential Zoning Districts.** When a nonconforming nonresidential use of a structure or land is discontinued or abandoned for a continuous period greater than 365 days, the subsequent use shall conform to the regulations of the zoning district in which the property is located or may be a Transitional Use as outlined in Section 17.110.100 (Standards for Residential Uses – Transitional Uses) of this Title.
- D. **In Multiuse, Commercial and Manufacturing Zoning Districts.** When a nonconforming nonresidential use of a structure or land is discontinued or abandoned for a continuous period greater than 365 days, the subsequent use shall conform to the regulations of the zoning district in which the property is located.
- E. **Multi-Tenant Buildings with Three (3) or More Tenant Spaces:**
  - 1. In all zoning districts. If an existing, nonconforming multi-tenant commercial or industrial building has vacancies of 50 percent or less of the total gross square footage of the multi-

tenant building, then the vacant tenant space may be occupied by the most recently occupied use, or a similar use as determined by the Community Development Director.

2. In residential zoning districts. If an existing, nonconforming multi-tenant commercial or industrial building has vacancies greater than 50 percent of the total gross square footage of the multi-tenant building, then the vacant tenant space shall be occupied by a conforming use or a Transitional Use as outlined in Section 17.110.100 (Standards for Residential Uses – Transitional Uses) of this Title.
  3. In nonresidential zoning districts. If an existing, nonconforming multi-tenant commercial or industrial building has vacancies greater than 50 percent of the total gross square footage of the multi-tenant building, then the vacant tenant space shall be occupied by a conforming use.
- F. **Proof of Operation.** In order for the business to prove continued operation, the business must submit a valid City business license for the entire period in question, and may be supported by the following evidence subject to the review and approval by the Community Development Director:
1. Receipts, invoices, payments, bank statements and other accounting records showing accounts payable and receivable for entire period in question. These must show actual and continuous business activity. These may be redacted to protect confidentiality of business clients or business bank account or credit card numbers; and/or
  2. Utility bills showing service to the specific business for the entire period in question.

#### **17.16.060 – Repairs and Maintenance.**

On any nonconforming structure, or on any nonconforming structure containing a nonconforming use, routine maintenance work may be performed, or repair or replacement of nonbearing walls, fixtures, wiring or plumbing may take place. However, the value of repair or replacement work during any five (5) year period shall not exceed 50 percent of the replacement cost of the whole structure. In addition, the square footage of the structure, whether conforming or nonconforming, shall not be increased and no more than 50 percent of the bearing walls may be repaired and/or replaced as part of repair and maintenance work for the structure.

#### **17.16.070 – Loss of a Legal Nonconforming Status.**

- A. The right to continue a nonconforming use shall terminate when it is determined to be a public nuisance by order of an independent Hearing Officer pursuant to procedures provided in Chapter 8.44 (Property Maintenance) of Title 8 (Health and Safety) of the EMMC or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or the order of the court. In addition to the specific grounds for finding a nuisance as set forth in Chapter 8.44 (Property Maintenance) of Title 8 (Health and Safety) of the EMMC, a nonconforming use is a public nuisance if:
1. The use interferes with the enjoyment of life or property in the neighborhood; or

2. The use is a business establishment which permits persons to congregate for unreasonably long time periods in parking areas and/or pedestrian walkways resulting in unreasonable noise levels in residential areas during the hours of 9:00 p.m. to 7:00 a.m., or resulting in said persons obstructing or interfering with the free passageway in said parking areas or on said pedestrian walkways, or which becomes a place where an unreasonable number of violations of Chapter 9.12 (Alcoholic Beverages) of Title 9 (Public Peace, Morals and Welfare) of the EMMC or violations of alcoholic beverage control regulations occur; or
  3. The use is injurious to the health of persons in the neighborhood.
- B. The right to continue the use of a nonconforming structure shall terminate when the structure and/or the parcel on which it is located is determined to be a public nuisance by order of the Hearing Officer made pursuant to Chapter 8.44 (Property Maintenance) of Title 8 (Health and Safety) of the EMMC, or by judgment or order of a court of competent jurisdiction and the nuisance is not abated in the manner and within the time stated in the order of the Hearing Officer or order of the court. If the abatement of the nuisance required demolition of the structure the order, judgment or order of the court shall find that in fairness and in justice there is no other way reasonably to correct the nuisances other than by demolition of the structure.
  - C. Where it cannot be found that demolition of a structure is appropriate, the Hearing Officer may permit the structure to remain in existence, but may impose one (1) or more conditions to bring the structure into conformity with the requirements of this Title so far as is reasonable in addition to any other conditions necessary to abate the public nuisance.

**17.16.080 – Legal Nonconforming Massage and Alternative Financial Services Establishments.**

- A. **Amortization Period and Extensions.** Table 17.16-4 prescribes the amortization periods and extensions for massage and alternative financial services establishments.
- B. **Application for an Extension:**
  1. The application shall be made in writing on a form prescribed by the Community Development Director. A complete application shall include all of the following:
    - a. The applicant's name and street address of business;
    - b. The address to which notice is to be mailed, at the applicant's option, a telephone number and/or email address;
    - c. The applicant's signature;
    - d. The term of the requested extension; and
    - e. Documentation relevant to the factors listed in Subsection (B)(4) below.
  2. The applicant requesting to extend the amortization period shall bear the burden of proof in establishing that the amortization period established by this Section is unreasonable.

| Table 17.16-4 – Amortization Permit and Extensions                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                 | Massage Establishment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Alternative Financial Services Establishment                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Located in the C-3 zoning district:                                                             | <p>Any establishment with a valid business license and certificate under Chapter 5.66 (Massage Establishments) of the EMMC prior to May 5, 2016:</p> <ul style="list-style-type: none"> <li>• Shall obtain a Conditional Use Permit (CUP) by May 5, 2019.</li> </ul>                                                                                                                                                                                                                                   | <p>Any establishment with a valid business license prior to August 17, 2017:</p> <ul style="list-style-type: none"> <li>• Shall obtain a Minor Use Permit (MUP) by August 31, 2022.</li> <li>• Shall cease operations by September 1, 2022 if a CUP is not obtained. All signs, advertising and displays shall also be removed within 30 days.</li> </ul>                                                                                                                                              |
| Not located in the C-3 zoning district:                                                         | <p>Any establishment not located in the C-3 zoning district as of August 31, 2022:</p> <ul style="list-style-type: none"> <li>• Shall terminate on or before September 1, 2022.</li> <li>• Shall remove all signs, advertising and displays within 30 days.</li> </ul>                                                                                                                                                                                                                                 | <p>Any establishment not located in the C-3 zoning district as of August 31, 2024:</p> <ul style="list-style-type: none"> <li>• Shall terminate on or before September 1, 2024.</li> <li>• Shall remove all signs, advertising and displays within 30 days.</li> </ul>                                                                                                                                                                                                                                 |
| Extension of the amortization period for establishments not located in the C-3 zoning district: | <p>Any establishment not located in the C-3 zoning district may apply for a time extension of the amortization period provided the following occurs:</p> <ul style="list-style-type: none"> <li>• Shall submit an application by August 31, 2022.</li> <li>• The maximum extension shall be two (2) years, or December 31, 2024.</li> <li>• The establishment shall terminate on or before January 1, 2025.</li> <li>• All signs, advertising and displays shall be removed within 30 days.</li> </ul> | <p>Any establishment not located in the C-3 zoning district may apply for a time extension of the amortization period provided the following occurs:</p> <ul style="list-style-type: none"> <li>• Shall submit an application by August 31, 2024.</li> <li>• The maximum extension shall be two (2) years, or December 31, 2026.</li> <li>• The establishment shall terminate on or before January 1, 2027.</li> <li>• All signs, advertising and displays shall be removed within 30 days.</li> </ul> |

3. Within 60 days after a complete application is filed, the Planning Commission shall hear and act on the application. The applicant shall be notified in writing of the meeting date a minimum ten (10) days prior to the meeting. Public noticing shall not be required.
4. In determining whether to grant an extension of the amortization period, and in determining the appropriate length of such an extension, the Planning Commission and, the City Council on appeal, shall consider:
  - a. The amount of investment in the business;
  - b. The present actual and depreciated value of business improvements;

- c. The applicable Internal Revenue Service (IRS) depreciation schedule or functional non-confidential equivalent;
  - d. The remaining useful life of the business improvements;
  - e. The remaining lease term;
  - f. The ability of the massage or alternative financial services establishment and/or land owner to change the use; and
  - g. The opportunity for relocation to a legally permissible site and the cost of relocation.
5. Denials. If the Planning Commission denies the request, the establishment shall close as prescribed in this Section. In addition, all signs, advertisements and displays related to the establishment shall be removed within 30 days thereafter.
6. Appeals. Planning Commission decisions regarding this Section are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **DIVISION 2 – RESIDENTIAL ZONING DISTRICTS & OVERLAYS**

### **CHAPTER 17.20 – ONE-FAMILY DWELLING ZONING DISTRICTS**

#### **Sections.**

17.20.010 – Summary of the Zoning Districts.

17.20.020 – Purpose.

17.20.030 – Applicability

17.20.040 – Permitted Uses.

17.20.050 – Development Standards.

#### **17.20.010 – Summary of the Zoning Districts.**

- A. **One-family Dwelling (R-1A) Zoning District** – Consistent with the General Plan Land Use Designation of Low Density Residential. This zoning district primarily includes smaller lots that allows for one (1) dwelling unit on each lot.
- B. **One-family Dwelling (R-1B) Zoning District** – Consistent with the General Plan Land Use Designation of Low Density Residential. This zoning district primarily includes deeper lots that allows for two (2) or more detached dwelling units on each lot under limited conditions. Also includes smaller lots that allow for one (1) dwelling unit on each lot.
- C. **One-family Dwelling (R-1C) Zoning District** – Consistent with the General Plan Land Use Designation of Low Density Residential. This zoning district primarily includes deeper lots with one (1) dwelling on each lot that allows for the keeping of horses and other large, domesticated animals. Many lots currently are, or previously were, developed with equestrian uses.

#### **17.20.020 – Purpose.**

- A. Provide a variety of single-family residential dwellings built to suburban standards characterized by single- and two-story structures separated by ample green space to suit a spectrum of individual lifestyles and needs.
- B. Maintain the existing character of the City's low-density, single-family residential neighborhoods, while providing new opportunities for unit additions and infill housing.
- C. Ensure that the scale and design of new development, alterations and additions to existing dwellings are compatible with the scale, mass and character of their neighborhoods, and protect adjacent properties from unreasonable obstruction of light and air.
- D. Provide for appropriate densities within the ranges established in the General Plan.
- E. Provide opportunities for other neighborhood uses such as schools, parks, religious assembly, community centers and daycare centers that serve and are compatible with the surrounding residential neighborhood.

### **17.20.030 – Applicability.**

This Chapter identifies allowable land uses, permitted requirements and development standards for One-family Dwelling zoning districts and applies to all areas in the City identified with an R-1A, R-1B or R-1C on the City's Zoning Map.

### **17.20.040 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.20-1 prescribes the land use regulations for each One-family Dwelling zoning district. Additional use-specific regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.20-1 shall not be permitted in the R-1A, R-1B or R-1C zoning district, except as otherwise permitted in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.20-1 – Permitted Uses – One-family Dwelling Zoning Districts   |      |                  |                |            |
|-------------------------------------------------------------------------|------|------------------|----------------|------------|
| Residential – Main Uses                                                 | R-1A | R-1B             | R-1C           | Notes      |
| Residential dwelling, single-family, one (1) on a lot, one (1) story    | P    | P                | P              |            |
| Residential dwellings, single-family, greater than one (1) story        | P    | P/D <sup>1</sup> | D <sup>1</sup> | 17.122     |
| Residential dwellings, single-family, two (2) or more detached on a lot | --   | P                | --             |            |
| Factory-built housing                                                   | P    | P                | P              |            |
| Religious institutions housing                                          | --   | P                | --             | 17.110.080 |
| Urban dwelling                                                          | P    | P                | --             | 17.110.110 |
| Residential – Ancillary Uses                                            |      |                  |                |            |
| Accessory building                                                      | P    | P                | P              | 17.110.020 |
| Accessory Dwelling Unit (ADU) and Junior ADU                            | P    | P                | P              | 17.110.030 |
| Animals, breeding and raising                                           | --   | P                | P              |            |
| Animals, horses                                                         | --   | P                | P              |            |
| Animals, husbandry product                                              | --   | C                | C              |            |
| Community garden                                                        | M    | M                | M              |            |
| Garage sale                                                             | P    | P                | P              | 5.44       |
| Greenhouse or conservatory, private                                     | P    | P                | P              |            |

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<sup>1</sup> A maximum of 1½-stories shall require Community Development Director approval for properties located in the RHOD overlay.

| Table 17.20-1 – Permitted Uses – One-family Dwelling Zoning Districts (continued) |           |      |      |               |
|-----------------------------------------------------------------------------------|-----------|------|------|---------------|
| Residential – Ancillary Uses (continued)                                          | R-1A      | R-1B | R-1C | Notes         |
| Home occupation business                                                          | P         | P    | P    | 17.110.050    |
| Lighted outdoor sporting field or court, private                                  | M         | M    | --   |               |
| Transitional parking                                                              | C         | C    | --   |               |
| Transitional use                                                                  | C         | C    | --   | 17.110.100    |
| Community Care Uses                                                               |           |      |      |               |
| Adult daycare home –                                                              |           |      |      |               |
| Small, less than seven (7) adults                                                 | P         | P    | P    |               |
| Large, seven (7) to 12 adults                                                     | C         | C    | --   |               |
| Family daycare home –                                                             |           |      |      |               |
| Small, less than nine (9) children                                                | P         | P    | P    |               |
| Large, nine (9) to 14 children                                                    | Z         | Z    | Z    |               |
| Group home –                                                                      |           |      |      |               |
| Small, less than (7) residents                                                    | P         | P    | P    |               |
| Large, seven (7) or more residents                                                | Z         | Z    | Z    |               |
| Residential care home –                                                           |           |      |      |               |
| Small, less than seven (7) residents                                              | P         | P    | P    |               |
| Large, seven (7) to 12 residents                                                  | Z         | Z    | Z    |               |
| Supportive or transitional housing                                                | P         | P    | P    |               |
| Other Uses                                                                        |           |      |      |               |
| Government or government related facility                                         | P         | P    | --   |               |
| Recreation facility –                                                             |           |      |      |               |
| Public                                                                            | P         | P    | P    |               |
| Private                                                                           | C         | C    | --   |               |
| School & educational facility –                                                   |           |      |      |               |
| K-12, public                                                                      | P         | P    | --   |               |
| Preschool, public                                                                 | P         | P    | --   |               |
| Temporary use                                                                     | See notes |      |      | 17.124        |
| Utility facility                                                                  | C         | C    | --   |               |
| Wireless facility                                                                 | See notes |      |      | 17.90 & 17.92 |



Key:

-- Use not permitted.

P Use permitted by-right.

D Use permitted after review and approval of the Community Development Director.

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

### **17.20.050 – Development Standards.**

- A. **Development Standards.** Table 17.20-2 prescribes the development standards for each One-family Dwelling zoning district. Refer to Figure 17.20-1 for information on setbacks and height in a graphic form.

| Table 17.20-2 – Development Standards – One-family Dwelling Zoning Districts |                                                    |                                                    |                                                                 |
|------------------------------------------------------------------------------|----------------------------------------------------|----------------------------------------------------|-----------------------------------------------------------------|
| Maximum Height                                                               | R-1A                                               | R-1B <sup>2</sup>                                  | R-1C                                                            |
| Height                                                                       | 2 stories & 30 ft.                                 | 2 stories & 30 ft.                                 | 1½ stories & 25 ft.                                             |
| Top plate height                                                             | 1 story: 14 ft.<br>2 story: 24 ft.                 | 1 story: 14 ft.<br>2 story: 24 ft.                 | 18 ft.                                                          |
| Minimum Yard Setbacks <sup>3</sup>                                           |                                                    |                                                    |                                                                 |
| 1 <sup>st</sup> story front                                                  | 20 ft.                                             | 20 ft.                                             | 20 ft.                                                          |
| 2 <sup>nd</sup> story front                                                  | 5 ft. additional<br>from the 1 <sup>st</sup> story | 5 ft. additional<br>from the 1 <sup>st</sup> story | N/A                                                             |
| 1 <sup>st</sup> story street side                                            | 10 ft.                                             | 10 ft.                                             | 10 ft.                                                          |
| 2 <sup>nd</sup> story street side                                            | 5 ft. additional<br>from the 1 <sup>st</sup> story | 5 ft. additional<br>from the 1 <sup>st</sup> story | N/A                                                             |
| 1 <sup>st</sup> story interior side                                          | 5 ft.                                              | 5 ft.                                              | 5 ft.                                                           |
| 2 <sup>nd</sup> story interior side                                          | 5 ft. additional<br>from the 1 <sup>st</sup> story | 5 ft. additional<br>from the 1 <sup>st</sup> story | N/A                                                             |
| Rear                                                                         | 10 ft.                                             | 20 ft.                                             | Parcel <100 ft. deep:<br>20 ft.<br>All other parcels: 35<br>ft. |
| Minimum Lot Specifications <sup>4</sup>                                      |                                                    |                                                    |                                                                 |
| Area                                                                         | 7,260 sq. ft.                                      | 7,260 sq. ft.                                      | 10,000 sq. ft.                                                  |
| Street frontage –                                                            |                                                    |                                                    |                                                                 |
| Interior lot                                                                 | 60 ft.                                             | 60 ft.                                             | 60 ft.                                                          |

<sup>2</sup> Refer to Chapter 17.22 for properties within the RHOD Overlay.

<sup>3</sup> A 2<sup>nd</sup> story shall not encroach over a patio that is open on the sides by more than 50%. Refer to Section 17.60.130 for additional yard exceptions. All street setbacks shall be fully landscaped as prescribed in Section 17.72.050.

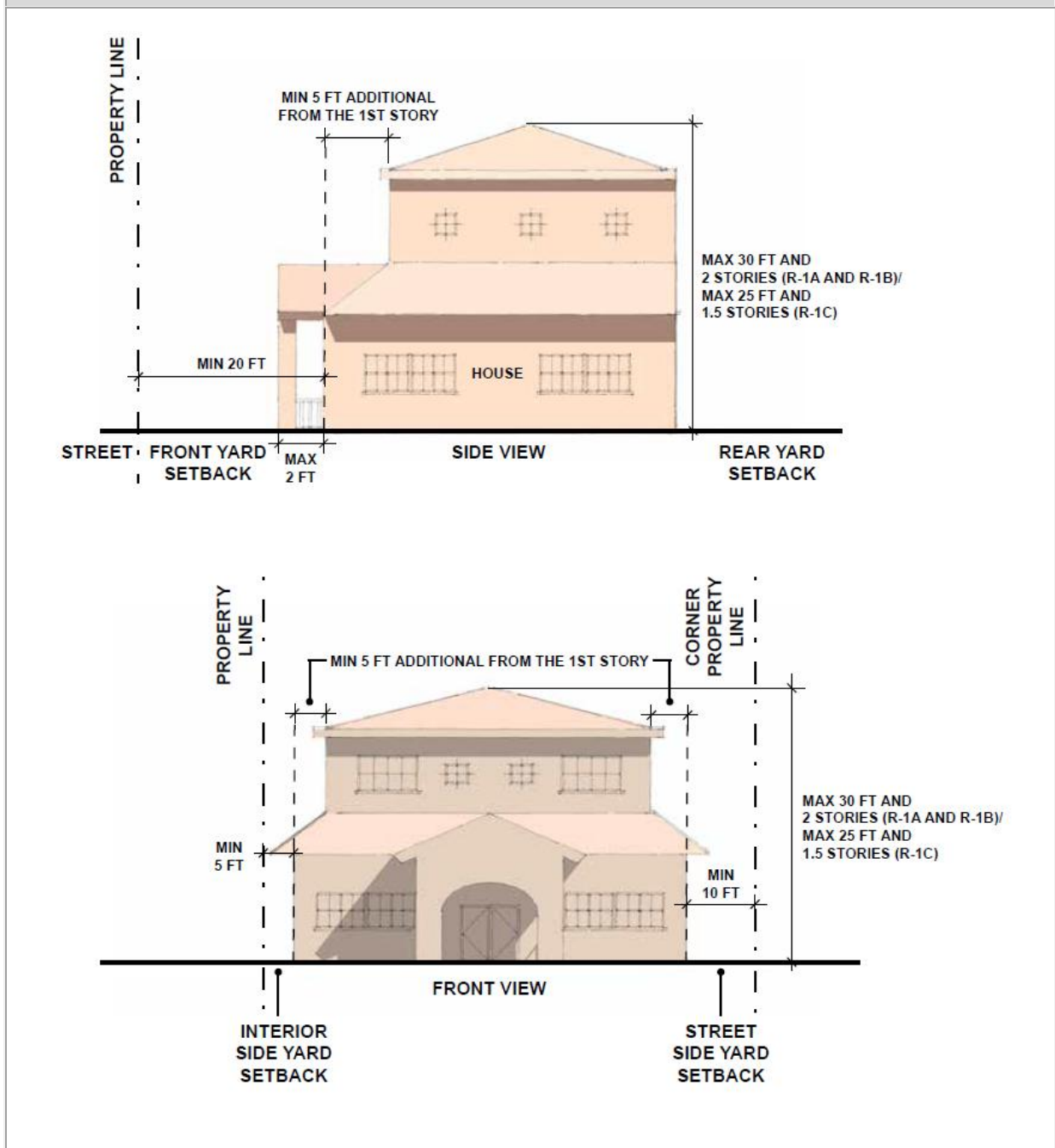
<sup>4</sup> For new lots. Refer to Section 16.30.040 of Title 16 (Subdivisions) for additional standards and exceptions.

| Table 17.20-2 – Development Standards – One-family Dwelling Zoning Districts (continued) |                                                                                                                                                     |                                                    |               |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------|
| Minimum Lot Specifications<br>(continued)                                                | R-1A                                                                                                                                                | R-1B                                               | R-1C          |
| Street frontage (continued) –                                                            |                                                                                                                                                     |                                                    |               |
| Corner lot                                                                               | 70 ft.                                                                                                                                              | 70 ft.                                             | 70 ft.        |
| Cul-de-sac                                                                               | 35 ft.                                                                                                                                              | 35 ft.                                             | 35 ft.        |
| Depth                                                                                    | 100 ft.                                                                                                                                             | 100 ft.                                            | 100 ft.       |
| Maximum Density                                                                          | R-1A                                                                                                                                                | R-1B                                               | R-1C          |
|                                                                                          |                                                                                                                                                     |                                                    |               |
| <100 ft. of frontage                                                                     | 1 unit/lot                                                                                                                                          | 1 unit/ 8,720 sf.                                  | 1 unit/lot    |
| 101 to 150 ft. of frontage                                                               |                                                                                                                                                     | 1 unit/ 7,920 sf.                                  |               |
| >150 ft. of frontage                                                                     |                                                                                                                                                     | 1 unit/ 7,260 sf.                                  |               |
| Maximum Floor Area                                                                       |                                                                                                                                                     |                                                    |               |
| ≤8,000 sq. ft.                                                                           | 0.35                                                                                                                                                |                                                    |               |
| 8,001 to 12,000 sq. ft.                                                                  | 0.30 or 2,800 sq. ft., whichever is greater                                                                                                         |                                                    |               |
| 12,001 to 20,000 sq. ft.                                                                 | 0.25 or 3,600 sq. ft., whichever is greater                                                                                                         |                                                    |               |
| >20,000 sq. ft.                                                                          | 0.20 or 5,000 sq. ft., whichever is greater                                                                                                         |                                                    |               |
| Other Standards                                                                          |                                                                                                                                                     |                                                    |               |
| Maximum lot coverage                                                                     | 35%                                                                                                                                                 | 30%                                                | 30%           |
| Minimum dwelling size <sup>5</sup>                                                       | 1,000 sq. ft.                                                                                                                                       | 1,000 sq. ft.                                      | 1,000 sq. ft. |
| Minimum distance<br>between dwellings                                                    | N/A                                                                                                                                                 | 40 ft. (20 ft. front yard<br>and 20 ft. rear yard) | N/A           |
| Minimum distance<br>between other structures                                             | 6 ft.                                                                                                                                               | 6 ft.                                              | 6 ft.         |
| Swimming pools                                                                           | Minimum side yard setback: 10 ft.<br>Minimum front yard setback: 50 ft. or within the rear 50 percent<br>of the depth of the lot, whichever is less |                                                    |               |
| Laundry facilities                                                                       | Shall be located within a fully enclosed structure                                                                                                  |                                                    |               |

- B. **Undergrounding of Utilities.** For all developments with five (5) or more dwelling units, all utility distribution lines including but not limited to: electric; communication; natural gas and cable TV lines shall be placed underground.

<sup>5</sup> This requirement shall not apply to ADUs and urban dwellings.

Figure 17.20-1 – Height and Setbacks



- C. **Lighting System.** For all developments with three (3) or more dwelling units, an on-site lighting system shall be installed for all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from the dwelling units and adjacent properties.

**D. Keeping of Animals:**

1. The keeping of animals in the R-1B and R-1C zoning districts:
  - a. The breeding, hatching and raising of poultry, fowl, birds, rabbits, chinchillas, earthworms, fish, frogs and bees are permitted for domestic or commercial use.
  - b. The keeping of horses:
    - i. In the R-1B zoning district, the lot shall have a minimum area of 20,000 square feet, with no more than one (1) horse permitted per 10,000 square feet.
    - ii. In the R-1C zoning district, the lot shall have a minimum area of 7,500 square feet, with no more than one (1) horse permitted per 7,500 square feet of lot area.
  - c. The keeping of other animals in the R-1C zoning district:
    - i. Up to three (3) goats and the offspring less than one (1) year of age.
    - ii. Up to three (3) sheep and the offspring less than one (1) year of age.
    - iii. One (1) cow, but only for personal use of the family residing upon the premises.
    - iv. Any program of animal husbandry as a member of any national or nonprofit educational or character building organization, for the family residing upon the premises.
2. There shall be no killing or dressing of any animals or poultry for commercial purposes.
3. Animal enclosures and related activities. Refer to Section 17.22.040(F) (Rurban Homesteads Overlay District – Development Standards) of this Title.
4. Shall comply with Title 6 (Animals) of the El Monte Municipal Code (EMMC) and the deletions set forth in Section 6.04.060, and Title 10 of the Los Angeles Administrative Code, including all amendments and ordinance of Los Angeles County up to and including Los Angeles County Ordinance No. 2011-0038, dated August 25, 2011, which were adopted by reference as the “City of El Monte Animal Control Ordinance.”

- E. Other Development Standards.** Table 17.20-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to One-family Dwelling zoning districts:

| Table 17.20-3 – Other Development Standards |                    |
|---------------------------------------------|--------------------|
| Development Standard                        | Chapter or Section |
| Additions to nonconforming setbacks         | 17.16.020(D)       |
| Existing flag lots                          | 17.60.020          |
| Height exceptions and restrictions          | 17.60.030          |
| Landscaping                                 | 17.72 & 17.74      |
| Outdoor lighting                            | 17.60.050          |

| Table 17.20-3 – Other Development Standards (continued) |                    |
|---------------------------------------------------------|--------------------|
| Development Standard (continued)                        | Chapter or Section |
| Parking                                                 | 17.70              |
| Private streets and private driveways                   | 17.60.070          |
| Refuse storage facilities                               | 17.60.080          |
| Screening                                               | 17.60.100          |
| Walls, fences and hedges                                | 17.60.120          |
| Yard encroachments                                      | 17.60.130          |

## **CHAPTER 17.22 - RURBAN HOMESTEADS OVERLAY DISTRICT**

### **Sections.**

17.22.010 – Purpose.

17.22.020 – Applicability.

17.22.030 – Use Regulations.

17.22.040 – Development Standards.

### **17.22.010 – Purpose.**

The Rurban Homesteads Overlay District (RHOD) was established to preserve rural character, promote a low-density, rural residential lifestyle, and ensure continued availability of lots that allow animal keeping, agricultural cultivation and retain the area's homestead heritage. It is the intent of the RHOD to protect areas for low-density, rural development by retaining large lots in a configuration that enables animal raising and keeping and to ensure that new residential development and alterations and additions to existing residences are compatible with the scale, mass and character of the rural neighborhood.

### **17.22.020 – Applicability.**

The RHOD applies to all properties in the City identified with an RHOD on the City's Zoning Map.

### **17.22.030 – Use Regulations.**

No lot, premise, building, or structure in the Rurban Homestead Overlay District shall be used for any use or purpose other than those specified below:

- A. **One-family Dwelling.** Not more than one (1) one-family dwelling on any lot as defined by Chapter 17.150 (Use Definitions) of this Title.
- B. **Accessory Buildings.** Accessory buildings necessary or incidental to each one-family dwelling, located on the same lot or parcel of land, including a private garage for each lawful dwelling. The capacity of each such garage shall not exceed three (3) automobiles. See Section 17.110.020 (Regulations for Specific Uses – Accessory Buildings) of this Title for additional standards.
- C. **Accessory Dwelling Units (ADUs).** ADUs and Junior ADUs are regulated pursuant to Section 17.110.030 (Regulations for Specific Uses – Accessory Dwelling Units) of this Title. The architectural style and materials of ADUs and Junior ADUs shall match that of the primary building on the property.
- D. **Horses.** The keeping of not more than one (1) horse for each 7,500 square feet of lot area.
- E. **Other Animals.** The keeping of not more than three (3) female goats and their offspring less than one (1) year of age, and the keeping of not more than three (3) sheep and their offspring less than one (1) year of age, and the keeping of not more than one (1) cow, but only for the personal use of the family residing upon the premises or in the conduct by any member of

the family residing upon the premises of any program of animal husbandry as a member of any national or nonprofit educational or character building organization.

#### **17.22.040 – Development Standards.**

The regulations applicable to lots, premises, buildings and structures in the underlying zone shall apply to and be complied with as to every lot, premises, building, and structure in the RHOD.

- A. **Minimum Lot Area and Width.** Each lot shall have a lot area of not less than 10,000 square feet and a width of not less than 60 feet at the mid-point measured between the front and rear lot lines; provided, however, that when a lot has less area than herein required and was recorded at the time of the effective date of the ordinance codified in this Title, the lot may be occupied by not more than one (1) dwelling unit.
- B. **Street Frontage Required.** Every lot shall abut a public street for a distance of at least 60 feet. Flag lots and Planned Residential Developments shall be prohibited.
- C. **Lot Design.** Lots shall be rectangular in shape, with side parcel lines as close as practical to ninety-degree angles with front and rear parcel lines. Lot depth shall be a minimum of two (2) times the lot width. Flag lots and Planned Residential Development shall be prohibited.
- D. **First Floor Top Plate Height.** First floor top plate height shall not exceed 12 feet in the front one-third (1/3) of the structure.
- E. **Building Height.** The maximum allowable height is 25 feet and one and one-half (1½) stories. New development, additions and alterations that will result in more than one (1) story shall be subject to the following:
  - 1. Configuration. Floor area above the first story shall be wholly built into the framing of the roof.
  - 2. Floor area limit. Habitable floor area above the first story shall not exceed 60 percent of the first story roofed area.
  - 3. Dormer. Dormers shall not exceed the height of the building ridge line, shall not overhang the outer face of the wall below, or exceed 60 percent of the length of the roof.
  - 4. Balconies or decks. Balconies or decks above the first floor are prohibited.
  - 5. Design Review. All applications for new development or additions that will result in more than one (1) story shall require Design Review pursuant to Chapter 17.122 (Design Review) of this Title and as follows:
    - a. Application requirement. In addition to other materials required for the submittal of a Design Review application, supporting materials shall be submitted to describe and provide visual representation of existing conditions and the proposed project. Supporting materials may include, but are not limited to: statements; photographs; plans; drawings; renderings; models; material samples; and the erection of story poles at the site.

- b. Review Authority. Design Review shall be conducted by the Community Development Director.
  - c. Notice. At least ten (10) days prior to the date of action, notice of the application shall be posted on-site and mailed to all residents and property owners of record within a 300 foot radius of the subject property as shown on the latest available assessment roll. The notice shall include a general description of the application, the location of the property, the date of the decision, the procedure for submitting comments, and the procedure for appealing the decision.
  - d. Call-up for Planning Commission review. The Community Development Director may refer items directly to the Planning Commission when, in his/her discretion, the public interest would be better served by having the Planning Commission conduct Design Review. In addition, the applicant or any resident or property owner within the mailing radius may submit a written request to the Community Development Director for a call-up.
  - e. Appeals. Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title.
- F. **Animal Enclosures and Related Activities.** Animal enclosures include barns, stables, corrals, pens, coops, bins, chutes or other enclosures designed or used for the keeping or shelter of animals. These standards shall not apply to fenced pastures or other contained animal grazing or roaming areas. This Subsection may also apply to properties not located within the RHOD that are zoned R-1B and have a minimum area of 20,000 square feet.
- 1. Location. Roofed animal enclosures shall be set back a minimum of 75 feet from the front lot line and 35 feet from any dwelling or other building used for human habitation other than the dwelling of the owner.
  - 2. Size:
    - a. Unroofed animal enclosure areas shall not count towards floor area calculations, accessory structure size or lot coverage. Up to 800 square feet of roofed animal enclosures shall be exempt from floor area calculations and accessory structure size. In addition, roofed animal enclosures greater than 800 square feet and existing prior to May 1, 2018, shall be exempt from floor area calculations and accessory structure size.
    - b. Animal housing, premises and quarters must be of sufficient size, kept clean and in a sanitary condition, properly ventilated and in good repair at all times. Sufficient size is defined as a minimum of 500 square feet of interior measurement of corral space and, for horses, each individual box stall must contain a minimum dimension of eight (8) feet in width and 12 feet in length.
  - 3. Animal enclosures shall comply with all development standards of the land use district and adopted City codes.



4. Maintenance:
  - a. Water troughs shall be cleaned out weekly. Mosquito fish or other mosquito prevention measures shall be used in water troughs or in any standing water.
  - b. Vermin, flies, standing surface water, refuse, and manure must be controlled and not accumulate so as not to be a nuisance for adjacent properties. Property owner is subject to Chapter 8.12 (Property Maintenance) of Title 8 (Health and Safety) of the EMMC.
  - c. Site must control dust, fumes, odors, vapors and/or unsanitary conditions. Property owner is subject to Chapter 8.12 (Property Maintenance) of Title 8 (Health and Safety) of the EMMC.
  - d. Plugged in amplified noise on site relative to the operation of horses or large animals shall not be allowed.
5. Manure storage and disposal:
  - a. All manure disposal/storage shall be covered and protected from drainage flows, rain, and wind. Area used for non-containerized manure disposal/storage must cause no nuisance and be kept a minimum distance below and located so that it drains away from the neighboring property, facilities and water supplies.
  - b. Manure must be disposed off-site at a frequency that prevents overfilling of manure bin, or storage area, and which prevents strong odors, accumulation of flies, or vermin from creating a nuisance condition. Manure storage shall be located away from the street.
6. Trailer parking. Horse or large animal trailers shall be located outside of the required front yard setback. Trailer parking is prohibited within the public right-of-way. All parking shall comply with Chapter 17.70 (Parking Requirements) of this Title.
- G. **Trees.** All new development and additions more than ten (10) percent of the floor area on the site shall provide a minimum of one (1) tree within the required front setback for every 35 feet of street frontage. If a tree already exists within the required front setback, the applicant shall not be required to plant a new tree.
- H. **Other Standards.** For all other standards and requirements, refer to the underlying zone.

## **CHAPTER 17.24 – MULTIPLE-FAMILY DWELLING ZONING DISTRICTS**

### **Sections.**

17.24.010 – Summary of the Zoning Districts.

17.24.020 – Purpose.

17.24.030 – Applicability

17.24.040 – Permitted Uses.

17.24.050 – Development Standards.

### **17.24.010 – Summary of the Zoning Districts.**

- A. **Low-density Multiple-family Dwelling (R-2) Zoning District** – Consistent with the General Plan land use designation of Medium Low Density Residential. This zoning district allows for attached and detached single-family dwellings, attached products with four (4) or fewer units.
- B. **Medium-density Multiple-family Dwelling (R-3) Zoning District** – Consistent with the General Plan Land Use Designation of Medium Density Residential. This zoning district allows for apartments, townhouses and Planned Residential Developments (PRDs).
- C. **High-density Multiple-family Dwelling (R-4) Zoning District** – Consistent with the General Plan Land Use Designation of High Density Residential. This zoning district allows for the highest residential densities among residential zoning districts for apartments, townhouses, condominiums and PRDs.
- D. **Residential Mobilehome Park (RMP) Zoning District** – Consistent with the General Plan Land Use Designations of Medium Density Residential or High Density Residential. A majority of the City's 1,300 mobile home units are on land zoned specifically for mobilehome parks.

### **17.24.020 – Purpose.**

- A. Provide a variety of multi-family residential dwellings ranging from suburban to more urban standards characterized by multi-story residential structures focused around common open space areas and other amenities to suit a spectrum of individual lifestyles and needs.
- B. Maintain the existing character of the City's multiple-family residential neighborhoods, while providing new opportunities for unit additions and infill housing.
- C. Ensure that the scale and design of new development and alterations and additions to existing dwellings are compatible with the scale, mass and character of their neighborhoods, and protect adjacent properties from unreasonable obstruction of light and air.
- D. Provide for appropriate densities within the ranges established in the General Plan.
- E. Create opportunities to develop walkable neighborhoods in close proximity to commercial areas, recreational amenities and different modes of transit.

### **17.24.030 – Applicability.**

This Chapter identifies allowable land uses, permitted requirements and development standards for Multiple-family Residential Dwelling zoning districts and applies to all areas in the City identified with an R-2, R-3 or R-4 on the City's Zoning Map.

### **17.24.040 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.24-1 prescribes the land use regulations for each Multiple-family Dwelling zoning district. Additional use-specific regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.24-1 shall not be permitted in the R-2, R-3 or R-4 zoning district, except as otherwise provided in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.24-1 – Permitted Uses – Multiple-family Dwelling Zoning Districts              |     |     |     |            |
|-----------------------------------------------------------------------------------------|-----|-----|-----|------------|
| Residential – Main Uses                                                                 | R-2 | R-3 | R-4 | Notes      |
| Residential dwelling, single-family, one (1) on a lot <sup>6</sup>                      | P   | P   | P   |            |
| Residential dwellings, two-family, two (2) attached or detached on a lot                | P   | P   | P   |            |
| Residential dwellings, multiple-family, three (3) or more attached or detached on a lot | P   | P   | P   |            |
| Factory-built housing                                                                   | P   | P   | P   |            |
| Mobile home or trailer park <sup>7</sup>                                                | --  | --  | C   |            |
| Planned Residential Development (PRD)                                                   | --  | R   | R   | 17.127     |
| Religious institutions housing                                                          | P   | P   | P   | 17.110.080 |
| Senior housing                                                                          | --  | C   | C   |            |
| Residential – Ancillary Uses                                                            |     |     |     |            |
| Accessory building                                                                      | P   | P   | P   | 17.110.020 |
| Accessory Dwelling Unit (ADU) and Junior ADU                                            | P   | P   | P   | 17.110.030 |
| Animals, husbandry product                                                              | C   | C   | C   |            |
| Community garden                                                                        | M   | M   | M   |            |
| Garage sale                                                                             | P   | P   | P   | 5.44       |
| Greenhouse or conservatory, private                                                     | P   | P   | P   |            |
| Home occupation business                                                                | P   | P   | P   | 17.110.050 |

<sup>6</sup> Subject to the development standards of the R-1A zoning district.

<sup>7</sup> Mobile home or trailer park is also permitted in the RMP zoning district subject to the approval of a CUP.

| Table 17.24-1 – Permitted Uses – Multiple-family Dwelling Zoning Districts (continued) |           |     |     |                 |
|----------------------------------------------------------------------------------------|-----------|-----|-----|-----------------|
| Residential – Ancillary Uses (continued)                                               | R-2       | R-3 | R-4 | Notes           |
| Lighted outdoor sporting field or court, private                                       | M         | M   | M   |                 |
| Transitional parking                                                                   | M         | M   | M   |                 |
| Transitional use                                                                       | M         | M   | M   | 17.110.100      |
| Community Care Uses                                                                    |           |     |     |                 |
| Adult daycare home –                                                                   |           |     |     |                 |
| Small, less than seven (7) adults                                                      | P         | P   | P   |                 |
| Large, seven (7) to 12 adults                                                          | C         | C   | C   |                 |
| Family daycare home –                                                                  |           |     |     |                 |
| Small, less than nine (9) children                                                     | P         | P   | P   |                 |
| Large, nine (9) to 14 children                                                         | Z         | Z   | Z   |                 |
| Group home –                                                                           |           |     |     |                 |
| Small, less than (7) residents                                                         | P         | P   | P   |                 |
| Large, seven (7) or more residents                                                     | Z         | Z   | Z   |                 |
| Residential care home –                                                                |           |     |     |                 |
| Small, less than seven (7) residents                                                   | P         | P   | P   |                 |
| Large, seven (7) to 12 residents                                                       | Z         | Z   | Z   |                 |
| Supportive or transitional housing                                                     | P         | P   | P   |                 |
| Public & Quasi-Public Uses                                                             |           |     |     |                 |
| Government or government related facility                                              | P         | P   | P   |                 |
| Recreation facility –                                                                  |           |     |     |                 |
| Public                                                                                 | P         | P   | P   |                 |
| Private                                                                                | C         | C   | C   |                 |
| School & educational facility –                                                        |           |     |     |                 |
| K-12, public                                                                           | P         | P   | P   |                 |
| K-12, private                                                                          | --        | C   | C   |                 |
| Preschool, public                                                                      | P         | P   | P   |                 |
| Preschool, private                                                                     | --        | C   | C   |                 |
| Utility facility                                                                       | C         | C   | C   |                 |
| Wireless facility                                                                      | See notes |     |     | 17.90 and 17.92 |

| Table 17.24-1 – Permitted Uses – Multiple-family Dwelling Zoning Districts (continued) |           |     |     |        |
|----------------------------------------------------------------------------------------|-----------|-----|-----|--------|
| Other Uses                                                                             | R-2       | R-3 | R-4 |        |
| Cultural institution                                                                   | --        | C   | C   |        |
| Philanthropic or charitable institution                                                | --        | C   | C   |        |
| Religious institution                                                                  | --        | C   | C   |        |
| Temporary use                                                                          | See notes |     |     | 17.124 |

Key:

-- Use not permitted.

P Use permitted by-right.

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

R Use permitted after review and approval of a Planned Residential Development (PRD) permit.

Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

#### **17.24.050 – Development Standards.**

- A. **Development Standards–One (1) Dwelling.** For properties developed with one (1) dwelling, refer to the One-family Dwelling (R-1A) zoning district.
- B. **Development Standards – Two (2) or More Dwellings.** Table 17.24-2 prescribes the development standards for each Multiple-family Dwelling zoning district for properties developed with two (2) or more dwellings:

| Table 17.24-2 – Development Standards – Multiple-family Dwelling Zoning Districts |                                                                       |                    |                    |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------|--------------------|
| Maximum Height                                                                    | R-2                                                                   | R-3                | R-4                |
| Height <sup>8</sup>                                                               | 2 stories & 30 ft.                                                    | 2 stories & 30 ft. | 3 stories & 40 ft. |
| Minimum Yard Setbacks <sup>9</sup>                                                |                                                                       |                    |                    |
| 1 <sup>st</sup> story front                                                       | 20 ft.                                                                | 20 ft.             | 20 ft.             |
| Upper story front                                                                 | An additional 5 ft. from the 1 <sup>st</sup> floor building wall line |                    |                    |
| 1 <sup>st</sup> story street side                                                 | 10 ft.                                                                | 10 ft.             | 10 ft.             |
| Upper story street side                                                           | An additional 5 ft. from the 1 <sup>st</sup> floor building wall line |                    |                    |
| 1 <sup>st</sup> story interior side                                               | 5 ft.                                                                 | 5 ft.              | 10 ft.             |
| Upper story interior side                                                         | 10 ft.                                                                | 10 ft.             | 12 ft.             |
| Rear                                                                              | 20 ft. if abutting R-1; Otherwise, 10 ft.                             |                    |                    |

<sup>8</sup> Refer to Section 17.60.030 of this Title for additional height exceptions and restrictions.

<sup>9</sup> Refer to Section 17.60.130 of this Title for additional yard exceptions. All street setbacks shall be fully landscaped as prescribed in Section 17.72.050 of this Title.

| Table 17.24-2 – Development Standards – Multiple-family Dwelling Zoning Districts (continued) |                                                      |                                                      |                                                       |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------|-------------------------------------------------------|
| Minimum Lot Specifications <sup>10</sup>                                                      | R-2                                                  | R-3                                                  | R-4                                                   |
| Area                                                                                          | 6,000 sq. ft.                                        | 6,000 sq. ft.                                        | 6,000 sq. ft.                                         |
| Street frontage –                                                                             |                                                      |                                                      |                                                       |
| Interior lot                                                                                  | 60 ft.                                               | 60 ft.                                               | 60 ft.                                                |
| Corner lot                                                                                    | 70 ft.                                               | 70 ft.                                               | 70 ft.                                                |
| Cul-de-sac                                                                                    | 35 ft.                                               | 35 ft.                                               | 35 ft.                                                |
| Depth                                                                                         | 100 ft.                                              | 80 ft.                                               | 80 ft.                                                |
| Maximum Density                                                                               |                                                      |                                                      |                                                       |
| <100 ft. of frontage                                                                          | 1 unit/ 5,445 sq. ft.                                | 1 unit/ 4,356 sq. ft.                                | 1 unit/ 1,740 sq. ft.                                 |
| 101 to 150 ft. of frontage                                                                    |                                                      | 1 unit/ 3,630 sq. ft.                                |                                                       |
| >150 ft. of frontage                                                                          |                                                      | 1 unit/ 3,111 sq. ft.                                |                                                       |
| Maximum Floor Area Ratio                                                                      |                                                      |                                                      |                                                       |
| 2 units                                                                                       | 0.40                                                 | 0.40                                                 | 0.40                                                  |
| 3 units                                                                                       | 0.40                                                 | 0.50                                                 | 0.60                                                  |
| 4-10 units with a Floor Area Ratio (FAR) bonus <sup>11</sup>                                  | 0.60                                                 | 0.70                                                 | 0.80                                                  |
| Minimum Usable Open Space <sup>12</sup>                                                       |                                                      |                                                      |                                                       |
| 2 to 9 units                                                                                  | 600 sq. ft./unit<br>(w/ 200 sq. ft. private)         | 550 sq. ft./unit<br>(w/ 150 sq. ft. private)         | 500 sq. ft./unit<br>(w/ 100 sq. ft. private)          |
| ≥10 units                                                                                     | 600 sq. ft./unit<br>(w/ 150 sq. ft. private)         | 500 sq. ft./unit<br>(w/ 100 sq. ft. private)         | 400 sq. ft./unit<br>(w/ 75 sq. ft. private)           |
| Other Standards                                                                               |                                                      |                                                      |                                                       |
| Maximum lot coverage                                                                          | 40%                                                  | 40%                                                  | 45%                                                   |
| Maximum length of building walls                                                              | 40 ft. with an offset of 4 ft. for a length of 6 ft. | 60 ft. with an offset of 4 ft. for a length of 8 ft. | 80 ft. with an offset of 4 ft. for a length of 10 ft. |

<sup>10</sup> For new lots. Refer to Section 16.30.040 of Title 16 (Subdivisions) for additional standards and exceptions.

<sup>11</sup> Refer to Section 17.24.050(C) of this Chapter for information on the City's Floor Area Ratio (FAR) bonus.

<sup>12</sup> The minimum open space requirement per unit shall be determined prior to any density bonus or other State provision that permits a higher density than allowed in this Title. Refer to Section 17.24.050(D) of this Chapter for additional information on Open Space standards.

| Table 17.24-2 – Development Standards – Multiple-family Dwelling Zoning Districts (continued) |                                                                                               |        |                                                                |
|-----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------|----------------------------------------------------------------|
| Other Standards (continued)                                                                   | R-2                                                                                           | R-3    | R-4                                                            |
| Minimum distance between buildings                                                            | 8 ft.                                                                                         | 10 ft. | 1 building >30 ft. high: 15 ft.<br>All other instances: 10 ft. |
| Minimum distance from accessory buildings                                                     | 6 ft.                                                                                         | 6 ft.  | 6 ft.                                                          |
| Minimum dwelling size <sup>13</sup>                                                           | Studio: 500 sq. ft.<br>1-bedroom: 600 sq. ft.<br>2-bedroom: 800 sq. ft.                       |        |                                                                |
|                                                                                               | 3-bedroom: 1,000 sq. ft.<br>4-bedrooms: 1,200 sq. ft.<br>Each additional bedroom: 100 sq. ft. |        |                                                                |
| Swimming pools                                                                                | Minimum side yard setback: 10 ft.<br>Minimum front yard setback: 20 ft.                       |        |                                                                |
| Laundry facilities                                                                            | Shall be located within a fully enclosed structure                                            |        |                                                                |

**C. Floor Area Ratio (FAR) Bonus:**

1. Eligible housing development projects must satisfy all of the following criteria:
  - a. The property shall be zoned R-2, R-3, R-4, Office Commercial (C-1), Neighborhood Commercial (C-2) or General Commercial (C-3).
  - b. The property shall have a minimum area of 10,000 square feet;
  - c. The project shall have a minimum of ten (10) units; and
  - d. The project shall meet all parking and open space requirements.
2. The total maximum allowable FAR bonus for eligible projects shall be 0.20.
3. Table 17.24-3 provides the list of qualifying enhancements and the allowable FAR bonus:

| Table 17.24-3 – Floor Area Ratio (FAR) Bonus |                                                                                                                                      |       |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-------|
| Affordable Units                             |                                                                                                                                      | Bonus |
| 1.                                           | Reserve 10% of the units for moderate income households.                                                                             | 0.025 |
| 2.                                           | In lieu of #1 above, reserve 15% of the units for moderate income households.                                                        | 0.050 |
| 3.                                           | Reserve 5% of the units for lower or very low income households.                                                                     | 0.050 |
| 4.                                           | In lieu of #3 above, reserve 10% of the units for lower or very low income households.                                               | 0.075 |
| 5.                                           | In lieu of #1 through #4 above, comply with Section 17.102.040(A) (Inclusionary Housing Ordinance – Inclusionary Unit Requirements). | 0.100 |
|                                              | Total maximum bonus for affordable units:                                                                                            | 0.100 |

<sup>13</sup> This requirement shall not apply to ADUs or projects that are 100% affordable.

| Table 17.24-3 – Floor Area Ratio (FAR) Bonus (continued) |                                                                                                                                                                                                                                                                                        |       |
|----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| Environmental                                            |                                                                                                                                                                                                                                                                                        |       |
| 6.                                                       | Demonstrate a minimum 40% of the energy demands for each unit comes from renewable sources.                                                                                                                                                                                            | 0.025 |
| 7.                                                       | Individual garages – provide the regular amount of short-term bicycle parking<br>Shared garages – double the required bicycle parking                                                                                                                                                  | 0.025 |
| 8.                                                       | Provide electric charging stations at a rate of 30% of the required guest parking spaces, or 2 spaces, whichever is greater.                                                                                                                                                           | 0.025 |
| 9.                                                       | Cover a minimum 25% of roofed areas with vegetation, over a waterproofing membrane (i.e. green roofs).                                                                                                                                                                                 | 0.050 |
| 10.                                                      | Achieve the Leadership in Energy and Environmental Design (LEED) equivalent of Gold.                                                                                                                                                                                                   | 0.025 |
| 11.                                                      | In lieu of #10 above, achieve the LEED equivalent of Platinum.                                                                                                                                                                                                                         | 0.050 |
|                                                          | Total maximum bonus for environmental:                                                                                                                                                                                                                                                 | 0.100 |
| Open Space and Landscaping                               |                                                                                                                                                                                                                                                                                        | Bonus |
| 12.                                                      | Have a minimum 50% of the unit entrances face a street or a main common space area.                                                                                                                                                                                                    | 0.025 |
| 13.                                                      | Exceed the minimum overall open space requirement by 10% to 15%.                                                                                                                                                                                                                       | 0.025 |
| 14.                                                      | Exceed the minimum overall open space requirement by more than 15%.                                                                                                                                                                                                                    | 0.050 |
| 15.                                                      | Have 1 or more main common open space areas directly face a street.                                                                                                                                                                                                                    | 0.025 |
|                                                          | Total maximum bonus for open space:                                                                                                                                                                                                                                                    | 0.075 |
| Design and Massing                                       |                                                                                                                                                                                                                                                                                        |       |
| 16.                                                      | Have upper stories of units that face the street step back a minimum 5 feet compared to the first story.                                                                                                                                                                               | 0.025 |
| 17.                                                      | In lieu of #16 above, for properties zoned R-2 or R-3, have the second story of units that face the street step back a minimum 15 feet compared to the first story.                                                                                                                    | 0.050 |
| 18.                                                      | In lieu of #16 above, for properties zoned R-4, C-1, C-2 or C-3, have the second story of units that face the street step back a minimum 5 feet compared to the first story and the third story of units that face the street step back a minimum 10 feet compared to the first story. | 0.050 |
| 19.                                                      | Recess all windows facing the street a minimum 3 inches.                                                                                                                                                                                                                               | 0.025 |
| 20.                                                      | Have upper stories of units that face the street step back a minimum 5 feet compared to the first story.                                                                                                                                                                               | 0.025 |
| 21.                                                      | Have porches make up a minimum 30% of the width of all units that face the street.                                                                                                                                                                                                     | 0.025 |



| Table 17.24-3 – Floor Area Ratio (FAR) Bonus (continued) |                                                                                                                                                                                                           |                      |
|----------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Design and Massing (continued)                           |                                                                                                                                                                                                           |                      |
| 22.                                                      | For projects where a minimum 50% of the units are 1 and/or 2 stories in height, have the first story top plate a maximum 12 feet high and the second story top plate a maximum 20 feet high.              | 0.025                |
| 23.                                                      | Locate all garages at the rear or side of each unit, so the garage doors are not facing a street.                                                                                                         | 0.025                |
|                                                          | Total maximum bonus for design and massing:                                                                                                                                                               | 0.075                |
| Other items                                              |                                                                                                                                                                                                           |                      |
| 24.                                                      | Consolidate 3 or more parcels.                                                                                                                                                                            | 0.015                |
| 25.                                                      | Incorporate public art on site or on a nearby site.                                                                                                                                                       | 0.015                |
| 26.                                                      | Incorporate podium, underground or structure parking.                                                                                                                                                     | 0.025                |
| 27.                                                      | Improve a nearby bus stop that serves the project with a bench and shade canopy and/or improve a pedestrian crosswalk that serves the project with decorative paving, flashing lights and/or new signage. | 0.025                |
| 28.                                                      | Incorporate up to 2 additional items as deemed appropriate by the Community Development Director, related to affordable units, environmental, open space and/or design and massing.                       | Up to 0.025 for each |

**D. Usable Open Space:**

1. Private open space:

- a. Private open space shall be provided for each unit as outlined in Table 17.24-2. Such space shall be directly accessible from the unit it serves.
- b. For properties zoned R-2 and R-3, private open space shall have a minimum dimension of ten (10) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall be enclosed by a fence or building walls on all sides.
- c. For properties zoned R-4, private open space shall have a minimum dimension of six (6) linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. The minimum dimension may be reduced to four (4) feet for upper floor balconies. In addition, it shall be enclosed by a fence or building walls on all sides.

2. Common open space:

- a. Private open space shall be provided for each unit as outlined in Table 17.24-2. Such space shall be directly accessible from the unit it serves.
- b. General common open space that is outdoors shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall have a minimum overall area of 500 square feet.

- c. General Common open space that is indoors shall have a minimum dimension of 10 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall have a minimum overall area of 250 square feet. This may be further reduced by the Review Authority if the space is providing one (1) or more of the recreational amenities listed below.
  - d. Main common open space areas shall be outdoors and have a minimum dimension of 20 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet. In addition, it shall have a minimum overall area of 1,000 square feet.
3. Balconies, decks and recreation rooms:
- a. For properties zoned R-2 and R-3, up to 25 percent of the overall open space may be in the form of balconies or decks. When used as private open space, the balcony or deck shall be directly accessible from the unit it serves.
  - b. For properties zoned R-4, up to 50 percent of the overall open space may be in the form of balconies or decks. When used as private open space, the balcony or deck shall be directly accessible from the unit it serves.
  - c. For properties zoned R-3 with 11 or more units, up to 600 square feet of the overall open space may be in the form of recreation rooms.
  - d. For properties zoned R-4, up to 800 square feet of the overall open space may be in the form of recreation rooms.
4. Recreational amenities. For projects within the R-4 zoning district and with 20 or more units, one (1) common recreational amenity shall be provided for each 20 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal and/or occupy more area, specified items may be counted as two (2) amenities, as noted.
- a. Barbeque with seating/picnic area (1).
  - b. Basketball court (1 per court).
  - c. Bocce ball court (1 per 2 courts).
  - d. Children's playground equipment (1).
  - e. Citrus or vegetable gardens (1).
  - f. Clubhouse or indoor community space (2).
  - g. Coworking space and lounge (1).
  - h. Day care facility (2).
  - i. Designated dog run or play area (1).
  - j. Horseshoes or cornholes (1 per 2 courts).

- k. Jacuzzi (1).
  - l. Pickle ball court (1 per 2 courts).
  - m. Racquetball court (1 per court).
  - n. Sauna (1).
  - o. Swimming pool (2).
  - p. Tennis court (1 per court).
  - q. Weightlifting facility (1).
  - r. Other recreational amenities deemed adequate by the Community Development Director.
- E. **Undergrounding of Utilities.** For all developments with five (5) or more dwelling units, all utility distribution lines including but not limited to electric, communication, natural gas and cable TV lines shall be placed underground.
- F. **Lighting System.** For all developments with three (3) or more dwelling units, an on-site lighting system shall be installed for all parking areas, vehicular access ways and along major walkways. Such lighting shall be directed onto driveways and walkways within the project and away from the dwelling units and adjacent properties.
- G. **RMP Zoning District.** The development standards shall be established through the Conditional Use Permit process.
- H. **Other Development Standards.** Table 17.24-4 denotes additional development standards found in other Chapters or Sections of this Title that apply to Multiple-family Dwelling zoning districts:

| Table 17.24-4 – Other Development Standards |                    |
|---------------------------------------------|--------------------|
| Development Standard                        | Chapter or Section |
| Existing flag lots                          | 17.60.020          |
| Height exceptions and restrictions          | 17.60.030          |
| Landscaping                                 | 17.72 and 17.74    |
| Outdoor lighting                            | 17.60.050          |
| Parking                                     | 17.70              |
| Private streets and private driveways       | 17.60.070          |
| Refuse storage facilities                   | 17.60.080          |
| Screening                                   | 17.60.100          |
| Walls, fences and hedges                    | 17.60.120          |
| Yard encroachments                          | 17.60.130          |

## DIVISION 3 – MULTIUSE ZONING DISTRICTS

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### CHAPTER 17.30 – MIXED AND URBAN MULTIUSE ZONING DISTRICTS

#### Sections.

17.30.010 – Summary of the Zoning Districts.

17.30.020 – Purpose.

17.30.030 – Permitted Uses.

17.30.040 – Development Standards.

17.30.050 – Frontage Regulations.

#### **17.30.010 – Summary of the Zoning Districts.**

**Mixed/Multiuse (MMU) Zoning District** – Consistent with the General Plan Land Use Designation of Mixed/Multiuse. This zoning district allows projects to combine a complementary mix of housing and nonresidential uses along designated corridors. Such projects can be vertically integrated (commercial ground-floor frontage with residential above the first floor) or horizontal (housing adjacent to commercial and office uses). The scale, size and mix of land uses vary based on the location and character of the surrounding land uses. Densities up to 35 residential units per acre are allowed.

**Urban/Multiuse (UMU) Zoning District** – Consistent with the General Plan Land Use Designation of Urban/Multiuse. This zoning district allows projects combining a complementary mix of housing and nonresidential uses along the Garvey Corridor and 5-Points areas. Such projects can be vertically integrated (commercial ground-floor frontage with residential above the first floor). The scale, size and mix of land uses can be more urban compared to the MMU zoning district. Densities up to 50 residential units per acre are allowed.

#### **17.30.020 – Purpose.**

- A. Create opportunities for new multiuse development along major corridors to provide “by-right” housing opportunities, reduce automobile dependence, improve air quality and revitalize and transition underutilized sites;
- B. Expand available land capacity and zoning tools to accommodate the City's projected need for housing;
- C. Encourage commercial and multiuse development at key intersections and nodes along major corridors and direct exclusively residential developments mid-block;
- D. Create a pedestrian-oriented mix of uses with convenient access between area neighborhoods, and among housing, employment centers, and retail services;
- E. Facilitate well-designed projects that combine residential and nonresidential uses, either vertically or horizontally, to promote a better balance of jobs, services and housing.

- F. Stimulate economic development and reinvestment based upon recognized urban design principles that allow property owners to respond with flexibility to market forces; and
- G. Encourage the development of a unique zone character through a streetscape that provides attractive features (e.g., landscaping, niche or linear parks, public spaces, courtyards.) designed to integrate the public realm (e.g., streets, sidewalks.) with development on adjacent private property.

**17.30.030 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.30-1 prescribes the land use regulations for each Multiuse zoning district. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.30-1 shall not be permitted in the MMU or UMU zoning districts, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.30-1 – Permitted Uses – Multiuse Zoning Districts    |     |     |             |
|---------------------------------------------------------------|-----|-----|-------------|
| Residential – Main Uses                                       | MMU | UMU | Notes       |
| Affordable housing in commercial areas                        | P   | P   | 17.104      |
| Corridor housing                                              | P   | P   | 17.110.040  |
| Factory-built housing                                         | P   | P   |             |
| Live/work unit                                                | M   | M   | 17.110.060  |
| Mixed-use –                                                   |     |     |             |
| Horizontal                                                    | P   | P   | 17.110.070  |
| Vertical <sup>1</sup>                                         | P   | P   | 17.110.070  |
| Multiple-family, five (5) or more attached dwellings on a lot | P   | P   |             |
| Religious institutions housing                                | P   | P   | 17.110.080  |
| Senior housing                                                | C   | C   |             |
| Urban housing development                                     | --  | P   | 17.110.120  |
| Residential – Ancillary Uses                                  |     |     |             |
| Accessory building                                            | P   | P   | 17.110.020  |
| Accessory Dwelling Unit (ADU) and Junior ADU                  | P   | P   | 17.110.030  |
| Home occupation business                                      | P   | P   | 17.110. 050 |
| Lighted outdoor sporting field or court, private              | M   | --  |             |

<sup>1</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.

| Table 17.30-1 – Permitted Uses – Multiuse Zoning Districts (continued) |           |     |                    |
|------------------------------------------------------------------------|-----------|-----|--------------------|
| Community Care Uses                                                    | MMU       | UMU | Notes              |
| Adult daycare facility, general                                        | C         | C   |                    |
| Childcare facility                                                     | C         | C   |                    |
| Elder care or assisted living facility                                 | C         | C   |                    |
| Low barrier navigation center –                                        |           |     |                    |
| Less than 25 beds/occupants                                            | P         | P   | 17.112.110         |
| 25 or more beds/occupants                                              | Z         | Z   | 17.112.110         |
| Residential care facility, general                                     | C         | C   |                    |
| Supportive or transitional housing                                     | P         | P   |                    |
| Public & Quasi-Public Uses                                             |           |     |                    |
| Electrical distribution substation                                     | C         | C   |                    |
| Government or government related facility                              | P         | P   |                    |
| Recreation facility – public                                           | P         | P   |                    |
| School & educational facility –                                        |           |     |                    |
| College or university, public                                          | P         | P   |                    |
| College or university, private                                         | C         | C   |                    |
| K-12, public                                                           | P         | P   |                    |
| K-12, private                                                          | C         | C   |                    |
| Preschool, public                                                      | P         | P   |                    |
| Preschool, private                                                     | C         | C   |                    |
| Specialized education and training                                     | M         | M   |                    |
| Tutoring and education center*                                         | P         | P   |                    |
| Urgent care or medical clinic*                                         | P         | P   |                    |
| Utility facility                                                       | C         | C   |                    |
| Wireless facility                                                      | See notes |     | 17.90 & 17.92      |
| Assembly & Entertainment Uses                                          |           |     |                    |
| Ancillary entertainment*                                               | P         | P   |                    |
| Assembly or meeting facility                                           | C         | C   |                    |
| Commercial entertainment                                               | C         | C   |                    |
| Commercial recreation facility – indoor                                | C         | C   | 5.78 for billiards |
| Community center                                                       | P         | P   |                    |

| Table 17.30-1 – Permitted Uses – Multiuse Zoning Districts (continued) |     |     |            |
|------------------------------------------------------------------------|-----|-----|------------|
| Assembly & Entertainment Uses (continued)                              | MMU | UMU | Notes      |
| Cultural institution                                                   | C   | C   |            |
| Family entertainment center                                            | C   | C   |            |
| Gaming center or arcade                                                | C   | C   |            |
| Nightclub                                                              | C   | C   | 5.32       |
| Religious institution                                                  | C   | C   |            |
| Retail & Office Uses                                                   |     |     |            |
| Alcohol sales <sup>2</sup> –                                           |     |     |            |
| Assembly and entertainment use, on-site <sup>3</sup>                   | C   | C   | 17.112.030 |
| Bar or tavern, on-site                                                 | C   | C   | 17.112.030 |
| Brew pub, on-site and off-site                                         | C   | C   | 17.112.030 |
| Liquor store, off-site                                                 | C   | C   | 17.112.030 |
| Restaurant, limited hours, on-site*                                    | M   | M   | 17.112.030 |
| Restaurant, on-site*                                                   | C   | C   | 17.112.030 |
| Retail store, off-site                                                 | C   | C   | 17.112.030 |
| Cannabis activity, commercial – dispensary*                            | P   | P   | 5.18       |
| Convenience store or minimart*                                         | C   | C   |            |
| Food or beverage establishment –                                       |     |     |            |
| Bakery or pâtisserie, retail*                                          | P   | P   |            |
| Coffeehouse or ice cream parlor*                                       | P   | P   |            |
| Outdoor seating/dining*                                                | P   | P   | 17.112.130 |
| Restaurant*                                                            | P   | P   |            |
| Grocery store*                                                         | P   | P   |            |
| Multiple-tenant center*                                                | M   | M   | 17.112.120 |
| Offices –                                                              |     |     |            |
| Ancillary*                                                             | P   | P   |            |
| Administrative, business professional*                                 | P   | P   |            |
| Government*                                                            | P   | P   |            |
| Medical and dental*                                                    | P   | P   |            |

<sup>2</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

<sup>3</sup> Only applicable for assembly and entertainment uses permitted in the MMU zoning district.

| Table 17.30-1 – Permitted Uses – Multiuse Zoning Districts (continued) |                |     |                   |
|------------------------------------------------------------------------|----------------|-----|-------------------|
| Retail & Office Uses (continued)                                       | MMU            | UMU | Notes             |
| Office supply store*                                                   | P              | P   |                   |
| Pharmacy*                                                              | P              | P   |                   |
| Retail sales (unless listed as a separate use)*                        | P              | P   |                   |
| Secondhand vendor*                                                     | P              | P   | 5.68 & 17.112.170 |
| Showroom sales                                                         | P              | --  |                   |
| Significant tobacco retailer                                           | C              | C   | 17.112.180        |
| Vehicle retail use –                                                   |                |     |                   |
| Parts and accessory store                                              | P              | P   |                   |
| Sales and lease, limited                                               | M              | M   |                   |
| Service Uses                                                           |                |     |                   |
| Animal service –                                                       |                |     |                   |
| Animal boarding/kennel <sup>4</sup>                                    | C              | C   |                   |
| Animal grooming                                                        | P              | P   |                   |
| Veterinary service or animal hospital/clinic                           | P              | P   |                   |
| Appliance or electronics repair                                        | P              | --  |                   |
| Automated Teller Machine (ATM), walk-up*                               | P              | P   | 17.112.050        |
| Drive-through business –                                               |                |     |                   |
| Food or beverage establishment                                         | C              | C   | 17.112.080        |
| Service or retail                                                      | M              | M   | 17.112.080        |
| Financial institution*                                                 | P              | P   |                   |
| Funeral home or mortuary <sup>5</sup>                                  | P              | P   |                   |
| Hotels and motels                                                      | C              | C   | 5.48 & 17.112.100 |
| Office concierge service*                                              | P              | P   |                   |
| Personal service use –                                                 |                |     |                   |
| General*                                                               | P              | P   | 17.112.150        |
| Restricted*                                                            | M              | M   | 17.112.150        |
| Philanthropic or charitable institution*                               | P <sup>±</sup> | P*  |                   |

<sup>4</sup> Overnight boarding shall be limited to indoors.

<sup>5</sup> Funeral home or mortuary shall not include crematories.



| Table 17.30-1 – Permitted Uses – Multiuse Zoning Districts (continued) |           |     |               |
|------------------------------------------------------------------------|-----------|-----|---------------|
| Service Uses (continued)                                               | MMU       | UMU | Notes         |
| Personal service use –                                                 |           |     |               |
| General*                                                               | P         | P   | 17.112.150    |
| Restricted*                                                            | M         | M   | 17.112.150    |
| Philanthropic or charitable institution*                               | P±        | P*  |               |
| Recycling facility –                                                   |           |     |               |
| Mobile                                                                 | P         | P   | 17.112.160    |
| Self-service                                                           | Z         | Z   | 17.112.160    |
| Wedding chapel                                                         | M         | M   |               |
| Industrial, Transportation & Other Uses                                |           |     |               |
| Temporary use                                                          | See notes |     | 17.124        |
| Vehicle parking –                                                      |           |     |               |
| Attendant parking or valet parking                                     | M         | M   |               |
| Car sharing, residential                                               | M         | M   | 17.070.070(C) |
| Car sharing, nonresidential use <sup>6</sup>                           | M         | M   |               |
| Commercial parking                                                     | M         | M   |               |
| Parking structure                                                      | M         | M   |               |
| Shared parking                                                         | Z         | Z   | 17.070.070(D) |

Key:

\* Pedestrian oriented use and may occupy the ground floor of a vertical mixed-use building. Other uses shall not be permitted on the ground floor.

-- Use not permitted.

P Use permitted by-right.

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

### **17.30.040 – Development Standards.**

- A. **Development Standards.** Table 17.30-2 prescribes the development standards for the Mixed/Multiuse zoning district.
- B. **Commercial and Mixed-use Nodes.** Vertical mixed-use, commercial square footage or community uses (e.g. libraries, public plazas) shall be located at the following intersections:
  1. Peck Road and the following cross streets: Lower Azusa Road, Lambert Avenue, Forest Grove Street and Ramona Boulevard.

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<sup>6</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

2. Garvey Avenue and the following cross streets: Merced Avenue, Santa Anita Avenue, Tyler Avenue, Peck Road, Mountain View Road, Valley Boulevard and Cogswell Road.
3. Valley Boulevard and the following cross streets: Mountain View Road, Garvey Avenue and Cogswell Road.
4. Durfee Avenue and Elliott Avenue.

| Table 17.30-2 – Development Standards – Multiuse Zoning Districts <sup>7</sup> |                                                                       |                    |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------|
| Development Standard                                                           | MMU                                                                   | UMU                |
| Land use description                                                           | Mixed Multiuse                                                        | Urban Multiuse     |
| Maximum height <sup>8</sup> –                                                  |                                                                       |                    |
| Nonresidential buildings                                                       | 4 stories & 50 ft.                                                    | 4 stories & 50 ft. |
| Residential buildings <35 units/acre                                           |                                                                       | 5 stories & 60 ft. |
| Residential buildings >35 units/acre                                           |                                                                       |                    |
| Minimum yard setbacks <sup>9</sup>                                             |                                                                       |                    |
| Front and street side                                                          | Min. 5 ft. & max. 15 ft. <sup>10</sup>                                |                    |
| Interior side and rear                                                         | 0 ft.                                                                 |                    |
| Additional buffer standards when abutting an R-zoned property –                |                                                                       |                    |
| Street side (to be landscaped)                                                 | 10 ft. for the first 20 ft. from the R-zoned property line            |                    |
| Interior side                                                                  | 10 ft.                                                                |                    |
| Rear                                                                           | If adjacent property is R-1: 20 ft.<br>All other R properties: 10 ft. |                    |
| Minimum New Lot Specifications <sup>11</sup>                                   |                                                                       |                    |
| Area                                                                           | 20,000 sq. ft.                                                        |                    |
| Street frontage –                                                              |                                                                       |                    |
| Interior lot                                                                   | 100 ft.                                                               |                    |
| Corner lot                                                                     | 125 ft.                                                               |                    |
| Cul-de-sac                                                                     | 60 ft                                                                 |                    |
| Depth                                                                          | 100 ft.                                                               |                    |

<sup>7</sup> The development standards listed in this table shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

<sup>8</sup> Refer to Section 17.60.030 for additional height exceptions and restrictions.

<sup>9</sup> All street setbacks that separate a driveway or parking area shall be fully landscaped as prescribed in Sections 17.72.040, 17.72.050 and 17.72.060.

<sup>10</sup> A maximum of 20% of the building façade may be set back greater than 15 ft., provided the additional setback is for a public open space area, a building entrance/exit or additional landscaping.

<sup>11</sup> For new lots. Refer to Section 16.30.040 of Title 16 (Subdivisions) for additional standards and exceptions.

| Table 17.30-2 – Development Standards – Multiuse Zoning Districts (continued) <sup>12</sup> |                                                                                                                                |                                         |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| Maximum Floor Area Ratio (FAR) – Nonresidential Uses                                        | MMU                                                                                                                            | UMU                                     |
| Lot area <40,000 sq. ft.                                                                    | 1.0                                                                                                                            | 1.0                                     |
| Lot area >40,000 sq. ft.                                                                    |                                                                                                                                | 1.5                                     |
| Open Space – Nonresidential Uses                                                            |                                                                                                                                |                                         |
| Minimum public open space                                                                   | For projects with more than 3,500 sq. ft. of nonresidential space = 10% of the combined nonresidential footprint <sup>13</sup> |                                         |
| Density – Residential Uses                                                                  |                                                                                                                                |                                         |
| Minimum lot size <sup>14</sup>                                                              | 20,000 sq. ft.                                                                                                                 | 20,000 sq. ft.                          |
| Minimum lot width <sup>13</sup>                                                             | 100 ft.                                                                                                                        | Density <35 units/acre: 100 ft.         |
|                                                                                             |                                                                                                                                | Density >35 units/acre: 150 ft.         |
| Minimum lot width <sup>13</sup>                                                             | 80 ft.                                                                                                                         | Density <35 units/acre: 80 ft.          |
|                                                                                             |                                                                                                                                | Density >35 units/acre: 100 ft.         |
| Minimum density –                                                                           |                                                                                                                                |                                         |
| Residential only                                                                            | 1 unit/1,740 sq. ft. or 25 units/acre                                                                                          |                                         |
| Mixed-use with residential                                                                  | 20 units/acre if FAR is 0.10 to 0.30<br>15 units/acre if FAR is >0.30                                                          |                                         |
| Maximum density by lot area <sup>15</sup>                                                   |                                                                                                                                |                                         |
| <25,000 sq. ft.                                                                             | 1 unit/1,600 sq. ft. or 27.2 units/acre                                                                                        |                                         |
| 25,001 to 30,000 sq. ft.                                                                    | 1 unit/1,500 sq. ft. or 29.0 units/acre                                                                                        |                                         |
| 30,001 to 35,000 sq. ft.                                                                    | 1 unit/1,400 sq. ft. or 31.1 units/acre                                                                                        |                                         |
| 35,001 to 40,000 sq. ft.                                                                    | 1 unit/1,300 sq. ft. or 33.5 units/acre                                                                                        |                                         |
| 40,001 to 50,000 sq. ft.                                                                    | 1 unit/1,244 sq. ft. or 35.0 units/acre                                                                                        | 1 unit/1,150 sq. ft. or 37.8 units/acre |
| 50,001 to 60,000 sq. ft.                                                                    |                                                                                                                                | 1 unit/1,000 sq. ft. or 43.6 units/acre |
| >60,000 sq. ft.                                                                             |                                                                                                                                | 1 unit/871 sq. ft. or 50.0 units/acre   |

<sup>12</sup> The development standards listed in this table shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

<sup>13</sup> The public open space amenity may be divided into subareas, provide each is a minimum 350 sq. ft.

<sup>14</sup> This requirement shall only apply to properties with frontage along major or secondary arterials (see General Plan Figure C-4).

<sup>15</sup> For properties that are 100 to 150 ft. wide, the maximum density shall be 1 unit/1,244 sq. ft. or 35.0 units/acre, or the density listed in this table, whichever is less.

| Table 17.30-2 – Development Standards – Multiuse Zoning Districts (continued) <sup>16</sup> |                                                                                                                                                        |                         |                                                                            |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------------|
| Open Space – Residential Uses                                                               | MMU                                                                                                                                                    | UMU                     |                                                                            |
|                                                                                             |                                                                                                                                                        | Density: <35 units/acre | Density: >35 units/acre                                                    |
| Minimum overall open space –                                                                |                                                                                                                                                        |                         |                                                                            |
| Residential-only buildings                                                                  | 250 sq. ft./unit                                                                                                                                       |                         | 200 sq. ft./unit                                                           |
| Vertical mixed-use buildings                                                                | 200 sq. ft./unit                                                                                                                                       |                         | 160 sq. ft./unit                                                           |
| Minimum private open space –                                                                |                                                                                                                                                        |                         |                                                                            |
| Open space per unit                                                                         | 60 sq. ft./unit                                                                                                                                        |                         | No minimum                                                                 |
| Dimensions                                                                                  | 6 ft.                                                                                                                                                  |                         | 6 ft.                                                                      |
| Unobstructed vertical height                                                                | 7 ft.                                                                                                                                                  |                         | 7 ft.                                                                      |
| Minimum common open space –                                                                 |                                                                                                                                                        |                         |                                                                            |
| Total common open space                                                                     | 100 sq. ft./unit                                                                                                                                       |                         | 80 sq. ft./unit                                                            |
| Size for each common area                                                                   | 500 sq. ft.                                                                                                                                            |                         | 400 sq. ft.                                                                |
| Dimensions                                                                                  | 15 ft.                                                                                                                                                 |                         | 12 ft.                                                                     |
| Unobstructive vertical height                                                               | 7 ft.                                                                                                                                                  |                         | 7 ft.                                                                      |
| Indoor open space –                                                                         |                                                                                                                                                        |                         |                                                                            |
| Minimum size for each indoor area                                                           | 300 sq. ft.                                                                                                                                            |                         | 200 sq. ft.                                                                |
| Maximum total indoor open space                                                             | 30% of the required common open space or 600 sq. ft., whichever is greater                                                                             |                         | 35% of the required common open space or 800 sq. ft., whichever is greater |
| Minimum dimensions                                                                          | 15 ft.                                                                                                                                                 |                         | 10 ft.                                                                     |
| Other Standards                                                                             |                                                                                                                                                        |                         |                                                                            |
| Maximum lot coverage                                                                        | 60%                                                                                                                                                    |                         | 75%                                                                        |
| Minimum distance between buildings                                                          | 20 ft. if one of the buildings is greater than 40 ft. high; 15 ft. if one of the buildings is 25 ft. to 40 ft. high; and 10 ft. in all other instances |                         |                                                                            |
| Minimum distance between accessory structures                                               | 6 ft.                                                                                                                                                  |                         | 6 ft.                                                                      |

<sup>16</sup> The development standards listed in this table shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

**C. Residential Open Space Requirements:**

1. Overall open space. Up to 75 percent of the overall open space may be in the form of balconies or decks.
2. Private open space. Private open space shall be provided as outlined in Table 17.30-2 above. It shall be directly accessible from the unit it serves and enclosed by a fence or building wall on all sides. The minimum dimension may be reduced to four (4) feet in the form of a balcony or deck.
3. Common open space. Common open space shall be provided as outlined in Table 17.30-2 above and shall be conveniently located and accessible to all units.
4. Indoor open space. The Review Authority may reduce the required minimum size and/or dimensions to provide one (1) or more of the recreational amenities listed in Subsection (C)(5) below that are indoors.
5. Recreational amenities. For projects with 20 or more units, one (1) common recreational amenity shall be provided for each 20 units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal and/or occupy more area, specified items may be counted as two (2) amenities, as noted.
  - a. Barbeque with seating/picnic area (1).
  - b. Basketball court (1 per court).
  - c. Bocce ball court (1 per 2 courts).
  - d. Children's playground equipment (1).
  - e. Citrus or vegetable gardens (1).
  - f. Clubhouse or indoor community space (2).
  - g. Coworking space and lounge (1).
  - h. Day care facility (2).
  - i. Designated dog run or play area (1).
  - j. Horseshoes or cornholes (1 per 2 courts).
  - k. Jacuzzi (1).
  - l. Pickle ball court (1 per 2 courts).
  - m. Racquetball court (1 per court).
  - n. Sauna (1).
  - o. Swimming pool (2).
  - p. Tennis court (1 per court).
  - q. Weightlifting facility (1).

- r. Other recreational amenities deemed adequate by the Community Development Director.

D. **Public Open Space Requirements.** Public open space shall be provided for nonresidential uses as outlined in Table 17.30-2. Such spaces shall be directly accessible to the public. Such features may include, but not be limited to:

1. Formal plazas. A formal plaza would be a publicly accessible open space which has a design that is influenced by classical urban planning design. A formal plaza would typically include some sort of central water fountain and/or symmetrical landscaping. The formal plaza shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.
2. Urban gardens. An urban garden can be located on the ground level, or on upper levels of a structure. Urban gardens may include ornamental landscaping arranged in raised or at-grade planters or planting areas, potted plants and trees. Sculptures or other forms of public art would typically be included within the urban garden. The formal plaza shall have a minimum dimension of 15 linear feet horizontally in each direction and shall be uncovered.
3. Covered colonnades. Colonnades are linear in design and provide a comfortably wide, covered pathway that is adjacent to the openings of a building. Sometimes the second floor of a building is utilized to create the "covered" element of the colonnade. Covered colonnades shall have a minimum depth of ten (10) feet with an unobstructed vertical height of seven (7) feet.
4. Sidewalk dining. Sidewalk dining may occur wherever a sidewalk space is ample enough to accommodate dining furniture without impeding pedestrian access of the sidewalk. Sidewalk dining may be defined with a railing or planters, or be open and accessible.
5. Pedestrian alleys and walkways. A pedestrian alley or walkway is typically a "lane" that does not follow the alignment of a vehicular street, but provides a pedestrian access to a public space or some other feature within the interior of a development. They must be designed in such a manner as to be inviting to pedestrians. Therefore, issues such as lighting, security, line of sight, cleanliness and visual appeal are important considerations to a well-designed pedestrian alley or walkway. Public art, street furniture and access to shops and public spaces are features of pedestrian alleys and walkways. Pedestrian alleys or walkways shall have a minimum walkway width of ten (10) feet and shall be uncovered.

E. **Other Development Standards.** Table 17.30-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to the MMU and UMU zoning districts:

| Table 17.30-3 – Other Development Standards |                    |
|---------------------------------------------|--------------------|
| Development Standard                        | Chapter or Section |
| Height exceptions and restrictions          | 17.60.030          |
| Landscaping                                 | 17.72 & 17.74      |
| Outdoor display and storage                 | 17.60.040          |
| Outdoor lighting                            | 17.60.050          |
| Parking                                     | 17.70              |
| Refuse storage facilities                   | 17.60.080          |
| Screening                                   | 17.60.100          |
| Security bars                               | 17.60.110          |
| Walls, fences and hedges                    | 17.60.120          |

### **17.30.050 – Frontage Regulations.**

#### **A. Retail Storefronts:**

1. Elevation of ground floor. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
2. Minimum ground floor plate height. The minimum height shall be 12 feet floor-to-floor.
3. Storefront entrances. All ground floor tenants that have street frontage shall have an entrance that fronts a street.
4. Lobby entrances. Lobby entrances to upper floor tenants shall be located on an elevation fronting a street.
5. Recessed entrances. Entrances may be recessed into the facade.
6. Display windows. A minimum 50 percent of ground floor elevations that front a street shall be large storefront display windows.
7. Awnings and marquees. Awnings or marquees shall be incorporated over storefront windows and entrances. Awning and marquees may project up to six (6) feet from the facade and extend over the sidewalk provided that at least eight (8) feet of vertical clearance is provided.
8. Projecting elements. Projecting elements such as balconies, shade structure and bay windows may project up to four (4) feet into a street yard setback.

#### **B. Residential Fronts:**

1. Elevation of ground floor. The ground floor elevation shall be located within three (3) feet of the ground surface of the adjacent sidewalk or walkway.

2. Minimum ground floor plate height. The minimum height shall be nine (9) feet floor-to-floor.
  3. Ground floor unit entrances. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
  4. Upper floor unit entrances. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along an elevation fronting a street.
  5. Recessed entrances. Entrances may be recessed into the facade.
  6. Stoops and front porches. Stoops and front porches may be provided in front of building and unit entrances. Stoops and front porches may project up to four (4) feet into a street yard setback.
  7. Projecting elements. Projecting elements such as balconies, roof overhangs, shade structures, and bay windows on upper floors may project four (4) feet into a street yard setback.
- C. **Additional Requirements.** Mixed-use projects shall also comply with Section 17.110.070 (Standards for Specific Residential Uses – Mixed-Use Projects: Vertical or Horizontal) of this Title. Urban housing developments shall also comply with Section 17.110.120 (Standards for Specific Residential Uses –Urban Housing Developments) of this Title.
- D. **Director Adjustments.** The Community Development Director may reduce the minimum ground floor plate height by ten (10) percent if lower heights are necessary to meet Los Angeles County Fire Department requirements. However, the elevation should still be designed to give the appearance that the standard is being met.



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## **DIVISION 4 – COMMERCIAL & MANUFACTURING ZONING DISTRICTS**

### **CHAPTER 17.40 – COMMERCIAL ZONING DISTRICTS**

#### **Sections.**

17.40.010 – Summary of Zoning Districts.

17.40.020 – Purpose.

17.40.030 – Permitted Uses.

17.40.040 – Development Standards.

#### **17.40.010 – Summary of Zoning Districts.**

- A. **Office Commercial (C-1) Zoning District** – Consistent with the General Plan Land Use Designation of Office Commercial. This zoning district includes low-scale, two (2) story offices and other supporting uses such as restaurants in areas where such uses may serve as a buffer between less compatible uses.
- B. **Neighborhood Commercial (C-2) Zoning District** – Consistent with the General Plan Land Use Designation of Neighborhood Commercial. This zoning district includes convenient, small to medium-scale retail, office and personal services businesses in close proximity to residential neighborhoods.
- C. **General Commercial (C-3) Zoning District** – Consistent with the General Plan Land Use Designations of General Commercial and Regional Commercial. This zoning district includes a wide range of retail sales, business, professional and personal service uses, as well as recreation, entertainment and transient lodging to serve the community and the region.

#### **17.40.020 – Purpose.**

- A. Provide a variety of commercial uses that meet the needs of private enterprise and current and future residents that do not generate significant levels of traffic or parking impacts.
- B. Promote the development of distinctive regional uses that generate revenues such as new vehicle automobile dealerships, hotels and shopping centers. Such uses should be focused adjacent to the freeway or at major intersections.
- C. Allow for the development of offices including professional, medical and financial, where the City can evolve into a growing business hub.
- D. Allow for the development of limited residential uses when such uses are compatible with neighborhood commercial environments and/or near major transit hubs.
- E. Provide for appropriate buffers between commercial and residential uses to preserve both commercial feasibility and residential environments.
- F. Provide development standards that support the adaptive reuse of existing buildings when appropriate and the construction of new projects utilizing sustainable principles.

### **17.40.030 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.40-1 prescribes the land use regulations for each Commercial zoning districts. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.40-1 shall not be permitted in the C-1, C-2 or C-3 zoning district, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.40-1 – Permitted Uses – Commercial Zoning Districts               |     |     |                |              |
|----------------------------------------------------------------------------|-----|-----|----------------|--------------|
| Residential – Main Uses                                                    | C-1 | C-2 | C-3            | Notes        |
| Affordable housing in commercial areas                                     | P   | P   | P              | 17.104       |
| Corridor housing                                                           | P   | P   | P              | 17.110.040   |
| Factory-built housing                                                      | P   | P   | P <sup>1</sup> |              |
| Live/work units                                                            | C   | C   | C <sup>1</sup> | 17.110.060   |
| Mixed-use development – horizontal                                         | --  | --  | P <sup>1</sup> | 17.110.070   |
| Multiple-family, three (3) or more attached or detached dwellings on a lot | P   | P   | P <sup>1</sup> | 17.40.040(B) |
| Planned Residential Developments (PRD)                                     | R   | R   | R <sup>1</sup> | 17.127       |
| Religious institutions housing                                             | P   | P   | P              | 17.110.080   |
| Senior housing                                                             | C   | C   | C <sup>1</sup> |              |
| Single Room Occupancy (SRO) facility                                       | --  | --  | C <sup>1</sup> | 17.110.090   |
| Residential – Ancillary Uses                                               |     |     |                |              |
| Accessory building                                                         | P   | P   | P              | 17.110.020   |
| Home occupation business                                                   | P   | P   | P              | 17.110.050   |
| Lighted outdoor sporting field or court, private                           | M   | M   | M              |              |
| Community Care Uses                                                        |     |     |                |              |
| Adult daycare facility, general*                                           | C   | C   | C              |              |
| Alcoholism or drug abuse treatment facility                                | --  | --  | C              |              |
| Childcare facility*                                                        | C   | C   | C              |              |
| Elder care or assisted living facility*                                    | --  | C   | C              |              |

<sup>1</sup> Housing shall not be permitted in the East Valley Entryway East Valley Entryway Area as shown on the City's Zoning Map or on Valley Boulevard at the intersections of Baldwin Avenue and Peck Road.

| Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued) |           |     |                |               |
|--------------------------------------------------------------------------|-----------|-----|----------------|---------------|
| Community Care Uses (continued)                                          | C-1       | C-2 | C-3            | Notes         |
| Emergency shelter –                                                      |           |     |                |               |
| Less than 25 beds/occupants                                              | --        | --  | P              | 17.112.090    |
| 25 or more beds/occupants                                                | --        | --  | C              | 17.112.090    |
| Low barrier navigation center –                                          |           |     |                |               |
| Less than 25 beds/occupants                                              | P         | P   | P <sup>2</sup> | 17.112.110    |
| 25 or more beds/occupants                                                | Z         | Z   | Z <sup>2</sup> | 17.112.110    |
| Residential care facility, general                                       | --        | C   | C              |               |
| Social rehabilitation facility                                           | --        | --  | C              |               |
| Supportive or transitional housing                                       | P         | P   | P <sup>2</sup> |               |
| Public & Quasi-Public Uses                                               |           |     |                |               |
| Electrical distribution substation                                       | C         | C   | C              |               |
| Government or government related facility*                               | P         | P   | P              |               |
| Hospital or clinic –                                                     |           |     |                |               |
| Hospital                                                                 | --        | --  | C              |               |
| Urgent care or medical clinic*                                           | P         | P   | P              |               |
| Recreation facility –                                                    |           |     |                |               |
| Public                                                                   | P         | P   | P              |               |
| Private                                                                  | --        | C   | C              |               |
| School & educational facility –                                          |           |     |                |               |
| College or university, public                                            | --        | C   | C              |               |
| College or university, private                                           | --        | C   | C              |               |
| K-12, public                                                             | P         | P   | P              |               |
| K-12, private                                                            | C         | C   | C              |               |
| Preschool, public*                                                       | P         | P   | P              |               |
| Preschool, private*                                                      | C         | C   | C              |               |
| Specialized education and training*                                      | --        | M   | M              |               |
| Tutoring and education center*                                           | P         | P   | P              |               |
| Utility facility                                                         | C         | C   | C              |               |
| Wireless facility*                                                       | See notes |     |                | 17.90 & 17.92 |

<sup>2</sup> Housing shall not be permitted in the East Valley Entryway East Valley Entryway Area as shown on the City's Zoning Map or on Valley Boulevard at the intersections of Baldwin Avenue and Peck Road.

| Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued) |     |     |                  |                    |
|--------------------------------------------------------------------------|-----|-----|------------------|--------------------|
| Assembly & Entertainment Uses                                            | C-1 | C-2 | C-3              | Notes              |
| Ancillary entertainment*                                                 | --  | P   | P                |                    |
| Assembly or meeting facility                                             | --  | C   | C                |                    |
| Commercial entertainment                                                 | --  | --  | C                |                    |
| Commercial recreation facility –                                         |     |     |                  |                    |
| Indoor*                                                                  | --  | --  | C                | 5.76 for billiards |
| Outdoor                                                                  | --  | --  | C                |                    |
| Community center*                                                        | P   | P   | P                |                    |
| Cultural institution*                                                    | C   | C   | C                |                    |
| Family entertainment center                                              | --  | --  | C                |                    |
| Gaming center or arcade                                                  | --  | C   | M/C <sup>3</sup> | 5.96               |
| Nightclub                                                                | --  | --  | C                | 5.32               |
| Religious institution*                                                   | C   | C   | C                |                    |
| Retail & Office Uses                                                     |     |     |                  |                    |
| Alcohol sales <sup>4</sup>                                               |     |     |                  |                    |
| Assembly and entertainment use, on-site <sup>5</sup>                     | C   | C   | C                | 17.112.030         |
| Bar or tavern, on-site                                                   | --  | C   | C                | 17.112.030         |
| Brew pub, on-site and off-site                                           | --  | --  | C                | 17.112.030         |
| Liquor store, off-site                                                   | --  | C   | C                | 17.112.030         |
| Restaurant, limited hours, on-site*                                      | M   | M   | M                | 17.112.030         |
| Restaurant, on-site*                                                     | C   | C   | C                | 17.112.030         |
| Retail store, off-site*                                                  | --  | C   | C                | 17.112.030         |
| Cannabis activity, commercial – dispensary*                              | P   | P   | P                | 5.18               |
| Convenience store or minimart*                                           | --  | C   | C                |                    |
| Food or beverage establishment –                                         |     |     |                  |                    |
| Bakery or pâtisserie, retail*                                            | P   | P   | P                |                    |
| Bakery, commercial                                                       | --  | --  | P                |                    |
| Coffeehouse or ice cream parlor*                                         | P   | P   | P                |                    |

<sup>3</sup> A CUP shall be required for arcades with more than 3,500 sq. ft. in Gross Floor Area (GFA). An MUP shall be required in all other instances.

<sup>4</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

<sup>5</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

| Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued) |     |     |     |                   |
|--------------------------------------------------------------------------|-----|-----|-----|-------------------|
| Retail & Office Uses (continued)                                         | C-1 | C-2 | C-3 | Notes             |
| Food or beverage establishment (continued) –                             |     |     |     |                   |
| Outdoor seating/dining*                                                  | P   | P   | P   | 17.112.130        |
| Restaurant*                                                              | P   | P   | P   |                   |
| Grocery store*                                                           | --  | P   | P   |                   |
| Multiple-tenant center*                                                  | P   | M   | M   | 17.112.120        |
| Offices –                                                                |     |     |     |                   |
| Ancillary*                                                               | P   | P   | P   |                   |
| Administrative, business professional*                                   | P   | P   | P   |                   |
| Government*                                                              | P   | P   | P   |                   |
| Medical and dental*                                                      | P   | P   | P   |                   |
| Office supply store*                                                     | P   | P   | P   |                   |
| Pawnbroker or pawnshop                                                   | --  | --  | C   | 5.68 & 17.112.140 |
| Pharmacy*                                                                | P   | P   | P   |                   |
| Retail sales (unless listed as a separate use)*                          | --  | P   | P   |                   |
| Secondhand vendor*                                                       | --  | P   | P   | 5.68 & 17.112.170 |
| Showroom sales                                                           | P   | P   | P   |                   |
| Significant tobacco retailer                                             | --  | --  | C   | 17.112.180        |
| Vehicle retail use –                                                     |     |     |     |                   |
| Parts and accessory store*                                               | --  | P   | P   |                   |
| Sale and lease, limited*                                                 | --  | M   | M   |                   |
| Sale and lease, general new and used                                     | --  | C   | C   | 17.112.190        |
| Sale and lease, general used                                             | --  | --  | C   | 5.96 & 17.112.190 |
| Sale and lease, major                                                    | --  | --  | C   | 17.112.190        |
| Warehouse retailer or retail warehouse                                   | --  | P   | P   |                   |
| Wholesaler                                                               | --  | --  | P   |                   |
| Service Uses                                                             |     |     |     |                   |
| Alternative financial establishment*                                     | --  | --  | M   | 17.112.040        |
| Ambulance service                                                        | --  | --  | C   |                   |

| Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued) |     |                |     |                   |
|--------------------------------------------------------------------------|-----|----------------|-----|-------------------|
| Service Uses (continued)                                                 | C-1 | C-2            | C-3 | Notes             |
| Animal service –                                                         |     |                |     |                   |
| Animal boarding/kennel                                                   | --  | C <sup>6</sup> | C   | 5.96              |
| Animal grooming*                                                         | P   | P              | P   |                   |
| Veterinary service or animal hospital/clinic                             | --  | P              | P   |                   |
| Appliance or electronics repair                                          | --  | P              | P   |                   |
| Automated Teller Machine (ATM), walk-up*                                 | P   | P              | P   | 17.112.050        |
| Bail bonds                                                               | --  | --             | M   |                   |
| Collection containers –                                                  |     |                |     |                   |
| Small                                                                    | --  | Z              | Z   | 17.112.060        |
| Large                                                                    | --  | --             | Z   | 17.112.060        |
| Correctional facility                                                    | --  | --             | C   | 17.112.070        |
| Drive-thru business –                                                    |     |                |     |                   |
| Food or beverage establishment                                           | --  | C              | C   | 17.112.080        |
| Service or retail*                                                       | M   | M              | M   | 17.112.080        |
| Financial institution*                                                   | P   | P              | P   |                   |
| Funeral home or mortuary                                                 | --  | P              | P   |                   |
| Hotels and motels*                                                       | --  | --             | C   | 5.48 & 17.112.100 |
| Office concierge service*                                                | P   | P              | P   |                   |
| Personal service use –                                                   |     |                |     |                   |
| General*                                                                 | P   | P              | P   | 17.112.150        |
| Restricted*                                                              | --  | M              | M   | 17.112.150        |
| Massage                                                                  | --  | --             | C   | 5.56 & 17.112.150 |
| Philanthropic or charitable institution*                                 | P   | P              | P   |                   |
| Recycling facility –                                                     |     |                |     |                   |
| Mobile                                                                   | P   | P              | P   | 17.112.160        |
| Self-service                                                             | --  | Z              | Z   | 17.112.160        |
| Small                                                                    | --  | --             | M   | 17.112.160        |
| Vehicle service uses –                                                   |     |                |     |                   |
| Repair, limited                                                          | --  | M              | M   | 17.112.200        |

<sup>6</sup> Overnight boarding shall be limited to indoors.

| Table 17.40-1 – Permitted Uses – Commercial Zoning Districts (continued) |           |     |                |              |
|--------------------------------------------------------------------------|-----------|-----|----------------|--------------|
| Service Uses (continued)                                                 | C-1       | C-2 | C-3            | Notes        |
| Vehicle service uses (continued) –                                       |           |     |                |              |
| Repair, minor                                                            | --        | C   | C              | 17.112.200   |
| Repair, major                                                            | --        | --  | C              | 17.112.200   |
| Rental, automobile                                                       | --        | M   | M              |              |
| Rental, truck                                                            | --        | --  | C              |              |
| Service station, minimum                                                 | --        | C   | C              | 17.112.210   |
| Service station, full                                                    | --        | --  | C              | 17.112.210   |
| Washing facility                                                         | --        | C   | C              | 17.112.220   |
| Wedding chapel*                                                          | --        | M   | M              |              |
| Industrial, Transportation & Other Uses                                  |           |     |                |              |
| Cannabis, commercial –                                                   |           |     |                |              |
| Cultivation, distributor, manufacturing and Microbusiness                | --        | --  | P <sup>7</sup> | 5.18         |
| Testing laboratory*                                                      | P         | P   | P              | 5.18         |
| Commercial fulfillment center                                            | --        | --  | C <sup>8</sup> |              |
| Manufacturing –                                                          |           |     |                |              |
| Ancillary                                                                | --        | --  | Z              |              |
| Commercial                                                               | --        | --  | C <sup>8</sup> |              |
| Passenger transport or taxi service                                      | --        | --  | C              |              |
| Temporary use                                                            | See notes |     |                | 17.124       |
| Vehicle parking –                                                        |           |     |                |              |
| Attendant or valet parking*                                              | C         | M   | M              |              |
| Car sharing, residential use*                                            | M         | M   | M              | 17.70.070(C) |
| Car sharing, nonresidential use* <sup>9</sup>                            | M         | M   | M              |              |
| Commercial parking*                                                      | --        | M   | M              |              |
| Parking structure* <sup>10</sup>                                         | --        | M   | M              |              |
| Shared parking*                                                          | Z         | Z   | Z              | 17.70.070(D) |
| Vehicle parking, fleet/ancillary                                         | --        | M   | M              |              |

<sup>7</sup> Limited to the East Valley Entryway Area, west of Durfee Avenue, as shown on the City's Zoning Map.

<sup>8</sup> Limited to the East Valley Entryway Area as shown on the City's Zoning Map.

<sup>9</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

<sup>10</sup> Parking structures shall be ancillary to a permitted use.



Key:

\* Horizontal mixed-use projects in the C-3 zone: Use may be permitted. Other uses shall be prohibited.

-- Use not permitted.

P Use permitted by-right.

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

R Use permitted after review and approval of a Planned Residential Development (PRD) Permit.

Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

#### **17.40.040 – Development Standards.**

A. **Nonresidential Development Standards.** Table 17.40-2 prescribes the development standards for commercial zoning districts:

| Table 17.40-2 – Development Standards – Commercial Zoning Districts |                                                       |                                                       |                                                       |
|---------------------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------|
| Maximum Height                                                      | C-1                                                   | C-2                                                   | C-3                                                   |
| Height <sup>11</sup>                                                | 2 stories & 30 ft.                                    | 3 stories & 40 ft.                                    | 4 stories & 50 ft.                                    |
| Minimum Lot Specifications <sup>12</sup>                            |                                                       |                                                       |                                                       |
| Area                                                                | 20,000 sq. ft.                                        | 30,000 sq. ft.                                        | 30,000 sq. ft.                                        |
| Street frontage –                                                   |                                                       |                                                       |                                                       |
| Interior lot                                                        | 125 ft.                                               | 150 ft.                                               | 150 ft.                                               |
| Corner lot                                                          | 150 ft.                                               | 175 ft.                                               | 175 ft.                                               |
| Cul-de-sac                                                          | 60 ft.                                                | 60 ft.                                                | 60 ft.                                                |
| Depth                                                               | 150 ft.                                               | 175 ft.                                               | 175 ft.                                               |
| Minimum Yard Setbacks <sup>13</sup>                                 |                                                       |                                                       |                                                       |
| Front                                                               | 10 ft.                                                | 10 ft.                                                | 5 ft.                                                 |
| Street side                                                         | 5 ft.                                                 | 5 ft.                                                 | 5 ft.                                                 |
| Interior side                                                       | 0 ft.                                                 | 0 ft.                                                 | 0 ft.                                                 |
| Rear                                                                | 10 ft.                                                | 15 ft.                                                | 20 ft.                                                |
| Buffer standards when abutting an R-zoned property                  |                                                       |                                                       |                                                       |
| Street side                                                         | 10 ft. for the first 15 ft. from the R-zoned property | 10 ft. for the first 20 ft. from the R-zoned property | 10 ft. for the first 25 ft. from the R-zoned property |
| Interior side                                                       | 10 ft.                                                | 15 ft.                                                | 20 ft.                                                |
| Rear                                                                | 15 ft.                                                | 20 ft.                                                | 25 ft.                                                |

<sup>11</sup> Refer to Section 17.60.030 of this Title for additional height exceptions and restrictions.

<sup>12</sup> For new lots. Refer to Section 16.26.020 of Title 16 (Subdivisions) for additional standards and exceptions.

<sup>13</sup> All street setbacks shall be fully landscaped as prescribed in Section 17.72.060.

| Table 17.40-2 – Development Standards – Commercial Zoning Districts (continued) |                                                     |                                                                            |                                                |
|---------------------------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------|
| Other standards                                                                 | C-1                                                 | C-2                                                                        | C-3                                            |
| Minimum distance between on-site buildings                                      | 10 ft.                                              | 1 building greater than 30 ft. high: 20 ft.<br>All other instances: 10 ft. |                                                |
| Maximum lot coverage                                                            | 45%                                                 | 50%                                                                        | 50%                                            |
| Maximum Floor Area Ratio (FAR)                                                  | 0.50 to 0.75<br>(see 2011 General Plan Figure LU-1) |                                                                            | 0.75 to 1.00<br>(see General Plan Figure LU-1) |

- B. **Residential Development Standards.** Table 17.40-3 prescribes the development standards for commercial zoning districts:

| Table 17.40-3 – Residential Development Standards – Commercial Zoning Districts |                                                                                                      |
|---------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Height                                                                          | Commercial Zoning District                                                                           |
| Maximum height <sup>14</sup>                                                    | 3 stories & 40 ft.                                                                                   |
| Minimum Yard Setbacks <sup>15</sup>                                             |                                                                                                      |
| 1 <sup>st</sup> story front                                                     | 10 ft.                                                                                               |
| Upper story front                                                               | An additional 5 ft. from the 1 <sup>st</sup> floor building wall line                                |
| 1 <sup>st</sup> story street side                                               | 10 ft.                                                                                               |
| Upper story street side                                                         | An additional 5 ft. from the 1 <sup>st</sup> floor building wall line                                |
| 1 <sup>st</sup> story interior side                                             | 5 ft.                                                                                                |
| Upper story interior side                                                       | 8 ft.                                                                                                |
| Rear                                                                            | If adjacent property is R-1: 20 ft. All other properties: 10 ft.                                     |
| Minimum Lot Specification                                                       |                                                                                                      |
| Area                                                                            | Properties along major arterials: 15,000 sq. ft. <sup>16</sup><br>All other properties: R-4          |
| Street frontage                                                                 | Properties along major arterials: 100 ft. <sup>16</sup><br>All other properties: R-4                 |
| Lot depth                                                                       | R-4                                                                                                  |
| Density                                                                         | Commercial Zoning District                                                                           |
| Minimum                                                                         | Projects with horizontal mixed-use: 1 unit/2,900 sq. ft.<br>All other projects: 1 unit/2,200 sq. ft. |
| Maximum                                                                         | Lot area <30,000 sq. ft: 1 unit/1,740 sq. ft.<br>Lot area ≥30,000 sq. ft: 1 unit/1,450 sq. ft.       |

<sup>14</sup> Refer to Section 17.60.030 of this Title for additional height exceptions and restrictions.

<sup>15</sup> Refer to Section 17.60.130 of this Title for additional yard exceptions. All street setbacks shall be fully landscaped as prescribed in Section 17.72.050.

<sup>16</sup> See General Plan Figure C-4 for map of major arterials.

| Table 17.40-3 – Residential Development Standards – Commercial Zoning Districts (continued) |                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maximum Floor Area Ratio <sup>17</sup>                                                      | Commercial Zoning District                                                                                                                                                                                                                                                     |
| <3 units                                                                                    | 0.50                                                                                                                                                                                                                                                                           |
| ≥3 units                                                                                    | 0.60                                                                                                                                                                                                                                                                           |
| >10 units with a Floor Area Ratio (FAR) bonus <sup>18</sup>                                 | Properties zoned C-1: 0.80<br>Properties zoned C-2 and C-3: 0.85                                                                                                                                                                                                               |
| Minimum Usable Open Space <sup>19</sup>                                                     |                                                                                                                                                                                                                                                                                |
| 2 to 9 units                                                                                | 400 sq. ft./unit (w/ 75 sq. ft. private)                                                                                                                                                                                                                                       |
| ≥10 units                                                                                   | 300 sq. ft./unit (w/ 60 sq. ft. private)                                                                                                                                                                                                                                       |
| Other Standards                                                                             |                                                                                                                                                                                                                                                                                |
| Maximum lot coverage                                                                        | 45%                                                                                                                                                                                                                                                                            |
| Maximum length of building walls                                                            | 80 ft. with an offset of 4 ft. for a length of 10 ft.                                                                                                                                                                                                                          |
| Minimum distance between buildings                                                          | 1 building >30 ft. high: 15 ft.<br>All other instances: 10 ft.                                                                                                                                                                                                                 |
| Minimum distance from accessory buildings                                                   | 6 ft.                                                                                                                                                                                                                                                                          |
| Minimum dwelling size <sup>20</sup>                                                         | Studio: 500 sq. ft.      3-bedroom: 1,000 sq. ft.<br>1-bedroom: 600 sq. ft.      4-bedrooms: 1,200 sq. ft.<br>2-bedroom: 800 sq. ft.      Each additional bedroom: 100 sq. ft.                                                                                                 |
| Horizontal mixed-use projects                                                               | The maximum FAR and lot coverage for the residential portion of the property shall be calculated as outlined in this Table. The maximum FAR and lot coverage for the nonresidential portion of the property shall be calculated per the underlying commercial zoning district. |
| All other standards                                                                         | Refer to the provisions of the R-4 zoning district.                                                                                                                                                                                                                            |

- C. **Other Development Standards.** Table 17.40-4 denotes additional development standards found in other Chapters or Sections of this Title that apply to the commercial zoning districts:

<sup>17</sup> The maximum Floor Area Ratio (FAR) permitted shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

<sup>18</sup> Refer to Section 17.24.050(C) of this Title for information on the City's Floor FAR bonus provisions.

<sup>19</sup> The minimum open space requirement per unit shall be determined prior to any density bonus or other State provision that permits a higher density than allowed in this Title. Refer to Section 17.24.050(D) of this Title for additional information on Open Space standards.

<sup>20</sup> This requirement shall not apply to ADUs or projects that are 100% affordable.

| Table 17.40-4 – Other Development Standards |                    |
|---------------------------------------------|--------------------|
| Development Standard                        | Chapter or Section |
| Height exceptions and restrictions          | 17.60.030          |
| Landscaping                                 | 17.72 & 17.74      |
| Outdoor display and storage                 | 17.60.040          |
| Outdoor lighting                            | 17.60.050          |
| Parking                                     | 17.70              |
| Refuse storage facilities                   | 17.60.080          |
| Screening                                   | 17.60.100          |
| Security bars                               | 17.60.110          |
| Walls, fences and hedges                    | 17.60.120          |

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## **CHAPTER 17.42 – MANUFACTURING ZONING DISTRICTS**

### **Sections.**

17.42.010 – Summary of Zoning Districts.

17.42.020 – Purpose.

17.42.030 – Permitted Uses.

17.42.040 – Development Standards.

### **17.42.010 – Summary of Zoning Districts.**

- A. **Light Manufacturing (M-1) Zoning District** – Consistent with the General Plan Land Use Designation of Industrial/Business Park. This zoning district is principally established to provide areas appropriate for a diverse range of light industrial uses, including limited manufacturing and processing, research and development, fabrication, utility equipment and service yards, wholesaling, warehousing, and distribution activities. Other uses such as office, retail and restaurants are also permitted.
- B. **General Manufacturing (M-2) Zoning District** – Consistent with the General Plan Land Use Designation of Industrial/Business Park. This zoning district is primarily located in the City's Northwest Industrial District. In addition to the uses permitted in the M-1 zoning district, the M-2 zoning district is intended to accommodate a broader range of industrial uses.

### **17.42.020 – Purpose.**

- A. Designate adequate land for industrial, office and research and development uses to strengthen the City's economic base and provide a range of employment opportunities for the current and future population of the City and region.
- B. Provide for the appropriate location of businesses that may have the potential to generate off-site impacts, while providing to ensure compatibility in use and form with existing and planned land uses.
- C. Provide development standards that support the adaptive reuse of existing buildings when appropriate and construction of new projects utilizing sustainable principles.
- D. Protect sensitive land uses in close proximity to manufacturing zoning districts including single-family residential, multiple-family residential and educational facilities.

### **17.42.030 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.42-1 prescribes the land use regulations for each manufacturing zoning district. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.42-1 shall not be permitted in the M-1 or M-2 zoning district, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts |           |     |                         |
|-----------------------------------------------------------------|-----------|-----|-------------------------|
| Residential Uses                                                | M-1       | M-2 | Notes                   |
| Corridor housing                                                | P         | P   | 17.110.040              |
| Community Care Uses                                             |           |     |                         |
| Alcoholism or drug abuse treatment facility                     | C         | C   |                         |
| Emergency shelter –                                             |           |     |                         |
| Less than 25 beds/occupants                                     | P         | P   | 17.112.090              |
| 25 or more beds/occupants                                       | C         | C   | 17.112.090              |
| Home occupation business                                        | P         | P   | 17.110.050              |
| Social rehabilitation facility                                  | C         | C   |                         |
| Public & Quasi-Public Uses                                      |           |     |                         |
| Electrical distribution substation                              | M         | M   |                         |
| Government or government related facility                       | P         | P   |                         |
| Specialized education and training                              | M         | M   |                         |
| Urgent care or medical clinic*                                  | P         | P   |                         |
| Utility facility                                                | C         | C   |                         |
| Wireless facility                                               | See notes |     | 17.90 & 17.92           |
| Assembly & Entertainment Uses                                   |           |     |                         |
| Adult entertainment establishment                               | C         | C   | 5.16, 5.98 & 17.112.020 |
| Ancillary entertainment                                         | P         | P   |                         |
| Assembly or meeting facility                                    | C         | C   |                         |
| Commercial entertainment                                        | C         | C   |                         |
| Commercial recreation facility –                                |           |     |                         |
| Indoor                                                          | C         | C   | 5.76 for billiards      |
| Outdoor                                                         | C         | C   |                         |
| Cultural institution                                            | P         | P   |                         |
| Family entertainment center                                     | C         | C   |                         |
| Gaming center or arcade <sup>21</sup>                           | M/C       | M/C | 5.96                    |
| Nightclub                                                       | C         | C   | 5.32                    |

<sup>21</sup> A CUP shall be required for arcades with more than 3,500 sq. ft. in Gross Floor Area (GFA). An MUP shall be required in all other instances.

| Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued) |     |     |                   |
|-----------------------------------------------------------------------------|-----|-----|-------------------|
| Retail & Office Uses                                                        | M-1 | M-2 | Notes             |
| Alcohol sales <sup>22</sup> –                                               |     |     |                   |
| Assembly and entertainment use, on-site <sup>23</sup>                       | C   | C   | 17.112.030        |
| Bar or tavern, on-site                                                      | C   | C   | 17.112.030        |
| Brew pub, on-site and off-site                                              | C   | C   | 17.112.030        |
| Liquor store, off-site                                                      | C   | C   | 17.112.030        |
| Restaurant, limited hours, on-site                                          | M   | M   | 17.112.030        |
| Restaurant, on-site                                                         | C   | C   | 17.112.030        |
| Retail store, off-site                                                      | C   | C   | 17.112.030        |
| Cannabis activity, commercial – dispensary                                  | P   | P   | 5.18              |
| Convenience store or minimart                                               | C   | C   |                   |
| Food or beverage establishment –                                            |     |     |                   |
| Bakery or pâtisserie, retail                                                | P   | P   |                   |
| Bakery, commercial                                                          | P   | P   |                   |
| Coffeehouse or ice cream parlor                                             | P   | P   |                   |
| Outdoor seating/dining                                                      | P   | P   | 17.112.130        |
| Restaurant                                                                  | P   | P   |                   |
| Grocery store                                                               | P   | P   |                   |
| Multiple-tenant center                                                      | M   | M   | 17.112.120        |
| Offices –                                                                   |     |     |                   |
| Ancillary                                                                   | P   | P   |                   |
| Administrative, business professional                                       | P   | P   |                   |
| Government                                                                  | P   | P   |                   |
| Medical and dental                                                          | P   | P   |                   |
| Office supply store                                                         | P   | P   |                   |
| Pawnbroker or pawnshop                                                      | C   | C   | 5.68 & 17.112.140 |
| Pharmacy                                                                    | P   | P   |                   |
| Retail sales (unless listed as a separate use)                              | P   | P   |                   |
| Secondhand vendor                                                           | P   | P   | 5.68 & 17.112.170 |

<sup>22</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

<sup>23</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.



| Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued) |     |     |            |
|-----------------------------------------------------------------------------|-----|-----|------------|
| Retail & Office Uses (continued)                                            | M-1 | M-2 | Notes      |
| Showroom sales                                                              | P   | P   |            |
| Significant tobacco retailer                                                | C   | C   | 17.112.180 |
| Vehicle retail use –                                                        |     |     |            |
| Parts and accessory store                                                   | P   | P   |            |
| Sale and lease, limited                                                     | P   | P   |            |
| Sales and lease, major                                                      | C   | C   | 17.112.190 |
| Warehouse retailer or retail warehouse                                      | P   | P   |            |
| Wholesaler                                                                  | P   | P   |            |
| Service Uses                                                                |     |     |            |
| Ambulance service                                                           | M   | M   |            |
| Animal service –                                                            |     |     |            |
| Animal boarding/kennel                                                      | M   | M   | 5.96       |
| Animal grooming                                                             | P   | P   |            |
| Veterinary service or animal hospital/clinic                                | P   | P   |            |
| Appliance or electronics repair                                             | P   | P   |            |
| Automated Teller Machine (ATM), walk-up                                     | P   | P   | 17.112.050 |
| Bail bonds                                                                  | P   | P   |            |
| Correctional facility                                                       | C   | C   | 17.112.070 |
| Drive-thru business –                                                       |     |     |            |
| Food or beverage establishment                                              | C   | C   | 17.112.080 |
| Service or retail                                                           | M   | M   | 17.112.080 |
| Financial institution                                                       | P   | P   |            |
| Funeral home and mortuary                                                   | P   | P   |            |
| Office concierge service                                                    | P   | P   |            |
| Personal service use –                                                      |     |     |            |
| General                                                                     | P   | P   | 17.112.150 |
| Restricted                                                                  | M   | M   | 17.112.150 |
| Philanthropic or charitable institution                                     | P   | P   |            |
| Recycling facility –                                                        |     |     |            |
| Mobile                                                                      | P   | P   | 17.112.160 |
| Self-service                                                                | P   | P   | 17.112.160 |

| Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued) |     |     |            |
|-----------------------------------------------------------------------------|-----|-----|------------|
| Service Uses (continued)                                                    | M-1 | M-2 | Notes      |
| Recycling facility (continued) –                                            |     |     |            |
| Small                                                                       | Z   | Z   | 17.112.160 |
| Large                                                                       | M   | M   | 17.112.160 |
| Self-storage                                                                | C   | C   |            |
| Vehicle service uses –                                                      |     |     |            |
| Repair, limited                                                             | P   | P   | 17.112.200 |
| Repair, minor                                                               | M   | M   | 17.112.200 |
| Repair, major                                                               | C   | C   | 17.112.200 |
| Rental, automobile                                                          | M   | M   |            |
| Rental, truck                                                               | C   | C   |            |
| Service station, minimum                                                    | C   | C   | 17.112.210 |
| Service station, full                                                       | C   | C   | 17.112.210 |
| Washing facility                                                            | C   | C   | 17.112.220 |
| Wedding chapel                                                              | M   | M   |            |
| Industrial, Transportation & Other Uses                                     |     |     |            |
| Cannabidiol (CBD) products manufacturer                                     | P   | P   |            |
| Cannabis, commercial –                                                      |     |     |            |
| Cultivation, distributor, manufacturing and Microbusiness                   | P   | P   | 5.18       |
| Testing laboratory                                                          | P   | P   | 5.18       |
| Commercial fulfillment center <sup>24</sup>                                 | P/C | P/C |            |
| Courier service or messengers                                               | M   | M   |            |
| Distribution, fulfillment or warehouse center –                             |     |     |            |
| Less than 100,000 square feet                                               | P   | P   |            |
| 100,000 square feet or greater <sup>25</sup>                                | C   | C   |            |
| Hazardous materials, any use involving storage of                           | C   | C   | 17.50.100  |
| Industrial hemp processing                                                  | C   | C   |            |
| Impound or tow yard                                                         | --  | C   |            |

<sup>24</sup> A CUP shall be required for new construction or conversion from an existing building of 100,000 sq. ft. or greater in GFA.

<sup>25</sup> A CUP shall only be required for new construction or conversion from an existing building. It shall not be required for a change in tenant.

| Table 17.42-1 – Permitted Uses – Manufacturing Zoning Districts (continued)                        |           |     |              |
|----------------------------------------------------------------------------------------------------|-----------|-----|--------------|
| Industrial, Transportation & Other Uses (continued)                                                | M-1       | M-2 | Notes        |
| Laboratory, testing                                                                                | P         | P   |              |
| Laundry or dry cleaning plant                                                                      | P         | P   |              |
| Machine shop                                                                                       | P         | P   |              |
| Manufacturing (unless listed as a separate use)                                                    |           |     |              |
| Ancillary                                                                                          | P         | P   |              |
| Commercial                                                                                         | P         | P   |              |
| Light                                                                                              | P         | P   |              |
| General                                                                                            | --        | P   |              |
| New industrial construction over 5,000 sq. ft. and within 150 ft. of a residential zoning district | C         | C   |              |
| Passenger transport or taxi service                                                                | C         | C   |              |
| Recycling processing facility                                                                      | --        | C   |              |
| Research and development                                                                           | P         | P   |              |
| Rock, sand and gravel storage and distribution                                                     | --        | C   |              |
| Temporary use                                                                                      | See notes |     | 17.124       |
| Towing facility                                                                                    | --        | C   |              |
| Truck terminal                                                                                     | C         | C   |              |
| Vehicle parking –                                                                                  |           |     |              |
| Attendant or valet parking                                                                         | M         | M   |              |
| Car sharing, nonresidential use <sup>26</sup>                                                      | M         | M   |              |
| Commercial Parking                                                                                 | M         | M   |              |
| Parking structure                                                                                  | M         | M   |              |
| Shared parking                                                                                     | Z         | Z   | 17.70.070(D) |
| Vehicle parking, fleet/ancillary                                                                   | P         | P   |              |
| Vehicle parking, limited                                                                           | C         | C   |              |
| Vehicle parking, general                                                                           | --        | C   |              |

Key:

-- Use not permitted.

P Use permitted by-right.

M Use permitted after review and approval of a Minor Use Permit (MUP).

C Use permitted after review and approval of a Conditional Use Permit (CUP).

Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

<sup>26</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

### **17.42.040 – Development Standards.**

- A. **Development Standards.** Table 17.42-2 prescribes the development standards for manufacturing zoning districts:

| Table 17.42-2 – Development Standards – Manufacturing Zoning Districts |                                                                                                                                                                                                                                                                                                                              |     |
|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Maximum Height                                                         | M-1                                                                                                                                                                                                                                                                                                                          | M-2 |
| Height <sup>27</sup>                                                   | 4 stories & 75 ft.                                                                                                                                                                                                                                                                                                           |     |
| Minimum Lot Specifications <sup>28</sup>                               |                                                                                                                                                                                                                                                                                                                              |     |
| Area                                                                   | 40,000 sq. ft.                                                                                                                                                                                                                                                                                                               |     |
| Street frontage –                                                      |                                                                                                                                                                                                                                                                                                                              |     |
| Interior lot                                                           | 150 ft.                                                                                                                                                                                                                                                                                                                      |     |
| Corner lot                                                             | 175 ft.                                                                                                                                                                                                                                                                                                                      |     |
| Cul-de-sac                                                             | 70 ft.                                                                                                                                                                                                                                                                                                                       |     |
| Depth                                                                  | 175 ft.                                                                                                                                                                                                                                                                                                                      |     |
| Minimum Yard Setbacks <sup>29</sup>                                    |                                                                                                                                                                                                                                                                                                                              |     |
| Front                                                                  | Minimum 50 ft. from centerline of street, provided there is a minimum landscaped setback as follows: <ul style="list-style-type: none"><li>• 15 ft. setback for the following streets: Arden Dr, Baldwin Ave, Ellis Ln, Lower Azusa Rd, Temple City Blvd. and Valley Blvd.</li><li>• 10 ft. for all other streets.</li></ul> |     |
| Street side                                                            | 10 ft.                                                                                                                                                                                                                                                                                                                       |     |
| Interior side                                                          | 0 ft                                                                                                                                                                                                                                                                                                                         |     |
| Rear                                                                   | 0 ft.                                                                                                                                                                                                                                                                                                                        |     |
| Buffer standards when abutting an R-zoned property –                   |                                                                                                                                                                                                                                                                                                                              |     |
| Street side (to be landscaped)                                         | 15 ft. for the first 30 ft. from the R-zoned property line                                                                                                                                                                                                                                                                   |     |
| Interior side                                                          | 25 ft.                                                                                                                                                                                                                                                                                                                       |     |
| Rear                                                                   | 30 ft.                                                                                                                                                                                                                                                                                                                       |     |

<sup>27</sup> Refer to Section 17.60.030 of this Title for additional height exceptions and restrictions.

<sup>28</sup> For new lots. Refer to Section 16.26.020 of Title 16 (Subdivisions) for additional standards and exceptions.

<sup>29</sup> All street setbacks shall be fully landscaped as prescribed in Section 17.72.060 of this Title.

| Table 17.42-2 – Development Standards – Manufacturing Zoning Districts (continued) |                                                                                                                                                                                                                                         |     |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Other Standards                                                                    | M-1                                                                                                                                                                                                                                     | M-2 |
| Minimum distance between on-site buildings                                         | <ul style="list-style-type: none"> <li>• 30 ft. if one of the buildings is greater than 40 ft. in height</li> <li>• 20 ft. if one of the buildings is greater than 30 ft. in height</li> <li>• 10 ft. in all other instances</li> </ul> |     |
| Maximum lot coverage                                                               | N/A                                                                                                                                                                                                                                     |     |
| Maximum Floor Area Ratio (FAR)                                                     | 1.0                                                                                                                                                                                                                                     |     |

- B. **Multiple-family Residential Developments.** Residential projects shall comply with all provisions of the General Commercial (C-3) zoning district.
- C. **Other Development Standards.** Table 17.42-3 denotes additional development standards found in other Chapters or Sections of this Title that apply to manufacturing zoning districts:

| Table 17.42-3 – Other Development Standards |                    |
|---------------------------------------------|--------------------|
| Development Standard                        | Chapter or Section |
| Height exceptions and restrictions          | 17.60.030          |
| Landscaping                                 | 17.72 & 17.74      |
| Outdoor display and storage                 | 17.60.040          |
| Outdoor lighting                            | 17.60.050          |
| Parking                                     | 17.70              |
| Refuse storage facilities                   | 17.60.080          |
| Screening                                   | 17.60.100          |
| Security bars                               | 17.60.110          |
| Walls, fences and hedges                    | 17.60.120          |

## **CHAPTER 17.44 – PUBLIC AND QUASI-PUBLIC ZONING DISTRICTS**

### **Sections.**

17.44.010 – Summary and Purpose of Zoning Districts.

17.44.020 – Permitted Uses.

17.44.030 – Development Standards.

### **17.44.010 – Summary and Purpose of Zoning Districts.**

- A. **Public Facilities (PF) Zoning District** – Consistent with the General Plan Land Use Designation of Public Facilities. This zoning district primarily includes land and facilities owned and maintained by federal, state and local government agencies and public utilities. This includes public schools, police and fire-related facilities, courthouses, public libraries and community centers.
- B. **Open Space (OS) Zoning District** – Consistent with the General Plan Land Use Designation of Open Space. This zoning district refers to areas designated for parks, open space, linear parks, trails, and other similar recreational uses. It includes areas as diverse as Peck Water Conservation Park, the Emerald Necklace, pocket parks, plazas, and other gathering places.
- C. **Airport (AP), Railroad/Transitway (RT) and River/Wash (RW) Zoning Districts** – Consistent with multiple General Plan Land Use Designations, depending on the zoning district and primary use. The AP zoning district applies solely to the El Monte Airport and encompasses all aviation-related businesses on the airport site. In addition to the airport, El Monte's physical landscape has a significant amount of transportation infrastructure. This includes railroads, freeway systems, rivers/washes and the transitway.

### **17.44.020 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.44-1 prescribes the land use regulations in each public and quasi-public zoning district. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.44-1 shall not be permitted in the PF, OS, AP, RT or RW zoning district, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.44-1 – Permitted Uses – Public and Quasi-Public Zoning Districts |                  |    |                  |    |    |
|---------------------------------------------------------------------------|------------------|----|------------------|----|----|
| Community Care Uses                                                       | PF <sup>30</sup> | OS | AP <sup>31</sup> | RT | RW |
| Childcare facility                                                        | C                | -- | --               | -- | -- |
| Public & Quasi-Public Uses                                                |                  |    |                  |    |    |
| Encroachment use <sup>32</sup>                                            | --               | -- | --               | C  | -- |
| Government or government related facility                                 | P                | -- | P                | -- | -- |
| Recreation facility –                                                     |                  |    |                  |    |    |
| Public <sup>33</sup>                                                      | --               | P  | --               | P  | P  |
| Private                                                                   | --               | C  | --               | -- | -- |
| School & educational facility –                                           |                  |    |                  |    |    |
| College or university, public                                             | P                | -- | --               | -- | -- |
| K-12, public                                                              | P                | -- | --               | -- | -- |
| Preschool, public                                                         | P                | -- | --               | -- | -- |
| Specialized education and training                                        | M                | -- | M                | -- | -- |
| Tutoring and education center                                             | P                | -- | --               | -- | -- |
| Assembly & Entertainment Uses                                             |                  |    |                  |    |    |
| Cultural institution                                                      | P                | P  | --               | -- | -- |
| Community center                                                          | P                | -- | --               | -- | -- |
| Retail & Office Uses                                                      |                  |    |                  |    |    |
| Encroachment use <sup>34</sup>                                            | --               | -- | --               | C  | -- |
| Office –                                                                  |                  |    |                  |    |    |
| Ancillary                                                                 | P                | P  | P                | -- | -- |
| Business professional                                                     | --               | -- | P                | -- | -- |
| Government                                                                | P                | -- | P                | -- | -- |

<sup>30</sup> Primary uses limited to government or government related facilities, public colleges or universities, public K-12 schools, cultural institutions, community centers and government offices. All other uses shall be ancillary.

<sup>31</sup> The list of permitted uses are based on the 1995 “El Monte Airport Master Plan Report.” If the County of Los Angeles adopts a new Master Plan, that Plan shall supersede this list.

<sup>32</sup> A property adjacent to land zoned RT may encroach into the RT zoning district up to 50 feet. The development standards for the RT zoned portion shall be the same as development standards for the adjacent property.

<sup>33</sup> Limited to linear parks, trails, bicycle paths and similar uses in the RT and RW zoning districts.

<sup>34</sup> A property adjacent to land zoned RT may encroach into the RT zoning district up to 50 feet. The development standards for the RT zoned portion shall be the same as development standards for the adjacent property.

| Table 17.44-1 – Permitted Uses – Public and Quasi-Public Zoning Districts (continued) |                                               |                 |                  |    |    |
|---------------------------------------------------------------------------------------|-----------------------------------------------|-----------------|------------------|----|----|
| Retail & Office Uses (continued)                                                      | PF <sup>35</sup>                              | OS              | AP <sup>36</sup> | RT | RW |
| Food or beverage establishment –                                                      |                                               |                 |                  |    |    |
| Bakery or pâtisserie, retail                                                          | M                                             | P               | P                |    |    |
| Coffeehouse or ice cream parlor                                                       | M                                             | P               | P                | -- | -- |
| Outdoor seating/dining                                                                | M                                             | P               | P                |    |    |
| Restaurant                                                                            | M                                             | M               | P                | -- | -- |
| With on-site alcohol sales <sup>37</sup>                                              | C                                             | C               | M                | -- | -- |
| Retail stores <sup>38</sup>                                                           | --                                            | --              | P                | -- | -- |
| Service Uses                                                                          |                                               |                 |                  |    |    |
| Vehicle retail and service uses –                                                     |                                               |                 |                  |    |    |
| Vehicle repair, limited                                                               | --                                            | --              | M                | -- | -- |
| Vehicle repair, minor                                                                 | --                                            | --              | M                | -- | -- |
| Vehicle rental, automobile                                                            | --                                            | --              | M                | -- | -- |
| Industrial, Transportation & Other Uses                                               |                                               |                 |                  |    |    |
| Aircraft servicing facilities                                                         | --                                            | --              | P                | -- | -- |
| Aircraft storage and parking                                                          | --                                            | --              | P                | -- | -- |
| Airport                                                                               | --                                            | --              | P                | -- | -- |
| Encroachment use <sup>39</sup>                                                        | --                                            | --              | --               | C  | -- |
| Parking structure                                                                     | C                                             | C <sup>40</sup> | --               | -- | -- |
| Shared parking                                                                        | Z                                             | Z               | Z                | -- | -- |
| Temporary use                                                                         | See 17.124                                    |                 |                  | -- | -- |
| Terminal building                                                                     | --                                            | --              | P                | -- | -- |
| Transportation use                                                                    | --                                            | --              | P                | P  | -- |
| Vehicle parking, fleet/ancillary                                                      | --                                            | --              | M                | -- | -- |
| Vehicle parking, limited                                                              | --                                            | --              | M                | -- | -- |
| Wireless facility                                                                     | Refer to Chapters 17.90 & 17.92 of this Title |                 |                  |    |    |

<sup>35</sup> Primary uses limited to government or government related facility, public colleges or universities, public K-12 schools, cultural institutions, community centers and government office. All other uses shall be ancillary.

<sup>36</sup> The list of permitted uses are based on the 1995 "El Monte Airport Master Plan Report." If the County of Los Angeles adopts a new Master Plan, that Plan shall supersede this list.

<sup>37</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

<sup>38</sup> Less than 3,500 square feet in area.

<sup>39</sup> A property adjacent to land zoned RT may encroach into the RT zoning district up to 50 feet. The development standards for the RT zoned portion shall be the same as development standards for the adjacent property.

<sup>40</sup> Parking structures must be fully subterranean and ancillary to a public or private recreational facility.



Key:

-- Not permitted.

P Permitted by-right.

M Permitted after review and approval of a Minor Use Permit (MUP).

C Permitted after review and approval of a Conditional Use Permit (CUP).

#### **17.44.030 – Development Standards.**

##### **A. PF and OS Zoning Districts:**

###### **1. Setbacks:**

- a. Street yard. There shall be a minimum setback of ten (10) feet for all structures and parking areas. The setback shall be landscaped and maintained with an underground irrigation system.
- b. Interior side yard. For buildings, there shall be a minimum interior side yard setback of ten (10) feet if it abuts a residentially zoned property. No setback shall be required for a building if it abuts a nonresidential property.
- c. Rear yard. For buildings, there shall be a minimum rear yard setback of 20 feet if it abuts a residentially zoned property. No setback shall be required for a building if it abuts a non-residentially zoned property.

###### **2. Height:**

- a. Private facilities. Structures associated with a private facility shall not exceed a height of two (2) stories and 30 feet.
- b. Public facilities. Structures associated with a public facility shall comply with the variable height requirements as outlined in Section 17.40.010 (Height Exceptions and Restrictions) of this Title.

**B. AP Zoning District.** The development standards shall be based on the 1995 “El Monte Airport Master Plan Report.” If the Los Angeles County adopts a new Master Plan, that Plan shall supersede any applicable development standard.

**C. RT, RW and TW Zoning Districts.** The development standards shall be established through the public review process.

**D. Other Development Standards.** Table 17.44-2 denotes additional development standards found in other Chapters or Sections of this Title that apply to public and quasi-public zoning districts:

| Table 17.44-2 – Other Development Standards |                    |
|---------------------------------------------|--------------------|
| Development Standard                        | Chapter or Section |
| Height exceptions and restrictions          | 17.60.030          |
| Landscaping                                 | 17.72 and 17.74    |
| Lot Configuration                           | 16.26.020          |

| Table 17.44-2 – Other Development Standards (continued) |                    |
|---------------------------------------------------------|--------------------|
| Development Standard                                    | Chapter or Section |
| Outdoor lighting                                        | 17.60.050          |
| Parking                                                 | 17.70              |
| Refuse storage facility                                 | 17.60.080          |
| Screening                                               | 17.60.100          |
| Walls, fences and hedges                                | 17.60.120          |

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## **DIVISION 5 – PERFORMANCE STANDARDS**

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### **CHAPTER 17.50 – PERFORMANCE STANDARDS**

#### **Sections.**

- 17.50.010 – Purpose.
- 17.50.020 – Applicability and Exempt Uses.
- 17.50.030 – General Standards and Specific Conditions.
- 17.50.040 – Documenting Compliance.
- 17.50.050 – Air Quality.
- 17.50.060 – Cold, Heat and Humidity.
- 17.50.070 – Construction Impacts.
- 17.50.080 – Discharges to Water and Public Sewer System.
- 17.50.090 – Energy Conservation.
- 17.50.100 – Hazardous Materials.
- 17.50.110 – Noise.
- 17.50.120 – Property Maintenance.
- 17.50.130 – Reflective Surfaces.
- 17.50.140 – Vibration.

#### **17.50.010 – Purpose.**

The purpose of this Chapter is to establish performance standards intended to mitigate dangerous or objectionable environmental effects of proposed and existing uses and guard against activities, uses and conditions that would adversely affect the health and safety of residents, the community and the surrounding areas and adjoining premises. When there is an inconsistency between this Chapter and the City's General Plan, the California Building Code or other government regulation, the stricter of the regulations shall apply.

#### **17.50.020 – Applicability and Exempt Uses.**

The performance standards in this Chapter shall apply to all uses and structures in all zoning districts that require approval by the City Council, Planning Commission, Zoning Review Committee or Community Development Director, except for the following:

- A. Legal nonconforming uses, which may have an established right not to comply with the provisions of this Chapter.
- B. Temporary special events approved by the Permit Committee or through other approvals, where such activities otherwise comply with other applicable provisions of the El Monte Municipal Code (EMMC).
- C. Any emergency activity on the part of the federal, state or local government.

- D. Temporary construction activity except where such activity is explicitly regulated per Section 17.50.070 of this Chapter and by other regulations of the EMMC.
- E. Existing uses established prior to January 1, 2022, where a subsequent rezoning or other amendment subjects the property to more restrictive performance standards. Such uses shall not be required to change their operations to comply with the new performance standards. However, if the use expands by more than 25 percent (either by building or land area square footage), such use shall be required to comply with all current standards of the new zoning or other amendment.

#### **17.50.030 – General Standards and Specific Conditions.**

- A. Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious fire, explosive or other hazard that would adversely affect the surrounding area.
- B. These performance standards are general requirements and shall not be construed to prevent the review authority from imposing, as part of project approval, specific conditions that may be more restrictive in order to meet the intent of this Title.

#### **17.50.040 – Documenting Compliance.**

Upon submittal of an application for an entitlement or building permit, the applicant may be required to submit information documenting how the proposed use will comply with all applicable performance standards. This may include information on the proposed machinery, processes and products and their effects on adjacent properties and the environment. Such information may require reports provided by expert consultants. When measurements are necessary, levels of dangerous or objectionable environmental effects shall be measured in accordance with accepted engineering practices.

#### **17.50.050 – Air Quality.**

- A. **Discharge Prohibited.** The operation of any structure or use shall not directly or indirectly discharge air contaminants (e.g. carbon, dust, fumes, gases, mist, noxious acids, odors, particulate matter, smoke, soot and sulfur compounds) into the atmosphere that exceed any federal, state or local air quality standards or that might be obnoxious or offensive to anyone residing or conducting business either on-site or abutting the site.
- B. **Compliance with Rules and Regulations.** Stationary sources of air pollution shall comply with the requirements of the most recent Air Quality Management Plan and any rules identified by the California Environmental Protection Agency (CalEPA), the California Air Resources Board (ARB) and the South Coast Air Quality Management District (SCAQMD).
- C. **SCAQMD Permit Filing Requirements.** If requested by the Community Development Director, operators of uses, activities or processes that require SCAQMD approval to operate shall file a copy of the permit with the Community Development Department within 30 days of approval by SCAQMD.
- D. **Minimum Separation Distances.** The proximity of proposed sensitive land uses to air pollution sources should be considered in the siting of the sensitive use. For the purposes of

this Section, sensitive land uses are those land uses where individuals who are more susceptible to the effects of air pollution (e.g. athletes, children, the elderly, those with illnesses) than the population at large.

**E. Odor Emissions:**

1. No existing or proposed use, activity or process or portion thereof shall discharge from any source whatsoever such quantities of odorous gases or other odorous matter which would cause injury to the public or endanger the comfort, repose, health, and safety of any persons, or would cause or have a natural tendency to cause injury or damage to business or property.
2. All commercial and industrial uses shall be so operated as not to emit matter causing unpleasant odors which are perceptible by the average person at the point of determination established in Table 17.50-1:

| Table 17.50-1 – Point of Odor Determination                                                                                                           |                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| Zone in Which Activities are Located                                                                                                                  | Point of Determination                                          |
| All residentially zoned properties and properties in the Office Commercial (C-1), Neighborhood Commercial (C-2) and Open Space (OS) zoning districts. | At or beyond any lot line of the lot containing the activities. |
| All other zoning districts.                                                                                                                           | At or beyond any boundary of any R zoning district.             |

**F. Dust and Dirt.** Land use activities that may create dust emissions (e.g. construction, grading) shall be conducted so as to create as little dust or dirt emission beyond the boundary line of the parcel as possible, including, but not limited to, the following:

1. Scheduling. Grading activities shall be scheduled to ensure that repeated grading will not be required and that implementation of the proposed land use will occur as soon as possible after grading
2. Operations during high winds. Clearing, earthmoving, excavation operations or grading activities shall cease when the wind speed exceeds 25 miles per hour averaged over one hour.
3. Area of disturbance. The area disturbed by clearing, demolition, earthmoving, excavation operations or grading shall be the minimum required to implement the allowed use.
4. Dust control. During clearing, demolition, earthmoving, excavation operations or grading, dust emissions shall be controlled by regular watering, paving of construction roads or other dust-preventive measures (e.g. hydroseeding), subject to the approval of the City Engineer.
  - a. Material(s) excavated or graded shall be watered to prevent dust. Watering, with complete coverage, shall occur at least twice daily, preferably in the late morning and after work is done for the day.

- b. Material(s) transported off-site shall be either sufficiently watered or securely covered to prevent dust.
  - 5. On-site roads. On-site roads shall be paved as soon as feasible. During construction, roads shall be watered periodically and/or shall be chemically stabilized.
  - 6. Revegetation. Graded areas shall be revegetated as soon as possible to minimize dust and erosion. Portions of the construction site to remain inactive longer than three (3) months shall be seeded and watered until grass cover is grown and maintained, subject to the discretion of the City Engineer.
  - 7. Exhaust emissions. Construction-related exhaust emissions shall be minimized by maintaining equipment in good running condition and in proper tune in compliance with manufacturer's specifications. Construction equipment shall not be left idling for long periods of time.
- G. **Smoke.** No existing or proposed use, activity or process or portion thereof shall, from any source whatsoever, discharge smoke or other particulate matter into the atmosphere, except as may be permitted by the SCAQMD.

**17.50.060 – Cold, Heat and Humidity.**

- A. **Cold and Heat.** Every existing or proposed use, activity or process producing heat or cold shall be carried on in such a manner that the heat or cold caused is not perceptible at or beyond any property line. The presence of heat in the form of heat waves within the boundaries of a property shall not in itself constitute a violation of this Section.
- B. **Humidity.** Every existing or proposed use, activity or process producing humidity in the form of steam or moist air shall be carried on in such a manner that the humidity caused is not perceptible at or beyond any property line. The presence of humidity in the form of steam or moist air within the boundaries of a property shall not in itself constitute a violation of this Section.

**17.50.070 – Construction Impacts.**

Any nonresidential or multiuse project that requires discretionary approvals that include the demolition of more than 5,000 square feet and/or the construction of more than 2,500 square feet or any residential project that includes the construction of two (2) or more units, shall comply with the following construction impact requirements:

- A. **Notification of Construction.** The applicant shall distribute a notice to all residents within 300 feet of the project boundaries prior to the commencement of construction activities. The notice shall include the contact information of the project manager and Planning Division staff.
- B. **Securement of Site.** Prior to commencing demolition and site preparation activities, the project site shall be secured with a temporary fence to prevent unauthorized access to the site and the fence shall contain a screening material to screen construction activities from view. The temporary fence may be chain link and shall be maintained in good condition (free of tears, holes, crack lines, debris, etc.) at all times. The temporary fence shall not exceed a

height of six (6) feet in 4 residential zoning districts and a height of eight (8) feet in all other zoning districts. At the primary entrance to the site, the temporary fence should be reduced to a height of four (4) feet to provide visibility into the site at all times and for public safety purposes.

- C. **Preconstruction Meeting.** Prior to the commencement of demolition and construction on the site, the applicant should schedule a pre-construction meeting between the general superintendent or field representative and the Planning Division to discuss the approved plans and construction requirements.
- D. **Construction Hours:**
  - 1. Residential zoning districts. Construction activities shall be limited to 7:00 a.m. to 6:00 p.m. on Mondays through Fridays and 8:00 a.m. to 6:00 p.m. on Saturdays. No construction shall occur on Sundays or federal holidays.
  - 2. All other zoning districts. Construction activities shall be limited to 6:00 a.m. to 7:00 p.m. on Mondays through Fridays and 8:00 a.m. to 7:00 p.m. on Saturdays and Sundays. No construction shall occur on federal holidays.
  - 3. All projects. The Community Development Director may extend the construction hours beyond those listed above provided the applicant has demonstrated that: it is a necessity; additional measures have been taken to reduce noise impacts on adjacent properties; all residentially zoned or used properties have been notified; and the duration will not extend beyond ten (10) consecutive days.
  - 4. The construction hours listed above may be further limited by the City Council, Planning Commission, Zoning Review Committee or Community Development Director as a condition of approval.
  - 5. If there are any conflicts between the regulations of this Section and Chapter 8.36 (Noise Controls) of the EMMC, the stricter of the two (2) shall apply.
- E. **Truck/Traffic Management Plan.** A truck/traffic management plan should be required for the project pursuant to the City's Public Works Department. All construction traffic regarding the movement of heavy equipment and graded materials shall be limited to off peak hours. This plan shall be approved by the Public Works Department and Planning Division prior to the issuance of building permits.
- F. **Staging Areas.** A staging area for the project shall be approved by Planning Division staff prior to the issuance of building permits. All construction related activities are prohibited within the public right-of-way. All such activities shall be conducted on the project site or another designated property within 500 feet of the project site.
- G. **Refuse Disposal.** All construction and demolition debris shall be removed from the property in compliance with state law and Chapter 8.20 (Solid Waste – Removal, Collection, Disposal and Diversion) of the EMMC. The removal of all solid waste arising out of the construction and demolition process shall be undertaken by a duly franchised solid waste hauler authorized to provide solid waste services for construction and demolition projects within the City. The removal of all other waste from the property shall be undertaken by a duly



franchised solid waste hauler authorized to provide solid waste services to residential and commercial properties within the City.

1. Prior to the issuance of a building permit, the applicant shall submit to the Building and Safety Division and the Code Enforcement Division, the name and contact information for the contracted waste hauler. It shall be the developer's obligation to ensure that the waste contractor utilized has obtained permits from the City to provide such services.
  2. Prior to final approval for occupancy, and in addition to any other requirements set forth under the EMMC or by the Chief Building Official, the developer shall submit to the Building and Safety Division, the receipt(s) showing evidence that the waste and debris generated during the construction process were properly disposed and/or diverted.
  3. Except as otherwise authorized pending the completion of the construction and demolition activities authorized under this Section, solid waste containers and bulky items may not be stored or maintained at locations designated for parking and must be maintained in those locations designated for the temporary storage of solid waste and bulky items.
- H. **Maintenance.** The project site and the public right-of-way adjacent to any portions of the site shall be maintained in a condition which is free of debris both during and after the construction, addition or implementation of the entitlements granted by the City.

**17.50.080 – Discharges to Water or Public Sewer System.**

- A. Discharges to groundwater or waterways, whether direct or indirect, shall conform with all requirements of the EMMC, as well as requirements of the Regional Water Quality Control Boards, the California Department of Fish and Wildlife and any other regulatory agency with jurisdiction over the activity.
- B. Discharges to the City sewer system, whether direct or indirect, shall conform with all requirements of the EMMC.

**17.50.090 – Energy Conservation.**

The use of conventional energy sources for space heating and cooling, water heating and illumination shall be minimized by means of proper design and orientation, including provision and protection of solar exposure.

**17.50.100 – Hazardous Materials.**

- A. **Required Entitlements.** A Conditional Use Permit is required for the storage of hazardous materials in conjunction with an on-site primary use in the Light Manufacturing (M-1) and General Manufacturing (M-2) zoning districts.
- B. **Reporting Requirements.** All businesses required by state law (per Chapter 6.95 of the California Health and Safety Code) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Community Development Director.

- C. **Underground Storage.** Underground storage of hazardous substances shall comply with all applicable requirements of state law (Chapter 6.7 of the California Health and Safety Code and Section 79.1 13(a) of the Uniform Fire Code). Businesses that use underground storage tanks shall notify the Community Development Director of any proposed abandoning, closing or ceasing operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.
- D. **Aboveground Storage.** Aboveground storage tanks for flammable liquids may be allowed subject to the approval of the Fire Department.
- E. Any other use, handling, storage and distribution of hazardous materials shall comply with the applicable provisions of the California Hazardous Materials Regulations and the California Fire and Building Codes, as well as the laws and regulations of the California Department of Toxic Substances Control. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system, or into the ground.

**17.50.110 – Noise.**

- A. **Ambient Noise Standards.** Unless otherwise specifically indicated, the following ambient noise standards shown in Table 17.50-2 shall apply to all property within their assigned zoning districts and said standards shall constitute the permissible noise level:

| Table 17.50-2 – Permissible Noise Levels |                         |                         |
|------------------------------------------|-------------------------|-------------------------|
| Zoning Districts                         | 7:00 a.m. to 10:00 p.m. | 10:00 p.m. to 7:00 a.m. |
| One-family zoning districts              | 50 dBA                  | 45 dBA                  |
| Multiple-family zoning districts         | 55 dBA                  | 50 dBA                  |
| Commercial and Multiuse zoning districts | 65 dBA                  | 60 dBA                  |
| Manufacturing zoning districts           | 70 dBA                  | 70 dBA                  |

1. It is unlawful for any person to create any noise which would cause the noise level at the property line of any property to exceed the ambient noise level by more than five (5) decibels for a cumulation period of 15 minutes in any hour.
  2. At the boundary line between a residential zoning district and a commercial and/or manufacturing zoning district, the noise level of the residential zoning district shall be used.
  3. If a residential use is located within a commercial or manufacturing zoning district, the ambient noise level shall not exceed 50 dBA between the hours of 10:00 p.m. and 7:00 a.m.
- B. **Corrections to Noise Limits.** The numerical limits given in Subsection (A) above shall be adjusted by the corrections outlined in Table 17.50-3.

| Table 17.50-3 – Corrections to Noise Limits (between 7:00 a.m. and 10:00 p.m.)                             |                   |
|------------------------------------------------------------------------------------------------------------|-------------------|
| Noise Condition                                                                                            | Correction in dBA |
| Impulsive sound, pure tone or sounds with a cyclically varying amplitude.                                  | -5 dBA            |
| Noise occurring for a cumulation period of more than five (5) minutes but less than 15 minutes in an hour. | +5 dBA            |
| Noise occurring more than one (1) minute but less than five (5) minutes in any hour.                       | +10 dBA           |
| Noise occurring less than one (1) minute in any hour.                                                      | +15 dBA           |

**C. Special Noise Sources:**

1. **Radios, Television Sets and Similar Devices.** Any noise level from the use or operation of any radio receiving set, musical instruments, phonograph, television set, computer, phone or other machine or device for the producing or reproducing of sound at any hour of the day, which exceeds the noise limit at the property line of any receiving property shall be a violation of the provisions given in Subsection (A) above.
2. **Machinery, Fans and Other Mechanical Devices.** Any noise level from the use or operation of any machinery, equipment, pump, fan, air conditioning apparatus, refrigerating equipment, motor vehicle, or other mechanical or electrical device, or in repairing or rebuilding any motor vehicle which exceeds the noise limits at any property line, of any receiving property shall be a violation of the provisions given in Subsection (A) on the previous page.

**D. Amplified Sound.** The use of loudspeakers or sound amplifying equipment which exceeds the noise limits at any property line of a receiving property shall be a violation of Subsection (A) on the previous page.

**E. Loading/Unloading.** In residential zoning districts, the opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance is not permitted between the hours of 10:00 p.m. and 7:00 a.m.

**F. Exemptions:**

1. Lawfully conducted parades or assemblies;
2. Emergency work;
3. All operations and activities the control of which is by law exclusively vested in another agency of government;
4. Bells or chimes while being used in conjunction with religious or patriotic services; and
5. The provisions of this regulation shall not preclude the construction, operation, maintenance, and repairs of equipment, apparatus, or facilities of park and recreation departments, public work projects, or essential public services and facilities, including those of public utilities subject to the regulatory jurisdiction of the California Public Utilities Commission.

- G. **Other Provisions.** If there are any conflicts between the regulations of this Section and Chapter 8.36 (Noise Controls) of the EMMC, the stricter of the two shall apply.

**17.50.120 – Property Maintenance.**

A. **Applicability:**

1. New residential and nonresidential projects with three (3) or more ownership units; and
2. Other projects as conditioned by the City Council, Planning Commission, Zoning Review Committee or Community Development Director.

- B. **Requirement.** Covenants, Conditions and Restrictions (CC&Rs) for property maintenance shall be submitted to the City for review by the City Attorney and shall be approved and recorded prior to the issuance of building permits. The CC&R's should include, but not be limited to, the following:

1. The Owners' Association shall be administered by a professional property management company;
2. The proper marking of all guest parking spaces for residential projects;
3. The timely removal of all trash and graffiti found on the property; and
4. The timely maintenance, repair and upkeep of all buildings, structures and/or other improvements, parking areas/stripping, pedestrian pathways/open space areas, lighting and irrigation fixtures, signage, walls and fencing, landscaping and related landscape improvements.

**17.50.130 – Reflective Surfaces.**

A. **One-family (R-1) and Low-density Multiple-family Dwelling (R-2) Zoning Districts:**

1. Reflective glass shall not be permitted.
2. Metallic finishes (e.g. exposed metal cladding) shall not exceed a Solar Reflectance Index of 40. This may be exceeded, subject to the approval of a Minor Design Review.

B. **All Other Zoning Districts:**

1. Reflective glass:
  - a. Ground floor. The use of clear glass is required when facing the public right-of-way, a driveway or required parking-and shall not later be treated so as to become opaque or to be blocked so as to prevent visibility of the interior.
  - b. Rest of the building. Reflective glass, tinted glass or other mirror-like materials that are highly reflective shall not cover more than 25 percent of a structure's surface. This may be exceeded, subject to the approval of a Minor Design Review.
2. Metallic finishes (e.g. exposed metal cladding) shall not exceed a Solar Reflectance Index of 50. This may be exceeded, subject to the approval of a Minor Design Review.
3. Exterior paint colors shall not exceed a Solar Reflectance index of 70. This may be exceeded, subject to the approval of a Minor Design Review.

- C. Refer to Section 17.60.050 (General Property Development Standards – Outdoor Lighting) of this Title for additional requirements.

**17.50.140 – Vibration.**

All uses shall be so operated so as not to generate vibration discernible without instruments by the average person while on or beyond the lot upon which the source is located or within an adjoining enclosed space if more than one establishment occupies a structure. Vibration caused by motor vehicles, trains and temporary construction is exempted from this standard.

## **DIVISION 6 – GENERAL DEVELOPMENT STANDARDS**

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### **CHAPTER 17.60 – GENERAL DEVELOPMENT STANDARDS**

#### **Sections.**

- 17.60.010 – Purpose and Applicability.
- 17.60.020 – Flag Lots.
- 17.60.030 – Height Exceptions and Restrictions.
- 17.60.040 – Outdoor Display and Storage.
- 17.60.050 – Outdoor Lighting.
- 17.60.060 – Physical Cart Containment Measures.
- 17.60.070 – Private Streets and Shared Driveways.
- 17.60.080 – Refuse Storage Facilities.
- 17.60.090 – Satellite Dish Antennas.
- 17.60.100 – Screening.
- 17.60.110 – Security Bars and Gates.
- 17.60.120 – Walls, Fences and Hedges.
- 17.60.130 – Yard Encroachments.

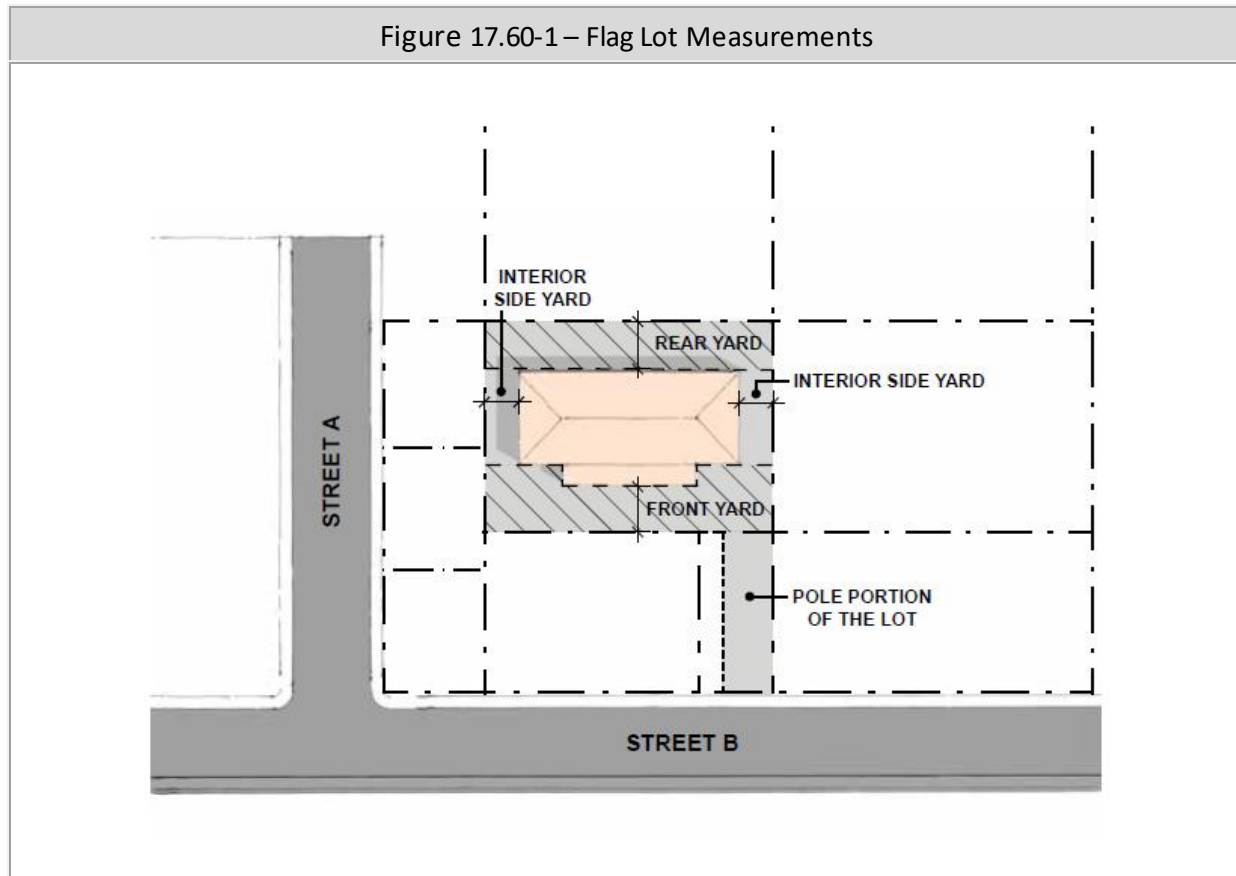
#### **17.60.010 – Purpose and Applicability.**

The purpose of this Chapter is to prescribe development standards and site regulations that apply, except where specifically stated, to all zoning districts. These standards shall be used in conjunction with the standards for each zoning district established in this Title (zones, allowable uses, development and design standards). In any case of conflict, the standards specific to the zoning district shall override these general standards.

#### **17.60.020 – Flag Lots.**

- A. **New Flag Lots.** The creation of new flag lots shall be prohibited.
- B. **Pole Portion of Existing Flag Lots.** The pole portion of the lot should function primarily as an accessway from the street to the main body of the property. The pole or post portion shall be less than 40 feet wide. New structures shall be limited to a garage and/or Accessory Dwelling Unit (ADU).
- C. **Designation of Property Lines:**
  - 1. Front property line. The front property line shall be the lot boundary that mostly nearly parallels the public or private street providing access to the lot, and which abuts the end of the pole, but does not include the pole. If the pole is not at a 90-degree angle to the front property line, the front property line shall be calculated as if the front property line continued by drawing an imaginary line to the pole.
  - 2. Rear property line. The rear property line shall be the lot boundary opposite the front property line.

3. Interior side property line. The interior side property line shall be any lot boundary that does not abut a public or private street, and which is not a front or rear property line, exclusive of the pole portion of the lot.
- D. **Lot Width and Depth.** The pole portion of the lot shall not be included in determining the lot width or depth.
- E. **Floor Area Ratio (FAR) and Lot Coverage.** The pole portion of the lot shall not be included in determining the FAR or lot coverage.
- F. Refer to Figure 17.60-1 for information in a graphics form:



### **17.60.030 – Height Exceptions and Restrictions.**

#### **A. Ancillary Roof Mounted Items:**

1. Single-family zoning districts. No roof mounted structures or equipment shall exceed the height limit provided in this Title. All roof mounted equipment shall be fully screened from the public right-of-way.
2. Multiple-family zoning districts. Penthouse or roof structures for the housing of elevators and stairways may exceed the height limits provided in this Title by a maximum of ten (10) feet provided: (i) it does not cover more than 20 percent of the entire roofed area; and (ii) it is fully screened from the public right-of-way.

3. Commercial and multiuse zoning districts.

- a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilation fans, or similar equipment, may exceed the height limit provided in this Title by a maximum of 15 feet provided: (i) it does not cover more than 25 percent of the entire roofed area; and (ii) it is fully screened from the public right-of-way.
- b. Architectural features such as steeples, spires, bell towers, that do not provide any floor area, may exceed the height limit provided in this Title by a maximum of 15 feet through the Design Review process. However, it shall be purely for decorative reasons and shall not provide any additional building square footage.

4. Manufacturing zoning districts.

- a. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilation fans, or similar equipment, may exceed the height limit provided in this Title by a maximum of 20 feet provided: (i) it does not cover more than 35 percent of the entire roofed area; and (ii) it is fully screened from the public right-of-way.
- b. Architectural features such as steeples, spires, bell towers, that do not provide any floor area, may exceed the height limit provided in this Title by a maximum of 20 feet through the Design Review process. However, it shall be purely for decorative reasons and shall not provide any additional building square footage.

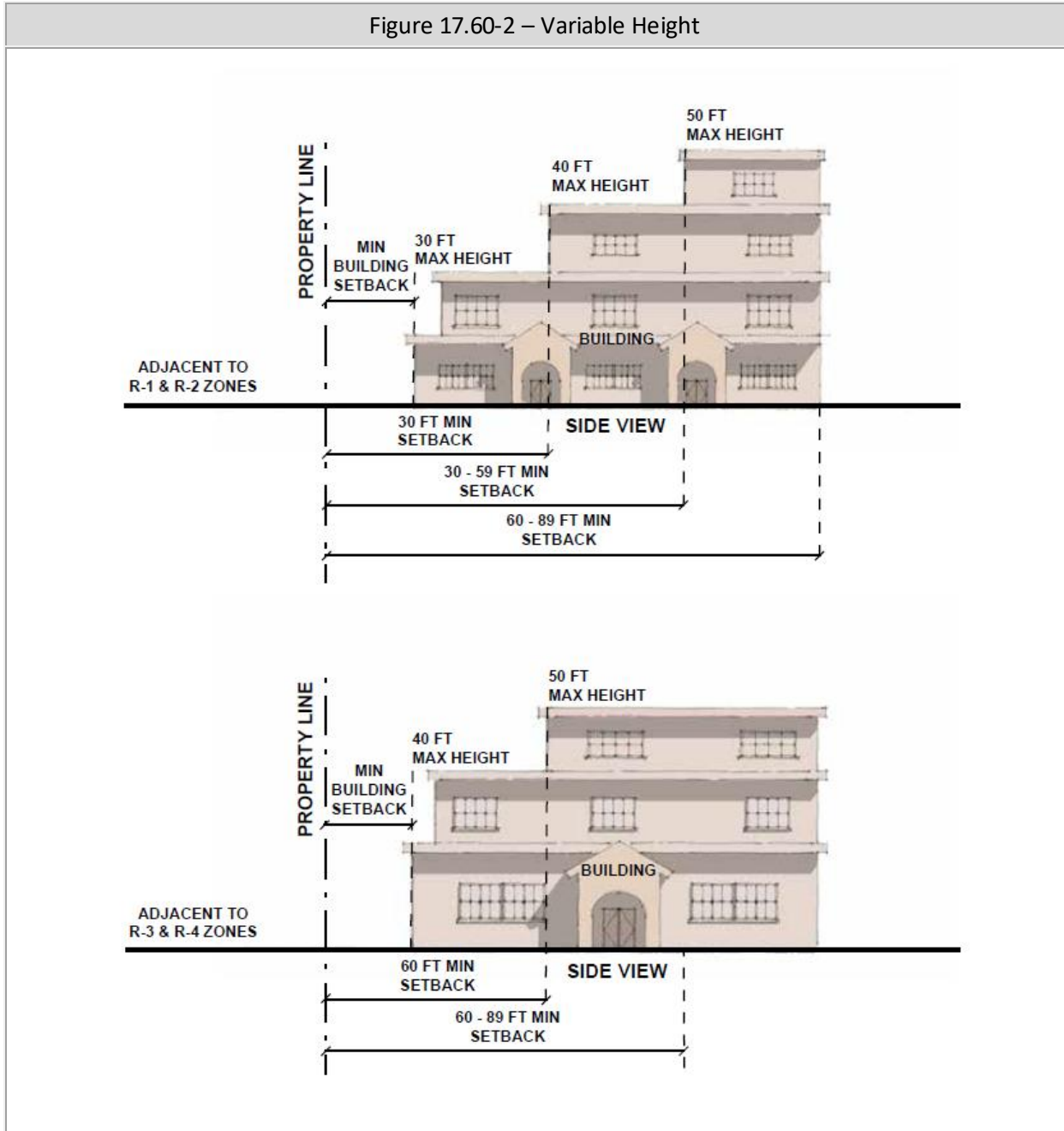
5. All zoning districts. Radio and television masts, flagpoles and chimneys may extend up to ten (10) feet above the height limit provided in this Title.

- B. **Variable Height Requirements.** With the exception of what is permitted in Subsection (A) above and on the previous page, Table 17.60-1 prescribed the maximum height limits when adjacent to certain zoning districts. Refer to Figure 17.60-2 for information in a graphics form.

| Table 17.60-1 – Variable Height |                   |                                                                         |
|---------------------------------|-------------------|-------------------------------------------------------------------------|
| Adjacent Zoning District        | Minimum Setback   | Maximum Height                                                          |
| R-1 and R-2 zoning districts    | Less than 30 ft.  | 30 feet                                                                 |
|                                 | 30 ft. to 59 ft.  | 40 feet or as permitted per specific zoning district, whichever is less |
|                                 | 60 ft. to 89 ft.  | 50 feet or as permitted per specific zoning district, whichever is less |
|                                 | 90 ft. or greater | As permitted per specific zoning district                               |
| R-3 and R-4 zoning districts    | Less than 60 ft.  | 40 feet or as permitted per specific zoning district, whichever is less |
|                                 | 60 ft. to 89 ft.  | 50 feet or as permitted per specific zoning district, whichever is less |
|                                 | 90 ft. or greater | As permitted per specific zoning district                               |



| Table 17.60-1 – Variable Height (continued)                              |                   |                                                                         |
|--------------------------------------------------------------------------|-------------------|-------------------------------------------------------------------------|
| Adjacent Zoning District                                                 | Minimum Setback   | Maximum Height                                                          |
| When abutting playgrounds or playfields in the PF or OS zoning districts | Less than 40 ft.  | 40 feet or as permitted per specific zoning district, whichever is less |
|                                                                          | 40 ft. or greater | As permitted per specific zoning district                               |



**17.60.040 – Outdoor Display and Storage.**

- A. **Office Commercial (C-1), Mixed/Multiuse (MMU) and Urban/Multiuse (UMU) Zoning Districts.** Outdoor display and/or storage shall be prohibited. Nonconforming uses in existence prior to January 1, 2022 shall follow the standards for the Neighborhood Commercial (C-2) zoning district.
- B. **Neighborhood Commercial (C-2) and General Commercial (C-3) Zoning Districts:**
1. Display and/or storage areas:
    - a. Shall be incidental to the permitted or conditionally permitted use on the property (unless the primary use is specifically related to outdoor storage or display).
    - b. Shall not occupy any pedestrian walkway, vehicular driveway, parking space or loading space;
    - c. Shall be located on the rear one-half (½) of the property and shall occupy no more than 25 percent of the entire property (unless the primary use is specifically related to outdoor storage or display) and designed to avoid noise, odor, glare, or vibration impacts to neighboring properties; and
  2. Storage areas only:
    - a. Shall be completely enclosed by existing structures or solid masonry walls (with necessary gates constructed with approved screening material). Walls shall comply with Section 17.60.120 of this Chapter; and
    - b. Shall not have any equipment or materials that exceed the height of the structure or wall enclosing the storage area.
- C. **Light Manufacturing (M-1) and General Manufacturing (M-2) Zoning Districts:**
1. Display and/or storage areas:
    - a. Shall be incidental to the permitted or conditionally permitted use on the property (unless the primary use is specifically related to outdoor storage or display).
    - b. Shall not occupy any pedestrian walkway, vehicular driveway, parking space or loading space;
    - c. Shall be located and designed to avoid noise, odor, glare, or vibration impacts to neighboring properties; and
  2. Storage areas only:
    - a. All storage areas shall be completely enclosed by existing structures or solid masonry walls (with necessary gates constructed with approved screening material). Walls shall comply with Section 17.60.120 of this Chapter; and
    - b. The storage area shall not have any equipment or materials that exceed the height of the structure or wall enclosing the storage area.

- D. **Parking Requirements.** Refer to Section 17.70.050 (Parking Regulations – Required On-site Parking for Nonresidential Uses) of this Title.

**17.60.050 – Outdoor Lighting.**

- A. **Lighting Plan.** The submittal of a lighting plan is required as part of an entitlement that includes new construction (except for properties developed with one (1) single-family dwelling, including properties developed with an Accessory Dwelling Unit (ADU), Junior ADU or urban dwelling). All lighting plans shall be prepared by a qualified lighting engineer.
- B. **Performance Standards:**
1. All lights shall be directed, oriented, and shielded to prevent light trespass or glare onto adjacent properties, onto the public right-of-way and/or driveway areas.
  2. Exterior lighting shall demonstrate an efficient distribution of lighting using low-glare, low-light pollution fixtures for lighting building exteriors and surrounding areas.
  3. Motion detector lighting fixtures are allowed; provided, that:
    - a. There is no light trespass or spillover onto adjacent properties;
    - b. The fixtures are mounted within five (5) feet of an entrance or exit door, garage door, or alcove of a structure;
    - c. Installed no more than eight (8) feet above the ground; and
    - d. Illuminated with a maximum of two (2) light bulbs of no more than 75 watts each.
  4. Exterior lighting shall be turned off during daylight hours. As used herein, “daylight hours” means the hours between sunrise (dawn) and sunset (dusk).
  5. No permanently installed lighting shall blink, flash or be of unusually high intensity or brightness.
  6. Outdoor lighting shall not be directed skyward with exception to typical landscape lighting meant to accent architectural features of structures, trees and shrubs.
- C. **Lighting in Residential Zoning Districts:**
1. Multiple-family projects. Lighting for safety and/or security purposes shall be provided at entryways, along walkways, between buildings and within parking areas subject to the provisions of this Chapter.
  2. Single-family and multiple-family projects. All outdoor lighting shall comply with the following additional requirements:
    - a. Candlepower. Shall not exceed 0.3 footcandles at property lines.
    - b. Height of fixtures. Shall not exceed a maximum height of 20 feet. If attached to a single-family residence, the lighting shall not exceed the height of the roof eave.
    - c. Lighting design. Lighting poles and fixtures shall complement the overall site architecture and design in terms of scale, color, and style.

**D. Lighting in Nonresidential Zoning Districts:**

1. Lighting for safety and/or security purposes shall be provided at entryways, along walkways, between buildings and within parking areas subject to the provisions of this Chapter.
2. Neon lighting for nonresidential uses are permitted under the following circumstances:
  - a. As part of a sign, pursuant to Chapter 17.80 (Signage Regulations) of this Title.
  - b. As part of the architectural theme of a building, subject to Design Review approval.
3. All outdoor lighting shall comply with the following additional requirements:
  - a. Minimum candlepower:
    - i. Residential uses. Lighting for safety and/or security purposes shall be provided within parking areas subject to the provisions of this Chapter.
    - ii. Nonresidential uses. Lighting for parking lots shall be one (1) foot candlepower across 85 percent or more of the surface of the parking area.
  - b. Maximum candlepower. Lighting shall not exceed (1) foot candlepower on any adjacent residentially zoned property.
  - c. Height of fixtures/poles. Lights mounted on poles or structures intended primarily for mounting lights shall not exceed a maximum height of 30 feet in manufacturing zoning districts and 25 feet in all other nonresidential zoning districts, except that lighting attached to a single-story building shall not exceed the height of the roof eave.
  - d. Lighting design. Parking lot lighting poles and fixtures shall complement the overall site architecture and design in terms of scale, color and style. Exterior building lights shall complement the overall building appearance.

**E. Lighting for Special Uses:**

1. Safety and/or security purposes. Lighting shall be provided at entryways, along walkways, between buildings and within parking areas subject to the provisions of this Chapter.
2. Vehicles sales. Areas for the display of vehicles shall be allowed to use lighting that provides for accurate color rendition of the vehicles.
3. Drive-thru facilities. Drive-thru lanes shall provide adequate screening to ensure that vehicle headlights do not cause nuisance glare or disabling glare to drivers or pedestrians or otherwise result in light trespass.
4. Outdoor recreation facilities and outdoor commercial amusement facilities. Lighting shall be adequately shielded to direct light rays onto the activity area of the facility only. There shall be no illumination of outdoor recreational facilities unless the facilities are being utilized.

5. Service stations. All light sources, including canopy, perimeter and flood, shall be stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and the public right-of-way. Lighting shall not be of such a high intensity as to cause nuisance glare or disabling glare to drivers or pedestrians, or result in light trespass to nearby properties. No luminaire shall be higher than 15 feet above finished grade.
  6. Vacant and abandoned properties. Exterior light fixtures shall be maintained in good working order, free of broken lamps, lenses and light bulbs.
- F. Refer to Section 17.50.130 (Performance Standards – Reflective Surfaces) of this Title for additional requirements.

**17.60.060 – Physical Cart Containment Measures.**

- A. **Applicability.** Any business establishment that uses carts in its operations, or that provides, or otherwise makes available shopping carts for use by its customers, shall be required to employ and/or install physical containment devices and/or equipment designed to prevent the unauthorized removal of such carts from the premises where they are located. Refer to Chapter 5.25 (Use of Shopping and Laundry Carts) of Title 5 (Business License and Regulations) of this Title for additional requirements.
- B. **Containment Options.** Each business establishment shall be required to employ and/or install one (1) or more of the following physical containment measures:
1. Equipping all carts with a wheel locking or stopping mechanism used in conjunction with an electronic or magnetic barrier running along or within the perimeter of the premises. Such wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;
  2. Equipping all carts with devices and/or equipment which physically prevents the carts from being removed from the interior of any building or structure in which they are used;
  3. Installing physical barriers within all buildings or structures which physically prevent carts from being removed from the interior of any building or structure in which they are used; and/or
  4. Installing a physical barrier system designed to reliably prevent the removal of carts from the territorial boundaries of the premises, provided, however, that such barrier system shall be designed to be architecturally and aesthetically consistent and compatible with other on premise improvements.
- C. **Routine Cart Collection:**
1. All carts located on the premises of the business establishment (other than an establishment open for business 24 hours per day) shall be collected at the end of each business day by employees of the business establishment and shall be collectively confined in a secure manner at a designated cart confinement area until the commencement of the next business day.

2. All carts located on the premises of any business establishment open for business 24 hours per day, other than carts then currently in use by a customer, shall be collected by employees of the business establishment and returned to the designated cart confinement area on the premises at least twice per calendar day between the hours of 1:00 p.m. and 5:00 p.m. and the hours of 8:00 p.m. and 1:00 a.m. for each day the business establishment is open for business. The provisions of this element shall not apply to carts which are physically confined within an enclosed building.
- D. **Cart Corrals and Storage Areas.** All business establishments providing shopping carts for its customers that can be transported outside the business establishment's building shall provide/construct cart corrals and/or cart storage areas on the premises in which the business establishment is located as follows:
1. For business establishments providing 30 or fewer shopping carts for use by its customers. The owner shall provide a minimum of two (2) portable cart corral(s) within the parking area. Said corrals shall be secured to the pavement for stability and to avoid obstruction of parking stalls.
  2. For business establishments providing more than 30 shopping carts for use by its customers. The owner shall construct permanent cart corrals and/or storage areas within the parking area and adjacent to the building utilizing materials complementary to the main building. Parking area cart corrals shall be enclosed on each side by a decorative masonry base between 12 and 18 inches in height, topped with a decorative iron or tubular steel fence providing an overall corral height (masonry plus fencing) of 42 inches. An alternative design may be considered through the Design Review or Minor Design Review process.
  3. For business establishments proposing an expansion. For business establishment providing shopping carts that undergo an expansion resulting in an increase in gross floor area of 35 percent or more shall be required to provide/construct cart corrals and/or cart storage areas on the premises in which the business establishment is located in a number and design consistent with the guidelines set forth in this Section.

**17.60.070 – Private Streets and Shared Driveways.**

**A. Private Streets:**

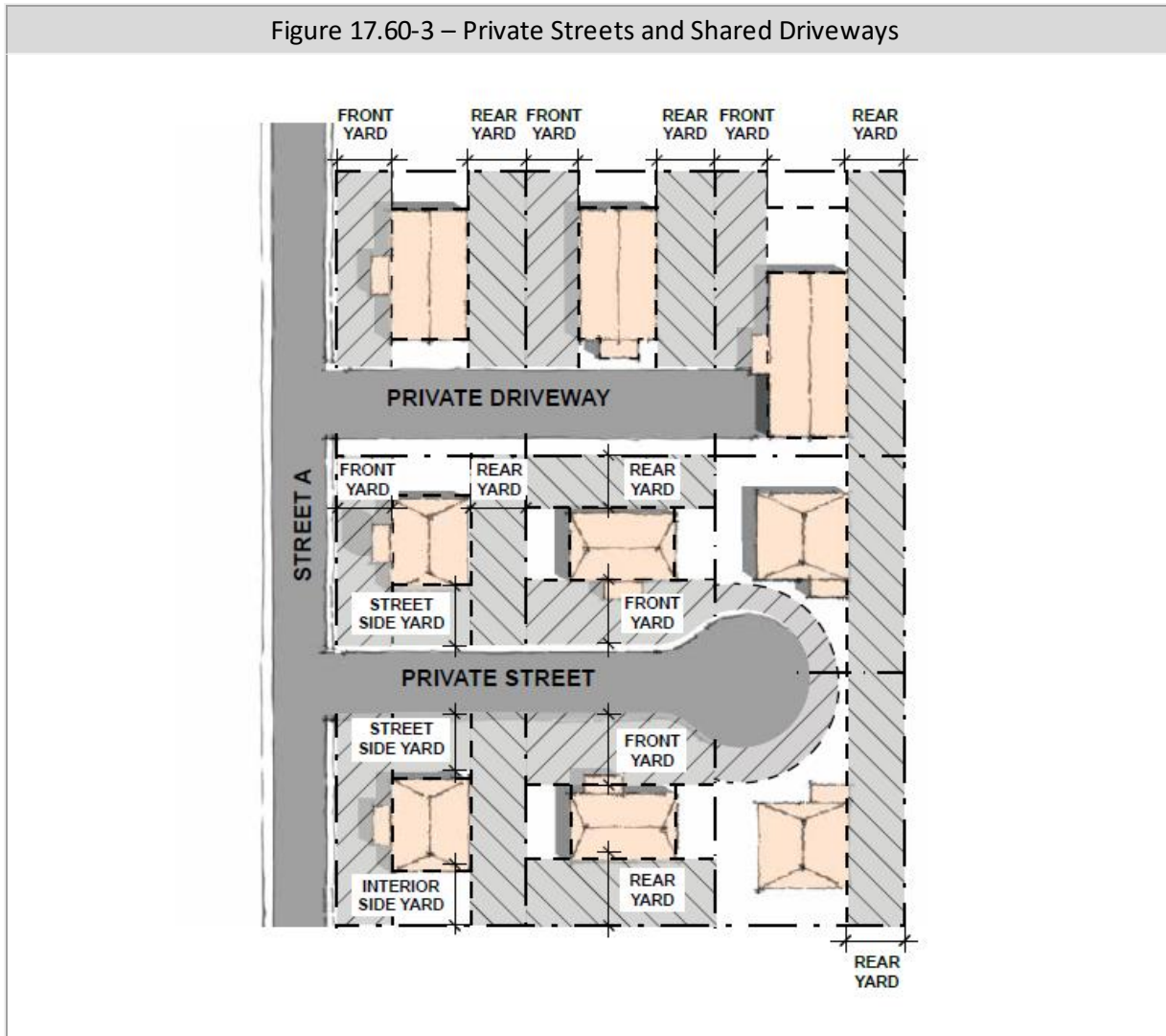
1. Minimum setbacks for the front dwelling:
  - a. Front lot line. The front lot line shall be the lot boundary that abuts the public street.
  - b. Rear lot line. The rear lot line shall be the lot boundary opposite the front lot line.
  - c. Side lot lines. The side lot line that abuts the private street shall be defined as the street side lot line. The line opposite the street side property line shall be the interior side lot line.
  - d. For parcels that have identical or near identical public and private street frontages, or where both frontages are private streets, the Community Development Director

may determine which is the front. The lot frontage shall mean the horizontal distance between the side lot lines measured along the front lot line.

2. Designation of property lines for the interior dwellings:
  - a. Front lot line. The front lot line shall be the lot boundary that directly abuts the private street line.
  - b. Rear lot line. The rear lot line shall be the lot boundary opposite the front lot line.
  - c. Interior side lot lines. Lot lines that are not the front or rear lot lines.
- B. **Shared Driveways with Access Easements.** New private driveways using access easements to serve a landlocked parcel with an ownership unit shall be prohibited, except as outlined in Chapter 16.25 (Urban Lot Splits) of Title 16 (Subdivision Ordinance).
- C. **Shared Driveways under Common Ownership and Nonconforming Driveways with Access Easements:**
  1. Minimum setbacks for the front dwelling:
    - a. Front property line. The front property line shall be the lot boundary that abuts the public or private street.
    - b. Rear property line. The rear property line shall be the lot boundary opposite the front property line.
    - c. Side property lines. The side property line that abuts the shared driveway shall be defined as the street side property line. The line opposite the street side property line shall be defined as an interior side property line.
  2. Designation of property lines for the interior dwellings:
    - a. Front property line. The front property line shall be the lot boundary that mostly nearly parallels the front property line of the front dwelling.
    - b. Rear property line. The rear property line shall be the lot boundary opposite the front property line.
    - c. Side property lines. The side property line that abuts the shared driveway shall be defined as the street side property line. The line opposite the street side property line shall be defined as an interior side property line.
  3. These standards shall not apply to multiple-family projects with three (3) or more dwellings.
- D. **Floor Area Ratio (FAR), Lot Coverage and Density.** The square footage for the shared driveway may count towards calculating the maximum FAR, lot coverage and density. However, a private street shall not count towards calculating the maximum FAR, lot coverage and density.
- E. **Director's Determination.** For existing projects constructed prior to January 1, 2022, the Community Development Director may revise how the property lines are designated, provided all interior lot lines are consistently defined, and the designation does not increase

the original project's nonconformity. Such an action shall be documented as a Director's Determination and shall apply to all properties that abut the shared driveway or street.

F. Refer to Figure 17.60-3 for information in a graphics form:



#### **17.60.080 – Refuse and Recycling Storage Facilities.**

##### **A. Residential Projects:**

1. Projects with less than five (5) dwelling units. Individual receptacles shall not be located within the front yard or street side yard. In addition, the receptacles shall be fully screened from the public right-of-way. For projects with two (2) to four (4) dwellings, the applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlement or the issuance of any building permit, whichever occurs first.
2. Projects with five (5) or more rental units. Common receptacles shall be provided in sufficient quantity to accommodate all refuse and recycling generated. The applicant



shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlements.

3. Projects with five (5) or more ownership units. In lieu of Subsection (A)(2) above, individual receptacles for each unit may be requested. A refuse plan shall be submitted showing where the receptacles will be stored for each unit and where the receptacles will be located for pick-up. If the receptacles will remain on-site, the plan shall also show the truck route on how the refuse will be picked-up. The receptacles shall not block access to any required parking. The applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlement.
4. Individual receptacles within garages. The area reserved for the receptacles shall not infringe upon the minimum dimensions required for the enclosed parking spaces.

**B. Nonresidential Projects and the Commercial Portion of Multiuse Projects:**

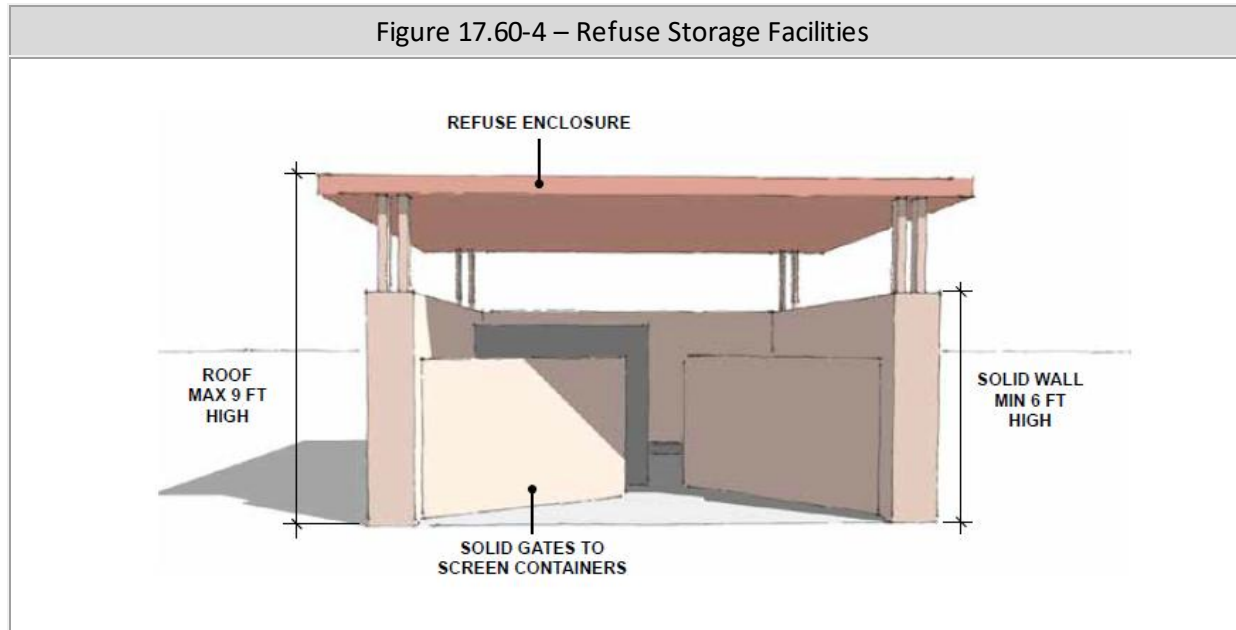
1. New projects. Common receptacles shall be provided in sufficient quantity to accommodate all refuse and recycling generated. The applicant shall submit a refuse plan for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlements.
2. For establishments proposing an expansion. For establishment providing shopping carts that undergo an expansion resulting in an increase in gross floor area of 35 percent or more shall be required to comply Subsection (B)(1) above and Subsection (C) below. This requirement may also be conditioned through the entitlement process, even if no additional square footage is proposed.

**C. Refuse Enclosures Design Requirements:**

1. Common receptacles shall not be located within the front yard or street side yard. In addition, it should be located away from adjacent properties zoned residential.
2. Common receptacles shall be on a paved surface and enclosed on at least three (3) vertical sides by a solid six (6) foot high wall and on the fourth side by a solid gate to screen the containers from view. The gate shall be hung on separate posts of two (2) and one-half (½) inch standard weight galvanized pipe. A roof shall also be provided for the enclosure.
3. A five (5) inch by eight (8) inch raised curb shall be constructed along the inside base of the enclosure walls.
4. The finish and color of the enclosure, gate and roof shall be decorative and shall incorporate primary elements from the site building style. Chain link fencing shall not be permitted; and
5. Landscaping on and around the refuse enclosure is highly encouraged. This may include vines on the walls or trellis.

6. Common receptacles incorporated within the design of a building or parking structure. Such receptacles do not need to meet the design requirements outlined above. However, the receptacles shall be screened from view on all sides.

D. Refer to Figure 17.60-4 for information in a graphics form:



#### **17.60.090 – Satellite Dish Antennas.**

Every satellite dish antenna as defined in Chapter 17.152 (General Definitions) of this Title shall comply with the following requirements:

##### **A. Residential Uses:**

1. Satellite dish antennas may be attached to the roof or wall of a building, provided it does not exceed a diameter greater than two (2) feet.
2. Satellite dish antennas may be ground mounted, provided they are not located within the front or street side yard setbacks.
3. Pole mounted antennas shall not be permitted. In addition, guy wires shall not be anchored within the front or street side yard setbacks.
4. Dish antennas shall be fully screened from the public right-of-way with dense landscaping or other materials.

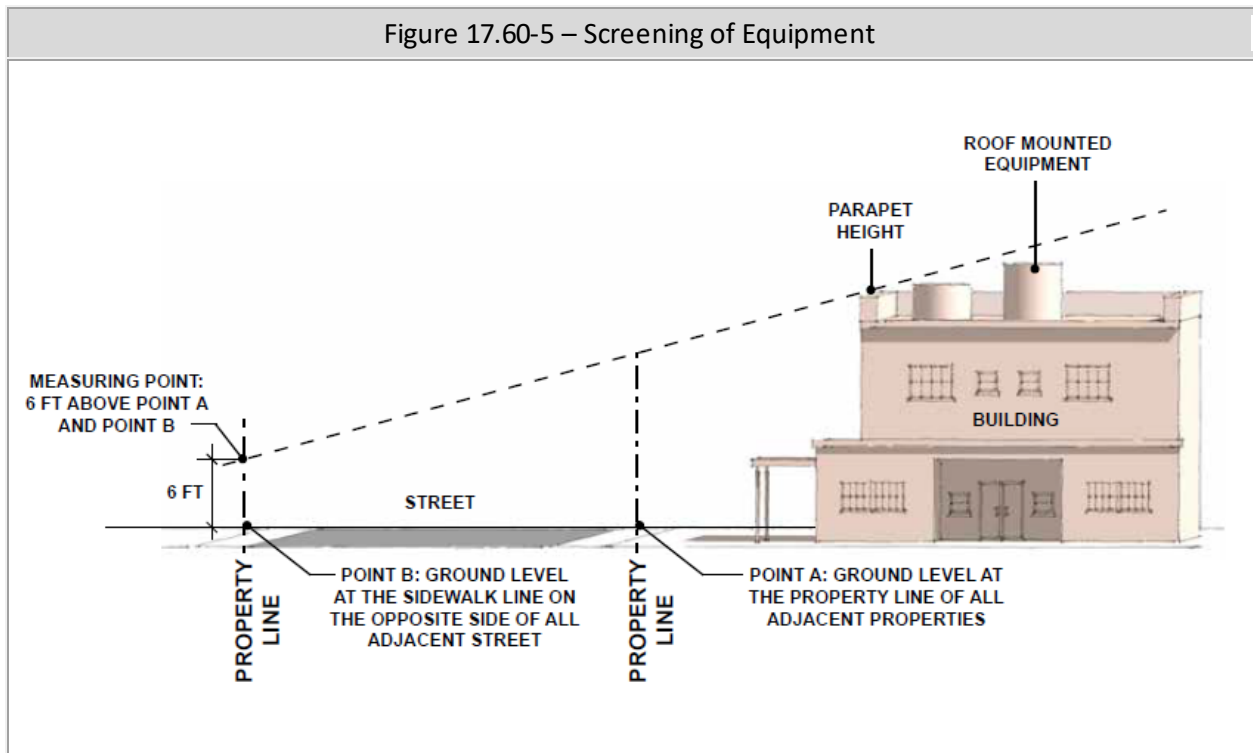
##### **B. Nonresidential Uses:**

1. Satellite dish antennas with bases attached on or to a building shall be located within the middle one-third (1/3) of the roof of the building and shall be fully screened from the public right-of-way.
2. Satellite dish antennas may be ground mounted, provided they are not located within the front or street side yard setbacks.

3. Satellite dish antennas that are pole-mounted shall not exceed a height of 16 feet.
4. Dish antennas that are ground mounted shall be fully screened from the public right-of-way with dense landscaping or other materials.

**17.60.100 – Screening.**

- A. **Roof Mounted Equipment.** Roof-mounted equipment shall be fully screened from the public right-of-way in one (1) of the following ways:
  1. By the building parapet. The equipment shall not extend above the lowest parapet line.
  2. By an architectural screening element similar in design and color of the underlying building. Wood lattice shall not be used as a screening device. The area of the screening element shall also comply with Section 17.60.030 of this Chapter.
  3. As demonstrated through line-of-sight diagrams. The measuring point shall be six (6) feet above the ground level at the property line of all adjacent properties and at the sidewalk line on the opposite side of all adjacent street.
- B. **Ground Mounted Equipment.** Unless otherwise noted, all ground mounted equipment shall be fully screened from the public right-of-way with a decorative fence, wall and/or landscaping, while still complying with the maximum fence or wall height in the underlying zoning district. The equipment shall not be located within the front or street side yard setbacks. This Subsection shall not apply to electrical vehicle charging equipment.
- C. Refer to Figure 17.60-5 for information in a graphics form:



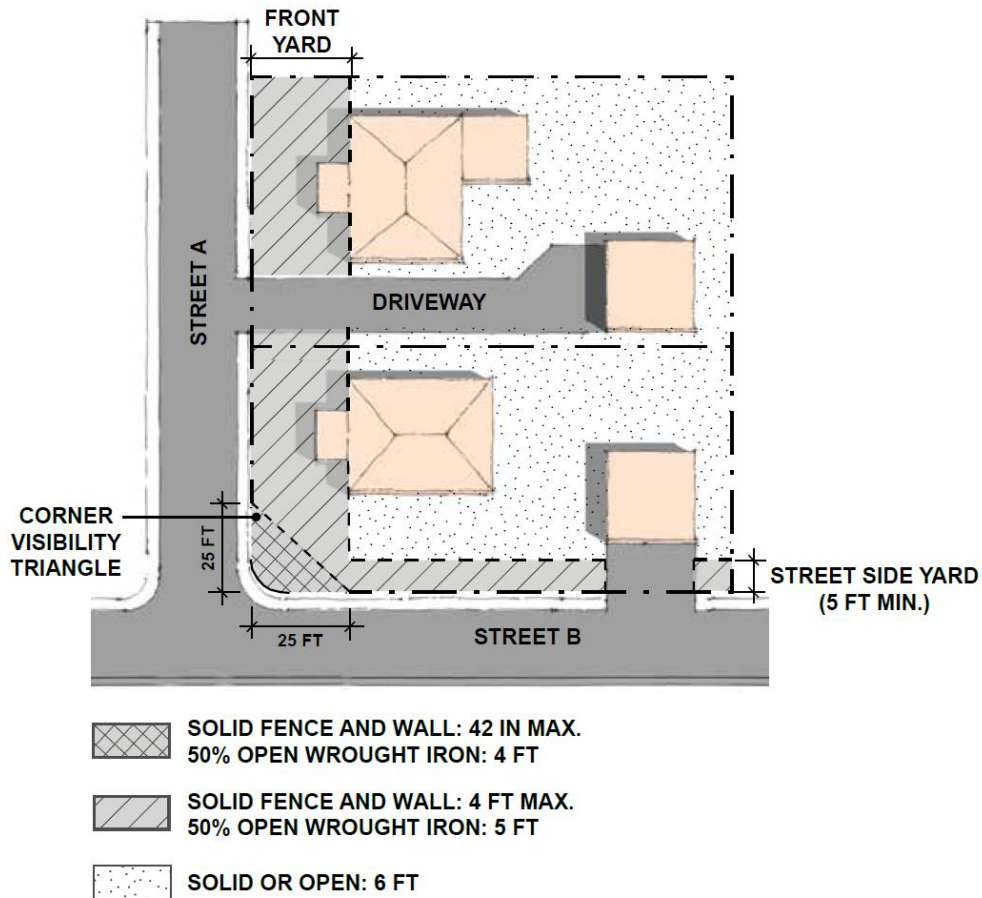
#### **17.60.110 – Security Bars and Gates.**

- A. **Residential Buildings.** Security bars, gates and similar security devices shall not be located on the elevations facing the front or street side yard setbacks. When located along other elevations, they shall not be visible from the public right-of-way.
- B. **Nonresidential and Mixed-use Buildings:**
  - 1. Buildings constructed prior to January 1, 2022. Security bars, gates, and similar security devices should be in the interior of buildings whenever possible. If gates must be located on the exterior of a building, it shall be retractable during business hours and decorative in style.
  - 2. Buildings constructed after January 1, 2022. Security bars, gates, and similar security devices on the exterior of buildings shall be prohibited.

#### **17.60.120 – Walls, Fences and Hedges.**

- A. **Residential Uses:**
  - 1. Residential zoning districts:
    - a. Front and street side yards. Solid fences, walls and hedges located in the front yard or less than five (5) feet of a street side yard shall not exceed a height of four (4) feet. However, a maximum five (5) foot high fence may be constructed, provided it is a minimum 50 percent open and made of decorative wrought iron with decorative block pilasters.
    - b. Corner yards. Solid fences, walls and hedges located in the corner visibility triangle area or a corner lot shall not exceed a height of 42 inches. However, a maximum four (4) foot high fence may be constructed, provided it is a minimum 50 percent open and made of decorative wrought iron with decorative block pilasters. The corner visibility triangle area is the point measured along the property frontage at the curb line (or edge of pavement lines) for a length of 20 feet along both lines from the intersection.
    - c. All other areas on a lot. Fences and walls shall not exceed a height of six (6) feet.
    - d. Residential developments with three (3) or more dwellings. A six (6) foot high masonry wall shall be installed and maintained adjacent to the rear and interior side property lines.
    - e. Refer to Figure 17.60-6 for information in a graphics form.
  - 2. Nonresidential Zoning Districts:
    - a. Street setbacks:
      - i. Area between the property line and minimum street setback. Fences and walls shall not be permitted.
      - ii. Area between the minimum street setback and closest structure. Fences and walls shall not exceed a height of four (4) feet.

Figure 17.60-6 – Walls and Fences Heights



- b. Rear and interior side property lines. A minimum six (6) foot high and maximum eight (8) foot high masonry wall shall be installed and maintained.
- c. All other areas of a lot. Fences and walls shall not exceed a height of six (6) feet.

**B. Nonresidential Uses:**

1. Residential zoning districts:
  - a. Front and street side yards. Comply with Subsection (A)(1)(a) above.
  - b. Rear and interior side property lines when abutting a residential zoning district or residential use. A minimum six (6) foot high and maximum eight (8) foot high masonry wall shall be installed and maintained.
  - c. All other areas of a lot. Fences and walls shall not exceed a height of eight (8) feet.

2. Nonresidential Zoning Districts:

- a. Street yards. Fences and walls shall not exceed a height of five (5) feet. Fences and/or walls located along the front or street side property line shall be located behind the required landscaping.
- b. Rear and interior side property lines when abutting a residential zoning district or residential use. A minimum six (6) foot high and maximum eight (8) foot high masonry wall shall be installed and maintained.
- c. Industrial uses. Through the Design Review process, decorative masonry walls up to 14 feet high may be placed to fully screen loading or outdoor storage areas, provided the wall is set back a minimum of 35 feet from any street property line.
- d. All other areas of a lot. Fences and walls shall not exceed a height of eight (8) feet.

D. **Materials.** Barbed, pointed, spiked, razor, piercing or other similar materials shall not be attached to any wall or fence. For residential uses, chain link shall not be permitted. For nonresidential uses, chain link shall not be visible from the public right-of-way. However, chain link may be used during construction to secure a site as permitted in Section 17.50.070 (Performance Standards – Construction Impacts) of this Title.

E. **Grade Separating Walls:**

1. Grade separation fences and walls shall still comply with Subsections (A) through (D) above. In the event of any conflict between the requirements of Subsection (E) and the rest of this Section, Subsection (E) shall control.
2. When the grade of a property being developed is below the grade of the adjacent property. The top of the wall shall not exceed a height of six (6) feet above the existing grade of an adjacent property.
3. When the grade of the property being developed is above the grade of the adjacent property.
  - a. When adjacent to a residential zoning district or residential use. The top of the wall shall not exceed a height of eight (8) feet above the grade of the adjacent property.
  - b. In all other instances. The top of the wall shall not exceed a height of ten (10) feet above the grade of the adjacent property.
4. If more than one (1) grade separating wall is proposed, no individual wall shall exceed a height of six (6) feet. In addition, each wall shall be separated by a minimum landscaped area of five (5) feet.

**17.60.130 – Yard Encroachments.**

When yards are required in this Title, they shall be not less in depth or width than the minimum dimension specified, and they shall be at every point open and unobstructed from the ground upward, except as permitted by this Section.

- A. **Architectural Features.** Cornices, chimney, canopies, bay windows, eaves, or other similar architectural features not providing additional floor space within the building may extend up to two (2) feet into a required front, street side, interior side or rear yard.
- B. **Mechanical Equipment.** Mechanical equipment may be located in the interior side or rear yard setbacks, provided a minimum setback of three (3) feet to the property line is maintained. Mechanical equipment in the front or street side yard shall comply with the setbacks for structures in the respective zoning district. All ground mounted equipment shall be fully screened from the public right-of-way.
- C. **Porches.** For residential uses, porches may project into a required front yard of up to two (2) feet, provided the width does not exceed 40 percent of the width of the dwelling or 20 feet, whichever is less.
- D. **Front Yards along Cul-de-sacs.** For residential uses, the front yard setback may be reduced five (5) feet for properties that are at the sac portion of a cul-de-sac.

## **DIVISION 7 – PARKING & LANDSCAPING REGULATIONS**

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### **CHAPTER 17.70 – PARKING REGULATIONS**

#### **Sections.**

- 17.70.010 – Purpose.
- 17.70.020 – Applicability for On-site Parking and Loading Spaces.
- 17.70.030 – General Requirements.
- 17.70.040 – Required On-site Parking for Residential Uses.
- 17.70.050 – Required On-site Parking for Nonresidential Uses.
- 17.70.060 – Required On-site Loading Spaces.
- 17.70.070 – Parking Reductions and Adjustments.
- 17.70.080 – Parking Lots, Spaces and Driveways Development and Design Standards.
- 17.70.090 – Electric Vehicle Charging Spaces/Stations.
- 17.70.100 – Bicycle Parking.
- 17.70.110 – Recreational Vehicles and Other Vehicle Storage.

#### **17.70.010 – Purpose.**

These on-site parking requirements are established to:

- A. Provide properly designated parking areas adequate in design, capacity and location to prevent traffic congestion and avoid hazards to the public's safety and welfare.
- B. Ensure on-site parking areas are established in proportion to the needs of the facilities served and appropriate to the demand generated by a particular use and in such a manner as to maximize usefulness, protect the public safety and buffer adjacent land uses from potential negative impacts.
- C. Offer opportunities and incentives for projects to reduce the number of required automobile parking stalls through alternative methods of accommodating arrival to a site and encouraging alternative modes of transportation (e.g. bicycling, transit use, walking, carpooling) to reduce demand for automobile parking.
- D. Require that parking areas are designed to reduce potential environmental impacts, including minimizing stormwater runoff and the heat island effect.
- E. Provide loading and delivery facilities in proportion to the needs of allowed uses.

#### **17.70.020 – Applicability for On-site Parking and Loading Spaces.**

- A. Tables 17.70-1 prescribes when projects are required to comply with the on-site parking and loading space requirements of this Chapter. Nonconforming uses shall also comply with Sections 17.16.040 and 17.16.050 (Nonconforming Provisions – Nonconforming Residential Uses and Nonresidential Uses, respectively) of this Title:



| Table 17.70-1 – Applicability for On-site Parking and Loading Spaces |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type of Project                                                      | Applicability of this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| New projects                                                         | On-site parking and loading shall be provided according to the provisions of this Chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Nonconforming parking or loading                                     | An existing use shall not be deemed nonconforming because on-site parking and/or loading facilities do not conform to the parking standards required in this Chapter, regardless of how much time has lapsed since the property was last occupied. However, if a use increases the number of on-site spaces to better comply with this Chapter, the number of spaces may not thereafter be reduced.                                                                                                                                                                                                                              |
| Residential building expansions                                      | If any existing unit is expanded by up to 35% of its Gross Floor Area (GFA) or 400 sq. ft., whichever is greater, no additional on-site parking shall be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                      | If any existing unit is expanded by more than 35% of the GFA and more than 400 sq. ft., the entire property shall meet current parking requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                                                      | The percentages and square footages noted above shall be cumulative over a 5-year period.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Residential construction of new units                                | Properties with 1 or more existing residential unit. If 1 new unit is proposed (either through new construction or alteration of an existing structure), the required number of on-site parking spaces for the new unit shall be provided. If more than 1 new unit is proposed, the entire property shall meet current parking requirements. The number of units shall be cumulative over the life of the property.                                                                                                                                                                                                              |
| Nonresidential building expansions                                   | If a nonresidential building is expanded by up to 35% of the GFA, additional on-site parking shall only be provided for the additional GFA. For example, if a restaurant is 2,000 sq. ft. in GFA and expands by 650 sq. ft. (33%), additional parking shall only be required for the 650 sq. ft.                                                                                                                                                                                                                                                                                                                                 |
|                                                                      | If a nonresidential building is expanded by more than 35% of the GFA, the entire property shall meet current parking requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Nonresidential outdoor use expansions                                | If the outdoor storage and display of a nonresidential use is expanded, on-site parking shall be provided for the expanded outdoor area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Nonresidential change in use or occupancy                            | If a proposed change in use requires the same or lower number of on-site parking spaces as the existing approved use, no additional on-site spaces shall be required, regardless of the actual number of existing on-site existing on-site parking spaces, provided that the prior use was legal nonconforming. For example, an applicant proposes to locate a new restaurant where a previous restaurant existing 2 years ago. The new restaurant requires 20 spaces, but the existing location only has 12 spaces. The new restaurant may still operate with 12 spaces, provided the prior restaurant was legally established. |

| Table 17.70-1 – Applicability of On-site Parking and Loading Spaces (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type of Project                                                                 | Applicability of this Chapter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Nonresidential change in use or occupancy (continued)                           | If a proposed change in use requires a lower number of parking spaces than the previous use, no additional on-site spaces shall be required, regardless of the actual number of spaces, provided that the previous use was legal nonconforming. For example, an applicant proposes a new retail use where a previous restaurant existing 2 years ago. The restaurant use required 30 spaces and the new retail use requires 18 spaces. However, the existing location only has 12 spaces. The retail use may still operate with 12 spaces, provided the prior use was legally established. |
|                                                                                 | Unless otherwise noted, any other change in use shall require the use to conform to current parking standards as required in this Chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Other changes                                                                   | Reconstructing, resurfacing and/or restriping parking or driveway areas shall be subject to the review and approval of the Planning Division.                                                                                                                                                                                                                                                                                                                                                                                                                                              |

#### **17.70.030 – General Requirements.**

- A. **Timing of Parking Requirements.** On-site parking and loading facilities required by this Chapter shall be submitted for approval and constructed at the same time or prior to the issuance of a Certificate of Occupancy for the uses that they serve. All plans shall clearly indicate the proposed development, including parking location, size, design, lighting, landscaping, curb cuts, ingress and egress.
- B. **Existing Parking and Loading.** Parking and loading spaces shall not be reduced or changed in design, location or maintenance below the requirements for such use. Refer to Section 17.70.070 of this Chapter for exceptions to this requirement.
- C. **Nonconforming Uses.** Nonconforming uses shall comply with Section 17.16.040 (Nonconforming Provisions – Nonconforming Residential Uses) of this Title.
- D. **Advertising on Vehicles.** Vehicles shall not be parked solely for the purpose of advertising. Advertising shall comply with Chapter 17.80 (Sign Regulations) of this Title.
- E. **Maintenance.** All parking areas shall be permanently maintained in a safe and clean condition free of physical obstructions and in good condition. All areas, including landscaping, shall be kept free of trash and weeds. Any alteration, enlargement, maintenance or repairs shall be subject to the provisions of this Chapter.
- F. **Additional Parking Space Requirements.** Additional parking over and above the minimum standards required in this Chapter may be required, upon determination of the Planning Commission or Zoning Review Committee that the specific type of business or use generates a greater demand for parking than the requirements of this Chapter.
- G. **Right-of-way Parking.** Land within the right-of-way of an existing or proposed street shall not be used to provide required parking and loading facilities.

- H. **Use of Parking Spaces.** Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use. Required parking spaces must be available for the use of residents, customers or guests of the use. Required parking spaces cannot be used for the parking of equipment or storage of goods or inoperative vehicles. In addition, required parking spaces cannot be rented out or used for another property except as permitted through Subsection 17.70.070(D) of this Chapter.

**17.70.040 – Required On-Site Parking for Residential Uses.**

- A. Tables 17.70-2 and 17.70-3 prescribe the on-site parking requirements for single-family and multiple-family residential uses, respectively:

| Table 17.70-2 – On-Site Parking Requirements for Single-family Dwellings |                                                                                                                                                             |
|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dwelling Size or Number of Bedrooms                                      | Minimum Number of Parking Spaces                                                                                                                            |
| First 2,000 sq. ft. or first 4 bedrooms <sup>1</sup>                     | 2 spaces within a fully enclosed garage                                                                                                                     |
| Each additional 250 sq. ft. or each additional bedroom                   | 1 additional parking space – within a fully enclosed garage or open (9 ft. by 20 ft.) with up to 4 spaces total; Open spaces may be tandem along a driveway |

| Table 17.70-3 – On-Site Parking Requirements for Multiple-family Dwellings <sup>2</sup> |                |                |                          |                          |
|-----------------------------------------------------------------------------------------|----------------|----------------|--------------------------|--------------------------|
| Dwelling Size or Number of Bedrooms <sup>1</sup>                                        | R-2, R-3 & R-4 | C-1, C-2 & C-3 | MMU, UMU & SP-4          |                          |
|                                                                                         |                |                | ≤35 du/acre <sup>3</sup> | >35 du/acre <sup>4</sup> |
| Studio                                                                                  | 1¼             | 1½             | 1                        | 1                        |
| 1 bedroom                                                                               | 2              | 1¼             | 1½                       | 1                        |
| 1,500 sq. ft. or 2 bedrooms                                                             | 2¼             | 2              | 2                        | 1½                       |
| 2,000 sq. ft. or 3 bedrooms                                                             | 2½             | 2¼             | 2                        | 2                        |
| 2,500 sq. ft. or ≥4 bedrooms                                                            | 3              | 2¾             | 2¾                       | 2                        |
| Guest parking for 3 or more units                                                       | 1 per 4 units  | 1 per 6 units  | 1 per 6 units            | 1 per 8 units            |
| Minimum guest parking                                                                   | 2              | 2              | 2                        | 2                        |

<sup>1</sup> Dwelling size or number of bedrooms, whichever is greater.

<sup>2</sup> Enclosed spaces - When less than 2 spaces are required, the unit shall have 1 enclosed/reserved space. When 2 or more spaces are required, the unit shall have 2 enclosed/reserved spaces.

Fractional spaces - Fractional spaces shall be rounded to the nearest whole number as follows: 1) fractional spaces for guest parking and reserved for a specific unit shall be rounded up; 2) other fractional spaces of 0.5 or greater shall be rounded up; and 3) all other fractional spaces less than 0.5 may be rounded down.

Density bonuses and other State provisions – The minimum parking requirements shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

<sup>3</sup> Requirements for applicable densities within the MMU and UMU zoning districts and within the Downtown Specific Plan (SP-4).

<sup>4</sup> Requirements for applicable densities within the UMU zoning district and SP-4.

B. Table 17.70-4 prescribes the on-site parking requirements for other residential uses:

| Table 17.70-4 – On-Site Parking Requirements for Other Residential Uses <sup>5</sup> |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|--------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Use                                                                                  |                                         | Project Information                                                                                                                                                                                                                                                                                                                                                                                                    | Minimum Number of Parking Spaces                                   |
| Accessory Dwelling Units (ADUs) and Junior ADUs                                      |                                         | Refer to Section 17.110.030                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
| Affordable housing projects <sup>6</sup>                                             | Very low and lower income housing units | 10 or less units:                                                                                                                                                                                                                                                                                                                                                                                                      | 1 space per unit                                                   |
|                                                                                      |                                         | 11 or more units:                                                                                                                                                                                                                                                                                                                                                                                                      | ½-space per unit, with a minimum of 10 parking spaces              |
|                                                                                      |                                         | Guest parking for 3 or more units:                                                                                                                                                                                                                                                                                                                                                                                     | 1 guest space per 8 units; with a minimum of 2 spaces <sup>7</sup> |
|                                                                                      | Moderate income housing units           | R-1:                                                                                                                                                                                                                                                                                                                                                                                                                   | 2 spaces within a fully enclosed garage                            |
|                                                                                      |                                         | R-2, R-3 or R-4:                                                                                                                                                                                                                                                                                                                                                                                                       | 1½ spaces per unit                                                 |
|                                                                                      |                                         | MMU, UMU and SP-4:                                                                                                                                                                                                                                                                                                                                                                                                     | 1 space per unit                                                   |
|                                                                                      |                                         | Guest parking for 3 or more units:                                                                                                                                                                                                                                                                                                                                                                                     | 1 guest space per 8 units; with a minimum of 2 spaces <sup>7</sup> |
| Live/work units                                                                      |                                         | 1 space per 350 sq. ft. of workspace; parking shall be fully accessible to customers and shall not be located behind a gate                                                                                                                                                                                                                                                                                            |                                                                    |
| Mobile home parks                                                                    |                                         | 1½ spaces per mobile home plus 1 guest space per 8 homes                                                                                                                                                                                                                                                                                                                                                               |                                                                    |
| Senior housing <sup>8</sup>                                                          | 20 or less units:                       |                                                                                                                                                                                                                                                                                                                                                                                                                        | 1 space per unit                                                   |
|                                                                                      | 21 or more units:                       |                                                                                                                                                                                                                                                                                                                                                                                                                        | ½-spaces per unit; with a minimum of 20 spaces                     |
|                                                                                      | Guest parking for 3 or more units:      |                                                                                                                                                                                                                                                                                                                                                                                                                        | 1 guest space per 8 units; with a minimum of 2 spaces              |
| Single Room Occupancy (SRO)                                                          |                                         | 1 uncovered space per 3 units with a minimum 2 of spaces for the on-site manager; 1 lockable bicycle parking space adjacent to each unit                                                                                                                                                                                                                                                                               |                                                                    |
| Urban dwellings                                                                      |                                         | Refer to Section 17.100.100                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
| All residential uses (regardless of zoning district or project type)                 |                                         | <ul style="list-style-type: none"><li>• All garages shall have an automatic garage door opener</li><li>• For detached units, either on separate lots or within a Planned Residential Development (PRD), the additional open parking spaces may be located in the private driveway of a unit, provided it does not encroach into the driveway apron and each space is a minimum of 9 ft. wide and 20 ft. deep</li></ul> |                                                                    |

<sup>5</sup> Where less than 2 spaces are required, the unit shall have 1 enclosed/reserved space. Where 2 or more spaces are required, the unit shall have 2 enclosed/reserved spaces. Fractional spaces may be open and shall be unreserved. If they are reserved for a specific unit, the fractional space for each unit shall be rounded up.

<sup>6</sup> For projects with market-rate units, the reduced parking ratios shall only apply to the affordable units. Market-rate units shall comply with the parking requirements of the underlying zoning districts. For projects with a density bonus, refer to Section 17.100.060 of this Title.

<sup>7</sup> For projects with market-rate units, guest parking shall comply with Table 17.70-3.

<sup>8</sup> For projects with a density bonus, refer to Section 17.100.060 of this Title.

**17.70.050 – Required On-site Parking for Nonresidential Uses.**

- A. Table 17.70-5 prescribes the on-site parking requirements for nonresidential uses (per square feet of gross floor area (GFA) or other metric):

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses |                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Community Care Facilities                                            | Number of Parking Spaces                                                                                                                                                                                                                                                                            |
| Adult daycare, general                                               | 1 space per 10 adults being cared for on site at the greatest time, 1 space per employee on site at the greatest time plus 1 space for each vehicle used in connection with the use, with a minimum of 5 spaces; parking may be reduced if the site includes adequate drop-off areas                |
| Alcohol or drug abuse treatment facility                             | 1 space per 5 residents/beds plus 1 space per employee on site at the greatest time                                                                                                                                                                                                                 |
| Childcare daycare center                                             | 1 space per 10 children being cared for on site at the greatest time plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces; parking may be reduced if the site includes adequate drop-off areas                                                                        |
| Elder care or assisted living                                        | 1 space per 8 residents/beds plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces                                                                                                                                                                                     |
| Emergency shelter                                                    | 1 space per 10 residents/beds, 1 space per bedroom designed as a family unit for residents with children plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces                                                                                                         |
| Low barrier navigation center                                        |                                                                                                                                                                                                                                                                                                     |
| Residential care facility, general                                   | 1 space per 5 residents/beds plus 1 space per employee on site at the greatest time                                                                                                                                                                                                                 |
| Social rehabilitation facility                                       | 1 space per 250 sq. ft. of Gross Floor Area (GFA), with a minimum of 5 spaces                                                                                                                                                                                                                       |
| Supportive or transitional housing                                   | As required per Table 17.70-3 (Parking Requirements for Multiple-family Dwellings)                                                                                                                                                                                                                  |
| Public & Quasi-Public Uses                                           |                                                                                                                                                                                                                                                                                                     |
| Electrical distribution substation                                   | None                                                                                                                                                                                                                                                                                                |
| Government or government related facility                            | Refer to retail and office uses                                                                                                                                                                                                                                                                     |
| Hospital or clinic –                                                 |                                                                                                                                                                                                                                                                                                     |
| Hospital                                                             | 1 space per bed plus 1 space per 350 sq. ft. of area used for office, clinics, testing, research, administration, waiting areas and similar activities; parking shall not be required for food or beverage establishments or retail uses, provided they are internally accessible from the hospital |

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued) |                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public & Quasi-Public Uses                                                       | Number of Parking Spaces                                                                                                                                                                                                                                                                                                                                                                 |
| Urgent care or medical clinic                                                    | 1 space per exam room plus 1 space per 350 sq. ft. of area used for office, clinics, testing, research, administration, waiting areas and similar activities                                                                                                                                                                                                                             |
| Recreation facility                                                              | As required per the Conditional Use Permit                                                                                                                                                                                                                                                                                                                                               |
| School & educational facility –                                                  |                                                                                                                                                                                                                                                                                                                                                                                          |
| College or university                                                            | 1 space per 3 nonresident students on site at the greatest time plus 1 space per employee on site at the greatest time                                                                                                                                                                                                                                                                   |
| K-12 school                                                                      | <ul style="list-style-type: none"> <li>• K-8 schools: 1 space per classroom plus 1 space per 350 sq. ft. of office area</li> <li>• 9-12 schools: 5 spaces per classroom</li> </ul>                                                                                                                                                                                                       |
| Preschool                                                                        | 1 space per 10 children being serviced on site at the greatest time plus 1 space per employee on site at the greatest time, with a minimum of 5 spaces; parking may be reduced if the site includes adequate drop-off areas                                                                                                                                                              |
| Specialized education and training                                               | 1 space per 2 students on site at the greatest time plus 1 space per employee on site at the greatest time                                                                                                                                                                                                                                                                               |
| Tutoring and education center                                                    | 1 space per 300 sq. ft. of GFA plus 2 spaces for drop-off                                                                                                                                                                                                                                                                                                                                |
| Utility facility                                                                 | 1 space per employee on site at the greatest time plus 1 space for each vehicle used in connection with the use, with a minimum of 1 space                                                                                                                                                                                                                                               |
| Assembly & Entertainment Uses                                                    |                                                                                                                                                                                                                                                                                                                                                                                          |
| Adult entertainment establishment                                                | 1 space per 150 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                           |
| Assembly or meeting facility                                                     | <ul style="list-style-type: none"> <li>• Main use: 1 space 75 sq. ft. of assembly area</li> <li>• Ancillary: 1 space per 300 sq. ft. of food, bar or other activity area; parking is not required if ancillary use is exclusively for assembly or meeting facility attendees</li> </ul>                                                                                                  |
| Commercial entertainment –                                                       |                                                                                                                                                                                                                                                                                                                                                                                          |
| Live theatre, comedy or music venue                                              | 1 space per 4 fixed seats or 1 space per 40 sq. ft. of assembly area if there are no fixed seats                                                                                                                                                                                                                                                                                         |
| Karaoke                                                                          | 1 space per 150 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                           |
| Movie theatre                                                                    | <ul style="list-style-type: none"> <li>• Single screen: 1 space per 3 fixed seats</li> <li>• Multi-screen: 1 space per 5 fixed seats for the first 800 seats plus 1 space per 8 fixed seats for seats in excess of 800</li> <li>• Ancillary: 1 space per 300 sq. ft. of food, bar or other activity area; parking is not required if ancillary use is exclusively for patrons</li> </ul> |

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued) |                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Assembly & Entertainment Uses                                                    | Number of Parking Spaces                                                                                                                                                                                                                                                                              |
| Commercial recreation facility –                                                 |                                                                                                                                                                                                                                                                                                       |
| Amusement park                                                                   | As required per the Conditional Use Permit                                                                                                                                                                                                                                                            |
| Athletic court, small<br>(e.g. tennis or badminton)                              | <ul style="list-style-type: none"> <li>• Main: 2 spaces per court</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                                                                                |
| Athletic court, large<br>(e.g. volleyball or basketball)                         | <ul style="list-style-type: none"> <li>• Main: 3 spaces per court</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                                                                                |
| Batting cage, billiard parlor<br>or bowling alley                                | <ul style="list-style-type: none"> <li>• Main use: 2 spaces per cage, table or lane</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                                                              |
| Health club, greater than<br>3,500 sq. ft. in GFA                                | 1 space per 500 sq. ft. of pool, jacuzzi, sauna and steam room areas, 3 spaces per athletic court, 1 space per 100 sq. ft. of instructional area plus 1 space per 350 sq. ft. of remaining building                                                                                                   |
| Ice- or roller-skating rinks                                                     | <ul style="list-style-type: none"> <li>• Main use: 1 space per 5 fixed seats or 1 space per 50 sq. ft. of assembly area if there are no fixed seats plus 1 space per 250 sq. ft. of skating area</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul> |
| Laser tag or paint ball                                                          | <ul style="list-style-type: none"> <li>• Main use: 1 space per 150 sq. ft. of laser tag area</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                                                     |
| Miniature golf course                                                            | <ul style="list-style-type: none"> <li>• Main use: 3 spaces per hole</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                                                                             |
| Swimming pool, indoor or<br>outdoor                                              | <ul style="list-style-type: none"> <li>• Main use: 1 space per 500 sq. ft. of pool, jacuzzi, sauna and steam room areas</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                          |
| Community center                                                                 | <ul style="list-style-type: none"> <li>• Main use: 1 space 75 sq. ft. of assembly area</li> <li>• Ancillary: 1 space per 300 sq. ft. of food, bar, retail or other activity area; parking is not required if ancillary use is only accessible to community center event patrons</li> </ul>            |
| Cultural institution                                                             | 1 space per 350 sq. ft. of GFA                                                                                                                                                                                                                                                                        |
| Family entertainment center                                                      | As required per the Conditional Use Permit                                                                                                                                                                                                                                                            |

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued)                              |                                                                                                                                                                                                                                                             |                               |
|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Assembly & Entertainment Uses                                                                                 | Number of Parking Spaces                                                                                                                                                                                                                                    |                               |
| Gaming center or arcade                                                                                       | <ul style="list-style-type: none"> <li>• Main use: 1 space per 2 game/computer terminal</li> <li>• Ancillary: 1 space per 350 sq. ft. of food, bar, retail or other activity area</li> </ul>                                                                |                               |
| Nightclub                                                                                                     | 1 space per 30 sq. ft. of dance floor area plus 1 space per 150 sq. ft. of GFA for all other areas                                                                                                                                                          |                               |
| Religious institution                                                                                         | 1 space per 5 fixed seats or 1 space per 50 sq. ft. of assembly area if there are no fixed seats, plus 1 space per classroom                                                                                                                                |                               |
| Retail & Office Uses                                                                                          |                                                                                                                                                                                                                                                             |                               |
| Alcohol sales –                                                                                               |                                                                                                                                                                                                                                                             |                               |
| Bar, tavern or brew pub                                                                                       | 1 space per 150 sq. ft. of GFA                                                                                                                                                                                                                              |                               |
| Liquor store                                                                                                  |                                                                                                                                                                                                                                                             |                               |
| Convenience store or minimart                                                                                 | 1 space per 250 sq. ft. of GFA                                                                                                                                                                                                                              |                               |
| Food or beverage use –                                                                                        |                                                                                                                                                                                                                                                             |                               |
| Bakery (commercial or retail), coffeehouse or ice cream parlor                                                | <ul style="list-style-type: none"> <li>• Indoor eating area is <math>\leq 200</math> sq. ft.: 1 space per 250 sq. ft. of GFA</li> <li>• MMU zoning district: 1 space per 250 sq. ft. of GFA</li> <li>• All other: 1 space per 150 sq. ft. of GFA</li> </ul> |                               |
| Outdoor seating                                                                                               | 0 spaces required for first 250 sq. ft.;<br>1 space per 250 sq. ft. for areas greater than 250 sq. ft.                                                                                                                                                      |                               |
| Restaurant                                                                                                    | <ul style="list-style-type: none"> <li>• MMU zoning district: 1 space per 250 sq. ft. of GFA</li> <li>• All other zoning districts: 1 space per 150 sq. ft. of GFA</li> </ul>                                                                               |                               |
| Restaurant, take-out only                                                                                     | 1 space per 250 sq. ft. of GFA (may have outdoor seating)                                                                                                                                                                                                   |                               |
| Outdoor display for garden centers, warehouse retailer and showroom sales (excluding vehicle sales and lease) | 1 space per 1,500 sq. ft. of open areas devoted to display, rental or sales, with a minimum of 2 spaces                                                                                                                                                     |                               |
| Retail sales (unless listed as a separate use) and office uses (of all types)                                 | Sq. ft. of GFA or NFA:                                                                                                                                                                                                                                      | Parking ratio:                |
|                                                                                                               | First 20,000                                                                                                                                                                                                                                                | 1 per 250 sq. ft. = 80 spaces |
|                                                                                                               | 20,001 to 50,000                                                                                                                                                                                                                                            | 1 per 400 sq. ft. = 75 spaces |
|                                                                                                               | Greater than 50,000                                                                                                                                                                                                                                         | 1 per 500 sq. ft.             |
|                                                                                                               | <ul style="list-style-type: none"> <li>• If the property is developed with multiple buildings, the GFA may be combined for calculating purposes</li> <li>• Totals are cumulative: 70,000 sq. ft. of GFA = 80 + 75 + 40 = 195 spaces</li> </ul>              |                               |
| Showroom sales                                                                                                | 1 space per 500 sq. ft. of GFA plus as required for outdoor display                                                                                                                                                                                         |                               |



| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued) |                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Retail & Office Uses                                                             | Number of Parking Spaces                                                                                                                                                                                                                                                                                                                                             |
| Significant tobacco retailer                                                     | 1 space per 250 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                       |
| Vehicle retail use –                                                             |                                                                                                                                                                                                                                                                                                                                                                      |
| Sales and lease, limited                                                         | 1 space per 250 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                       |
| Sales and lease, general <sup>9</sup>                                            | <ul style="list-style-type: none"> <li>• Main use: 1 space per 500 sq. ft. of indoor showroom area plus 1 space per 2,500 sq. ft. of outdoor display areas</li> <li>• Ancillary: 1 space per 350 sq. ft. of retail area plus ½ space per service bay</li> <li>• Minimum of 4 spaces shall be provided</li> <li>• Customer parking shall be clearly marked</li> </ul> |
| Sales and lease, major <sup>9</sup>                                              | <ul style="list-style-type: none"> <li>• Main use: 1 space per 750 sq. ft. of indoor showroom area plus 1 space per 3,500 sq. ft. of outdoor display areas</li> <li>• Ancillary: 1 space per 350 sq. ft. of retail area plus ½ space per service bay</li> <li>• Minimum of 4 spaces shall be provided</li> <li>• Customer parking shall be clearly marked</li> </ul> |
| Wholesaler                                                                       | <ul style="list-style-type: none"> <li>• If open to the general public: refer to retail sales</li> <li>• If not open to the general public: refer to manufacturing</li> </ul>                                                                                                                                                                                        |
| Warehouse retailer                                                               | Refer to retail sales and office uses                                                                                                                                                                                                                                                                                                                                |
| Service Uses                                                                     |                                                                                                                                                                                                                                                                                                                                                                      |
| Alternative financial establishment                                              | 1 space per 250 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                       |
| Ambulance service                                                                | 1 space per 250 sq. ft. of GFA plus 1 space for each emergency vehicle                                                                                                                                                                                                                                                                                               |
| Animal care –                                                                    |                                                                                                                                                                                                                                                                                                                                                                      |
| Animal boarding/kennel                                                           | 1 space per employee on site at the greatest time, 1 space for each vehicle used in connection with the use plus 4 spaces for loading/unloading of animals                                                                                                                                                                                                           |
| Animal grooming                                                                  | 1 space per 350 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                       |
| Veterinary service or animal hospital/clinic                                     |                                                                                                                                                                                                                                                                                                                                                                      |
| Automatic Teller Machine (ATM), walk-up facility                                 | 1 space per ATM or 2 spaces, whichever is greater, may be reserved for customers, from the overall number of spaces                                                                                                                                                                                                                                                  |
| Correctional facility                                                            | 1 space per 4 beds or 1 per 250 sq. ft. of GFA, whichever is greater                                                                                                                                                                                                                                                                                                 |

<sup>9</sup> Refer to Section 17.112.190 for additional parking information.

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Service Uses                                                                     | Number of Parking Spaces                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Financial institution                                                            | 1 space per 250 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Funeral home or mortuary                                                         | 1 space per 6 fixed seats or 1 space per 60 sq. ft. of assembly area if there are no fixed seats, plus 1 space per 250 sq. ft. of office area                                                                                                                                                                                                                                                                                                     |
| Hotels and motels                                                                | <ul style="list-style-type: none"> <li>• Main use: 1 space per guest room</li> <li>• Ancillary: 1 space per 250 sq. ft. of meeting and assembly area plus 1 space per 350 sq. ft. of food, beverage, bar or retail area; parking is not required if ancillary use is only accessible to hotel and motel guests</li> </ul>                                                                                                                         |
| Personal service use                                                             | 1 space per 250 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Philanthropic or charitable institution                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Recycling facility                                                               | 1 space for each commercial vehicle used in connection with the use, 1 space per 350 sq. ft. of office area plus 8 customer spaces if the facility is open to the public                                                                                                                                                                                                                                                                          |
| Self-storage                                                                     | <ul style="list-style-type: none"> <li>• Storage/office use: 1 space per 100 storage units plus 1 space per 350 sq. ft. of office area; with a minimum of 5 spaces</li> <li>• Caretaker's unit: 2 covered spaces, if proposed</li> <li>• Loading: integrate throughout the facility</li> </ul>                                                                                                                                                    |
| Vehicle service uses –                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Repair, limited, major or minor <sup>10</sup>                                    | 2 spaces per service bay plus<br>1 space per 350 sq. ft. of any retail and office use                                                                                                                                                                                                                                                                                                                                                             |
| Rental, automobile or truck                                                      | <ul style="list-style-type: none"> <li>• Automobile: 1 space per 350 sq. ft. of GFA of any building plus 1 space per 1,500 sq. ft. of outdoor display area, with a minimum of 4 spaces; customer parking shall be clearly marked</li> <li>• Truck: 1 space per 350 sq. ft. of GFA of any building plus 1 space per 3,500 sq. ft. of outdoor display area, with a minimum of 4 spaces; customer parking shall be clearly marked</li> </ul>         |
| Service station                                                                  | <ul style="list-style-type: none"> <li>• Main use: 1 space per 250 sq. ft. of retail or office use greater than 100 sq. ft. plus 1 space for air and water use</li> <li>• Ancillary: 1 space per 250 sq. ft. of food or beverage establishment, 1 space per 350 sq. ft. of vehicle washing facility tunnel plus 2 spaces per service bay for vehicle repair</li> <li>• Fuel pump areas shall not count towards required parking spaces</li> </ul> |

<sup>10</sup> Refer to Section 17.112.200 for additional parking information.

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                 |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| Service Uses                                                                     | Number of Parking Spaces                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |
| Washing facility <sup>11</sup>                                                   | <ul style="list-style-type: none"><li>• Self-service: 2 spaces per wash bay</li><li>• Part-service: 1 space per 350 sq. ft. of tunnel area plus 1 space for air, water and vacuum</li><li>• Full-service: 1 space per 350 sq. ft. of tunnel area plus 1 space per 250 sq. ft. for any retail and office use, with a minimum of 2 spaces</li></ul>                                                                                                                                                                                                                                                      |                                                 |
| Wedding chapel                                                                   | 1 space per 6 fixed seats or 1 space per 60 sq. ft. of assembly area if there are no fixed seats, plus 1 space per 250 sq. ft. of office area                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                 |
| Industrial & Transportation Uses                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                 |
| Car sharing <sup>12</sup>                                                        | <ul style="list-style-type: none"><li>• Residential use: 1 space per car sharing vehicle</li><li>• Nonresidential use, office and vehicle storage: 1 space per car sharing vehicle</li><li>• Nonresidential use, office only: 1 space per 250 sq. ft. of GFA</li></ul>                                                                                                                                                                                                                                                                                                                                 |                                                 |
| Impound or tow yard                                                              | 1 space per 500 sq. ft. of GFA plus<br>1 space per ½-acre of outdoor use area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                 |
| Laboratory, testing                                                              | 1 space per 500 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                 |
| Machine shop                                                                     | 1 space per 500 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                 |
| Manufacturing, ancillary                                                         | 1 space per 350 sq. ft. of GFA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                 |
| Manufacturing, commercial manufacturing, warehousing, logistics & distribution   | Sq. ft. of GFA:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Parking ratio:                                  |
|                                                                                  | First 10,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1 per 600 sq. ft.= 16.7 spaces                  |
|                                                                                  | 10,001 to 25,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1 per 850 sq. ft. = 17.7 spaces                 |
|                                                                                  | 25,001 to 50,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1 per 1,000 sq. ft. = 20 spaces                 |
|                                                                                  | Greater than 50,000                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 1 per 1,500 sq. ft.                             |
|                                                                                  | <ul style="list-style-type: none"><li>• If the property is developed with multiple buildings, the GFA may be combined for calculating purposes</li><li>• Totals are cumulative: 90,000 sq. ft. = 16.7 + 17.7 + 25 + 26.7 = 86.1 spaces (rounded down to 86 spaces)</li><li>• Offices (for all use) or commercial areas (for commercial manufacturing uses) occupying up to 25% of an individual business may be calculated as manufacturing space; if offices or commercial areas for an individual business exceeds 25%, the entire office or commercial area shall be calculated as office</li></ul> |                                                 |
|                                                                                  | Outdoor storage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 1 space per 1,000 sq. ft. of open storage areas |

<sup>11</sup> Refer to Section 17.112.220 for additional parking information.

<sup>12</sup> Refer to Section 17.70.070 (C) for additional parking information.

| Table 17.70-5 – On-Site Parking Requirements for Nonresidential Uses (continued) |                                                                                                                    |                     |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|---------------------|
| Industrial & Transportation Uses                                                 | Number of Parking Spaces                                                                                           |                     |
| Passenger transport or taxi service                                              | 1 space per employee on a shift at the greatest time plus 1 space for each vehicle used in connection with the use |                     |
| Printing & publishing                                                            | Sq. ft. of GFA:                                                                                                    | Parking ratio:      |
|                                                                                  | First 25,000 sq. ft.                                                                                               | 1 per 1,000 sq. ft. |
|                                                                                  | Any additional sq. ft. shall be calculated as manufacturing sq. ft.                                                |                     |
| Recycling processing center or Materials Recovery Facility (MRF)                 | As required per the Conditional Use Permit                                                                         |                     |
| Research and development                                                         | 1 space per 500 sq. ft. of GFA                                                                                     |                     |
| Towing facility                                                                  | 1 space per employee on a shift at the greatest time plus 1 space for each vehicle used in connection with the use |                     |
| Truck terminal                                                                   |                                                                                                                    |                     |

- B. For uses that are not listed in Table 17.70-5, the on-site parking requirements may be determined through either of the following:
1. The Community Development Director may determine the parking requirements for the proposed use based on similar uses listed in this Chapter, subject to the following:
    - a. The Community Development Director finds that the proposed use will not have a negative impact related to traffic, noise, air quality, parking or public safety;
    - b. The Community Development Director finds that the proposed use will not have a negative effect on the welfare of other businesses or individuals in the underlying zoning district or surrounding area;
    - c. The applicant submits information that is substantial and compelling to support the Community Development Director's findings; and
    - d. The applicant agrees to any conditions placed by the Community Development Director to ensure the use is not altered over time to be inconsistent with the original request and approval.
    - e. Once the necessary information has been submitted, the Community Development Director shall make a Director's Determination in writing within 30 days approving or denying the request. The Director, at his or her discretion, may also refer the decision to the Planning Commission. The decision shall constitute the precedent for all future uses that match the same characteristics. The Director also has the authority to initiate the determination of additional parking requirements without a request from an applicant.
  2. The applicant submits a parking demand study prepared by a traffic engineer and approved by the City that supports the proposed number of parking spaces. The request

and supporting information shall be presented to the applicable review authority for final consideration and approval.

**17.70.060 – Required On-site Loading Spaces.**

- A. **Thresholds for On-site Loading Spaces.** Refer to Section 17.70.020 of this Chapter.
- B. **Required Spaces.** On-site loading spaces shall be provided in compliance with Table 17.70-6.
- C. **Amounts are Cumulative.** Square footages shall be cumulative. If a grocery store is 45,000 square feet in area, it will require one (1) small loading space and two (2) full-size loading spaces. This shall also apply to additions. If an existing office is 30,000 square feet in area and constructs a 40,000 addition, the loading shall be based on 70,000 square feet.
- D. **Loading Space Size.** Small loading spaces shall be a minimum 15 feet wide by 25 feet long. Full size loading spaces shall be a minimum 15 feet wide by 40 feet long with a clearance height of 14 feet.
- E. **Turning Radius.** The minimum turning radius shall be 30 feet for a small loading space and 40 feet for a full-size loading space.

| Table 17.70-6 – On-site Loading Requirements                                                                                                   |                             |                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------------------------------------------|
| Land Use                                                                                                                                       | Number of units or GFA      | Number of Loading Spaces                                                                                         |
| Urban housing                                                                                                                                  | 35 or more units            | 1 small                                                                                                          |
| Uses where parking is required per the Conditional Use Permit                                                                                  | Any                         | As required per the Conditional Use Permit                                                                       |
| Community care uses and public & quasi-public uses                                                                                             | Less than 10,000 sq. ft.    | None                                                                                                             |
|                                                                                                                                                | 10,000 sq. ft. or greater   | 1 small or 1 full                                                                                                |
| Bar or tavern, brew pub, liquor store, convenience store, food & beverage establishment, industrial, grocery store and warehouse retailer uses | Less than 10,000 sq. ft.    | 1 small or 1 full                                                                                                |
|                                                                                                                                                | 10,000 to 30,000 sq. ft.    | 1 small and 1 full                                                                                               |
|                                                                                                                                                | Greater than 30,000 sq. ft. | 1 small plus 1 full-size per 30,000 sq. ft., up to 4 full spaces                                                 |
| All other nonresidential uses                                                                                                                  | Less than 5,000 sq. ft.     | None                                                                                                             |
|                                                                                                                                                | 5,000 to 20,000 sq. ft.     | 1 small or 1 full                                                                                                |
|                                                                                                                                                | 20,001 to 40,000 sq. ft.    | 1 small and 1 full                                                                                               |
|                                                                                                                                                | Greater than 40,000 sq. ft. | 1 small plus 1 full per 40,000 sq. ft. Up to 2 full spaces for office and up to 3 full spaces for all other uses |

- F. **Common Loading Facilities.** The on-site loading requirements of this Section may be satisfied by the permanent allocation of the identified number of spaces for each use in a common truck loading facility serving uses on adjacent properties and under different ownership.
1. The total number of loading spaces shall not be less than the sum of the combined square footages of all the uses.
  2. An attested copy of a contract between the parties concerned containing an agreement to the joint use of the common truck loading facility shall be filed with the Planning Division.
- G. **Location and Access.** Loading spaces shall not be located in required setbacks. All loading spaces shall have adequate ingress and egress and be designed and maintained so the maneuvering, loading and unloading of vehicles does not interfere with the orderly movement of traffic and pedestrians on any street or sidewalk. Vehicles shall not have to back in from, or onto, a public street.
- H. **Striping.** Loading spaces shall be striped indicating the loading spaces and identifying the spaces as “loading only.” The striping shall be permanently maintained by the property owner/tenant in a clear and visible manner at all times. “Loading only” signs may also be posted, but only in addition to striping requirements.
- I. **Screening of Loading Spaces.** All full-size loading spaces shall be screened from adjacent streets. The screening may be a fence, hedge or wall with a minimum height of six (6) feet.

**17.70.070 – Parking Reductions and Adjustments.**

Notwithstanding any other provision of this Chapter, a reduction in on-site parking requirements may be authorized in accordance with this Section.

**A. Downtown Parking.**

1. Table 17.70-7 prescribes the maximum allowable parking reductions for areas within the boundary of the Downtown Main Street Specific Plan. The reduced parking requirements shall not apply to any other area of the City.

| Table 17.70-7 – Reduced Parking Requirements (% reduced from Table 17.70-5) |                               |             |
|-----------------------------------------------------------------------------|-------------------------------|-------------|
| Land Use                                                                    | Main Street, Zocalo & Station | Monte Vista |
| Assembly & entertainment                                                    | 20%                           | 10%         |
| Food or beverage establishment <sup>13</sup>                                | 30%                           | 20%         |
| Retail, office & service uses                                               | 40%                           | 30%         |
| All other uses                                                              | As required in Table 17.70-5  |             |

<sup>13</sup> Reductions shall be based on the parking requirements for the MMU zoning district.

2. Change of use. No additional parking shall be required for a change of use in the Main Street and Zocalo Sub-areas for buildings constructed prior to January 1, 2022. This shall not apply to buildings that are reconstructed or the square footage of additions.

**B. Downtown Parking Credits:**

1. Applicability. This Subsection shall only apply to the areas within the boundary of the Downtown Main Street Specific Plan.
2. Applications. Parking credits shall require the approval of a Director Level Zoning Clearance.
3. Land uses. Parking credits shall not be available for residential uses in the Monte Vista Subarea and shall not be available for legal non-conforming uses in any Subarea. It may be available for all other residential and nonresidential uses permitted within the Downtown Main Street Specific Plan.
4. Pool of public spaces. Only public parking spaces shall be eligible for parking credits. This includes spaces within public parking lots and spaces along the street that are striped. A maximum subscription factor of two (2) shall apply towards the pool of public spaces (i.e. each public parking space shall equal two (2) parking credits). One (1) parking credit shall be equal to one (1) required parking space.
5. Requests. The requested number of parking credits shall be available for public parking (i.e. available within the pool of public spaces). The maximum number of parking credits an applicant may receive is 50 credits. In addition, parking credits shall not exceed 50 percent of the parking requirements for the Monte Vista Subarea. Public parking spaces shall not be reserved for a specific use or property.
6. Compliance with parking requirements. The use requesting the parking credits shall comply with the parking requirements outlined in this Chapter. This may be through a combination of on-site parking spaces, shared parking and parking credits. The applicant shall not receive more parking credits than the use requires. A Minor Variance shall not be permitted to reduce the number of required parking spaces.
7. Nontransferable. The parking credits shall not satisfy the parking requirements for any other use and shall not be transferred to another property.
8. Written contract and payments. Parking credits shall require a contract between the applicant and the City of El Monte. Payments for the parking credits shall be due annually at the time of business license application/renewal.
9. Time periods. Parking credits shall be valid for one (1) year. If the applicant has proceeded in good faith towards the implementation of the project, as determined by the Community Development Director, the applicant may request a 12-month extension. The extension shall be considered within 30 days of the request. No further extensions shall be given and the number of parking credits shall return to the pool of public parking. If the property has been vacated for more than 12 months, the application shall be null and void and the parking credits shall return to the pool of public parking.

**C. Car Sharing, Residential Uses:**

1. Applicability. This Subsection shall only apply to residential uses permitted in the zoning districts and specific plan areas identified in Table 17.70-8.
2. Applications. Car sharing shall require the approval of a Minor Use Permit.
3. Land uses and properties. Car sharing may be available for one (1) residential project with a minimum of 20 dwelling units. In addition, it may be available for adjacent residential projects that have a combined 25 or more dwelling units.
4. Compliance with parking requirements. Each car sharing vehicle shall have its own dedicated parking space. Car sharing vehicles shall count as required parking at a ratio of one (1) car sharing space to five (5) standard spaces. Table 17.70-8 prescribes the maximum reductions from the required parking. Car sharing parking spaces shall also meet the requirements outlined in Table 17.70-9.
5. Calculating spaces. Car sharing spaces shall not be included in the reductions outlined in Table 17.70-8. For example, if a project requires 100 parking spaces and is located in the Multiuse zoning district, the maximum percent reduction applied would be 20 percent and the number of spaces required may be reduced to 80 spaces. The car sharing calculation would be based on the 1:5 ratio for the 20 spaces. Therefore, a minimum of four (4) of the 80 spaces would need to be car sharing spaces.

| Table 17.70-8 – Maximum Parking Reduction for Car Sharing |                   |
|-----------------------------------------------------------|-------------------|
| Zoning District or Specific Plan Area                     | Percent Reduction |
| Downtown Specific Plan – Monte Vista subarea              | 30%               |
| Downtown Specific Plan – All other subareas               | 40%               |
| Gateway Specific Plan                                     | 40%               |
| All other non-residential zoning districts                | 20%               |

6. Operations. Car sharing vehicles shall be administered by a car sharing company/organization and shall be accessed directly by users without any assistance or supervision by company personnel.
7. Annual reporting. Verification of continued service shall be submitted to the Planning Division by January 1<sup>st</sup> of each year.
8. End of service. In the event that the car sharing service ends, the property owner and/or the property management company shall notify the Community Development Director within 30 days, with a report identifying the deficiency in parking spaces as a result of the program ending, and the plans to bring the use into compliance with parking requirements. Options to bring the property into compliance include the following:
  - a. Entering into a contract with another comparable car sharing service;
  - b. Securing parking credits (for projects within the Downtown Specific Plan);
  - c. Constructing additional parking spaces on-site or off-site; and



- d. Demonstrate compliance in some other manner.
- 9. Additional findings. In addition to the required findings outlined in Section 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following finding shall be made:
  - a. The adequacy of the proposed car sharing will equal or exceed the level that would have been expected had the minimum parking requirements outlined in Table 17.70-4 been met.

**D. Shared Parking:**

- 1. Applicability. This Subsection shall apply to all nonresidential districts.
- 2. Applications. Shared parking shall require the approval of a Director Level Zoning Clearance.
- 3. Properties:
  - a. Same property. May be two (2) or more uses on the same property.
  - b. Separate properties. Uses and properties may be separated a maximum of 2,000 feet walking distance. This may be exceeded if there is a plan for shuttle services or other accommodation to move between the use and parking, including a demonstrated commitment to continue such accommodations indefinitely.
- 4. Parking spaces:
  - a. Underutilized. A minimum 20 percent of the parking for one (1) or more use is unoccupied during the proposed shared parking period.
  - b. Analysis. The applicant shall submit a parking analysis using peer-reviewed methodologies developed by an acknowledged professional planning or engineering association<sup>14</sup> sufficient to determine the parking is underutilized and can be reasonably shared between the uses to fulfill parking requirements.
- 5. Decisions:
  - a. The Director shall approve the request if the application fully complies with this Subsection.
  - b. The Director may approve or deny the request if the application does not fully comply with Subsections (3) or (4) above.
- 6. Conditions of approval:
  - a. Parking agreement. If the application includes separate properties, a shared parking agreement shall be recorded against all the properties.
  - b. Annual reporting. Verification of continued service shall be submitted to the Planning Division by January 1<sup>st</sup> of each year.

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<sup>14</sup> Examples of professional planning associations include the Urban Land Institute, National Parking Association and International Council of Shopping Centers.

**E. Transitional Uses:**

1. Minor reduction. Transitional uses are permitted a 25 percent parking reduction over what the required number of spaces for the transitional use would be if located in the General Commercial (C-3) zoning district.
2. Major reduction. A 26 to 50 percent reduction may be approved by the Planning Commission or Zoning Review Committee if substantiated by a parking analysis using peer reviewed methodologies developed by an acknowledged professional planning or engineering association<sup>15</sup>. Options for allowing this reduction may include, but are not limited to, tandem parking, shared off-site parking, placing limits on the transitional use to reduce impacts (e.g. hours of operation, maximum occupancy, etc.) and partially demolishing the existing building.

**F. Transit Oriented.** Minimum parking requirements shall not be required for residential, commercial or other development project if the project is located within ½-mile of a Major Transit Stop, as defined in Section 21155 of the California Public Resources Code, and in accordance with Section 65863.2 of the California Government Code. However, this reduction shall not apply to disabled parking requirements, electric vehicle charging space/station requirement and projects subject to Downtown Parking Credits.

**G. Other Reductions or Adjustments.** Table 17.70-9 lists additional parking reductions and adjustments. A Minor Variance shall not be required to reduce the number of parking spaces.

| Table 17.70-9 – Parking Reductions and Adjustments |                                                                                                                                                               |                                            |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| Category                                           | Reduction Amount                                                                                                                                              | Necessary Permit                           |
| Affordable housing                                 | Up to 50% of the required spaces for moderate, lower and very low affordable housing may be uncovered.                                                        | Design Review Process                      |
| Attendant or valet parking                         | Up to 50% of the required spaces for nonresidential uses may be provided as attendant or valet parking.                                                       | Minor Use Permit or Conditional Use Permit |
| Bicycle parking <sup>16</sup>                      | 1 space may be converted to bicycle parking for an existing residential or nonresidential development.                                                        | Director Level Zoning Clearance            |
| Disabled parking <sup>16</sup>                     | 2 spaces may be converted to accommodate disabled parking or access for disabled parking.                                                                     |                                            |
| Landscaping <sup>16</sup>                          | 5% of spaces or 1 space, whichever is greater, may be voluntarily converted to landscaping to better meet the minimum landscaping requirements of this Title. |                                            |
| Refuse storage <sup>16</sup>                       | 2 spaces may be converted to accommodate refuse storage facility requirements in this Title.                                                                  |                                            |

<sup>15</sup> Examples of professional planning associations include the Urban Land Institute, National Parking Association and International Council of Shopping Centers.

<sup>16</sup> For existing projects constructed prior to January 1, 2022.

| Table 17.70-9 – Parking Reductions and Adjustments (continued) |                                                                                                                                                                                       |                       |
|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Category                                                       | Reduction Amount                                                                                                                                                                      | Necessary Permit      |
| Senior housing                                                 | Up to 50% of the required spaces may be uncovered.                                                                                                                                    | Design Review Process |
| Tandem parking                                                 | Up to 50% of the required spaces for multiple-family projects with 3 or more units may be provided as tandem parking, provided the spaces tandem to each other are for the same unit. |                       |
| Vertical mixed-use development                                 | Parking requirements for nonresidential uses may be reduced by 15%.                                                                                                                   |                       |

#### **17.70.080 – Parking Lots, Spaces and Driveways Development and Design Standards.**

- A. **Access and Safety.** All on-site parking facilities shall be designed so as to provide safe and reasonable maneuverability for vehicles within the parking area and enable a vehicle entering the parking area to move from one (1) location to any other location within the parking area without entering a public street.
- B. **Drainage.** Drainage facilities shall be provided in all public parking areas capable of handling and maintaining the drainage requirements of the subject property and surrounding properties. Drainage facilities shall be designed to dispose of all surface water consistent with Regional Water Quality Control Board standards. Surface water from parking lots shall not drain over sidewalks or adjacent parcels.
- C. **Lighting, Nonresidential Uses.** Lighting for parking lots shall be a minimum one (1) foot candlepower across 85 percent or more of the lot. Lighting shall not exceed one (1) foot candlepower on any adjacent property zoned residential. Refer to Section 17.60.050 (General Development Standards – Outdoor Lighting) of this Title for additional requirements.
- D. **Additional Parking Standards.** Refer to Table 17.70-10 for additional parking lot and parking space standards:

| Table 17.70-10 – Parking Standards |                                                            |                      |
|------------------------------------|------------------------------------------------------------|----------------------|
| Parking Space Degrees              | Minimum Stall Dimensions                                   | Minimum Aisle Widths |
| 90 degrees parking                 | 8.5 ft. wide by 18 ft. deep                                | 25 ft.               |
|                                    | 9 ft. wide by 18 ft. deep                                  | 24 ft.               |
|                                    | 9.5 ft. wide by 18 ft. deep                                | 23 ft.               |
| 60 degrees parking                 | 20 ft. deep                                                | 18 ft.               |
| 45 degrees parking                 | 19 ft. deep                                                | 14 ft.               |
| 30 degrees parking                 | 16 ft. deep                                                | 12 ft.               |
| Parallel parking                   | 8 ft. wide by 24 ft. deep                                  | --                   |
| Graphics                           | Refer to Figure 17.70-1 for information in a graphics form |                      |

| Table 17.70-10 – Parking Standards (continued)   |                                                                                                                                                                                                                                                             |                                                                          |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Parking Lots and Structures                      | Within the MMU, UMU & SP-4                                                                                                                                                                                                                                  | Other Zones                                                              |
| General location                                 | Should be located behind buildings and away from the street                                                                                                                                                                                                 | No limitation                                                            |
| Minimum landscape screening from streets         | Parking lots and structures: 10 ft. along major or secondary arterials (see General Plan Figure C-4); 5 ft. for all other streets                                                                                                                           | Parking lots: 5 ft.<br>Parking structures: minimum setback for buildings |
| Podium/tuck-under parking                        | Spaces shall not face a street                                                                                                                                                                                                                              | Spaces should not face a street                                          |
| Directional arrows                               | Arrows shall be included in parking lots greater than 5,000 sq. ft. in area                                                                                                                                                                                 |                                                                          |
| End aisle                                        | Aisles shall extend an additional 2 ft. beyond the last space                                                                                                                                                                                               |                                                                          |
| Adjacent to residential zoning districts or uses | Shall be separated by a minimum 6 ft. high solid masonry wall, which shall be reduced to 4 ft. for a depth equal to the required front yard setback for the abutting residential zoning districts                                                           |                                                                          |
| Maximum slopes                                   | Vehicular parking and maneuvering areas: 5%<br>Ramps <65 ft. long: 16% with the first and last 10 ft. not exceeding 8%<br>Ramps ≥65 ft. long: 12% with the first and last 8 ft. not exceeding 6%                                                            |                                                                          |
| Parking Spaces                                   | Standard                                                                                                                                                                                                                                                    |                                                                          |
| Adjacent to a wall                               | Space widths shall be increased by 2 ft.                                                                                                                                                                                                                    |                                                                          |
| Concrete wheel stops                             | Stops shall be installed where parking spaces abut walls or buildings                                                                                                                                                                                       |                                                                          |
| Landscape overhang                               | Space depth may be reduced by 2 ft. if it abuts a 5 ft. wide planter or another curbed walkway or platform                                                                                                                                                  |                                                                          |
| Other overhangs and encroachments                | No vehicle shall overhang a public right-of-way or encroach into any public or private easement utilized for ingress or egress                                                                                                                              |                                                                          |
| Striping                                         | All spaces shall be double striped                                                                                                                                                                                                                          |                                                                          |
| Enclosed Spaces                                  |                                                                                                                                                                                                                                                             |                                                                          |
| Enclosed parking (garage)                        | A 2-car garage shall have minimum interior dimensions of 20 ft. by 20 ft. (10 wide by 20 ft. deep for each space). Garages constructed prior to January 1, 2022 may have reduced dimensions, provided it can accommodate the parking of 2 compact vehicles. |                                                                          |
| Garage visibility                                | For projects with more than 1 unit on a lot, the garage for the unit closest to the public street should not face or open onto a public street                                                                                                              |                                                                          |
| Garage clearance                                 | The clearance shall be a minimum 7 ft. at the garage entrance and 4.5 ft. for the first 4 ft. of the vehicle                                                                                                                                                |                                                                          |
| Carports                                         | Carports shall not be permitted for residential uses                                                                                                                                                                                                        |                                                                          |
| Access triangle in front of garage entrance      | Refer to Figure 17.70-2 for information in a graphics form for required parking spaces                                                                                                                                                                      |                                                                          |

Figure 17.70-1 – Parking Space Degrees

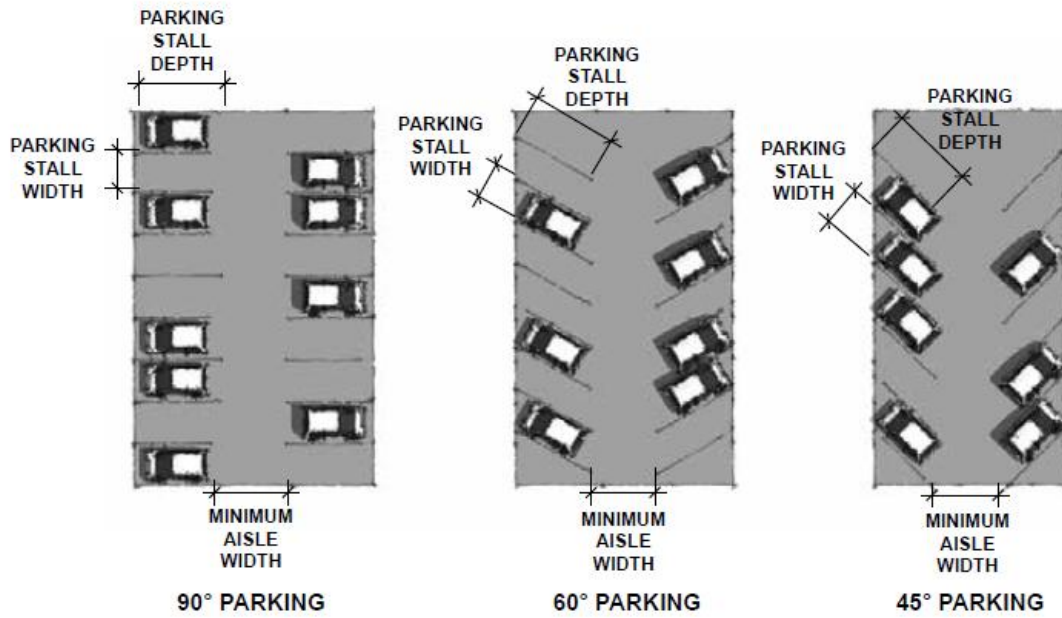
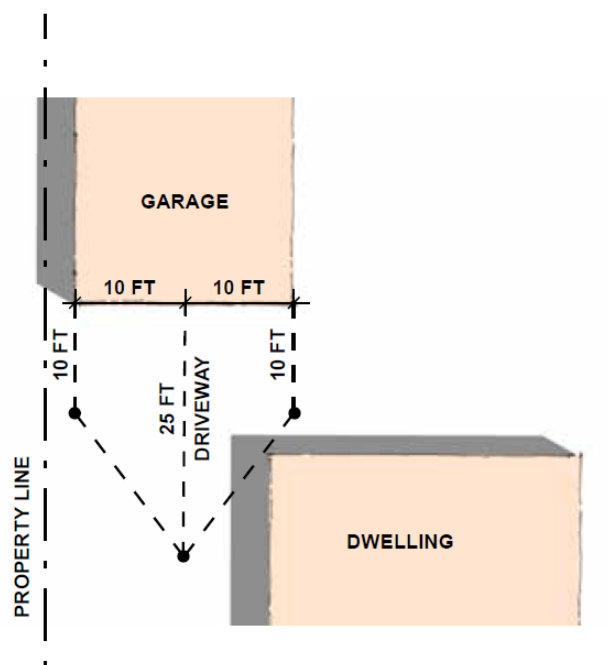


Figure 17.70-2 – Access Triangle in Front of Garage Entrance

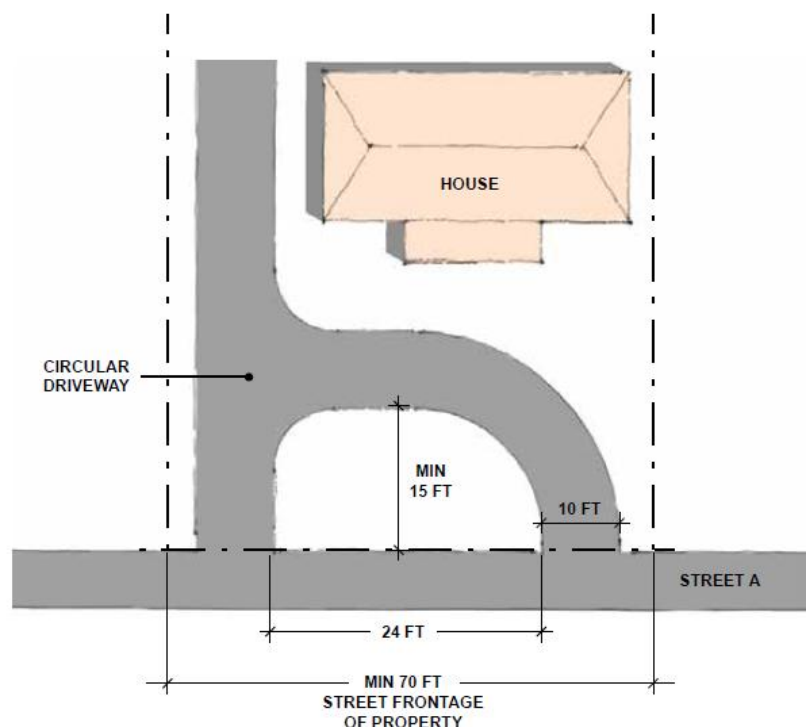


| Table 17.70-10 – Parking Standards (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Parking Spaces (continued)                     | Standard                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Other overhangs and encroachments              | No vehicle shall overhang a public right-of-way or encroach into any public or private easement utilized for ingress or egress                                                                                                                                                                                                                                                                                                              |
| Striping                                       | All spaces shall be double striped                                                                                                                                                                                                                                                                                                                                                                                                          |
| Enclosed Spaces                                |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Enclosed parking (garage)                      | A 2-car garage shall have minimum interior dimensions of 20 ft. by 20 ft. (10 wide by 20 ft. deep for each space). Garages constructed prior to January 1, 2022 may have reduced dimensions, provided it can accommodate the parking of 2 compact vehicles.                                                                                                                                                                                 |
| Garage visibility                              | For projects with more than 1 unit on a lot, the garage for the unit closest to the public street should not face or open onto a public street                                                                                                                                                                                                                                                                                              |
| Garage clearance                               | The clearance shall be a minimum 7 ft. at the garage entrance and 4.5 ft. for the first 4 ft. of the vehicle                                                                                                                                                                                                                                                                                                                                |
| Carports                                       | Carports shall not be permitted for residential uses                                                                                                                                                                                                                                                                                                                                                                                        |
| Access triangle in front of garage entrance    | Refer to Figure 17.70-2 for information in a graphics form for required parking spaces                                                                                                                                                                                                                                                                                                                                                      |
| Driveways <sup>17</sup>                        |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Nonresidential and mixed-use projects –        |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Approach width                                 | <ul style="list-style-type: none"> <li>• Minimum 30 ft. along major and secondary arterials</li> <li>• Minimum 25 ft. along other streets</li> </ul>                                                                                                                                                                                                                                                                                        |
| Driveway width                                 | <ul style="list-style-type: none"> <li>• Two-way driveway: 20 ft.</li> <li>• One-way driveway: 14 ft.</li> </ul>                                                                                                                                                                                                                                                                                                                            |
| Residential projects –                         |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Maximum number                                 | <ul style="list-style-type: none"> <li>• 1 or 2 dwellings: 1 driveway, although a second driveway may be served by an alley. See below for circular driveway requirements</li> <li>• 3 to 9 dwellings: All efforts shall be made for units to share a single driveway. However, the Review Authority may approve additional driveway to improve circulation and safety</li> <li>• 10 or more dwellings: Per the Review Authority</li> </ul> |
| Approach and driveway width                    | Minimum – <ul style="list-style-type: none"> <li>• 1 dwelling: 10 ft. minimum</li> <li>• 2 to 4 dwellings: 12 ft. minimum</li> <li>• 5 or more dwellings: 15 ft. minimum</li> </ul>                                                                                                                                                                                                                                                         |
|                                                | Maximum –<br>20 feet in the front yard and street side yard                                                                                                                                                                                                                                                                                                                                                                                 |

<sup>17</sup> Los Angeles County Fire Department may require additional driveway widths.

| Table 17.70-10 – Parking Standards (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Driveways (continued)                          | Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Paved areas                                    | <ul style="list-style-type: none"> <li>• The paved area of the front yard and required street side yard, including driveways and walkways, shall not exceed 40%</li> <li>• Vehicle parking shall be limited to approved paved areas; no parking shall occur on landscaped areas</li> </ul>                                                                                                                                                                                                                                                                                                                                             |
| Circular driveways                             | <ul style="list-style-type: none"> <li>• Property shall be zoned R-1 with a minimum street frontage of 70 ft.</li> <li>• There shall be no more than 2 dwellings on the property</li> <li>• Both openings shall serve the same driveway, with the secondary driveway 10 ft. in width</li> <li>• The space between driveways shall be a minimum 24 ft. at the street property line.</li> <li>• The portion of the connecting driveway parallel to the street property line shall be setback a minimum 15 ft.</li> <li>• Refer to Figure 17.70-3 for information in a graphics form</li> </ul>                                           |
| Other Requirements                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Right-of-way encroachment                      | No vehicles shall be parked on, or extend over, any public sidewalk or parkway right-of-way                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Visibility                                     | Driveways shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than 10 ft. to an approaching pedestrian                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Paving materials                               | <ul style="list-style-type: none"> <li>• All parking lots and driveways shall be surfaced with asphaltic concrete with a minimum thickness of 3 inches over an aggregate base of 6 inches or Portland Cement concrete with a minimum thickness of 5 inches over an aggregate base of 3 inches</li> <li>• The Public Works Director may require additional materials based on the probable vehicular traffic and the soils report</li> <li>• For multiple-family projects, permeable paving or turf grids may be used for low traffic or infrequent use areas, subject to the approval of a Director Level Zoning Clearance.</li> </ul> |
| Other                                          | No vehicle, other than a vehicle emerging from a single-family dwelling site, shall have to back into any public street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

Figure 17.70-3 – Circular Driveway



### **17.70.090 – Electric Vehicle Charging Spaces/Stations.**

- A. **Residential Thresholds.** Residential Construction (minimum Level 1). The following thresholds shall apply:
1. Single-family or multiple-family residential construction. Any new and fully enclosed parking spaces (i.e. garage) shall be EV-capable, pre-equipped for electric vehicle (EV) charging units.
  2. Multiple-family residential construction with ten (10) or more units. Provide electrical charging stations at a rate of 15 percent of the required guest parking spaces, or two (2) spaces, whichever is greater.
- B. **Nonresidential Thresholds.** Nonresidential Construction (minimum Level 1 for office uses; minimum Level 2 for all other uses). The following thresholds shall apply:
1. New projects. Shall comply with EV charging space requirements based on the number of parking spaces required for the new project.
  2. Building expansions. Shall comply with EV charging space requirements based on the number of new parking spaces required for the building expansion.
  3. Existing parking lots. Shall comply with EV charging space requirements if the entire parking lot is being reconstructed based on the total number of parking spaces. If only a portion of the parking lot is being reconstructed, the EV charging space requirements



shall be based only on the number of spaces being reconstructed. EV charging spaces shall not be required if the parking lot is only being resurfaced (i.e. slurry seal or seal coat) and/or being restriped.

- C. **Number of Spaces.** Table 17.70-11 prescribes the required number of capable and installed EV charging spaces and stations. For projects with ten (10) or more parking spaces, a conversion rate of two (2) Level 1 or 2 equipment stations for each Level 3 equipment stations may apply.
- D. **CALGreen Standards.** When the requirements of this Section differ from those of the California Green Building Standards Code, the stricter of the two shall apply.

| Table 17.70-11 – Required Electric Vehicle (EV) Spaces |                                               |                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number of Parking Spaces                               | Number of Required Capable EV Charging Spaces | Number of Required Installed EV Charging Stations                                                                                                                                                                                                                                                          |
| Less than 10                                           | 0                                             | 50% of the required capable EV charging spaces shall be installed EV charging stations (EVCS) with EV supply equipment (EVSE).<br><br>For example, if a project requires 80 parking spaces, then 18 capable EV charging spaces shall be required. Of those 18 spaces, 9 shall be installed EVCS with EVSE. |
| 10 to 25                                               | 4                                             |                                                                                                                                                                                                                                                                                                            |
| 26 to 50                                               | 8                                             |                                                                                                                                                                                                                                                                                                            |
| 51 to 75                                               | 14                                            |                                                                                                                                                                                                                                                                                                            |
| 76 to 100                                              | 18                                            |                                                                                                                                                                                                                                                                                                            |
| 101 to 150                                             | 26                                            |                                                                                                                                                                                                                                                                                                            |
| 151 to 200                                             | 36                                            |                                                                                                                                                                                                                                                                                                            |
| Greater than 200                                       | 20% of the total                              |                                                                                                                                                                                                                                                                                                            |

#### **17.70.100 – Bicycle Parking.**

- A. **Thresholds.** The following thresholds shall apply:
1. New projects. Shall comply with short-term and long-term bicycle parking space requirements.
  2. Building expansions. Shall comply with short-term and long-term bicycle parking space requirements based on the added building square footage or added number of vehicular parking spaces, whichever is greater.
  3. Tenant improvements. Shall comply with long-term bicycle parking space requirements if more than 50 percent of the interior walls are being demolished.
  4. Existing parking lots. Shall comply with short-term bicycle parking space requirements if the entire parking lot is being reconstructed. If only a portion of the parking lot is being reconstructed, the bicycle parking space requirements shall be based on the number of spaces reconstructed. Bicycle parking spaces shall not be required if the parking lot is only being resurfaced (i.e. slurry seal or coat) and/or being restriped.
  5. Condition of approval. Short-term bicycle parking space requirements may be added as a condition of approval by any review authority.

- B. **Short-term Bicycle Parking.** Shall be conveniently located and within 200 feet of all main building entrances for nonresidential uses.
- C. **Long-term bicycle parking.** Shall be conveniently located from the street and shall meet one (1) of the following:
1. Covered, lockable enclosures with permanently anchored racks for bicycles;
  2. Lockable bicycle rooms with permanently anchored racks; or
  3. Lockable, permanently anchored bicycle lockers.
- D. **Number of Spaces.** Table 17.70-12 prescribes the required number of bicycle parking spaces:

| Table 17.70-12 – Required Bicycle Parking  |                                                                                                                   |                                                                                                                    |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Land Use                                   | Short-term Spaces                                                                                                 | Long-term Spaces                                                                                                   |
| Residential Uses –                         |                                                                                                                   |                                                                                                                    |
| Less than 5 units                          | None                                                                                                              | None                                                                                                               |
| 5 or more new units                        | 1 space per 5 units with a minimum of 2 and a maximum of 10 spaces; not required if units have individual garages | 1 space per 10 units with a minimum of 2 and a maximum of 10 spaces; not required if units have individual garages |
| School & educational facility -            |                                                                                                                   |                                                                                                                    |
| College or university                      | 1 space per 10,000 sq. ft. of GFA                                                                                 | 1 space per 25,000 sq. ft. of GFA with a minimum of 2 spaces                                                       |
| Dormitory or student housing               | 1 space per 10 residents with a minimum of 2 spaces                                                               | 1 space per 4 residents with a minimum of 2 spaces                                                                 |
| All other schools & educational facilities | Per the California Green Building Standards Code                                                                  | Per the California Green Building Standards Code                                                                   |
| Other nonresidential uses –                |                                                                                                                   |                                                                                                                    |
| Industrial & transportation                | Per the California Green Building Standards Code                                                                  | Per the California Green Building Standards Code                                                                   |
| Office uses                                | 1 space per 20,000 sq. ft. of GFA                                                                                 |                                                                                                                    |
| All other nonresidential                   | 8% of the required vehicle parking spaces with a minimum of 2 spaces                                              | 5% of the required vehicle parking spaces with a minimum of 2 spaces                                               |

- E. **Showers and Changing Rooms for New Office Construction:**
1. Less than 30,000 square feet (single building or complex): None.
  2. 30,000 square feet to 100,000 square feet (single building or complex): One (1).
  3. Greater than 100,000 square feet (single building or complex): Two (2).

- F. **CALGreen Standards.** When the requirements of this Section differ from those of the California Green Building Standards Code, the stricter of the two shall apply.

**17.70.110 – Recreational Vehicles (RVs) and Other Vehicle Storage.**

**A. Recreational Vehicles (RVs):**

1. Single-family residential uses:
  - a. Definition. Recreational vehicles include, but are not limited to, motor homes, boats, dune buggies, campers, camper buses and RV trailers.
  - b. Location. The recreational vehicle shall be located on an approved paved area within the interior side yard or rear yard. It shall be prohibited within the front yard and street side yard. In addition, it shall not extend over any public sidewalk or public right-of-way.
  - c. Quantity. A maximum of one (1) recreational vehicle may be parked on each property.
  - d. Registration. The recreational vehicle shall have a valid registration and be registered at the location where it is stored or parked. In addition, it shall be in operable condition.
  - e. Screening. The recreational vehicle shall be screened from public view by existing structures or solid walls or fences with a minimum height of six (6) feet.
  - f. Other. The recreational vehicle shall not be used for dwelling purposes and the connection of utilities, water, except for temporary maintenance purposes, are strictly prohibited.
2. Other residential uses. In addition to the requirements set forth in Subsection (A) above, a recreational vehicle shall not occupy or block access to required parking or required open space.
3. Mixed-use projects and nonresidential uses. The parking of recreational vehicles shall be prohibited, except as permitted for approved vehicle related uses.

**B. Other Vehicles.**

1. Residential uses:
  - a. Permitted. Other passenger vehicles up to 10,000 pounds (up to Class 2) and construction-related vehicles and equipment (for a maximum of 48 hours or through a valid building permit in effect for construction).
  - b. Inoperable vehicles. Any such vehicle must be parked within a fully enclosed garage. However, a single-family residential property may also park one (1) additional inoperable vehicle within the interior side yard or rear yard, provided it is screened from public view by existing structures or solid walls or fences with a minimum height of six (6) feet. It shall be prohibited within the front yard and street side yard.

- c. Prohibited. The parking of all other vehicles and equipment shall be prohibited, except as permitted for approved vehicle related uses.
- 2. Mixed-use and nonresidential uses.
  - 1. Permitted. Passenger vehicles up to 14,000 pounds (up to Class 4) and construction-related vehicles and equipment (for a maximum of 48 hours or through a valid building permit in effect for construction).
  - 2. Prohibited. The parking of all other vehicles and equipment shall be prohibited, except as permitted for approved vehicle related uses.

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## **CHAPTER 17.72 – LANDSCAPING REQUIREMENTS**

### **Sections.**

17.72.010 – Purpose.

17.72.020 – Applicability.

17.72.030 – Exemptions.

17.72.040 – Landscaping Requirements – General.

17.72.050 – Landscaping Requirements – Residential Uses.

17.72.060 – Landscaping Requirements – Nonresidential Uses.

17.72.070 – Landscaping Reductions.

17.72.080 – Tree Preservation.

### **17.72.010 – Purpose.**

- A. To establish a framework to review landscape and irrigation plans consistently and improve the physical appearance of the City by providing visual and ecological relief in the urban environment;
- B. To establish minimum landscape development standards for the design, provision and maintenance of landscaped areas, and encourage irrigation methods and suggested plant species to develop a measure of uniformity and quality in overall landscaping design;
- C. To promote the value and long-term benefits of landscapes to provide an attractive living, working and recreating environment, while recognizing the need to invest water and other resources as efficiently as possible; and
- D. To establish a structure for designing, installing, and maintaining water efficient landscapes for expansion of the existing buildings and new projects.

### **17.72.020 – Applicability.**

- A. **New Projects.** New landscaping and irrigation shall be required according to the provisions of this Chapter. When the requirements of this Chapter and Chapter 17.74 (Water Efficiency) of this Title differ, the stricter of the two shall apply.
- B. **Residential Expansions.** New landscaping and irrigation shall be required for the following:
  - 1. The construction of one (1) or more new dwelling unit through new construction. This shall also include the construction of a new urban dwelling but not include the construction of detached Accessory Dwelling Units (ADUs).
  - 2. Remodels that involve demolishing more than 50 percent of a residential building's exterior walls; and
  - 3. Additions that are more than 50 percent of the Gross Floor Area (GFA) or 750 square feet, whichever is greater. This shall not include the construction of attached ADUs or Junior ADUs. If the additions include multiple residential buildings, the calculation shall be based on the combined square footages.

C. **Nonresidential Expansions.** New landscaping and irrigation shall be required for the following:

1. Additions that are more than 35 percent of the GFA or 1,500 square feet, whichever is greater;
2. The construction of new parking lots or reconstruction of existing parking lots. The new landscaping and irrigation will be limited to the parking lot areas and will not be required if the parking lot is only being resurfaced (i.e. slurry seal or seal coat) and/or restriped; and
3. Condition of approval. Landscaping and irrigation requirements may be added as a condition of approval by any review authority.

**17.72.030 – Exemptions.**

New landscaping and irrigation plans shall not be required for properties that are already in compliance with the State of California's Model Water Efficiency Landscape Ordinance (MWELO) or Chapter 17.74 (Water Efficiency) of this Title.

**17.72.040 – Landscaping Requirements – General.**

A. **All Landscaping Areas.** All existing and proposed landscaping areas, including those below the thresholds listed in Section 17.72.020 of this Chapter, shall comply with the following:

1. Required planting palette. The City does not have a required list of trees, shrubs and groundcover. However, the City encourages the use of drought-tolerant and/or native or indigenous plant material and does have suggested planting lists which is consistent with the City's goal for water efficient landscapes;
2. Mixture of plant materials. Landscaping shall consist of combinations of trees, shrubs and ground covers with careful consideration given to eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions;
3. Location of plant materials. Trees shall not be planted within five (5) feet of any building or structure, or under any eave, overhang or balcony. In addition, landscape materials shall not be located such that at maturity they interfere with safe site distances for vehicular, bicycle or pedestrian traffic or conflict with overhead utility lines; and
4. Maintenance. Landscaping shall be maintained in an orderly and healthy condition in compliance with this Chapter. This includes proper pruning, staking, sowing of lawns, weeding, removal of litter, fertilizing, monitoring for pests and disease, replacement of plants when necessary and regular watering.

B. **New Projects, Residential Expansions and Nonresidential Expansions.** All landscaping areas subject to Section 17.72.020 of this Chapter shall comply with the following:

1. Plans and drawings. Landscape and irrigation plans shall be prepared by a licensed landscape architect or licensed landscape contractor or any other person authorized to design a landscape. Landscaping shall be planned as an integral part of the overall project

design and not simply located in remanent spaces after buildings and parking areas have been designed. The installation shall be in accordance with the approved plans and shall be required prior to final occupancy; and

2. Additional requirements. In addition to the minimum landscaping required in this Chapter, additional landscaping may be deemed necessary to relieve solid, unbroken elevations or soften continuous wall expanses. Additional landscaping may also be required to break up expansive parking areas, channelize traffic and screen trash enclosures, on-site utilities or other similar land uses or elements.

C. **Planting of Landscaping.** When new landscaping is proposed or required, the following shall be followed:

1. Trees. Specimen trees (e.g. 24-, 36- or 48-inch box) shall be planted at the minimum quantities outlined in this Chapter. New trees should also be staked or guyed.
2. Shrubs:
  - a. A minimum of one (1) shrub shall be provided for every 50 square feet of landscaped area for residential projects and every 25 square feet for nonresidential projects. A minimum 75 percent of the required shrubs shall be a minimum of five (5) gallons.
  - b. All five (5) gallon and one (1) gallon size shrubs, when planted as high ground cover, shall be of low, spreading type evergreen shrubs placed 18 inches on center.
3. Ground Covers:
  - a. Materials such as crushed rock, redwood chips, pebbles and stones are not satisfactory substitutes for live plant materials, although they may be used in limited amounts.
  - b. Depending on the type of ground cover planted, ground cover should be spaced at a maximum of one (1) foot on center.
  - c. Ground cover areas shall be planted with well rooted cuttings or container stock. Turf areas shall be planted with field-grown established sod or hydroseed.
4. Artificial turf standards. The use of artificial turf shall be permitted as follows:
  - a. Setback and percentage requirements:
    - i. Residential zoning districts. Artificial turf may be used in lieu of natural turf and ground cover for up to 40 percent of street yard setbacks. There shall be no limitation in other areas.
    - ii. Nonresidential zoning districts. Artificial turf may be used in lieu of natural turf and ground cover for up to 60 percent of street yard setbacks. There shall be no limitation in other areas.
    - iii. Slope restrictions. The installation of artificial turf on slopes greater than six (6) percent shall be prohibited.



b. Installation:

- i. General. Should be installed over a compacted and porous road base material and shall be anchored at all edges and seams. Seams shall be glued and not sewn. An infill medium consisting of clean sand or other approved mixture shall be brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place and provide a cushioning effect.
  - ii. Over subterranean or podium parking or on a roof. Should be installed with porcelain or turf tray pavers in conjunction with raised pedestals and deck support systems.
  - iii. Minimum height. Should consist of pile fibers a minimum height of one and three-quarters (1¾) inch.
  - iv. Drainage. Shall include a proper drainage system installed underneath the turf to prevent excessive run-off or pooling.
- c. General appearance. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well maintained lawn. The Planning Department shall maintain and make available for public inspection a sample of various artificial turf products that meet this standard of appearance.
- d. Prohibited uses. The use of indoor or outdoor plastic or nylon carpeting and/or the use of synthetic shrubs, flowers, trees and vines instead of artificial turf and/or live plant materials shall be prohibited.

**17.72.050 – Landscaping Requirements – Residential Uses.**

**A. All Residential Projects:**

1. Street setbacks areas. All street setback areas shall be fully landscaped with a mixture of trees, shrubs and ground covering, with exception to approved paved driveways and walkways. The paved area of the front yard and required street side yard, including driveways and walkways, shall not exceed 40 percent.
2. Trees. A minimum of one (1), 24-inch box specimen tree shall be planted in street setback areas every 35 linear feet of lot frontage, excluding driveways.
3. Driveway planter. A minimum three (3) foot wide planter shall be located between the interior side property line and length of the driveway. The planter shall be planted with low growth, wide-spreading ground cover material or clustered five (5) gallon dwarf evergreen shrubs. Trees may be planted if the driveway planter is five (5) or more feet in width.

**B. Residential Projects with Three (3) or More Units:**

1. Private open space areas. A minimum of one (1), 24-inch box specimen tree shall be planted in private open space areas that are at grade and have a minimum area of 400 square feet.

2. Common open space areas – at grade:
    - a. A minimum 50 percent of the common open space areas shall be landscaped. The rest may be improved with a combination of decorative paving and resident amenities (e.g. seating and barbeque areas, etc.).
    - b. A minimum of one (1) 24-inch box specimen tree shall be planted for every 500 square feet of common open space area.
  3. Common open space areas – over subterranean or podium parking or on a roof:
    - a. A minimum 25 percent of the common open space areas over subterranean or podium parking and 15 percent of common open space areas over other roofed areas shall be landscaped. The rest may be improved with a combination of decorative pavers and resident amenities (e.g. seating and barbeque areas, etc.).
    - b. When common open space areas are over subterranean or podium parking, a minimum one (1) 15-gallon tree shall be planted in a tree well. An additional tree shall be planted for each 800 square feet of common open space area.
    - c. Appropriate drainage shall be provided for planters, tree wells and the soil covering the parking or roof deck.
  4. Street setbacks, driveways and walkways to unit entrances shall not count towards private or common open space area requirements.
  5. Parking and circulation. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six (6) inch Portland Cement concrete curb. Other materials which accomplish the same purpose may also be used.
- C. **Mixed-use Projects.** For vertical or horizontal mixed-use projects, the project shall follow this Section for residential open space areas and Section 17.72.060 of this Chapter for all street setbacks, areas around at-grade nonresidential uses, surface parking lots and unused areas.

#### **17.72.060 – Landscaping Requirements – Nonresidential Uses.**

##### **A. Street Setback Areas:**

1. Street setbacks areas. All street setback areas shall be fully landscaped with a mixture of trees, shrubs and ground covering, with exception to approved driveways, walkways and other areas specifically permitted in this Title.
2. A minimum of one (1), 24-inch box specimen tree shall be required for every 35 linear feet of lot frontage, excluding driveways.

##### **B. Parking and Vehicular Access Areas:**

1. Percent of landscaping for off-street parking lots:
  - a. Equal to or less than 50 parking spaces. A minimum of five (5) percent shall be landscaped.
  - b. Greater than 50 parking spaces. A minimum of eight (8) percent shall be landscaped.

- c. Landscaping shall be distributed throughout the parking lot.
  - d. The landscaping percentages required above shall not include required street setbacks.
  - e. Parking spaces shall not include loading spaces. For manufacturing uses, areas used exclusively for loading, and fully enclosed by a solid masonry wall with a minimum height of six (6) feet, shall not trigger or require landscaping.
2. Number of trees. A minimum of one (1), 24-inch box specimen tree shall be required for every six (6) parking spaces, or portion thereof, and shall be located throughout the parking area. This shall be in addition to required trees planted in the street setback areas.
  3. Perimeter landscaping. All parking lots shall have a landscape planter with a minimum width of five (5) feet adjacent to all interior side and rear property lines.
  4. Planter size. All landscape planters shall be a minimum width of five (5) feet. The depth of parking stalls may be reduced by two (2) feet if the minimum planter width is six (6) feet, or if the minimum plant width is seven (7) feet and two (2) rows of vehicles are overhanging the planter.
  5. Parking and circulation. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six (6) inch Portland Cement concrete curb. Other materials which accomplish the same purpose may be approved by the Planning Division.
- C. **Mixed-use Projects.** For vertical or horizontal mixed-use projects, the project shall follow this Section for all street setbacks, areas around at-grade nonresidential uses, surface parking lots and unused areas and Section 17.72.050 of this Chapter for residential open space areas.
- D. **Unused Areas.** All areas of a project site not intended for a specific use, including pad sites held for future development, shall be landscaped in accordance with this Chapter.

#### **17.72.070 – Landscaping Reductions and Adjustments.**

The applicable review authority may consider any of the following landscaping requirements reductions:

##### **A. Residential Projects:**

1. Driveway planter. The minimum three (3) feet planter width between the interior side property line and length of the driveway may be waived as follows:
  - a. When the property has a street frontage of 50 feet or less; and
  - b. For residential expansions, as outlined in Subsection 17.72.020(B) of this Chapter, when the existing driveway is situated between the existing dwelling and interior side property line, and the setback between the existing dwelling and interior property line is less than 15 feet.

2. Common open space areas. The minimum number of trees may be reduced because of the proposed planting plan (e.g. the species selected) or programming (e.g. the project includes a swimming pool or gazebo).
3. Street setback areas. The minimum number of trees or minimum percentage of landscaping for street setback areas may be reduced for buildings that are constructed ten (10) feet or less to the public right-of-way.

**B. Nonresidential Projects:**

1. Street setback areas. The minimum number of trees or minimum percentage of landscaping for street setback areas may be reduced for buildings that are constructed ten (10) feet or less to the public right-of-way.
2. Vehicle dealerships. The minimum number of trees may be reduced and/or the tree species may be modified for vehicle dealerships within the City's Auto District (as illustrated in General Plan Figure LU-2).
3. Solar facilities. The minimum number of parking lot trees may be reduced and/or the tree species may be modified for parking lots that include vehicle canopies equipped with solar panels.
4. Podium parking and structured parking. The minimum number of parking lot trees may be reduced and/or the tree species may be modified for podium parking areas and the upper level of structured parking.
5. Perimeter landscaping for parking or vehicular access areas. The minimum planter width may be reduced or waived for properties less than 100 feet wide or 100 feet deep. However, reductions to perimeter landscaping shall not be permissible if the adjacent property is zoned residential.

- C. Tree Mitigation Fund.** The applicant shall pay into the City's Tree Mitigation Fund for each required tree that is not planted.

**17.72.080 – Tree Preservation.**

Refer to Chapter 14.03 (Tree Protection and Preservation) of Title 14 (Sustainable Development) of the El Monte Municipal Code (EMMC) to review the City's regulations to protect and preserve trees.

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## **CHAPTER 17.74 – WATER EFFICIENCY**

### **Sections.**

- 17.74.010 – Purpose.
- 17.74.020 – Applicability.
- 17.74.030 – Provisions for New Construction or Rehabilitated Landscapes.
- 17.74.040 – Compliance with Landscape Documentation Package.
- 17.74.050 – Penalties.
- 17.74.060 – Elements of the Landscape Documentation Package.
- 17.74.070 – Water Efficient Landscape Worksheet.
- 17.74.080 – Soil Management Report.
- 17.74.090 – Landscape Design Plan.
- 17.74.100 – Irrigation Design Plan.
- 17.74.110 – Grading Design Plan.
- 17.74.120 – Certificate of Completion.
- 17.74.130 – Irrigation Scheduling.
- 17.74.140 – Landscape and Irrigation Maintenance Schedule.
- 17.74.150 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
- 17.74.160 – Irrigation Efficiency.
- 17.74.170 – Recycled Water.
- 17.74.180 – Graywater Systems.
- 17.74.190 – Stormwater Management and Rainwater Retention.
- 17.74.200 – Public Education.
- 17.74.210 – Environmental Review.
- 17.74.220 – Provisions for Existing Landscapes.
- 17.74.230 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.
- 17.74.240 – Water Waste Prevention.
- 17.74.250 – Effective Precipitation.
- 17.74.260 – Reporting.

### **17.74.010 – Purpose.**

- A. The state legislature has found that:
  - 1. The waters of the state are of limited supply and are subject to ever increasing demands;
  - 2. The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
  - 3. It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
  - 4. Landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and

- water, preventing erosion, offering fire protection and replacing ecosystems lost to development;
5. Landscape design, installation, maintenance and management can and should be water efficient; and
  6. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.
- B. Consistent with these legislative findings, the purpose of the Model Water Efficiency Landscape Ordinance (MWELo) is to:
1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
  2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;
  3. Establish provisions for water management practices and water waste prevention for existing landscapes;
  4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
  5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
  6. Encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
  7. Encourage local agencies to designate the necessary authority that implements and enforces the provisions of this Chapter or its local landscape ordinance.
- C. Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of this Chapter, conditions in the urban setting will be improved by:
1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits;
  2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas;

3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment;
4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion; and
5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action.

**17.74.020 – Applicability.**

- A. This Chapter shall apply to all of the following landscape projects:
  1. New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or Design Review;
  2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or Design Review; and
  3. Existing landscapes limited to Sections 17.74.220, 17.74.230, and 17.74.240 of this Chapter.
- B. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this Section or conform to the prescriptive measures contained in Table 17.74-5.
- C. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Table 17.74-5 Section (E). This Section does not apply to:
  1. Registered federal, state or local historical sites;
  2. Ecological restoration projects that do not require a permanent irrigation system;
  3. Mined-land reclamation projects that do not require a permanent irrigation system; or
  4. Existing plant collections, as part of botanical gardens and arboreta open to the public.

**17.74.030 – Provisions for New Construction or Rehabilitated Landscapes.**

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



**17.74.040 – Compliance with Landscape Documentation Package.**

- A. Prior to construction, the City shall:
  - 1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;
  - 2. Review the landscape documentation package submitted by the project applicant;
  - 3. Approve or deny the landscape documentation package;
  - 4. Issue a permit or approve the plan check or design review for the project applicant; and
  - 5. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to the local water purveyor.
- B. Prior to construction, the project applicant shall submit a landscape documentation package to the City.
- C. Upon approval of the landscape documentation package by the City, the project applicant shall:
  - 1. Receive a permit or approval of the plan check or Design Review and record the date of the permit in the certificate of completion;
  - 2. Submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and
  - 3. Submit a copy of the water efficient landscape worksheet to the local water purveyor.

**17.74.050 – Penalties.**

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

**17.74.060 – Elements of the Landscape Documentation Package.**

- A. The landscape documentation package shall include the following six (6) elements:
  - 1. Project information:
    - a. Date;
    - b. Project applicant;
    - c. Project address (if available, parcel and/or lot number(s));
    - d. Total landscape area (square feet);
    - e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
    - f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;
    - g. Checklist of all documents in landscape documentation package;

- h. Project contacts to include contact information for the project applicant and property owner; and
  - i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape documentation package."
- 2. Water efficient landscape worksheet:
  - a. Hydrozone information table;
  - b. Water budget calculations:
    - i. Maximum Applied Water Allowance (MAWA); and
    - ii. Estimated Total Water Use (ETWU).
- 3. Soil management report;
- 4. Landscape design plan;
- 5. Irrigation design plan; and
- 6. Grading design plan.

**17.74.070 – Water Efficient Landscape Worksheet.**

- A. A project applicant shall complete the water efficient landscape worksheet in Table 17.74-2, which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for nonresidential areas, exclusive of special landscape areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The maximum applied water allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for nonresidential areas) and expressed as annual gallons required. The estimated total water use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.
  - 1. In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the Reference Evapotranspiration (ET<sub>o</sub>) values found in Table 17.74-1. Since the City of El Monte is not included in the list, it shall use data from other cities located nearby and in the same ET<sub>o</sub>.
- B. Water budget calculations shall adhere to the following requirements:
  - 1. The plant factor used shall be from Water Use Classification of Landscape Species (WUCOLS) or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All special landscape areas shall be identified and their water use calculated as shown in Table 17.74-2.
4. ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

**17.74.080 – Soil Management Report.**

- A. In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant as follows:
  1. Submit soil samples to a laboratory for analyses and recommendations:
    - a. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
    - b. The soil analyses shall include:
      - i. Soil texture;
      - ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;
      - iii. pH;
      - iv. Total soluble salts;
      - v. Sodium;
      - vi. Percent organic matter; and
      - vii. Recommendations.
    - c. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of one (1) in seven (7) lots or approximately 15 percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one (1) in seven (7) lots.
  2. The project applicant shall comply with one (1) of the following:
    - a. If significant mass grading is not planned, the soil analysis report shall be submitted to the City as part of the landscape documentation package; or
    - b. If significant mass grading is planned, the soil analysis report shall be submitted to the City as part of the certificate of completion.
  3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.
  4. The project applicant shall submit documentation verifying implementation of soil analysis report recommendations to the City with certificate of completion.

#### **17.74.090 – Landscape Design Plan.**

- A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.
1. Plant material:
    - a. Any plant may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. Methods to achieve water efficiency shall include one (1) or more of the following:
      - i. Protection and preservation of native species and natural vegetation;
      - ii. Selection of water-conserving plant, tree and turf species, especially local native plants;
      - iii. Selection of plants based on local climate suitability, disease and pest resistance;
      - iv. Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;
      - v. Selection of plants from local and regional landscape program plant lists; and
      - vi. Selection of plants from local fuel modification plan guidelines.
    - b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Subsection 17.74.100(a)(2)(D) of this Chapter.
    - c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one (1) or more of the following:
      - i. Use the sunset western climate zone system which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
      - ii. Recognize the horticultural attributes of plants i.e. mature plant size, invasive surface roots to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and
      - iii. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
    - d. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means one (1) foot of vertical elevation change for every four (4) feet of horizontal length (rise divided by run  $\times$  100 = slope percent).
    - e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

- f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Subsections 4291(a) and (b) of the California Public Resources Code. Avoid fire-prone plant materials and highly flammable mulches. Refer to the local fuel modification plan guidelines.
  - g. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.
  - h. The architectural guidelines of a common interest developments, which include community apartment projects, condominiums, planned developments and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.
2. Water feature:
- a. Recirculating water systems shall be used for water features.
  - b. Where available, recycled water shall be used as a source for decorative water features.
  - c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
  - d. Pool and spa covers shall be used when pool or spa is not in use to minimize the loss of water due to evaporation.
3. Soil preparation, mulch and amendments:
- a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.
  - b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 17.74.080 of this Chapter).
  - c. For landscape installations, compost at a rate of a minimum of four (4) cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six (6) percent organic matter in the top six (6) inches of soil are exempt from adding compost and tilling.
  - d. A minimum three inch (3) layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five (5) percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.
  - e. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

- f. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.
  - g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- B. The landscape design plan, at a minimum, shall:
- 1. Delineate and label each hydrozone by number, letter, or other method;
  - 2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
  - 3. Identify recreational areas;
  - 4. Identify areas permanently and solely dedicated to edible plants;
  - 5. Identify areas irrigated with recycled water;
  - 6. Identify type of mulch and application depth;
  - 7. Identify soil amendments, type, and quantity;
  - 8. Identify type and surface area of water features;
  - 9. Identify hardscapes (pervious and non-pervious);
  - 10. Identify location, and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the City or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 17.74.190 of this Chapter;
  - 11. Identify any applicable rain harvesting or catchment technologies, as discussed in Section 17.74.190 of this Chapter and their 24-hour retention or infiltration capacity;
  - 12. Identify any applicable graywater discharge piping, system components and area(s) of distribution;
  - 13. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan;" and
  - 14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agriculture Code).

#### **17.74.100 – Irrigation Design Plan.**

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

1. System:

- a. Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all nonresidential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet (the level at which California Water Code 535 applies) and residential irrigated landscapes of 5,000 square feet or greater. A landscape water meter may be either:
  - i. A customer service meter dedicated to landscape use provided by the local water purveyor; or
  - ii. A privately owned meter or submeter.
- b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.
- c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.
  - i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
  - ii. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
- d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.
- e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to

minimize water loss in case of an emergency (such as a main line break) or routine repair.

- f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. The project applicant shall refer to Section 13.08.040 (Backflow Prevention Devices) of Title 13 (Public Services) of the EMMC for additional backflow prevention requirements.
- g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on nonresidential landscapes and residential landscapes of 5,000 square feet or larger.
- h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.
- i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.
- j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.
- k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.
- l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 17.74.070 of this Chapter regarding the maximum applied water allowance.
- m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.
- n. It is highly recommended that the project applicant or City inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.
- o. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.
- p. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.
- q. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.



- r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.
- s. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.
- t. Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.
- u. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
  - i. The landscape area is adjacent to permeable surfacing and no runoff occurs;
  - ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
  - iii. The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria in Subsections (A)(1)(h) and (A)(1)(i) above. Prevention of overspray and runoff must be confirmed during the irrigation audit.
- v. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

## 2. Hydrozone:

- a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.
- b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.
- d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
  - i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
  - ii. The plant factor of the higher water using plant is used for calculations.

- e. Individual hydrozones that mix high and low water use plants shall not be permitted.
  - f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table (see Table 17.74-2 on page 7-54). This table can also assist with the irrigation audit and programming the controller.
- B. The irrigation design plan, at a minimum, shall contain:
- 1. Location and size of separate water meters for landscape;
  - 2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
  - 3. Static water pressure at the point of connection to the public water supply;
  - 4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
  - 5. Recycled water irrigation systems as specified in Section 17.74.170 of this Chapter;
  - 6. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
  - 7. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the California Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the California Food and Agricultural Code).

**17.74.110 – Grading Design Plan.**

- A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other City permits satisfies this requirement.
- 1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
    - a. Height of graded slopes;
    - b. Drainage patterns;
    - c. Pad elevations;
    - d. Finish grade; and
    - e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:
  - a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
  - b. Avoid disruption of natural drainage patterns and undisturbed soil; and
  - c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

**17.74.120 – Certificate of Completion.**

- A. The certificate of completion (see Table 17.74-4 for a sample certificate) shall include the following six (6) elements:
  1. Project information sheet that contains:
    - a. Date;
    - b. Project name;
    - c. Project applicant name, telephone, and mailing address;
    - d. Project address and location; and
    - e. Property owner name, telephone, and mailing address.
  2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package:
    - a. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification.
    - b. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.
  3. Irrigation scheduling parameters used to set the controller (see Section 17.74.130 of this Chapter).
  4. Landscape and irrigation maintenance schedule (see Section 17.74.140 of this Chapter).
  5. Irrigation audit report (see Section 17.74.150 of this Chapter); and
  6. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see Section 17.74.080 of this Chapter).
- B. The project applicant shall:
  1. Submit the signed certificate of completion to the City for review;

2. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor and property owner or his or her designee.
- C. The Community Development Director shall:
1. Receive the signed certificate of completion from the project applicant; and
  2. Approve or deny the Certificate of Completion. Community Development Director decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decisions shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

**17.74.130 – Irrigation Scheduling.**

- A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
  2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
  3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current ETo, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current ETo data (e.g. California Irrigation Management Information System (CIMIS)) or soil moisture sensor data.
  4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
    - a. The plant establishment period;
    - b. The established landscape; and
    - c. Temporarily irrigated areas.
  5. Each irrigation schedule shall consider for each station all of the following that apply:
    - a. Irrigation interval (days between irrigation);
    - b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
    - c. Number of cycle starts required for each irrigation event to avoid runoff;
    - d. Amount of applied water scheduled to be applied on a monthly basis;
    - e. Application rate setting;
    - f. Root depth setting;
    - g. Plant type setting;

- h. Soil type;
- i. Slope factor setting;
- j. Shade factor setting; and
- k. Irrigation uniformity or efficiency setting.

**17.74.140 – Landscape and Irrigation Maintenance Schedule.**

- A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.
- B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance,
- C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.
- D. A project applicant is encouraged to implement established landscape industry sustainable best practices or environmentally-friendly practices for all landscape maintenance activities.

**17.74.150 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.**

- A. All landscape irrigation audits shall be conducted by a City landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
- B. In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of one (1) in seven (7) lots or approximately 15 percent will satisfy this requirement.
- C. For new construction and rehabilitated landscape projects, the following shall occur as described in Chapter 17.152 (General Definitions) of this Title:
  - 1. The project applicant shall submit an irrigation audit report with the certificate of completion to the City that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming; and
  - 2. The City shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

#### **17.74.160 – Irrigation Efficiency.**

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

#### **17.74.170 – Recycled Water.**

- A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- B. All recycled water irrigation systems shall be designed and operated in accordance with all applicable state and local laws.
- C. Landscapes using recycled water are considered special landscape areas. The Estimated Total (ET) Adjustment Factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

#### **17.74.180 – Graywater Systems.**

Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to Title 24, Part 5, Chapter 16 of the California Plumbing Code and any applicable local ordinance standards. Refer to Section 17.74.020(D) of this Chapter for the applicability of this Section to landscape areas less than 2,500 square feet with the estimated total water use met entirely by graywater.

#### **17.74.190 – Stormwater Management and Rainwater Retention.**

- A. Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- B. Project applicants shall refer to the City or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Subsection 17.74.090(A)(3) of this Chapter.
- D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either:
  - 1. The one (1) inch, 24 hour rain event; or
  - 2. The 85<sup>th</sup> percentile, 24-hour rain event, and/or additional capacity as required by any applicable federal, state, regional or local regulation.
- E. It is recommended that stormwater projects incorporate any of the following elements to improve on-site stormwater and dry weather runoff capture and use:
  - 1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.

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

#### **17.74.200 – Public Education.**

- A. **Publications.** Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.
  1. The City's Water Division and other water suppliers/purveyors for the City shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.
- B. **Model Homes.** All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Section:
  1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.
  2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

#### **17.74.210 – Environmental Review.**

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

#### **17.74.220 – Provisions for Existing Landscapes.**

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

#### **17.74.230 – Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.**

- A. This Section shall apply to all existing landscapes that were installed before December 1, 2015 and are over one (1) acre in size:
  - 1. For all landscapes in this Subsection that have a water meter, the City shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as:  $MAWA = (0.8)(ET_o)(LA)(0.62)$ .
  - 2. For all landscapes in Subsection (A)(1) above that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.
- B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

#### **17.74.240 – Water Waste Prevention.**

- A. The City shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.
- B. Restrictions regarding overspray and runoff may be modified if:
  - 1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or
  - 2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

#### **17.74.250 – Effective Precipitation.**

The City may consider effective precipitation (25 percent of annual precipitation) in tracking water use and may use the following equation to calculate maximum applied water allowance:  $MAWA = (ET_o - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$  for residential areas.  $MAWA = (ET_o - EPPT) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$  for nonresidential areas.

#### **17.74.260 – Reporting.**

- A. The City is responsible for administering this Chapter and submitting an annual report to the California Department of Water Resources on January 31<sup>st</sup> of each year.
- B. The City's annual report shall address the following:
  - 1. Define the reporting period. The reporting period shall commence on January 1<sup>st</sup> of each year and end on December 31<sup>st</sup> of each year.
  - 2. State if the City is using a locally modified Water Efficient Landscape Ordinance (WELo) or the MWELo. If the City is using a locally modified WELo, state how it differs from



MWELO, is at least as efficient as MWELO and whether there are any exemptions specified.

3. State the entity responsible for implementing this Chapter.
  4. State number and types of projects subject to this Chapter during the specified reporting period.
  5. State the total area (in square feet or acres) subject to this Chapter over the reporting period, if available.
  6. Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
  7. Describe the procedure for review of projects subject to this Chapter.
  8. Describe actions taken to verify compliance. Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
  9. Describe enforcement measures.
  10. Explain challenges to implementing and enforcing the ordinance.
  11. Describe educational and other needs to properly apply this Chapter.
- C. List of Worksheets and Tables:
1. Table 17.74-1 – Reference Evapotranspiration (ET<sub>o</sub>).
  2. Table 17.74-2 – Sample Water Efficient Landscape Worksheet.
  3. Table 17.74-3 – ETAF Calculations.
  4. Table 17.74-4 – Sample Certificate of Completion:
    - a. Part 1: Project information sheet.
    - b. Part 2: Certification of installation according to the landscape documentation package.
    - c. Part 3: Irrigation schedule.
    - d. Part 4. Schedule of landscape and irrigation maintenance.
    - e. Part 5: Landscape irrigation audit report.
    - f. Part 6: Soil management report.
  5. Table 17.74-5 – Sample Certificate of Completion:
    - a. Part A: Submitting a landscape documentation package.
    - b. Part B: Incorporating compost.
    - c. Part C: Plant materials.
    - d. Part D: Turf areas.

e. Part E: Irrigation systems.

f. Part F: Nonresidential projects with landscape areas greater than 1,000 square feet.

| Table 17.74-1 – Reference Evapotranspiration (ET <sub>o</sub> ) <sup>18</sup> |     |     |     |     |     |     |      |     |     |     |     |     |                        |
|-------------------------------------------------------------------------------|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|-----|-----|------------------------|
| Los Angeles County                                                            | Jan | Feb | Mar | Apr | May | Jun | Jul  | Aug | Sep | Oct | Nov | Dec | Annual ET <sub>o</sub> |
| Burbank                                                                       | 2.1 | 2.8 | 3.7 | 4.7 | 5.1 | 6.0 | 6.6  | 6.7 | 5.4 | 4.0 | 2.6 | 2.0 | 51.7                   |
| Claremont                                                                     | 2.0 | 2.3 | 3.4 | 4.6 | 5.0 | 6.0 | 7.0  | 7.0 | 5.3 | 4.0 | 2.7 | 2.1 | 51.3                   |
| El Dorado                                                                     | 1.7 | 2.2 | 3.6 | 4.8 | 5.1 | 5.7 | 5.9  | 5.9 | 4.4 | 3.2 | 2.2 | 1.7 | 46.3                   |
| Glendale                                                                      | 2.0 | 2.2 | 3.3 | 3.8 | 4.7 | 4.8 | 5.7  | 5.6 | 4.3 | 3.3 | 2.2 | 1.8 | 43.7                   |
| Glendora                                                                      | 2.0 | 2.5 | 3.6 | 4.9 | 5.4 | 6.1 | 7.3  | 6.8 | 5.7 | 4.2 | 2.6 | 2.0 | 53.1                   |
| Gorman                                                                        | 1.6 | 2.2 | 3.4 | 4.6 | 5.5 | 7.4 | 7.7  | 7.1 | 5.9 | 3.6 | 2.4 | 1.1 | 52.4                   |
| Hollywood Hills                                                               | 2.1 | 2.2 | 3.8 | 5.4 | 6.0 | 6.5 | 6.7  | 6.4 | 5.2 | 3.7 | 2.8 | 2.1 | 52.8                   |
| Lancaster                                                                     | 2.1 | 3.0 | 4.6 | 5.9 | 8.5 | 9.7 | 11.0 | 9.8 | 7.3 | 4.6 | 2.8 | 1.7 | 71.1                   |
| Long Beach                                                                    | 1.8 | 2.1 | 3.3 | 3.9 | 4.5 | 4.3 | 5.3  | 4.7 | 3.7 | 2.8 | 1.8 | 1.5 | 39.7                   |
| Los Angeles                                                                   | 2.2 | 2.7 | 3.7 | 4.7 | 5.5 | 5.8 | 6.2  | 5.9 | 5.0 | 3.9 | 2.6 | 1.9 | 50.1                   |
| Monrovia                                                                      | 2.2 | 2.3 | 3.8 | 4.3 | 5.5 | 5.9 | 6.9  | 6.4 | 5.1 | 3.2 | 2.5 | 2.0 | 50.2                   |
| Palmdale                                                                      | 2.0 | 2.6 | 4.6 | 6.2 | 7.3 | 8.9 | 9.8  | 9.0 | 6.5 | 4.7 | 2.7 | 2.1 | 66.2                   |
| Pasadena                                                                      | 2.1 | 2.7 | 3.7 | 4.7 | 5.1 | 6.0 | 7.1  | 6.7 | 5.6 | 4.2 | 2.6 | 2.0 | 52.3                   |
| Pearblossom                                                                   | 1.7 | 2.4 | 3.7 | 4.7 | 7.3 | 7.7 | 9.9  | 7.9 | 6.4 | 4.0 | 2.6 | 1.6 | 59.9                   |
| Pomona                                                                        | 1.7 | 2.0 | 3.4 | 4.5 | 5.0 | 5.8 | 6.5  | 6.4 | 4.7 | 3.5 | 2.3 | 1.7 | 47.5                   |
| Redondo Beach                                                                 | 2.2 | 2.4 | 3.3 | 3.8 | 4.5 | 4.7 | 5.4  | 4.8 | 4.4 | 2.8 | 2.4 | 2.0 | 42.6                   |
| San Fernando                                                                  | 2.0 | 2.7 | 3.5 | 4.6 | 5.5 | 5.9 | 7.3  | 6.7 | 5.3 | 3.9 | 2.6 | 2.0 | 52.0                   |
| Santa Clarita                                                                 | 2.8 | 2.8 | 4.1 | 5.6 | 6.0 | 6.8 | 7.6  | 7.8 | 5.8 | 5.2 | 3.7 | 3.2 | 61.5                   |
| Santa Monica                                                                  | 1.8 | 2.1 | 3.3 | 4.5 | 4.7 | 5.0 | 5.4  | 5.4 | 3.9 | 3.4 | 2.4 | 2.2 | 44.2                   |

<sup>18</sup> The values in this table were derived from: (1) California Irrigation Management Information System (CIMIS); (2) ET<sub>o</sub> Zones Map, UC Dept. of Land, Air & Water Resources and California Dept of Water Resources 1999; (3) ET<sub>o</sub> for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922; and (4) Determining Daily ET<sub>o</sub>, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

Table 17.74-2 – Sample Water Efficient Landscape Worksheet

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package. Reference Evapotranspiration (ETo): \_\_\_\_\_

| Hydrozone #<br>/Planting<br>Description <sup>19</sup> | Plant<br>Factor<br>(PF) | Irrigation<br>Method <sup>20</sup> | Irrigation<br>Efficiency (IE)<br><sup>21</sup>          | ETAF<br>(PF/IE) | Landscape<br>Area (sq.<br>ft.) | ETAF ×<br>Area | Estimated<br>Total Water<br>Use (ETWU)<br><sup>22</sup> |
|-------------------------------------------------------|-------------------------|------------------------------------|---------------------------------------------------------|-----------------|--------------------------------|----------------|---------------------------------------------------------|
| <i>Regular Landscape Areas:</i>                       |                         |                                    |                                                         |                 |                                |                |                                                         |
|                                                       |                         |                                    |                                                         |                 |                                |                |                                                         |
|                                                       |                         |                                    |                                                         |                 |                                |                |                                                         |
|                                                       |                         |                                    |                                                         |                 |                                |                |                                                         |
|                                                       |                         |                                    |                                                         | Totals          | (A)                            | (B)            |                                                         |
| <i>Special Landscape Areas:</i>                       |                         |                                    |                                                         |                 |                                |                |                                                         |
|                                                       |                         |                                    |                                                         | 1               |                                |                |                                                         |
|                                                       |                         |                                    |                                                         | 1               |                                |                |                                                         |
|                                                       |                         |                                    |                                                         | 1               |                                |                |                                                         |
|                                                       |                         |                                    |                                                         | Totals          | (C)                            | (D)            |                                                         |
|                                                       |                         |                                    |                                                         |                 |                                |                | ETWU Total                                              |
|                                                       |                         |                                    | Maximum Allowed Water Allowance (WAWA)<br><sup>23</sup> |                 |                                |                |                                                         |

<sup>19</sup> Hydrozone #/Planting Description e.g. front lawn, low water use plantings and medium water use planting.

<sup>20</sup> Irrigation Method—Overhead spray or drip

<sup>21</sup> Irrigation Efficiency—0.75 for spray head/0.81 for drip

<sup>22</sup> ETWU (Annual Gallons Required) = ETo × 0.62 × ETAF × Area. Where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year. 0

<sup>23</sup> MAWA (Annual Gallons Allowed) = (ETo)(0.62) [(ETAF × LA) + ((1-ETAF) × SLA)]. Where 0.62 is a conversion factor that converts acre-inches per acre per year, to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is 0.55 for residential areas and 0.45 for nonresidential areas.

| Table 17.74-3 – ETAF Calculations                                                                                                 |                    |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <i>Regular Landscape Areas:</i>                                                                                                   |                    |
| Total ETAF × Area                                                                                                                 | (B)                |
| Total Area                                                                                                                        | (A)                |
| Average ETAF                                                                                                                      | $B \div A$         |
| Average ETAF for regular landscape areas must be 0.55 or below for residential areas, and 0.45 or below for nonresidential areas. |                    |
| <i>All Landscape Areas:</i>                                                                                                       |                    |
| Total ETAF × area                                                                                                                 | (B+D)              |
| Total Area                                                                                                                        | (A+C)              |
| Sitewide ETAF                                                                                                                     | $(B+D) \div (A+C)$ |

| Table 17.74-4 – Sample Certificate of Completion <sup>24</sup> |          |                                           |
|----------------------------------------------------------------|----------|-------------------------------------------|
| Part 1. Project information sheet:                             |          |                                           |
| <i>Project Information:</i>                                    |          |                                           |
| Project Name                                                   |          | Date                                      |
| <i>Project Address and Location:</i>                           |          |                                           |
| Street Address                                                 |          | Parcel, tract or lot number, if available |
| City                                                           |          | Latitude/Longitude (optional)             |
| State                                                          | Zip Code |                                           |
| <i>Property Owner or his/her Designee:</i>                     |          |                                           |
| Name                                                           |          | Telephone No.                             |
| Title                                                          |          | Email Address                             |
| Company                                                        |          | Street Address                            |
| City                                                           | State    | Zip Code                                  |

<sup>24</sup> This certification is filled out by the project applicant upon completion of the landscape project.

Table 17.74-4 – Sample Certificate of Completion (continued)<sup>25</sup>

Part 1. Project information sheet (continued):

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

|                                              |                          |
|----------------------------------------------|--------------------------|
| <p>_____</p> <p>Property Owner Signature</p> | <p>_____</p> <p>Date</p> |
|----------------------------------------------|--------------------------|

*Please answer the following:*

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

Part 2. Certification of installation according to the landscape documentation package :

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

|                                              |                          |
|----------------------------------------------|--------------------------|
| <p>_____</p> <p>Property Owner Signature</p> | <p>_____</p> <p>Date</p> |
| Name (print)                                 | Telephone No.            |
| Title                                        | Email Address            |
| License No. or Certification No.             |                          |
| Company                                      | Street Address           |
| City                                         | State      Zip Code      |

<sup>25</sup> This certification is filled out by the project applicant upon completion of the landscape project.

| Table 17.74-4 – Sample Certificate of Completion (continued) <sup>26</sup>                                                               |  |
|------------------------------------------------------------------------------------------------------------------------------------------|--|
| Part 3. Irrigation schedule:                                                                                                             |  |
| Attach parameters of the irrigation schedule on controller per Section 17.74.130 of this Chapter.                                        |  |
| Part 4. Schedule of landscape and irrigation maintenance:                                                                                |  |
| Attach schedule of Landscape and Irrigation Maintenance per Section 17.74.140 of this Chapter.                                           |  |
| Part 5. Landscape irrigation audit report:                                                                                               |  |
| Attach Landscape Irrigation Audit Report per Section 17.74.150 of this Chapter.                                                          |  |
| Part 6. Soil management report:                                                                                                          |  |
| Attach soil analysis report, if not previously submitted with the Landscape Documentation Package per Section 17.74.090 of this Chapter. |  |
| Attach documentation verifying implementation of recommendations from soil analysis report per Section 17.74.030 of this Chapter.        |  |

| Table 17.74-5 – Sample Certificate of Completion                                                                                                 |                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| This table contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance (MWELO). |                                                                                                                                                   |
| Compliance with the following items is mandatory and must be documented in a landscape plan in order to use the prescriptive compliance options: |                                                                                                                                                   |
| A. Submit a landscape documentation package which includes the following elements:                                                               |                                                                                                                                                   |
| 1.                                                                                                                                               | Date.                                                                                                                                             |
| 2.                                                                                                                                               | Project applicant.                                                                                                                                |
| 3.                                                                                                                                               | Project address (if available, parcel and/or lot numbers)                                                                                         |
| 4.                                                                                                                                               | Total landscape area (square feet), including a breakdown of turf and plant material.                                                             |
| 5.                                                                                                                                               | Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed).                                                          |
| 6.                                                                                                                                               | Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well.  |
| 7.                                                                                                                                               | Contact information for the project applicant and proper owner.                                                                                   |
| 8.                                                                                                                                               | Applicant signature and date with statement, <i>"I agree to comply with the requirements of the prescriptive compliance option to the MWELO."</i> |

<sup>26</sup> This certification is filled out by the project applicant upon completion of the landscape project.

| Table 17.74-5 – Sample Certificate of Completion (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B. Incorporate compost at the following rate:                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 9.                                                           | Incorporate compost at a rate of at least four (4) cubic yards per 1,000 square feet to a depth of six (6) inches into landscape area (unless contra-indicated by a soil test).                                                                                                                                                                                                                                                                                 |
| C. Plant material shall comply with the following:           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10.                                                          | For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75 percent of the plant area excluding edibles and areas using recycled water; for nonresidential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100 percent of the plant area excluding edibles and areas using recycled water. |
| 11.                                                          | A minimum of three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.                                                                                                                                                                                                                                   |
| D. Turf shall comply with the following:                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12.                                                          | Turf shall not exceed 25 percent of the landscape area in residential areas, and there shall be no turf in nonresidential areas;                                                                                                                                                                                                                                                                                                                                |
| 13.                                                          | Turf shall not be planted on sloped areas which exceed a slope of one (1) foot vertical elevation change for every four (4) feet of horizontal length;                                                                                                                                                                                                                                                                                                          |
| 14.                                                          | Turf is prohibited in parkways less than ten (10) feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.                                                                                                                                                                                |
| E. Irrigation systems shall comply with the following:       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 15.                                                          | Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.                                                                                                                                                                                                                                                                                                                           |
| 16.                                                          | Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.                                                                                                                                                                                                                                                                                                                            |
| 17.                                                          | Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.                                                                                                                                                                                                                                                                                                                            |
| 18.                                                          | Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.                                                                                                                                                                                                                                                                                           |
| 19.                                                          | All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.                                                                                                                           |

| Table 17.74-5 – Sample Certificate of Completion (continued)                                                                                                                                                                            |                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| E. Irrigation systems shall comply with the following (continued):                                                                                                                                                                      |                                                                                                                                                         |
| 20.                                                                                                                                                                                                                                     | Areas less than ten (10) feet in width in any direction shall be irrigated with surface irrigation or other means that produces no runoff or overspray. |
| F. Nonresidential projects with landscape areas greater than 1,000 square feet:                                                                                                                                                         |                                                                                                                                                         |
| 21.                                                                                                                                                                                                                                     | A private submitter(s) to measure landscape water use shall be installed.                                                                               |
| At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance. |                                                                                                                                                         |



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## **DIVISION 8 – SIGNAGE AND BILLBOARD REGULATIONS**

### **Chapter 17.80 – SIGNAGE REGULATIONS**

#### **Sections.**

- 17.80.010 – Purpose.
- 17.80.020 – Applicability.
- 17.80.030 – Exempt Signs.
- 17.80.040 – Prohibited Signs.
- 17.80.050 – General Procedures.
- 17.80.060 – Permitted Signs – Residential, Public and Quasi-public Zoning Districts.
- 17.80.070 – Building Signs – Multiuse, Commercial and Manufacturing Zoning Districts.
- 17.80.080 – Freestanding Signs – Multiuse, Commercial and Manufacturing Zoning Districts.
- 17.80.090 – Permitted Signs – Gateway and Downtown Specific Plans.
- 17.80.100 – Permitted Signs – Specific Uses and Sign Types.
- 17.80.110 – Temporary Signs.
- 17.80.120 – Design Requirements and Guidelines.
- 17.80.130 – Maintenance and Enforcement.
- 17.80.140 – Time Period.
- 17.80.150 – Appeals.

#### **17.80.010 – Purpose.**

The purpose of this Chapter is to establish sign regulations that are intended to:

- A. Aid the public's orientation and to advertise and identify businesses and activities;
- B. Promote the appearance of the City as an attractive and harmonious community by regulating the design, materials, location, number, scale, illumination and condition of signs;
- C. Encourage creative and well-designed signs that contribute in a positive way to the City's aesthetics and restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy or create hazards or unreasonable distractions for pedestrians and drivers;
- D. Provide standards designed to safeguard the health, safety and public welfare while encouraging flexibility, variety and compatibility; and
- E. Enact and regulate signs in a manner that is content neutral and consistent with the free speech protections of the First Amendment of the United States Constitution and corollary provisions of the California Constitution.

#### **17.80.020 – Applicability.**

- A. **New or Revised Signs.** The requirements of this Chapter apply to all signs on public and private property, except where expressly stated otherwise. No sign shall be erected or maintained anywhere in the City except in conformity with this Chapter.

- B. **Address Signs and Name Plates.** Every property shall be marked with Arabic numerals with a minimum height of six (6) inches. The requirements of this Chapter apply to all address signs with a height greater than one (1) foot and name plates with a height greater than one (1) foot and area greater than six (6) square feet.

**17.80.030 – Exempt Signs.**

The provisions of this Chapter shall not apply to the following type of signs:

- A. **Address Signs and Name Plates.** Address signs with a height less than one (1) foot and name plates with a height less than one (1) foot and an area less than six (6) square feet.
- B. **Barber Poles.** Up to two (2) feet in height.
- C. **Equipment Signs.**
- D. **Garage or Yard Sale Signs.** Subject to the requirements outlined in Chapter 5.44 (Garage Sales) of Title 5 (Business License and Regulations) of the El Monte Municipal Code (EMMC).
- E. **Interior Graphics or Signs.** Shall be a minimum three (3) feet from a door or window.
- F. **Government and Quasi-government Signs.**
- G. **Public Carrier Signs.**
- H. **Real Estate Signs.** A maximum of two (2) signs for each property. The maximum area for each sign shall not exceed eight (8) square feet in a residential zoning district and 16 square feet in a nonresidential zoning district. Such signs shall be removed within 15 days following the close of escrow for the sale of a property or the occupancy date of the lessee or renter.
- I. **Security or Privacy Signs.** The area of all signs shall not exceed six (6) square feet.
- J. **Temporary Signs:**
1. Non-illuminated temporary noncommercial signs shall be permitted at any time. In residential zoning districts, signs shall not exceed a combined area of six (6) square feet and a height of four (4) feet. In nonresidential zoning districts, signs shall not exceed a combined area of 12 square feet and a height of five (5) feet.
  2. Notwithstanding Subsection (J)(1) above, the amount of noncommercial temporary signs shall be unrestricted for a period beginning 60 days prior to a federal, state or local election and ending 15 days following the date of the election.
- K. **Window Signs.** Window signs limited to the address, open/closed, hours of operation, occupancy and emergency information. The area of all signs shall not exceed four (4) square feet.

**17.80.040 – Prohibited Signs.**

The following signs are prohibited in the City:

- A. Signs not expressly permitted or exempted from the regulations set forth in this Chapter.
- B. **Animated Signs.**

- C. **Can or Box Signs.** With exception for a registered trademark. In addition, legal nonconforming can or box signs may be repaired and have their face(s) changed.
- D. **Outdoor Advertising Signs.** With exception to those permitted in Chapters 17.82 (Billboard Overlay Zone) and 17.84 (Outdoor Advertising Structures) of this Title.
- E. **Portable Signs.** With exception to those permitted in Subsection 17.80.090(A) of this Chapter.
- F. **Pole Signs.** With exception to legal nonconforming pole signs that may be repaired and have their face(s) changed.
- G. **Roof Signs.** With exception to those permitted in Subsection 17.80.100(G) of this Chapter.
- H. **Sign Illumination:**
  - 1. Signs with exterior or exposed raceways or conduit, with exception to neon signs;
  - 2. Awnings which are back-lit (internally illuminated) so that the awning radiates light; and
  - 3. Unshielded light bulbs in excess of 25 watts per lamp which may be seen from the public street or any property line, with exception to neon signs.
- I. **Sign Material or Medium:**
  - 1. Signs that are painted, with exception to those permitted in Subsection 17.80.090(A) of this Chapter;
  - 2. Signs using foam, plywood, Medium Density Overlay (MDO) or Medium Density Fiberboard (MDF); and
  - 3. Signs constructed of paper, foam or similar material which makes use of chalk, felt pen, fluorescent paint or similar medium.
- J. **Signs Attached to Vehicles.** With exception to those that are permanently or magnetically affixed to a vehicle that do not render the vehicle immobile.
- K. **Signs That Produce Noise or Emissions.** This includes signs that emit visible smoke, vapors, particles or odors and signs that produce noise or sounds that can be heard at the property line, with exception to those permitted in Subsection 17.80.090(B) of this Chapter.
- L. **Signs in the Public Rights-of-Way.** With exception to those permitted in Subsection 17.80.030(F) of this Chapter.
- M. **Traffic and Pedestrian Safety.** This includes signs that are designated, lighted, placed or displayed that would in any way simulate any type of traffic, emergency vehicle or emergency control or direction device or create a situation determined to be a traffic or pedestrian hazard by the Community Development Director or Public Works Director.
- N. **Windblown Devices and Balloon Signs.**

#### **17.80.050 – General Procedures.**

- A. **Application.** Applications for a Sign Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before Planning Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
- B. **Permits Required.** A permit is required prior to the display and erection of a sign as follows, unless otherwise specifically exempted from requiring a permit:
1. Sign Permit. No person shall erect, alter, repair or relocate any sign without obtaining a Sign Permit from the Planning Division. All signs shall be reviewed to determine the proposed sign is consistent with the requirements of this Chapter.
  2. Building Permit. No person shall erect, alter, repair or relocate any sign without obtaining a Building Permit from the Building Division. All signs shall be reviewed to determine that such work is in accordance with the building and electrical codes of the City.
  3. Encroachment Permit. Signs that project over a public street or sidewalk shall be subject to obtaining an Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 12.28 (Encroachments) of Title 12 (Streets, Sidewalks and Public Places) of the EMMC.
  4. Temporary Sign Permit. No person shall erect a temporary sign under Sections 17.80.100 and 17.80.110 of this Chapter without first obtaining a Temporary Sign Permit from the Planning Division. All signs shall be reviewed to determine the proposed sign is in accordance with this Chapter.
  5. Master Sign Program:
    - a. A Master Sign Program shall be required for the following:
      - i. New or remodeled nonresidential project with three (3) or more tenants;
      - ii. New nonresidential building identification or major tenant sign;
      - iii. All new buildings within in the Gateway Specific Plan;
      - iv. The following uses: drive-thru businesses, hotels and motels, K-12 private schools, live/work units, theatres and concert venues, vehicle sales and lease, vehicle service stations, vehicle washing facilities, mixed-use and urban housing; and
      - v. As conditioned by the City Council, Planning Commission, Zoning Review Committee or Community Development Director.
    - b. Minimum requirements.
      - i. Colors. A maximum of four (4) colors shall be permitted, not including black or white (additional colors may be permitted for a registered trademark);

- ii. Multiple-tenant centers. Projects with six (6) or more tenants shall be named to assist future tenants and customers in identifying the commercial project. The project's name shall be prominently located on all freestanding signs, occupying a minimum 20 percent of the sign area.
- iii. Other development standards. Shall comply with all other standards of this Chapter.

6. Special Sign District:

- a. Purpose. This Subsection sets forth regulations for the establishment of Special Sign Districts in areas of the City containing multiple parcels that may be reasonably grouped, the unique characteristics of which can be enhanced by the imposition of special sign guidelines and standards designed to enhance the theme or unique qualities of a certain area, or which reinforce the identity of certain areas of the City to promote business and strengthen the City's tax base and to implement the General Plan.
- b. Establishment of Special Sign Districts. The City Council, the Planning Commission or the Community Development Director may initiate consideration of a proposed Ordinance to establish a Special Sign District as set forth in Section 17.128.030 (General Plan and Zoning Amendments – General Procedures) of this Title. Special Sign Districts shall be considered an overlay zone to modify the underlying zoning district with regards to signage regulations, specifically with regards to freestanding signs.
- c. General requirements. All signs displayed in a Special Sign District shall comply with the provisions of this Chapter, except as set for this in this Subsection.
- d. Minimum requirements:
  - i. Zoning. Shall only include parcels in multiuse, commercial and manufacturing zoning districts. Shall not include parcels in residential zoning districts.
  - ii. Land area. The minimum area shall be five (5) acres.
  - iii. Land configuration. Shall include contiguous parcels of land, which may only be separated by a railroad or public street.
  - iv. Anchor business/tenant. The Special Sign District shall have one (1) or more of the following uses: vehicle sales and lease (general new and used), hotels and motels (with 100 and more rooms) or a retail tenant (with a minimum area of 80,000 square feet).
  - v. Development standards. All development standards shall be determined at the time the Special Sign District is established and incorporated within the Special Sign District's Ordinance.
  - vi. A Variance shall not be permissible to deviate from requirements (i) through (iv) above.

- C. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.

**17.80.060 – Permitted Signs – Residential, Public and Quasi-public Zoning Districts.**

- A. **Multiple-family Residential Uses.** A maximum two (2) identification signs shall be permitted, with a maximum area of 16 square feet for each sign. Such sign shall be placed flat against the building, mounted on a block wall or erected as a freestanding monument sign with a maximum height of six (6) feet. Any illumination shall be limited to subdued spotlighting.
- B. **Nonresidential Uses:**
1. Wall signs. One (1) wall sign for each building façade that faces a street or an on-site parking area, provided the maximum sign area does not exceed 24 square feet for each sign or the maximum permitted in Table 17.80-1, whichever is less. The sign shall also meet all other development standards outlined in Table 17.80-2.
  2. Freestanding signs. One (1) monument sign for each street frontage greater than 50 linear feet, provided the maximum sign area does not exceed 32 square feet or the maximum permitted in Table 17.80-4, whichever is less. In addition, the sign height shall not exceed six (6) feet for each sign.
  3. Signs shall meet all other development standards outlined in Tables 17.80-2 and 17.80-4.
- C. **Legal Nonconforming Uses.** Existing legal nonconforming signs may remain as long as the buildings and uses on the property retain their legal nonconforming status. Signs may be replaced, provided the new signs are not enlarged and conform with all other development standards outlined in Tables 17.80-2 and 17.80-4.

**17.80.070 – Building Signs – Multiuse, Commercial and Manufacturing Zoning Districts.**

- A. Building signs shall include all signs placed on the exterior of a building including wall, building identification/major tenant, marquee/projecting, canopy/awning, hanging and window signs.
- B. Table 17.80-1 prescribes the total maximum square footage of all building signs along a façade:

| Table 17.80-1 – Maximum Area of All Building Signs <sup>1</sup> |                                                                            |                                                          |                                                                                               |
|-----------------------------------------------------------------|----------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Façade Type                                                     | Façade Definition                                                          | <50 lineal feet of façade                                | ≥50 lineal feet of façade                                                                     |
| Primary façade                                                  | An elevation that faces a street, on-site driveway or on-site parking area | 2.0 sq. ft. for each foot of building or tenant frontage | 1.5 sq. ft. for each foot of building or tenant frontage or 100 sq. ft., whichever is greater |

<sup>1</sup> Square footage shall not be transferred from one façade to another façade. Signs located at the corner of a building may be considered part of the primary façade or secondary façade.

| Table 17.80-1 – Maximum Area of All Building Signs <sup>1</sup> (continued) |                                                                                                                   |                                                          |                                                                                              |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Façade Type                                                                 | Façade Definition                                                                                                 | <50 lineal feet of façade                                | ≥50 lineal feet of façade                                                                    |
| Secondary façade                                                            | An elevation that faces a street, alleyway, on-site driveway or on-site parking area that is not a primary façade | 1.5 sq. ft. for each foot of building or tenant frontage | 1.0 sq. ft. for each foot of building or tenant frontage or 75 sq. ft., whichever is greater |
| Third façade                                                                | An elevation that faces a street or alleyway that is not a primary or secondary façade                            | 1.0 sq. ft. for each foot of building or tenant frontage | 0.5 sq. ft. for each foot of building or tenant frontage or 50 sq. ft., whichever is greater |

- C. Table 17.80-2 prescribes the development standards for wall, marquee, projecting, canopy, awning and hanging building signs:

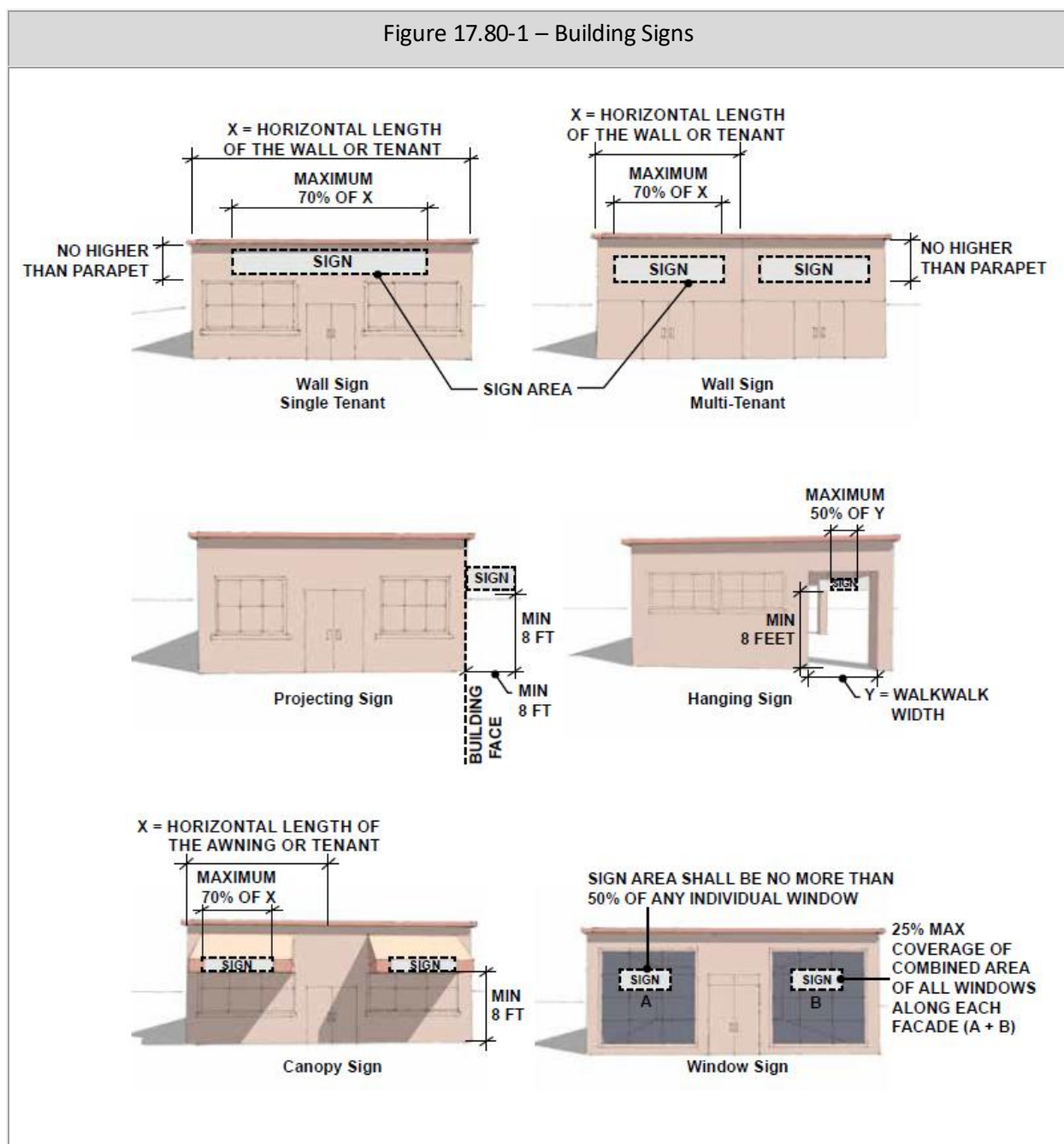
| Table 17.80-2 – Development Standards for Building Signs |                                                                            |                                                                                                      |                                                                                                                  |                                                                       |
|----------------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Standard                                                 | Wall Sign                                                                  | Marquee or Projecting Sign                                                                           | Canopy or Awning Sign                                                                                            | Hanging Sign                                                          |
| Number of tenants                                        | Single or multiple                                                         | Single only                                                                                          | Single or multiple                                                                                               | Single or multiple                                                    |
| Number of signs                                          | Tenant frontage:<br><150 ft. – 1<br>150 ft. to 250 ft. – 2<br>>250 ft. – 3 | 1                                                                                                    | 1 per awning per business or tenant, with a maximum of 4 per business or tenant                                  | 1 per business or tenant; Shall be located above a pedestrian walkway |
| Maximum Width or Projection                              | 70% of the horizontal length of the wall or tenant (whichever is less)     | 8 ft. from the building face, as long as it maintains a 2 ft. setback from a street curb or driveway | 70% of the horizontal length of the awning or tenant (if the canopy is for multiple tenants) (whichever is less) | May project up to 50% of the walkway width                            |
| Maximum Area                                             | Up to the entire square footage provided in Table 17.80-1                  | 24 sq. ft.                                                                                           | Signs with a valance: 80% of the valance area;<br>Barrel awnings: 60% of the bottom 2 ft. of the awning          | 12 sq. ft.                                                            |



Table 17.80-2 – Development Standards for Building Signs (continued)

| Standard                                       | Wall Sign                                                                                                                                                               | Marquee or Projecting Sign                                                        | Canopy or Awning Sign                                                                                                            | Hanging Sign                           |
|------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|
| Maximum Height – Ground Floor Tenants          | For 1-story buildings: no higher than the parapet height or the floor line of the 2 <sup>nd</sup> story (whichever is lower)                                            | Shall not extend above the parapet wall; Maintain a vertical clearance of 8 ft.   | Canopy/awning shall not extend higher than 2 ft. above the 1 <sup>st</sup> story windows; Maintain a vertical clearance of 8 ft. | Maintain a vertical clearance of 8 ft. |
| Maximum Height – 2 <sup>nd</sup> Story Tenants | Limited to 2 <sup>nd</sup> story tenants with separate entrances: no higher than the parapet height or the floor line of the 3 <sup>rd</sup> story (whichever is lower) | --                                                                                | --                                                                                                                               | Maintain a vertical clearance of 8 ft. |
| Maximum Copy Area                              | For existing box signs and new or existing signs with background areas: 80% of the background area                                                                      | 80% of the background area                                                        | --                                                                                                                               | 80% of the background area             |
| Maximum Supplemental Signs                     | For tenants with 100 ft. or more of frontage: 3 signs, maximum 25% of the wall sign area                                                                                | --                                                                                | --                                                                                                                               | --                                     |
| Lighting                                       | Internal, external or backlit                                                                                                                                           | Internal or backlit                                                               | Shall not include lighting                                                                                                       | Internal, external or backlit          |
| Residential Zones                              | Illuminated signs facing a residential zone shall be set back a minimum of 50 ft.                                                                                       | Illuminated signs facing a residential zone shall be set back a minimum of 50 ft. | --                                                                                                                               | --                                     |
| Other                                          | --                                                                                                                                                                      | Encroachment permit required if sign projects over the public right-of-way        |                                                                                                                                  | --                                     |

D. Figure 17.80-1 shows different building signs in a graphics form:



#### E. Directory Wall Signs:

1. The sign area shall count toward the total square footages permitted in Table 17.80-1.
2. Maximum number. One (1) directory wall sign may be placed at each ground floor entrance and staircase for a multiple-tenant building, for tenants that do not have a separate ground floor exterior entrance.

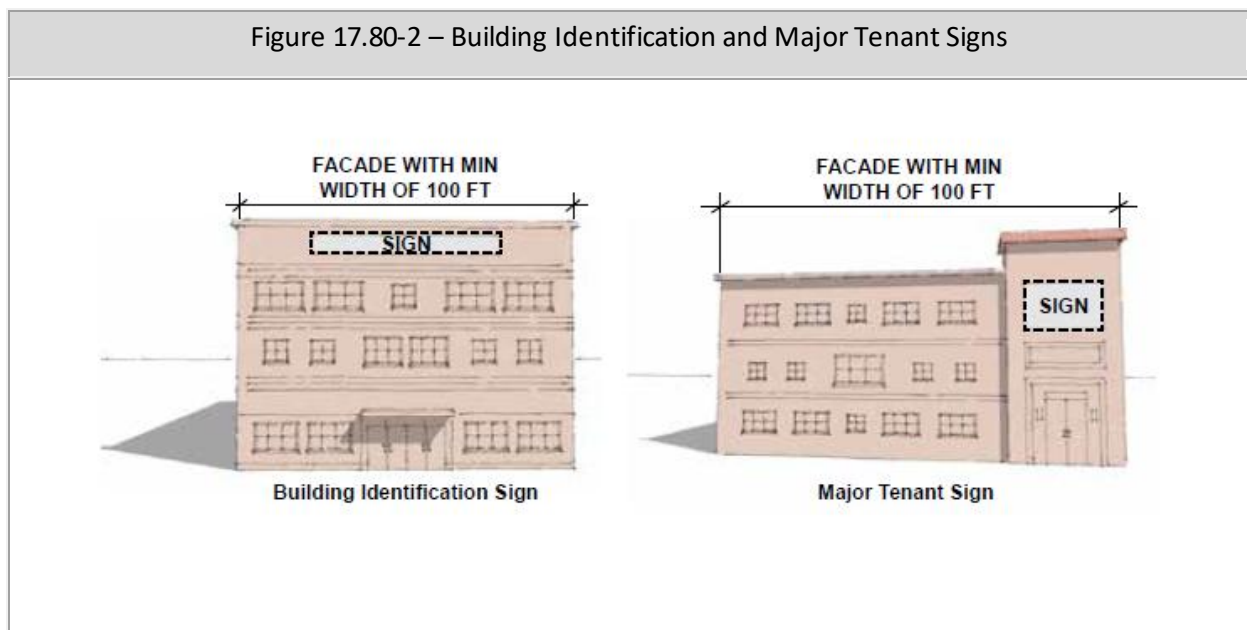
3. Maximum area. A maximum two (2) square feet per tenant and an overall maximum size of ten (10) square feet per directional wall sign.

**F. Window Signs:**

1. The sign area shall count toward the total square footages permitted in Table 17.80-1.
2. Maximum area. Window signs shall not occupy more than 50 percent of any individual window. In addition, they shall not occupy more than 25 percent of the combined area of all windows along each façade.
3. Lighting. Window signs shall not be internally or externally illuminated.

**G. Building Identification or Major Tenant Sign:**

1. A sign shall only be permitted on a façade with a minimum width of 100 feet.
2. The sign area shall count towards the total square footages allotted in Table 17.80-1. An additional 50 square feet of overall wall sign area per eligible façade may be permitted for signs outlined in Subsection (G)(3) below and an additional 75 square feet for signs outlined in Subsection (G)(4) below.
3. A sign may be placed above a building entrance between the floor line of the second story and parapet line of a building up to three (3) stories in height. However, the sign shall be integrated as part of an architectural feature (e.g. a building tower, projection, etc.).
4. A sign may be placed below the parapet of a building greater than three (3) stories in height. A maximum of three (3) signs shall be permitted on a building, with a maximum of one (1) sign per façade.
5. The signs shall comply with all other standards outlined in Tables 17.80-1 and 17.80-2.
6. Figure 17.80-2 shows building identification and major tenant signs in a graphics form:



**17.80.080 – Freestanding Signs – Multiuse, Commercial and Manufacturing Zoning Districts.**

A. Table 17.80-3 prescribes the maximum number of freestanding signs allowed:

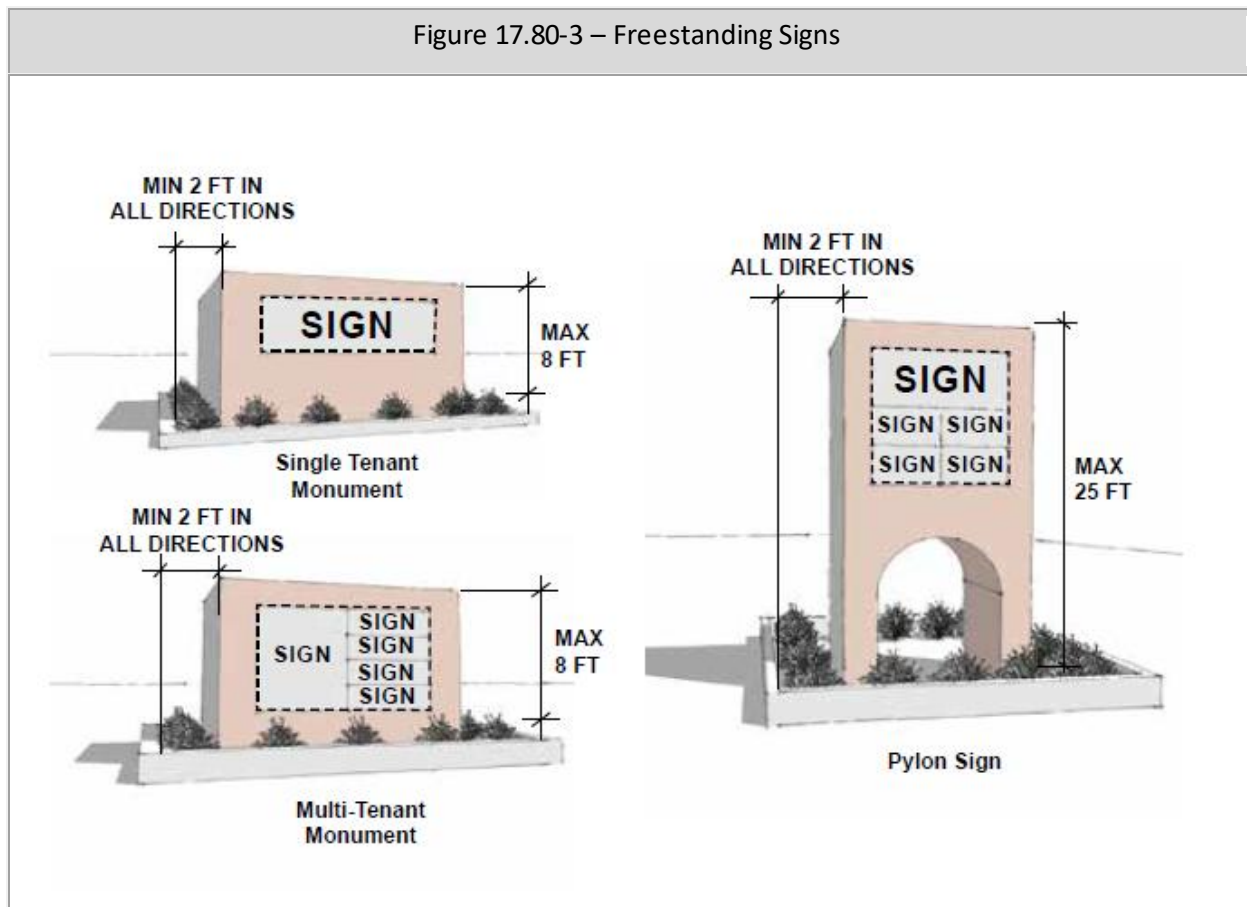
| Table 17.80-3 – Number of Freestanding Signs <sup>2</sup> |                            |                                                                                         |
|-----------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------|
| Property Frontage                                         | Monument Signs             | Pylon Signs                                                                             |
| ≤150 feet                                                 | 1 monument sign            | None                                                                                    |
| 151 to 300 feet                                           | 1 monument or 1 pylon sign |                                                                                         |
| 301 to 450 feet                                           | 1 monument sign            | 1 pylon sign or 1 additional monument sign                                              |
| >450 feet                                                 | 1 monument sign            | 2 pylon signs, or<br>1 pylon sign and 1 monument sign or<br>2 additional monument signs |

B. Table 17.80-4 prescribes the development standards for freestanding signs:

| Table 17.80-4 – Development Standards for Freestanding Signs |                                                                                                                                                  |                                                                                                                                                  |
|--------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Standard                                                     | Monument Signs                                                                                                                                   | Pylon Signs                                                                                                                                      |
| Number of Tenants                                            | Single or multiple                                                                                                                               | Single or multiple                                                                                                                               |
| Maximum Area for all Freestanding Signs                      | $\frac{3}{4}$ sq. ft. per 1 ft. of linear street frontage                                                                                        |                                                                                                                                                  |
| Maximum Area for Individual Signs                            | $\frac{1}{4}$ sq. ft. per 1 ft. of street frontage or<br>30 sq. ft., whichever is greater                                                        | $\frac{1}{2}$ sq. ft. per 1 ft. of<br>street frontage                                                                                            |
| Maximum Height                                               | 8 ft.                                                                                                                                            | 25 ft; signs greater than 25 ft. in<br>height shall require Design Review<br>approval (see Chapter<br>17.122 of this Title)                      |
| Maximum Copy Area                                            | 80% of the background area                                                                                                                       |                                                                                                                                                  |
| Minimum Planter Area                                         | $\frac{1}{2}$ the area of the sign,<br>including the base                                                                                        | Equal area of the sign                                                                                                                           |
| Maximum Sign Width                                           | Minimum 2 ft. from the inside of the planter curb or<br>property line (whichever is closer) in all directions                                    |                                                                                                                                                  |
| Minimum Setbacks                                             | 25 ft. from any residential zone;<br>50 ft. from another<br>freestanding sign;<br>10 ft. triangle from any street<br>corner or driveway entrance | 50 ft. from any residential zone;<br>50 ft. from another<br>freestanding sign;<br>10 ft. triangle from any street<br>corner or driveway entrance |
| Lighting                                                     | Internal, external or backlit                                                                                                                    |                                                                                                                                                  |

<sup>2</sup> Signs shall meet the development standards outlined in Table 17.80-4. For corner properties, each street would be calculated separately.

C. Figure 17.80-3 shows different types of freestanding signs in a graphics form:



#### **17.80.090 – Permitted Signs – Gateway and Downtown Specific Plans.**

- A. **Applicability.** This Subsection applies to all properties within the boundaries of the Downtown Main Street Specific Plan and the Gateway Specific Plan.
- B. **Building Signs, Pedestrian-oriented.** All businesses with a separate street entrance in the Gateway Specific Plan and in the Main Street Subarea of the Downtown Specific Plan shall have a minimum of one (1) pedestrian-oriented building sign with the business name. This may include one (1) or more of the following:
  1. Marquee or projecting sign with vertical clearance between eight (8) and nine (9) feet and a maximum height of 12 feet or the height of the parapet wall, whichever is lower;
  2. Canopy or awning sign;
  3. Hanging sign; or
  4. Permanent window sign.
- C. **Painted Wall Signs:**
  1. Shall be limited to the Downtown Specific Plan. If located outside the Downtown Specific Plan, shall include a registered trademark.

2. Shall only be permitted on the rear building façade.
  3. Shall not cover more than 20 percent of the surface on which the sign is painted.
- D. **Outdoor A-frame Signs.** Shall be permitted for a food and beverage establishment subject to the following:
1. Number of signs. A maximum of one (1) sign shall be permitted at the main entrance facing the public street. A second sign may be permitted if the business has a secondary public entrance facing an alley or parking area behind the building.
  2. Maximum size. Shall not exceed six (6) square feet in surface area per side for a single- or double-sided A-frame sign.
  3. Maximum height. Shall not be greater than four (4) feet.
  4. Location. Signs shall not be located more than six (6) feet from the business frontage.
- E. **Freestanding Signs:**
1. Pylon signs shall be prohibited.
  2. Monument signs shall be prohibited along Main Street between Santa Anita Avenue and Ramona Boulevard and along Lexington Avenue between Main Street and Ramona Boulevard.
  3. Monument signs may be permitted along all other streets subject to the provisions outlined in Tables 17.80-3 and 17.80-4.
- F. **Window Signs.** Permanent window signs shall not occupy more than 25 percent of any individual window. In addition, permanent window signs shall not occupy more than 15 percent of the combined area of all windows along each façade.
- G. **Freeway Oriented Signs.** Freeway facing building signage in the Gateway Specific Plan may include building-face lit signage, multi-story blade lit signage and building-top lit signage. The goal is to maximize flexibility, diversity and exuberance so that the lit night signage of the will achieve a unique regional character.
- H. **Master Sign Program.** All buildings in the Gateway Specific Plan shall require the approval of a Master Sign Program. This includes all residential-only, nonresidential or mixed-use buildings.

**17.80.100 – Permitted Signs – Specific Uses or Sign Types.**

- A. **Adult Entertainment Establishment.** Signs, advertisements, displays, or other promotional materials depicting or describing “specified anatomical areas” or “specified sexual activities” or displaying instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” shall not be shown or exhibited so as to be discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.

**B. Drive-thru Business:**

1. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet.
2. Menu boards. Drive-thru food or beverage establishment may have a maximum of two (2) menu boards per drive-thru lane, provided each sign does not exceed an area of 20 square feet and a height of six (6) feet. All outdoor speakers shall be directed away from adjacent properties.
3. Vehicle clearance signs. Each drive-thru lane that passes under an overhang may have a vehicle clearance sign.
4. A Master Sign Program shall be required.

**C. Electronic Copy Sign (Automatic Readerboard):**

1. Permitted uses. Electronic copy signs shall be limited to uses listed in Subsections (E), (H), (I) and (J) below.
2. Minimum display time. Each message on the sign shall be displayed for a minimum of eight (8) seconds. Vehicle service station signs shall only change when fuel pricing is adjusted.
3. Sign brightness:
  - a. Each static message shall not include flashing lights or the varying of light intensity;
  - b. The sign shall not operate at brightness levels of more than 0.3 foot candles (fc) above ambient light at the street, as measured using a foot candle meter; and
  - c. The sign shall have a light sensing device that will adjust the brightness as ambient light conditions change.
4. Maintenance. The sign shall be designed and required to freeze the display in one static position, display a full black screen, or turn off, in the event of a malfunction.
5. Safety:
  - a. The sign shall not be operated in such a fashion as to constitute a hazard to safe and efficient operation of vehicles on streets or freeways and shall comply with all applicable federal, state or local laws; and
  - b. The sign shall not simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
6. The sign shall not be operated or maintained so as to constitute an "improper display," as defined or described in Section 5403 of the California Business and Professions Code.

**D. Hotel and Motel:**

1. Ancillary uses. If an ancillary use for the hotel has a separate entrance facing the street or an on-site parking area, it may have one (1) wall sign up to 20 square feet in area.
2. Neon. Neon shall be prohibited, with exception to what is permitted in Subsection (D)(3) below.
3. Window signs. No window signs shall be permitted, with exception of one (1) hotel sign with a maximum area of four (4) square feet stating "vacancy/no vacancy" and one (1) sign for an ancillary use with a maximum area of four (4) square feet stating "open/closed." Such sign may be in neon.
4. A Master Sign Program shall be required.

**E. K-12 School, Public and Private, Religious Facility and Specialized Education and Training Facilities:**

1. Monument signs. Signs shall not exceed a height of eight (8) feet in residential zones.
2. Changeable copy signs (manual). A maximum 40 percent of freestanding signs may include changeable copy.
3. Electronic copy signs (automatic readerboard, displaying text and/or graphics). For nonresidential zones, changeable copy may be replaced with an electronic copy, subject to the requirements of Subsection (C) above.
4. A Master Sign Program shall be required for all K-12 private schools.
5. Specialized Education and Training Facilities. Changeable copy and electronic copy signs shall only be permitted if the property is greater than one acre and the sign is not located within a street setback.

**F. Live/work Units:**

1. Quantity and size. Each live/work use may have one (1) sign at a maximum rate of one-half ( $\frac{1}{2}$ ) square feet for each foot of building frontage or 12 square feet, whichever is less.
2. Lighting. Signs may be back-lit or exterior illuminated. Signs shall not be internally illuminated. Neon signs shall be prohibited, with exception of permitted window signs under Subsection (F)(3) below.
3. Window signs. No window signs shall be permitted, with exception of one (1) sign with a maximum area of four (4) square feet stating "open/closed." Such sign may be in neon.
4. A Master Sign Program shall be required.
5. No additional signage shall be permitted.

**G. Recycling Facility:**

1. Mobile facility. The facility may have up to two (2) identification signs (one on each side of the facility) with a maximum area of 12 square feet each.



2. Self-service facility. The facility may have one (1) identification sign with a maximum area of four (4) square feet (exclusive of operating instructions).
3. Small collection facility:
  - a. Wall sign. The facility may have one (1) wall sign with a maximum area of 24 square feet. The sign shall not be internally illuminated; and
  - b. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet. Such signing shall bear no advertising message.
4. Large collection facility:
  - a. Wall sign. The facility may have one (1) wall sign with a maximum area of 36 square feet or one (1) square foot per one (1) linear foot of building frontage, whichever is greater;
  - b. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet. Such signing shall bear no advertising message; and
  - c. Monument sign. The facility may have one (1) monument sign along each street frontage as prescribed in Section 17.80.080 of this Chapter.

#### **H. Theatre and Concert Venue:**

1. Building signs. Properties containing a theatre or concert venue may substitute a wall sign with a marquee sign, subject to the following:
  - a. A maximum of two (2) marquee signs shall be permitted with each on a separate elevation. The elevation shall face a street or on-site parking area.
  - b. The maximum area of each marquee sign shall be equal to the maximum wall sign area permitted on the applicable façade, as permitted in Tables 17.80-1 and 17.80-2, or 100 square feet, whichever is greater.
  - c. The maximum overall height of each sign shall be 25 feet.
  - d. The sign may extend above the roofline, provided it is incorporated with an architectural feature of the building, compliant with Section 17.60.030 (General Development Standards – Height Exceptions and Restrictions) of this Title.
  - e. The sign may be internally and/or externally illuminated.
  - f. A maximum 60 percent of the sign may include changeable copy (manual) or electronic copy (automatic readerboard, displaying text only) to advertise movies, performances and showtimes, subject to the requirements of Subsection (C) above.
2. Freestanding signs. The number of freestanding signs as prescribed in Table 17.80-3 may be increased by one (1) monument or pylon sign, subject to the following:

- a. The maximum area of all freestanding signs as outlined in Table 17.80-4 shall be increased to one (1) square foot per one (1) foot of linear street frontage.
  - b. The sign shall be for the exclusive use of the theatre or concert venue.
  - c. A maximum 40 percent of the sign may include changeable copy (manual) or electronic copy (automatic readerboard, displaying text only) to advertise movies, performances and showtimes, subject to the requirements of Subsection (C) above.
- 3. Temporary signs. Temporary banners or other types of temporary signs shall be prohibited when the theatre or concert venue is the only business on the property, except for the 30 days after the issuance of a certificate of occupancy for the opening of a new or remodeled theatre or concert venue.
  - 4. A Master Sign Program shall be required.

**I. Vehicle Sales and Lease:**

- 1. This Subsection applies to automobile dealerships located within the Auto District as identified in 2011 General Plan Figure LU-2 (Strategic Areas).
- 2. Wall signs:
  - a. The maximum area of all wall signs on the building shall be equal to the maximum permitted in Tables 17.80-1 and 17.80-2, or 150 square feet, whichever is greater. This shall only apply to one (1) building if the dealership includes multiple buildings.
  - b. For buildings with 100 feet or more of frontage, the number of supplemental signs may be increased to five (5), constituting a maximum 35 percent of the wall sign area.
  - c. Signs may extend above the roofline, provided it is incorporated with an architectural feature of the building, compliant with Section 17.60.030 (General Development Standards – Height Exceptions and Restrictions) of this Title.
- 3. Freestanding freeway-oriented signs. One (1) additional freestanding sign shall be permitted, as outlined in Table 17.80-3, subject to the following:
  - a. The maximum area of the freestanding freeway-oriented sign shall be one (1) square foot per one (1) foot of linear street frontage. If the property has multiple frontages, the square footage may be based on the longer frontage.
  - b. The maximum height of the sign shall not exceed 100 feet above the grade of the closest travel lane of the freeway.
  - c. A maximum 70 percent of the freeway-oriented sign may include changeable copy (manual) or electronic copy (automatic readerboard), subject to the requirements of Subsection (C) above.
- 4. Banner signs:
  - a. The maximum height for a banner shall be 20 feet.
  - b. The minimum vertical clearance for a banner shall be eight (8) feet.

- c. The minimum vertical clearance for a banner over a driveway or parking area shall be 14 feet.
  - d. Banners shall be set back a minimum 15 feet from adjacent property lines.
  - e. Banners shall only be mounted to freestanding vertical poles, light standards and poles or brackets attached to a building wall, so as to project outward from the wall. No banners shall be attached to vehicles, building walls, freestanding walls or fences or roofs of buildings.
  - f. Banners shall project a maximum four (4) feet from the support pole.
5. A Master Sign Program shall be required.

**J. Vehicle Service Station:**

- 1. Maximum area for combined signs, including building signs, freestanding signs, canopy fascia signs and gasoline price signs. The maximum area shall not exceed one and one-half (1½) square feet per one (1) foot of linear street frontage. For corner lots, the longer frontage shall be used to calculate the maximum area.
- 2. Freestanding signs:
  - a. Interior lots: One (1) monument sign not exceeding 40 square feet.
  - b. Corner lots: One (1) pylon sign not exceeding 80 square feet at the street corner or two (2) monument signs not exceeding 40 square feet each (one along each street frontage). Monument signs shall be set back a minimum 40 feet from the street corner.
- 3. Canopy fascia signs: The company name, logo and graphic (e.g., strip or band in the company's trademark colors) may be located on the canopy, provided none extend above the roofline. The combined area of the company name and/or logo on all sides shall not exceed 50 square feet per canopy. The graphic (strip or band) shall not count towards the combined area of the canopy fascia signs and shall not be internally illuminated.
- 4. Gasoline price signs. Service stations shall comply with Article 12, Sections 13530 to 13540, of the California Business and Professions Code. This includes providing minimum letter and number heights for the three (3) major grades of gasoline. The gasoline prices may be displayed as changeable copy (manual) or electronic copy (automatic readerboard, displaying text only).
- 5. Temporary signs. Temporary banners or other types of temporary signs shall be prohibited, except for the 30 days after the issuance of a certificate of occupancy for the opening of a new or remodeled service station.
- 6. Lighting. All signs shall be internally illuminated.
- 7. A Master Sign Program shall be required.

**K. Vehicle Washing Facility:**

1. Directional signs. Freestanding directional signs, for the sole purpose of guiding vehicle traffic on private property, may be permitted, provided each sign does not exceed an area of six (6) square feet and a height of four (4) feet.
2. Service board signs. Building mounted or freestanding service board signs identifying the type of vehicle washes and prices may be permitted. A maximum of two (2) service board signs per queuing lane may be permitted. Sign lighting shall be limited to external illumination. The maximum sign square footage shall be determined through the Design Review process.
3. A Master Sign Program shall be required.

**17.80.110 – Temporary Signs.**

**A. Temporary Window Signs:**

1. Applicability. This Subsection shall apply to all nonresidential uses.
2. Time limits. The signs may be continuously displayed, however, the sign copy must be changed or revised a minimum of every 60 days.
3. Materials. May be constructed of paper (except newsprint), provided the signs are professionally printed and lettered on heavyweight art paper or similar materials.
4. Sign area. The combined maximum sign area shall not exceed 30 square feet or 25 percent of all window areas, whichever is less.

**B. Temporary Banners:**

1. Applicability. This Subsection shall apply to all nonresidential uses.
2. Time limits. The sign approval shall be limited to a maximum of three (3), 30-day periods each calendar year. Each 30-day period shall be separated by a 30-day period free of any banners.
3. Materials. Shall be limited to the following materials: canvas, vinyl, nylon or similar mesh which is tear-resistant. Banners shall not be torn and the print shall not be faded.
4. Number of signs. A maximum of two (2) banner signs shall be permitted for each single tenant commercial building located in a nonresidential zone. A maximum of one (1) sign shall be permitted for each tenant within a multiple tenant commercial building or commercial complex located in a nonresidential zone.
5. Sign area. Each banner sign shall not exceed 32 square feet.

**C. Temporary Project Construction Signs:**

1. Applicability. This Subsection shall apply to residential projects with three (3) or more units and nonresidential projects.
2. Required project approvals. The project shall have entitlement approvals or been issued a building permit.

3. Time limits. The Temporary Sign Permit shall be valid for 12 months. If the applicant has proceeded in good faith towards the implementation of the permit granted as determined by the Community Development Director, the applicant may request a 12-month extension of the Temporary Sign permit. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.
4. Sign content. The signs may include information on the project developer, proposed tenants, City Council or other elected official and/or estimated completion date;
5. Location and number of signs:
  - a. A maximum of one (1) wall sign may be placed on each building façade facing a street, provided the area for each sign does not exceed 32 square feet; and
  - b. A maximum of one (1) freestanding sign may be placed on each property frontage facing a street, provided the area for each sign does not exceed 48 square feet, the height does not exceed seven (7) feet and the sign is located a minimum 20 feet from an adjacent property line.
6. Projects involving on-site earth-moving activities. Sign(s) shall be placed in compliance with Air Quality Management District (AQMD) Rule No. 1466. This includes displaying the following warning statement: "THIS SITE CONTAINS SOILS THAT CONTAIN THE FOLLOWING CHEMICALS: [LIST APPLICABLE TOXIC AIR CONTAMINANT(S)] TO REPORT ANY DUST LEAVING THE SITE PLEASE CALL [FACILITY CONTACT AND PHONE NUMBER] OR THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT AT 1-800-CUT-SMOG."
7. Sign area. The combined area for all signs in this Subsection shall not exceed 80 square feet in residential zoning districts and 120 square feet in nonresidential zoning district. The Planning Commission may increase the maximum square footage through the public hearing process.

D. **Lighting.** Temporary signs shall not be internally or externally illuminated.

**17.80.120 – Design Requirements and Guidelines.**

A. **Applicability.** All proposed signs shall be subject to this Subsection.

B. **Design and Placement:**

1. New buildings. The proposed design of buildings shall provide logical sign areas, allowing flexibility for new users as the building is occupied by different tenants over time.
2. Sign proportion:
  - a. Signs should be proportionate to the dimensions of their location. Signs should not overwhelm their location on a parapet or other designed area on the building.
  - b. Signs should be architecturally integrated into the overall building design and harmonious with the materials, color, texture, scale, size, shape, height, placement and design of the building, property and neighborhood of which it is a part.

3. Design of letters. Wall signs shall be made of individually cut letters, either internally lit channel letters, back lit letters or cut lettering on a metal or similar materials plate.
4. Multiple-tenant centers. Signs should be evenly distributed throughout the tenant space and within the commercial center.
5. Freestanding signs:
  - a. The base of the sign shall incorporate the building's architecture, materials and colors.
  - b. Landscaping and irrigation shall be designed around the base of sign to integrate the sign with the rest of the property and screen out any low-level flood lights. Irrigation shall be designed so it does not damage the sign.

**C. Colors:**

1. Number of colors. A maximum of four (4) colors shall be permitted for the copy of any single sign and for all signs within a multiple-tenant center, not including black or white. Additional colors may be permitted for a registered trademark.
2. Sign backgrounds:
  - a. Darker colored backgrounds on signs are generally encouraged. Stark white or extremely bright background colors such as bright red, orange or yellow are discouraged.
  - b. Where the design of the sign results in a large field of illuminated background, the use of white or off-white as background color shall be avoided in favor of a more suitable color.
  - c. All signs within a multiple-tenant center shall have a uniform background color.
  - d. For legal non-conforming can or box signs, the use of opaque backgrounds which only allow illumination on the cut-out letters or graphic area is encouraged.
3. The color of the trim caps shall match the color of the letter face or the cabinet return.

**D. Sign Copy and Graphics:**

1. Amount and letters:
  - a. Sign copy shall not crowd the edges of the building, cornice line, architectural features or the sign canister which contains the sign copy.
  - b. Repetitious signage information on the same building frontage shall be avoided, regardless of the sign area square footage allowed.
2. Font and color of letters:
  - a. Avoid using hard-to-read fonts.
  - b. Limit the number of fonts used on a sign. For small signs, a maximum of two (2) fonts should be used. For larger signs, a maximum of three (3) fonts should be used.
  - c. Use contrasting colors, so the text on the sign is more easily readable.

3. Sign visibility. Ensure the sign is clearly visible for vehicles and pedestrians from the public right-of-way.
  4. Graphics and artwork. Shall be limited to registered trademarks or artwork that is consistently used by the business in online and print advertising.
- E. **Materials and Installation.** Signs shall be professionally lettered and installed and incorporate the following:
1. The material shall be appropriate for outdoor use;
  2. The sign face and sides of the sign shall be smooth;
  3. The sign shall have a border attached to the sign;
  4. The sign shall be mounted a minimum one (1) inch away from the surface the sign is attached to;
  5. All surfaces of the sign shall be finished with exterior quality finishes; and
  6. The anchor bolts shall not be visible.
- F. **Lighting:**
1. Spillage and glare. To the extent feasible, light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness or other discomfort to persons within the view of such light sources.
  2. Properties adjacent to residential zoning districts. Signs located adjacent to any residential zone should be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance.

**17.80.130 – Maintenance and Enforcement.**

- A. **Sign Maintenance.** All signs and sign structures shall be maintained in a state of safe condition and good repair. Any sign or sign structure that is allowed to deteriorate to such a condition that the sign's paint, lettering or plastic face begins to crack, peel or weather, or the sign structure becomes bent or damaged in any way, or the sign's lighting is burned out, broken or missing, shall be repainted or repaired to its original condition when installed or be entirely replaced or completely removed.
- B. **Abandoned Signs.** Any legal non-conforming sign or sign structure abandoned for 12 months or more shall be removed.
- C. **Criminal Enforcement.** It shall be illegal to install, mount, display, use, occupy or maintain signs in violation of this Chapter. Any violation or failure to comply with the provisions of this Chapter constitutes a misdemeanor, a separate violation for each day each sign is in violation. Such misdemeanor violations may be punished in accordance with the provisions of Chapter 1.24 (General Penalty) of the EMMC or any other remedies prescribed by law. Enforcement, whether through civil or criminal proceedings, nuisance abatement, injunction or any other means shall be cumulative.

**D. Civil and Administrative Penalties:**

1. Each separate and distinct violation of this Chapter may be penalized pursuant to Chapters 1.18 (Administrative Citations) and 1.19 (Enforcement) of Title 1 (General Provisions) of the EMMC and any other civil procedure authorized under the EMMC or state law.
2. Each separate and distinct violation of this Chapter shall: (i) constitute violations as defined under Section 1.18.020 (Administrative Citations – Definitions) of Title 1 (General Provisions) of the EMMC; (ii) subject to administrative citation pursuant to Section 1.18.030 (Issuance of Administrative Citation) of Title 1 (General Provisions) of the EMMC; and (iii) not be eligible for notice of violation warnings.
3. Notwithstanding the Subsection (C)(2)(iii) above, the City Attorney shall have the authority to waive any first offense within any one (1) calendar year within two (2) days of the issuance of administrative citation.

**E. Abatement:**

1. Nuisance abatement. Signs not in compliance with this Chapter are hereby declared to be a public nuisance, which may be abated in accordance with Chapter 8.44 (Property Maintenance) of Title 8 (Health and Safety) of the EMMC or by methods authorized by state law.
2. Summary abatement/removal:
  - a. In addition to any other enforcement procedures and remedies available to the City under this Chapter or any other provision of the EMMC or state law, unauthorized signs which are displayed, placed or posted in the public thoroughfare or encroach upon the public thoroughfare or which are affixed to any public utilities, equipment and improvements located within the public thoroughfare may be immediately and summarily abated and removed by the City without prior notice to any person or entity.
  - b. In addition to any other enforcement procedures and remedies available to the City under this Chapter or any other provision of the EMMC or state law, signs (including unauthorized signs) which by virtue of their physical condition (as opposed to their graphic design or message content), pose a serious and immediate threat to public safety, may be summarily removed and retained by the City without prior notice to any person or entity. In such case, the City, after removal of the sign, shall promptly give written notice to the sign or property owner, if known, of the emergency confiscation and the cost of redemption.
  - c. In the absence of substantial evidence to the contrary, a person who is featured on a sign or who otherwise benefits from its display shall be presumed to be the person who both owns the sign and was responsible for the placement of the sign. For example, nightclub promoters shall be presumed to be responsible for signs promoting his or her nightclub event.



- F. **Cost for the Removal of Signs.** Except as otherwise provided under Subsection (D) above, any person who violates any provision of this Chapter shall, in addition to any fines imposed under this Chapter or elsewhere under the EMMC, be liable for costs of City labor, equipment and materials used to remove signs not in compliance with this Chapter. The City shall substantiate its costs in the form of an invoice detail the labor, equipment and materials used to remove signs placed by a person or otherwise belonging to the person.

**17.80.140 – Time Period.**

- A. A Sign Permit shall be valid for 12 months.
- B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the Community Development Director, the applicant may request a 12-month extension of the Sign Permit. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.

**17.80.150 – Appeals.**

Planning Division decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.82 – BILLBOARD OVERLAY ZONE**

### **Sections.**

- 17.82.010 – Summary of Zoning District.
- 17.82.020 – Purpose.
- 17.82.030 – General Requirements.
- 17.82.040 – Development Standards.
- 17.82.050 – Review and Approval Process.
- 17.82.060 – Necessary Findings.
- 17.82.070 – Violations.

### **17.82.010 – Summary of Overlay Zone.**

The Billboard Overlay Zone is made up of nine (9) nonresidential sub-areas along the Interstate-10 San Bernardino Freeway and one (1) nonresidential sub-area along Rosemead Boulevard (California State Route-164).

### **17.82.020 – Purpose.**

Billboards are recognized as a legitimate form of commercial advertising in the City. However, the size, number, location and illumination of billboards can have significant influence on the City's visual character, and can, without appropriate control, create or contribute to visual blight conditions. The purpose of this Chapter is to establish an Overlay Zone where new billboards may be constructed and existing billboards may be removed and relocated or reconstructed subject to reasonable controls, while recognizing that community appearance is an important factor in ensuring the general community welfare.

### **17.82.030 – General Requirements.**

- A. The requirements of this Chapter shall apply to any project involving the installation or construction of a new billboard, or billboards, or relocated billboard, or billboards, or the expansion, modification, or digitization of an existing billboard, or billboards, within the Billboard Overlay Zone, or the addition of additional face(s) to an existing billboard within the Billboard Overlay Zone. Billboards shall be permitted in the Billboard Overlay Zone only after a Development Agreement has been negotiated and executed between the property owner and/or billboard operator and City, and any requisite permits have been issued in accordance with the terms of this Chapter. An existing billboard or digital billboard in existence on the effective date of this ordinance pursuant to a prior agreement (including any amendments or extensions thereof) or other lawful permit may be relocated and rebuilt only within the Billboard Overlay Zone. All billboards constructed within the Billboard Overlay Zone shall comply with this Chapter and all applicable requirements of the California Business and Professions Code and the California Outdoor Advertising Act.
- B. In accordance with Section 5440 of the California Business and Professions Code, new billboards not associated with relocation as described in Subdivision (C) shall be allowed only

in those portions of the Billboard Overlay Zone not designated as "landscaped freeways" pursuant to Section 5216 of the California Business and Professions Code.

- C. In accordance with Section 5443.5 of the California Business and Professions Code, relocated billboards shall be allowed only in the Billboard Overlay Zone and shall not be permitted in any location which would result in violation of any applicable federal, state or local law. Billboards to be relocated in the Billboard Overlay Zone may originate in areas outside the Billboard Overlay Zone or outside the City's boundaries, provided the agreement required by this Chapter documents their location and removal, and the benefits associated with such relocation. An owner or entity proposing an agreement for relocation shall establish that the relocated billboard meets one or more of the following eligibility requirements:
1. The billboard proposed for complete demolition and relocation is the subject of any eminent domain action or threat of eminent domain action by a legally created public entity possessing eminent domain/condemnation authority and provides public benefits for such relocation; or
  2. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the Billboard Overlay Zone so as not to conflict with the proposed development or redevelopment of the property and provides public benefits for such relocation as negotiated in the agreement; or
  3. The applicant chooses to completely demolish and relocate an existing billboard, including a legal nonconforming billboard, to a more suitable location within the Billboard Overlay Zone that lessens the overall negative aesthetic impacts on the City and its residents and provides public benefits for such relocation; or
  4. The applicant has previously removed and completely demolished one or more billboards and maintains credits for such removal by the California Department of Transportation pursuant to Section 5443.5 of the California Business and Professions Code; or
  5. The applicant proposes to enhance, improve and modify an existing billboard already established within the Billboard Overlay Zone for the purpose of modernizing and improving the aesthetic appearance of such billboard.
- D. In the event of any conflict between any provision contained in this Chapter and any other provisions contained elsewhere in the EMMC, the provisions of this Chapter shall govern.
- E. No billboard shall be approved and no existing billboard shall be modified without the applicant first providing proof of legal or equitable interest in the site proposed for relocation or modification, including, but not limited to a lease, easement or other entitlement, demonstrating the right to install and operate the billboard on the subject property. Information to be provided shall include the written consent of the property owner if not readily ascertainable from the foregoing documents.

- F. No billboard shall be approved or modified, and no billboard may be maintained, unless a designated maintenance service is available "24/7," by telephone, to be contacted and to respond in the event a billboard becomes damaged or dilapidated.
- G. All billboard agreements shall include requirements that applicants obtain all additional federal and/or state permits for installation, including but not limited to any applicable California Department of Transportation (Caltrans) permit. Nothing contained in this Chapter shall require the City to negotiate and/or approve an Agreement on terms that are unacceptable to the City Council.

**17.82.040 – Development Standards.**

**A. Physical Requirements:**

- 1. The maximum number of billboards within each sub-area shall not exceed what is prescribed in Table 17.82-1.
- 2. The distance and separation between two (2) or more billboards placed within the Billboard Overlay Zone or between billboards and the freeway right-of-way shall meet the minimum requirements of the California Department of Transportation or as prescribed in Table 17.82-1, whichever is greater. All distances shall be measured from the vertical centerline of each billboard face.

| Table 17.82-1 – Maximum Number & Minimum Separation for Billboards |                |                                                                      |
|--------------------------------------------------------------------|----------------|----------------------------------------------------------------------|
| Sub-area                                                           | Maximum Number | Minimum Distance and Separation                                      |
| 1                                                                  | 3              | Static to static/digital – 500 ft.<br>Digital to digital – 2,000 ft. |
| 2                                                                  | 1              | Static to static/digital – 500 ft.<br>Digital to digital – 1,000 ft. |
| 3                                                                  | 2              |                                                                      |
| 4                                                                  | 2              | Static to static/digital – 500 ft.<br>Digital to digital – 2,000 ft. |
| 5                                                                  | 1              | Static to static/digital – 500 ft.<br>Digital to digital – 1,000 ft. |
| 6                                                                  | 1              |                                                                      |
| 7                                                                  | 2              |                                                                      |
| 8                                                                  | 1              |                                                                      |
| 9                                                                  | 2              |                                                                      |
| 10                                                                 | 1              |                                                                      |

- 3. Billboards in sub-areas 1 and 3 shall not be permitted on vacant properties.
- 4. All utilities utilized for each billboard shall be underground.
- 5. No billboard shall have more than one face (display surface) oriented in the same vertical plane.

6. All billboards shall plainly display, and be visible from no less than 100 feet, the name of the person or company owning or maintaining such billboard, and the billboard's identification number.
7. Billboards projecting over a driveway or driving aisle shall have a minimum clearance of 16 feet between the lowest point of the sign and the driveway grade. Billboards shall comply with any California Department of Transportation requirements for placement and operation. No part of any billboard shall cross onto an adjacent property.
8. Billboards projecting over a pedestrian walkway shall have a minimum clearance of 12 feet between the lowest point of the sign and the walkway grade.
9. All billboards not projecting over drive areas or pedestrian walkways shall have a minimum clearance of 12 feet between the lowest point of the billboard and ground level.
10. All billboard structures shall be free of any visible bracing, angle iron, guy wires, cable, and/or similar supporting elements. All exposed portions of new billboards, including backs, sides, structural support members and support poles, shall be screened to the satisfaction of the Community Development Director.
11. All billboards shall be placed at least 250 feet from any residential zoning district, unless it can be demonstrated by the positioning of the digital panels that there is no significant additional light intrusion than if the digital panels are placed at least 250 feet away. Billboard proposals requesting to be located within 250 feet of any residential zoning district shall provide a site-specific light and glare study to be reviewed and approved by the Community Development Director. The measurement shall be from the closest edge of the billboard to the closest edge of the residential zoning district.
12. No billboard, inclusive of supporting structures, shall exceed 75 feet in height, measured from the finished grade of the freeway travel lane closest to the sign to the uppermost point of the sign, except as may be approved for good cause as demonstrated by the applicant and determined in the sole discretion of the City.

**B. Operational Requirements:**

1. No digital billboard shall display any statement or words of an "obscene, indecent, or immoral character," as that phrase is used in Section 5402 of the Business and Professions Code and judicial decisions interpreting the same.
2. Each digital billboard shall be connected to the National Emergency Network and provide emergency information, including child abduction alerts (e.g., "Amber Alerts"), in accordance with local and regional first responder protocols.
3. Digital billboard operating criteria:
  - a. Each static message shall not include flashing lights or the varying of light intensity.
  - b. Minimum display time. Each message on the sign must be displayed for a minimum of four (4) seconds.

- c. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter in accordance with the pre-set distances set forth below.
  - d. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign and shall comply with the following ratios of face size dimensions to points of measurement distances:
    - 12 feet × 25 feet; 150 feet
    - 10.5 feet × 36 feet; 200 feet
    - 14 feet × 48 feet; 250 feet
    - 20 feet × 60 feet or 25 feet × 48 feet; 350 feet
  - e. Each digital billboard must have a light sensing device that will adjust the brightness as ambient light conditions change.
4. Each digital billboard shall be designed and required to freeze the display in one static position, display a full black screen, or turn off, in the event of a malfunction.
  5. Walls or screens at the base of the billboard shall not create a hazard to public safety or provide an attractive nuisance and shall be continually maintained free from graffiti.
  6. Billboards shall not be operated in such a fashion as to constitute a hazard to safe and efficient operation of vehicles on streets or freeways and shall comply with all applicable federal, state and local law. Digital billboards when operated in accordance with the operating criteria in Subsections (B)(1) through (5) above and static billboards operated pursuant to federal, state and local law shall be deemed to be in compliance with this Subsection and all requirement of the California Department of Transportation.
  7. No billboard shall simulate or imitate any directional, warning, danger or information sign, or any display likely to be mistaken for any permitted sign intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
  8. No billboard shall involve any red or blinking or intermittent light likely to be mistaken for warning or danger signals nor shall its illumination impair the vision of travelers on the adjacent freeway and for roadways. Digital billboards when operated in accordance with the operating criteria in Subsection (4), above, shall be deemed to be in compliance with this Subsection.
  9. No digital billboard shall be operated or maintained so as to constitute an "improper display," as defined or described in Section 5304 of the Business and Professions Code.

**17.82.050 – Application and Review Process.**

- A. **Application Requirements.** A person or entity wishing to completely demolish and relocate an existing nonconforming billboard or modify an existing billboard within the Billboard Overlay Zone shall submit an application for the approval of a Design Review, in accordance with Chapter 17.122 (Design and Minor Design Review) of this Title, and a Development

Agreement, in accordance with Chapter 17.129 (Development Agreements) of this Title, that includes the following:

1. The name, address phone number and other contact information of the person or entity proposing the Development Agreement;
  2. Identification of the location proposed for a new or relocated or modified billboard and the billboard(s) being permanently removed, where applicable;
  3. Information that establishes that the person or entity proposing the Agreement has legal or equitable interest in the billboard being removed or modified and the site proposed for relocation or placement;
  4. Conceptual design drawings for the billboards that includes technical specifications to determine the billboard's compliance with this Chapter;
  5. An explanation of the compensation to be paid or public benefits to be provided to the City; and
  6. The application must include photos of all existing signage or architectural renderings and elevations of proposed billboards as well as a scaled plot plan and elevations showing the locations of all existing structures and improvements on the property, and the proposed billboard.
- B. **Review Process.** All proposed agreements shall be reviewed in accordance with Chapter 17.122 (Design and Minor Design Review) and Chapter 17.129 (Development Agreements) of this Title.

**17.82.060 – Necessary Findings.**

In addition to the required findings set forth in Section 17.129.090 Development Agreements – Necessary Findings) of this Title, the following findings shall also be made:

- A. The proposed installation site is compatible with the uses and structures on the site and in the surrounding area;
- B. The proposed billboard would not create a traffic or safety problem, including problems associated with onsite access circulation or visibility; and
- C. The proposed billboard would not interfere with onsite parking or landscaping required by this Title.

**17.82.070 – Violations.**

Violations in this Chapter shall be subject to all civil, criminal, and administrative remedies available to the City.

## **CHAPTER 17.84 – OUTDOOR ADVERTISING**

### **Sections.**

- 17.84.010 – Nonconforming Use.
- 17.84.020 – Relocation.
- 17.84.030 – Removal of Signs.
- 17.84.040 – Maintenance.
- 17.84.050 – Appendages and Attachments.
- 17.84.060 – Zones and Use Restrictions.

### **17.84.010 – Nonconforming Use.**

Every outdoor structure heretofore lawfully erected and in existence upon the effective date of City Council Ordinance No. 2522 may continue thereafter as a legal nonconforming use, however, any improvement or alteration of any part thereof other than advertising copy shall comply with the provisions of this Section.

### **17.84.020 – Relocation.**

Any outdoor advertising structure heretofore lawfully erected and still in existence upon the effective date of City Council Ordinance No. 2522 may be relocated in accordance with Chapter 17.82 (Billboard Overlay Zone) of this Title.

### **17.84.030 – Removal of Signs.**

- A. Every outdoor advertising structure heretofore or hereafter unlawfully erected or maintained shall be forthwith removed by the property owner, or by direction of the City Council after a duly noticed public hearing where it is determined such outdoor advertising structure has been unlawfully erected or maintained, and the cost of such removal shall become a lien on the property where such unlawfully erected or maintained outdoor advertising structure was located.
- B. The unlawful structure so removed shall be stored by the City and released to the property owner upon tender of payment to the City of the cost of the removal plus a storage fee of \$250 per day or any fraction thereof, excluding the first day such structure is taken into storage.
- C. If such illegal structure is not claimed within ten (10) working days after storage, the City shall dispose of such structure in the best interests of the property owner seeking to set off against removal and the best interests of the property owner seeking to set off against removal and storage fees any value received for such structure.

### **17.84.040 – Maintenance.**

All signs and sign structures shall be maintained in a state of safe condition and good repair. Any sign or sign structure that is allowed to deteriorate to such a condition that the paint, lettering or plastic face begins to crack, peel or weather, or sign structures which become bent



or damaged in any way, shall be repainted or repaired to its original condition when installed or be entirely replaced or completely removed.

**17.84.050 – Appendages and Attachments.**

Attachment of other on premises or off-premises signs to outdoor advertising structures shall not be permitted. No part of an outdoor advertising structure shall be attached to a building in any manner.

**17.84.060 – Zones and Use Restrictions.**

- A. Except as expressly permitted in this Chapter, Section 17.80.050(B)(6) (Sign Regulations – Special Sign Districts) or Chapter 17.82 (Billboard Overlay Zone) of this Title, no outdoor advertising structure may hereafter be maintained unless it complies with the following:
  - 1. Outdoor advertising structure – 200 square feet or greater in area:
    - a. The structure is located in the General Commercial (C-3) or Manufacturing (M-1 and M-2) zoning districts.
    - b. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for commercial or industrial use.
    - c. The parcel of land upon which the billboard is located may not contain a residential use.
  - 2. Outdoor advertising structure – 200 square feet or less in area:
    - a. The structure is located in the General Commercial (C-3) or Manufacturing (M-1 and M-2) zoning districts.
    - b. The parcel of land upon which the billboard is located shall have a valid certificate of occupancy for a commercial or industrial use.
    - c. The parcel of land upon which the billboard is located may not contain a residential use.
    - d. The structure shall not be within 150 feet of any on-premise freestanding advertising sign located on the same parcel.
  - 3. The provisions of this Section shall only apply to outdoor advertising structures heretofore lawfully erected and still in existence upon the effective date of City Council Ordinance No. 2522.

## **DIVISION 9 – WIRELESS REGULATIONS**

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### **CHAPTER 17.90 – WIRELESS – NEW AND SUBSTANTIALLY CHANGED**

#### **Sections.**

- 17.90.010 – Purpose.
- 17.90.020 – Applicability.
- 17.90.030 – Exempt Facilities.
- 17.90.040 – Required Approvals and Approval Authority.
- 17.90.050 – Application Requirements.
- 17.90.060 – Site Location Guidelines.
- 17.90.070 – Development Standards.
- 17.90.080 – Notices and Decisions.
- 17.90.090 – Necessary Findings and Limited Exemptions.
- 17.90.100 – Standard Conditions of Approval.
- 17.90.110 – Temporary Wireless Facilities.
- 17.90.120 – Amortization of Nonconforming Wireless Facilities.
- 17.90.130 – Time Periods.
- 17.90.140 – Appeals.

#### **17.90.010 – Purpose.**

- A. This Purpose of this Chapter to establish reasonable, uniform and comprehensive standards and procedures for wireless facilities deployment, construction, installation, collocation, modification, operation, relocation and removal within the City's territorial boundaries, consistent with and to the extent permitted under federal and state law. The standards and procedures contained in this Chapter are intended to, and should be applied to, protect and promote public health, safety and welfare, and also balance the benefits that flow from robust, advanced wireless services with the City's local values, which include without limitation the aesthetic character of the City.
- B. This Chapter is also intended to reflect and promote the community interest to:
  - 1. Ensure that the balance between public and private interest is maintained on a case-by-case basis;
  - 2. Protect the City's visual character from potential adverse impacts or visual blight created or exacerbated by telecommunications infrastructure;
  - 3. Protect and preserve the City's environmental resources; and
  - 4. Promote access to high-quality, advanced telecommunication services for the City's residents, businesses and visitors.

- C. This Chapter is not intended to, nor shall it be interpreted or applied to:
1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
  2. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management;
  3. Unreasonably discriminate among providers of functionally equivalent services;
  4. Deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the Federal Communications Commission's ("FCC's") regulations concerning such emissions;
  5. Prohibit any collocation or modification that the City may not deny under federal or state law;
  6. Impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or
  7. Otherwise authorize the City to preempt any applicable federal or state law.

**17.90.020 – Applicability.**

- A. **Applicable Wireless Facilities.** This Chapter applies to all existing wireless facilities within the City and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy wireless facilities in the City, whether located or proposed to be located on private property or in the public right-of-way, unless exempted under Section 17.90.030 of this Chapter or governed under Chapter 17.92 (Wireless – Eligible Facilities Requests) of this Title.
- B. **Request for Approval Pursuant to Section 6409.** Any requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") will first be reviewed under Chapter 17.92 (Wireless– Eligible Facilities Requests) of this Title. Qualifying requests for Section 6409 approval will not be subject to this Chapter. To the extent that the applicant's request does not qualify for approval under Section 6409, the applicant may submit the same or a substantially similar application for approval under this Chapter.
- C. **Special Provisions for Small Wireless Facilities.** Notwithstanding any other provision in this Chapter, including any exemption under Section 17.90.030 of this Chapter, all small wireless facilities, as defined by the FCC in 47 C.F.R. § 1.6002(1), as may be amended or superseded, are subject to a permit, as specified in a City Council policy adopted by City Council Resolution. All small wireless facilities shall comply with the City Council's policy. If the policy is repealed, an application for a small wireless facility shall be processed pursuant to this Chapter.

#### **17.90.030 – Exempt Facilities.**

Notwithstanding the provisions in Subsection 17.90.020(A) of this Chapter, this Chapter shall not be applicable to:

- A. Wireless facilities owned and operated by the City for public purposes;
- B. Wireless facilities installed on City property located outside the public right-of-way;
- C. Wireless facilities installed on City property in the public right-of-way pursuant to a valid master license agreement with the City;
- D. Amateur radio facilities;
- E. OTARD antennas;
- F. Wireless facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system);
- G. Wireless facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D; and
- H. Routine maintenance and repair performed on existing wireless facilities.

#### **17.90.040 – Required Approvals and Approval Authority.**

- A. **Conditional Use Permit.** A Conditional Use Permit, subject to the Planning Commission's review and approval, in accordance with the procedures and standards found in Chapter 17.123 (Conditional and Minor Use Permits) of this Title, is required for:
  - 1. All new freestanding wireless facilities;
  - 2. All new wireless facilities and collocations, revisions or other changes to existing wireless facilities that require a limited exception pursuant to Section 17.90.090 of this Chapter; and
  - 3. All new wireless facilities and collocations, revisions or other changes to existing wireless facilities not subject to an Administrative Wireless Permit.
- B. **Administrative Wireless Permit.** An Administrative Wireless Permit, subject to the Public Works Department's review and approval for facilities in the public-right-of-way and the Planning Division's review and approval for all other facilities, in accordance with the procedures and standards of this Chapter, is required for:
  - 1. All new wireless facilities and collocations, modifications or other changes to existing wireless facilities located in the public rights-of-way;
  - 2. All new stealth wireless facilities (e.g. building and towers); and
  - 3. All collocations, revisions or other changes to existing stealth facilities (e.g. on existing buildings and towers).

- C. **Temporary Wireless Permit.** A Temporary Wireless Permit, subject to the Public Works Department's review and approval for facilities in the public-right-of-way and the Planning Division's review and approval for all other facilities, in accordance with the procedures and standards of Section 17.90.110 of this Chapter, unless deployed in connection with an emergency pursuant to Subsection 17.90.110(B) of this Chapter.
- D. **Other Permits and Regulatory Approvals.** In addition to any Conditional Use Permit, Administrative Wireless Permit, Temporary Wireless Permit or other permit or approval required under this Chapter, the applicant must obtain all other permits and regulatory approvals as may be required by any other federal, state or local government agencies. This may include, without limitation, any permits and/or regulatory approvals issued by other City Departments. Furthermore, any permit or approval granted under this Chapter, or deemed granted or deemed approved by law, shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

**17.90.050 – Application Requirements.**

- A. **Application Required.** The City shall not approve any request for a Conditional Use Permit, Administrative Wireless Permit or Temporary Wireless Permit except upon a duly filed application consistent with this Section and any other written rules the Community Development Director or Public Works Director may establish from time to time in any publicly-stated format.
- B. **Application Content.** All applications for a Conditional Use Permit, Administrative Wireless Permit or Temporary Wireless Permit must include all the information and materials required by the Community Development Director and Public Works Director for the application. In addition, the City Council authorizes the Community Development Director and Public Works Director to do the following:
  - 1. Develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that are found necessary, appropriate or useful for processing any application governed under this Chapter; and
  - 2. Establish other reasonable rules and regulations, which may include, without limitation, regular hours for appointments with applicants, as deemed necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
- C. **Procedures for a Duly Filed Application.** Any application for a Conditional Use Permit or Administrative Wireless Permit will not be considered duly filed unless submitted in accordance with the procedures in this Subsection:
  - 1. Pre-submittal conference:
    - a. Before application submittal, the applicant must schedule and attend a pre-submittal conference with the Planning Division for all proposed projects subject to a

Conditional Use Permit or with the Public Works Department that involve the deployment of more than five (5) facilities in the public right-of-way. Pre-submittal conferences for all other proposed projects are strongly encouraged but not required.

- b. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, any latent issues in connection with the proposed or existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable); coordination with other City Departments responsible for application review; and application completeness issues.
- c. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable.
- d. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. Submittal appointment:

- a. All applications must be submitted to the City at a pre-scheduled appointment. Applicants may submit up to five (5) applications per appointment with the Public Works Department for all facilities in the public right-of-way and the Planning Division for all other facilities.
- b. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Community Development Director or Public Works Director prior to the submittal.

- D. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this Chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the City within 90 calendar days after the application was deemed incomplete in a written notice to the applicant. The Community Development Director or Public Works Director, at their discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

**E. Peer and Independent Consultant Review:**

1. Authorization. The City Council authorizes the Community Development Director and Public Works Director to, at their discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any permit application.
2. Scope. The Community Development Director and Public Works Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation:
  - a. Permit application completeness and/or accuracy;
  - b. Pre-construction planned compliance with applicable regulations for human exposure to RF emissions;
  - c. Post-construction actual compliance with applicable regulations for human exposure to RF emissions;
  - d. Whether and to what extent a proposed project will address a gap in the applicant's wireless services;
  - e. Whether and to what extent any technically feasible and/or potentially available alternative sites or concealment techniques may exist;
  - f. The applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and
  - g. Any other issue identified by the Community Development Director or Public Works Director that requires expert or specialized knowledge. The Community Development Director and Public Works Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.
3. Consultant fees:
  - a. Subject to applicable law, in the event that the Community Development Director and Public Works Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings.
  - b. If the City elects to retain an independent consultant, the City shall collect a fee prior to accepting an application for filing. The amount of the fee collected shall be in accordance with the most recently adopted City Council Resolution.

#### **17.90.060 – Site Location Guidelines.**

- A. **Locations.** All applicants must, to the maximum extent feasible, propose new wireless facilities on private property or in the public rights-of-way in locations according to the following preferences, ordered from most preferred to least preferred:
1. City-owned property or structures located outside the public rights-of-way;
  2. City-owned property or structures located in the public rights-of-way;
  3. Manufacturing zoning districts;
  4. Commercial zoning districts;
  5. Multiuse zoning districts;
  6. Public and quazi-public zoning districts; and
  7. Residential zoning districts or uses.
- B. **Preferred Support Structures.** In addition to the preferred locations described in Subsection (A) above, the City also expresses its preference for installations on certain support structures (which include support structures on private property or in the public rights-of-way). The City will take into account whether any more preferred support structures are technically feasible and potentially available. The City's preferred support structures are as follows, ordered from most preferred to least preferred:
1. Collocations with existing building or other support structure-mounted wireless facilities;
  2. Collocations with existing wireless facilities on electric transmission towers;
  3. Collocations with existing freestanding wireless facilities;
  4. New installations on existing buildings or other support structures;
  5. New installations on existing electric transmission towers; and
  6. New freestanding wireless facilities.

#### **17.90.070 – Development Standards.**

- A. **Generally Applicable Development Standards.** All new wireless facilities and collocations, modifications or other changes to existing wireless facilities not covered under Section 6409 must conform to the applicable development standards in this Section:
1. **Concealment.** Wireless facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. As an illustration and not a limitation, a wireless facility designed to mimic a native tree species or a rock outcrop may be appropriate in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment.



2. Noise. Wireless facilities and all accessory equipment and transmission equipment must comply with all applicable noise control standards and regulations in Chapter 8.36 (Noise Control) of Title 8 (Health and Safety) of the El Monte Municipal Code (EMMC), and shall not exceed, either individually or cumulatively, the applicable ambient noise limit in the subject zoning district.

The City may require the applicant to incorporate appropriate noise-baffling materials and/or strategies whenever necessary to avoid any ambient noise from equipment (such as backup power generators) reasonably likely to exceed the applicable limit. In the event a duly authorized federal, state, or local official declares an emergency within a region that includes the City in whole or in part, backup power generators may exceed the applicable noise control standards and regulations to the extent reasonably necessary to operate the facility until the declared emergency is lifted or power is restored to the affected facility.

3. Landscaping. All wireless facilities must include landscape features and a landscape plan when proposed to be placed in a landscaped area. The landscape plan must include existing vegetation, and vegetation proposed to be removed or trimmed, and the landscape plan must identify proposed landscaping by species type, size and location. Landscape maintenance must be performed in accordance with Chapter 17.72 (Landscaping Requirements) of this Title. The City may require additional landscape features to screen the wireless facility from public view, avoid or mitigate potential adverse impacts on adjacent properties or otherwise enhance the concealment required under this Chapter.
4. Site security measures. Wireless facilities may incorporate reasonable and appropriate site security measures, such as fences, walls and anti-climbing devices, to prevent unauthorized access, theft or vandalism. Site security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash-can corral rather than within a chain link fence. The City may require additional concealment elements as deemed necessary to blend the security measures and other improvements into the natural and/or built environment. The use of barbed wire, razor ribbon, electrified fences or any similar security measures shall be prohibited.
5. Backup power sources. The City may approve permanent backup power sources and/or generators on a case-by-case basis. The City strongly disfavors backup power sources installed on the ground or mounted on poles within the public rights-of-way. In no event shall any diesel generator or other similar noise or noxious generated by used within 250 feet of any residentially zoned property; provided, however, the City may approve sockets or other connections used for temporary backup generators.
6. Lighting. Wireless facilities may not include exterior lights other than: (a) as may be required under Federal Aviation Administration, FCC or other applicable governmental regulations; and (b) timed or motion-sensitive lights for security and/or worker safety. All exterior lights permitted or required to be installed must be installed in locations and

within enclosures that mitigate illumination impacts on other properties to the maximum extent feasible.

7. Signage; Advertisements. All wireless facilities must include signage that accurately identifies the equipment owner/operator, the owner/operator's site name or identification number and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless expressly approved by the City, required by law or recommended under FCC or other United States governmental agencies for compliance with radiofrequency (RF) emissions regulations.
8. Future collocations and equipment. To the maximum extent feasible and aesthetically desirable, all new wireless facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
9. Utilities. All cables and connectors for telephone, primary electric and other similar utilities must be routed underground to the maximum extent feasible in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible.

The City shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost; provided, however, that the Community Development Director or Public Works Director may waive this requirement to the extent the approval of new overhead lines or service drops would amount to a de minimis visual change. Microwave or other wireless backhaul is discouraged when it would involve a separate and unconcealed antenna (i.e. the City strongly prefers the undergrounding of wirelines in lieu of wireless backhauls).

10. Parking and access. Any equipment or improvements constructed or installed in connection with any wireless facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use.
11. Compliance with laws. All wireless facilities must be designed and sited in compliance with all applicable federal, state and local laws, regulations, rules, restrictions and conditions. This includes, without limitation, the California Building Standards Code, General Plan, EMMC and any applicable Specific Plan and any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the facility.

B. **Freestanding Wireless Facilities.** In addition to the requirements in Subsection (A) above, all new freestanding wireless facilities and collocations, revisions or other changes to existing freestanding wireless facilities not covered under Section 6409 shall conform to the following:

1. Height. Freestanding facilities shall not exceed the applicable height limit established for the subject zoning district or overlay zone.
2. Setbacks. Wireless facilities shall not encroach into any applicable setback for structures in the subject zoning district.
3. Tower-mounted equipment. All tower-mounted equipment shall be mounted to the vertical support structure as close as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat colors subject to approval by the Planning Commission or Planning Division.
4. Ground-mounted equipment; shelters. All ground-mounted equipment shall be concealed underground or within an existing or new structure, opaque fences or other enclosures subject to approval by the Planning Commission or Planning Division. The Planning Division may require additional concealment elements as deemed necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

C. **Building-Mounted Wireless Facilities.** In addition to the requirements in Subsection (A) above, all new building-mounted wireless facilities and collocations, modifications or other changes to existing building-mounted wireless facilities not covered under Section 6409 must conform to the following:

1. Height. Building-mounted wireless facilities shall not exceed the applicable height limit established for the subject zoning district or overlay zone, except as permitted in Section 17.60.030 (General Development Standards – Height Exceptions and Restrictions) of this Title.
2. Setbacks. Wireless facilities shall not encroach into any applicable setback for structures in the subject zoning district, except as permitted in Section 17.60.130 (General Development Standards – Yard Encroachments) of this Title.
3. Preferred concealment techniques. All applicants should, to the maximum extent feasible, propose new non-tower wireless facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials).

Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances

designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

4. Façade-mounted equipment. When wireless facilities cannot be placed behind existing parapet walls or other existing screening elements, the Planning Division may approve facade-mounted equipment in accordance with this Section. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The Planning Division may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure.

The Planning Division shall not approve any exposed facade-mounted antennas, including but not limited to, exposed antennas painted to match the facade. To the maximum extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.

5. Rooftop-mounted equipment. All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The Planning Division may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.
6. Ground-mounted equipment; shelters. All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, building interior equipment room, or other enclosures subject to approval by the Planning Division. The City may require additional concealment elements as deemed necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

- D. **Right-of-way Wireless Facilities.** In addition to the applicable requirements in Subsection 17.90.070(A) of this Chapter, all new right-of-way wireless facilities and collocations, modifications or other changes to existing right-of-way wireless facilities not covered under Section 6409 must conform to the following:

1. Concealment. All wireless facilities in the right-of-way must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, wireless facilities in the rights-of-way may not unreasonably subject the public use, for any purpose including expressive or aesthetic purposes, to inconvenience, discomfort, trouble, annoy, hinder, impede or obstruct.
2. Overall height. Wireless facilities in the public rights-of-way may not exceed either of the following:
  - a. The minimum separation from supply lines required by the California Public Utilities Corporation (CPUC) General Order 95, as may be amended or superseded, plus four (4) feet; and/or

- b. Four (4) feet above the height of the existing support structure. To the extent that in the Public Works Director's discretion the four (4) foot height allowance would cause the applicant's wireless facility to be materially incompatible with the overall height or appearance of the surrounding support structures in the public right-of-way, the Public Works Director may require the applicant to propose an alternative design (such as mounting the antenna(s) on the side of the pole) or location to the maximum extent technically feasible.
3. Existing support structures. All wireless facilities in the public right-of-way must be installed on existing above-ground structures (such as light standards or utility poles) whenever possible. The Public Works Director shall not approve any wireless facility proposed to be installed on a traffic control pole unless the Public Works Director finds, in his or her sole discretion, that the traffic control pole has sufficient capacity to support the wireless facility.
4. Replacement support structures. Existing above-ground structures may be replaced with structurally hardened, fitted or reinforced support structures so long as the replacement structure is, in the Public Works Director's discretion, substantially similar to the existing structure to be replaced.
5. New support structures. The Public Works Director shall not approve any new, non-replacement support structures unless:
  - a. The applicant demonstrates that above-ground support structures within the intended service area either do not exist or are not potentially available to the applicant; or
  - b. The Public Works Director specifically finds that a new, non-replacement support structure would be more aesthetically desirable and consistent with the objectives in this Chapter than installations on existing structures near the project site. The City shall have the discretion to require that any new support structure must be a streetlight that conforms to the City's streetlight standards and specifications, which the City shall maintain for street illumination and public safety purposes.
6. Undergrounded equipment. To conceal the equipment to the maximum degree feasible, applicants must install all equipment (other than the antenna and any electric meter) underground in any area in which the existing utilities are primarily located underground. In all other areas, applicants shall install all equipment (other than the antenna and any electric meter) underground when the Public Works Director finds that the above-ground equipment would unreasonably interfere with the public's ability to use the right-of-way for uses that include without limitation travel, social, expressive and/or aesthetic uses.

When making a determination on whether to require undergrounded equipment, the Public Works Director shall take into account the presence of existing above-ground utilities. Mere additional expense to install and maintain an underground equipment enclosure does not exempt an applicant from this requirement. If an applicant proposes to install a facility in an area in which the existing utilities are primarily located

underground, the Public Works Director shall have the discretion, consistent with Subsections 17.90.070(D)(3) through (D)(5) above, to require that the applicant install a new streetlight that conforms to the City's streetlight standards and specifications as the facility support structure.

7. Pole-mounted equipment. All pole-mounted equipment must be installed as close to the pole as technically and legally feasible to minimize the overall visual profile. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures to the maximum extent feasible. All cables, wires and other connectors must be routed through conduits within the pole whenever possible, and all conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.
  8. Ground-mounted equipment. To the extent that the equipment cannot be placed underground as required, applicants may be permitted to install ground-mounted equipment in a location that does not obstruct pedestrian or vehicular traffic. All ground-mounted equipment must be placed in the least conspicuous location available within a reasonable distance from the pole. The Public Works Director may conditionally approve new or enhanced landscaping to conceal ground-mounted equipment. The City shall not approve a ground-mounted electric meter pedestal or other electric meter enclosure to the maximum extent feasible.
- E. **Administrative Design Guidelines.** The Community Development Director or Public Works Director may develop, and from time to time amend, design guidelines consistent with the generally applicable development standards and any facility-specific development standards to clarify the aesthetic goals and standards in this Chapter. In the event that a conflict arises between the development standards in this Section and the design guidelines, the development standards in this Section shall control.

#### **17.90.080 – Notices and Decisions.**

##### **A. General Notice Requirements:**

1. Conditional Use Permits shall require a public hearing and mailed notices from the City as outlined in Section 17.123.030 (Conditional and Minor Use Permits – General Procedures) of this Title.
2. Administrative Wireless Permits:
  - a. A public hearing and mailed notices from the City shall not be required.
  - b. The applicant shall post a notice at the project site, a minimum ten (10) days prior to City action on the Administrative Wireless Permit. The notice shall contain the following:
    - i. General explanation of the proposed project;
    - ii. The applicant's identification and contact information as provided on the application submitted to the City; and

- iii. Contact information for the applicable City Department.
  - c. Deemed-Approval Notice. Not more than 30 days before the applicable FCC timeframe for review expires, and in addition to the public notices required in Subsection (A)(2) above, the applicant for an Administrative Wireless Permit must provide a posted notice at the project site that contains:
    - i. A statement the project will be automatically deemed approved pursuant to Section 65964.10 of the California Government Code unless the City approves or denies the application or the applicant tolls the timeframe for review within the next 30 days;
    - ii. A general explanation of the proposed project;
    - iii. The applicant's identification and contact information as provided on the application submitted to the City; and
    - iv. Contact information for the applicable City Department.
- B. **Deemed Given.** The notices required under Subsection (A)(2) above will be deemed given when the applicant delivers written notice to the Community Development Director or Public Works Director that shows the appropriate notice has been posted at the project site.
- C. **Decisions:**
  - 1. Conditional Use Permit. The Planning Commission shall make its decision by Resolution. If the entitlement is denied, the findings must contain the reasons for the decision. In addition, the applicant shall be given written instructions on how to file an appeal.
  - 2. Administrative Wireless Permit. The Community Development Director or Public Works Director shall make his or her decision through a Decision Letter. If the permit is denied, the letter must contain the reasons for the decision and instructions on how to file an appeal.
  - 3. Timeframe. The Resolution or Decision Letter shall be sent to the applicant within five (5) days after City action or before the FCC Shot Clock expires (whichever occurs first).

**17.90.090 – Necessary Findings and Limited Exemptions.**

- A. **Necessary Findings for Conditional Use Permit Approval.** In addition to findings outlined in Section 17.123.040 (Conditional and Minor Use Permits – Necessary Findings) of this Title, the Planning Commission shall make the following findings prior to approving or conditionally approving a Conditional Use Permit:
  - 1. The proposed wireless facility complies with all applicable site location guidelines and development standards in Sections 17.90.060 and 17.90.070 of this Chapter;
  - 2. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions;
  - 3. The applicant has demonstrated a good-faith effort to identify and evaluate more-preferred alternative locations and potentially less-intrusive alternative designs for the proposed wireless facility; and

4. The applicant has provided the approval authority with a meaningful comparative analysis that shows all more-preferred alternative locations and less-intrusive alternative designs identified in the administrative record are either technically infeasible or unavailable.
- B. **Necessary Findings for Administrative Wireless Permit Approval.** The Public Works Director (for facilities in the public right-of-way) or the Community Development Director (for all other facilities) shall make the following findings prior to approving or conditionally approving an Administrative Wireless Permit:
1. The proposed wireless facility complies with all applicable site location guidelines and development standards in Sections 17.90.060 and 17.90.070 of this Chapter; and
  2. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions.
- C. **Denials Without Prejudice.** Subject to any applicable limitations in federal or state law, nothing in this Chapter is intended to limit the City's ability to deny without prejudice any application for a Conditional Use Permit or Administrative Wireless Permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this Chapter, the EMMC or the General Plan.
- D. **Limited Exemptions for Personal Wireless Service Facilities.** In the event that an applicant claims that strict compliance with Sections 17.90.060 and 17.90.070 of this Chapter would effectively prohibit their ability to provide personal wireless services, the Planning Commission may grant a limited exception from such requirements to the extent necessary to prevent an effective prohibition, subject to all of the following:
1. The proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded;
  2. The applicant has provided the Planning Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility;
  3. The applicant has provided the Planning Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Chapter, the EMMC, the General Plan and/or any Specific Plan;
  4. The applicant has provided the Planning Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and
  5. The applicant has demonstrated to the Planning Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful



comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

**17.90.100 – Standard Conditions of Approval.**

In addition to all other conditions adopted by the approval authority, all Conditional Use Permits and Administrative Wireless Permits shall be automatically subject to the conditions in this Section. The approval authority (or the appellate authority on appeal) shall have discretion to remove, modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Chapter. In addition, some conditions may apply to all wireless facilities. For example, some facilities may be on public lands and other may be on private property.

- A. **Permit Term.** This permit will automatically expire ten (10) years and one day from its issuance, except when Section 65964(b) of the California Government Code, as may be amended or superseded in the future, authorizes the City to establish a shorter term for public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, revision or other change to this wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. Upon an application for permit renewal submitted within one year from the expiration date of this permit, the Community Development Director or Public Works Director may renew this permit for an additional ten (10) year term provided that the permittee's wireless facility is in compliance with all applicable conditions of approval and all applicable provisions in the EMMC that exist at the time of the renewal.
- B. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the "Approved Plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the Approved Plans, as determined by the Community Development Director or Public Works Director. Any material alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other City Departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Community Development Director's or Public Works Director's prior review and approval, who may refer the request to the original approval authority if one of them finds that the requested alteration, revision or other change substantially deviates from the Approved Plans or implicates a significant or substantial land-use concern.
- C. **Build-Out Period.** This permit will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Community

Development Director or Public Works Director may grant one written extension to a date certain, but not to exceed one additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.

- D. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- E. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the EMMC, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the EMMC, any permit, any permit condition or any applicable law or regulation.
- F. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized by the EMMC. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Community Development Director and Public Works Director may issue a stop work order for any activities that violates this condition.
- G. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be

permitted to supervise the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.

- H. **Permittee's Contact Information.** The permittee shall furnish the Community Development Director or Public Works Director with accurate and up-to-date contact information to reach a live person responsible for the wireless facility, which includes without limitation a direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Community Development Director or Public Works Director with updated contact information in the event that the contact information changes.

I. **Indemnification:**

1. The permittee and, if applicable, the property owner upon which the wireless facility is installed shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all:
  - a. Damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this permit, and
  - b. Other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this permit or the wireless facility.
2. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense.
3. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense.
4. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

J. **Performance Bond:**

1. Before the applicable City Department issues any building, construction or encroachment permit, as applicable, in connection with this permit, the permittee shall post a performance bond from a surety and in a form acceptable to the Community Development Director or Public Works Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a

written estimate from a qualified contractor with experience in wireless facilities removal.

2. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws.
  3. In establishing or adjusting the bond amount required under this condition, and in accordance with Section 65964(a) of the California Government Code, the Community Development Director or Public Works Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility and restore any areas affected by the removal work to a standard compliant with applicable laws. In addition, the Community Development Director and Public Works Director may modify this condition to the extent reasonably necessary to comply with any reasonable requirements imposed by the permittee's surety.
- K. **Recall to Approval Authority; Permit Revocation.** The Conditional Use Permit or Administrative Wireless Permit shall be subject to the provisions in Section 17.10.130 (General Regulations – Revocation of Permits) of this Title.
- L. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.
- M. **Undergrounded Utilities.** In the event that other electric or communications utilities in the public right-of-way underground their facilities where the permittee's wireless facility is located, and the permittee's wireless facility is located in the public right-of-way, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.
- N. **Electric Meter Removal.** In the event that the electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure in the public right-of-way, the permittee on its own initiative and at its sole cost and expense, shall apply to the City for the required encroachment and/or other ministerial permit(s) to

remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.

**O. Rearrangement and Relocation:**

1. The permittee acknowledges that the City, in its sole discretion and at any time, may:
  - a. Change any street grade, width or location;
  - b. Add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or
  - c. Perform any other work deemed necessary, useful or desirable by the City (collectively, "City Work"). The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit.
2. In the event that the Public Works Director determines that any City work will require the permittee's wireless facility located in the public right-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation.
3. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense.
4. The City may exercise its rights to rearrange or relocate the permittee's wireless facility without prior notice to permittee when the Public Works Director determines that the City Work is immediately necessary to protect public health or safety.
5. The permittee shall reimburse the City for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the City, its agents, officers, officials, employees and volunteers harmless from and against any claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility.

- P. Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within 90 days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements, and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the EMMC. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall

be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

**17.90.110 – Temporary Wireless Facilities.**

A. **General Requirements for Temporary Wireless Facilities.** Except as provided in Subsection (B) below, the requirements, procedures and standards in this Section shall be applicable to all applications for a temporary wireless facility.

1. Applications for Temporary Wireless Facilities.

a. The Community Development Director shall not approve any temporary wireless facility subject to a Temporary Wireless Permit except upon a duly filed application consistent with this Subsection and any other written application requirements or procedures the Director may publish in any publicly-stated format.

b. Applicants for a Temporary Wireless Permit must submit, at a minimum:

i. A Temporary Wireless Permit application on the most current form prepared by the Planning Division;

ii. A site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures;

iii. An RF compliance report in accordance with the City's requirements; and

iv. An insurance certificate for general commercial liability that names the City as an additional insured, includes coverage for the time period in which the temporary wireless facility will be placed and carries at least \$1,000,000.00 in coverage per occurrence.

c. Applications must be submitted in person to the Planning Division unless the Community Development Director grants written consent to receive an application by mail or electronic means. No pre-submittal conference or appointment is required for a Temporary Wireless Permit application.

2. Administrative review for Temporary Wireless Facilities. After the Planning Division has received a duly filed application for a Temporary Wireless Permit, it shall be reviewed for completeness. After the Planning Division deems the application complete, the Community Development Director shall review the application for conformance with the required findings in Subsection (A)(4) below.

3. Notices. A public hearing, mailed notices or site postings shall not be required for temporary wireless facilities.

4. Required Findings for Temporary Wireless Facilities. The Community Development Director shall make all of the following findings through a Decision Letter prior to approving or conditionally approving a Temporary Wireless Permit:

a. The proposed temporary wireless facility will not exceed 50 feet in overall height above ground level unless the Community Development Director finds that

- exceeding the 50-foot overall height limit is necessary to integrate a non-freestanding temporary wireless facility with the underlying support structure;
- b. The proposed temporary wireless facility will be placed as far away from adjacent property lines to the furthest extent as possible, or otherwise in a location that will be least likely to cause adverse impacts on adjacent properties;
  - c. Any excavation or ground disturbance associated with the temporary wireless facility will not exceed two (2) feet below grade;
  - d. The proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which includes without limitation compliance with maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
  - e. The proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location;
  - f. The proposed temporary wireless facility will be identified with a sign that clearly identifies the following: (i) the site operator; (ii) the operator's site identification name or number; and (iii) a working telephone number answered 24 hours per day, seven (7) days per week by a live person who can exert power-down control over the antennas;
  - g. The proposed temporary wireless facility will be removed within 30 days after the Community Development Director grants the Temporary Wireless Permit, or such longer time as found reasonably related to the applicant's need or purpose for the temporary wireless facility; and
  - h. The applicant has not been denied a Conditional Use Permit for any permanent wireless facility in the same or substantially the same location within the previous 365 days.
5. Decisions. The Community Development Director shall make its decision through a Decision Letter. If the permit is denied (with or without prejudice), the letter must contain the reasons for the decision. In addition, the letter shall include instructions on how to file an appeal.
- B. **Temporary Wireless Facilities for Emergencies.** Temporary wireless facilities may be placed and operated within the City without a Temporary Wireless Permit only when a duly authorized federal, state or local official declares an emergency within a region that includes the City in whole or in part. Any temporary wireless facilities placed pursuant to this Section must be removed within 15 days after the date the emergency is lifted. Any person or entity that places temporary wireless facilities pursuant to this Section must send a written notice that identifies the site location and person responsible for its operation to the Community Development Director as soon as reasonably practicable.

### **17.90.120 – Amortization of Nonconforming Wireless Facilities.**

- A. Any non-conforming wireless facilities in existence at the time this Chapter becomes effective must be brought into conformance with this Chapter in accordance with the amortization schedule in this Section. As used in this Section, the "fair market value" will be the construction costs listed on the building permit application for the subject wireless facility and the "minimum years" allowed will be measured from the date on which this Chapter becomes effective. Refer to Table 17.90-1 for the determined fair market value based on minimum years allowed:

| Table 17.90-1 – Amortization Period Based on Fair Market Value |                        |
|----------------------------------------------------------------|------------------------|
| Fair Market Value on Effective Date:                           | Minimum Years Allowed: |
| Less than \$50,000                                             | 5                      |
| \$50,000 to \$500,000                                          | 10                     |
| Greater than \$500,000                                         | 15                     |

- B. The Community Development Director or Public Works Director may grant a written extension to a date certain when the wireless facility owner shows:
1. Good faith effort to cure non-conformance;
  2. The application of this Section would violate applicable laws; or
  3. Extreme economic hardship would result from strict compliance with the amortization schedule.
  4. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The Director may not grant any permanent exemption from this Section.
- C. Nothing in this Section is intended to limit any permit term to less than ten (10) years. In the event that the amortization required in this Section would reduce the permit term to less than ten (10) years for any permit granted on or after January 1, 2007, then the minimum years allowed will be automatically extended by the difference between ten (10) years and the number of years since the City granted such permit. Nothing in this Section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. § 1455(a) on the basis that the subject wireless facility is a legal nonconforming wireless facility.

### **17.90.130 – Time Periods.**

- A. **Conditional Use Permits.** Refer to Section 17.123.050 (Conditional and Minor Use Permits – Time Periods) of this Title.
- B. **Administrative Wireless Permit.** The permit shall be valid for 12 months after the date of approval. If the applicant has proceeded in good faith toward the implementation of the Administrative Wireless Permit as determined by the Community Development Director or



Public Works Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director or Public Works Director within 30 days of the request. No additional extensions shall be permitted.

**17.90.140 – Appeals.**

- A. **Conditional Use Permits.** Planning Commission decisions are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.
- B. **Administrative Wireless Permits and Temporary Wireless Permit.** The Community Development Director’s and Public Works Director’s decisions are appealable to the City Manager. The City Manager’s decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.92 – WIRELESS – ELIGIBLE FACILITIES REQUEST (6409)**

### **Sections.**

- 17.92.010 – Purpose.
- 17.92.020 – Applicability.
- 17.92.030 – Required Approvals and Approval Authority.
- 17.92.040 – Application Requirements.
- 17.92.050 – Notices, Findings and Decisions.
- 17.92.060 – Standard Conditions of Approval.
- 17.92.070 – Time Periods.
- 17.92.080 – Appeals.

### **17.92.010 – Purpose.**

- A. **Background.** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified as 47 U.S.C. § 1455(a) ("Section 6409"), generally requires that state and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station. Federal Communications Commission ("FCC") regulations interpret this statute and establish procedural rules for local review, which generally preempt certain subjective land-use regulations, limit permit application content requirements and provide the applicant with a potential "deemed granted" remedy when the state or local government fails to approve or deny the request within sixty (60) days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified as 47 U.S.C. § 332, applies to only "personal wireless service facilities" (e.g., cellular telephone towers and equipment), Section 6409 applies to all "wireless" facilities licensed or authorized by the FCC (e.g., cellular, Wi-Fi, satellite, microwave backhaul, etc.).
- B. **Findings.** The City Council finds that the overlap between wireless deployments covered under Section 6409 and other wireless deployments, combined with the different substantive and procedural rules applicable to such deployments, creates a potential for confusion that harms the public interest in both efficient wireless facilities deployment and carefully planned community development in accordance with local values. The City Council further finds that a separate permit application and review process specifically designed for compliance with Section 6409 contained in a separate Section devoted to Section 6409 will mitigate such potential confusion, streamline local review and preserve the City's land-use authority to maximum extent possible.
- C. **Intent.** The intent of this Chapter to establish reasonable and uniform standards and procedures in a manner that protects and promotes the public health, safety and welfare, consistent with and subject to federal and state law, for collocations and modifications to existing wireless facilities pursuant to Section 6409 and related FCC regulations codified in 47 C.F.R. §§ 1.40001 et seq.

This Chapter is not intended to, nor shall it be interpreted or applied to:

1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
2. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules, regulations or other legal requirements for rights-of-way management;
3. Unreasonably discriminate among providers of functionally equivalent services;
4. Deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions;
5. Prohibit any collocation or modification that the City may not deny under federal or state law;
6. Impose any unfair, unreasonable, discriminatory or anticompetitive fees that exceed the reasonable cost to provide the services for which the fee is charged; or
7. Otherwise authorize the City to preempt any applicable federal or state law.

**17.92.020 – Applicability.**

This Section applies to all requests for approval to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted pursuant to Section 6409. However, the applicant may voluntarily elect to seek a Conditional Use Permit or Administrative Wireless Permit subject to the provisions of Chapter 17.90 (Wireless – New and Substantially Changed) of this Title.

**17.92.030 – Required Approvals and Approval Authority.**

- A. **Section 6409 Approval.** Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted with a written request for approval under Section 6409 shall require administrative approval from the City consistent with all valid and enforceable terms and conditions of the underlying use permit or other prior regulatory authorization for the tower or base station (a "Section 6409 Permit").

A Section 6409 Permit shall be subject to the Public Works Director's review and approval the facility is located in the public right-of-way and subject to the Planning Division's review and approval for all other facilities. Each Section 6409 Permit shall be approved, conditionally approved or denied without prejudice pursuant to the standards and procedures contained in this Chapter.

- B. **Other Permits and Regulatory Approvals.** No collocation or modification approved pursuant to this Chapter may occur unless the applicant also obtains all other permits and regulatory approvals as may be required by any other federal, state or local government agencies, which includes without limitation any permits and/or regulatory approvals issued by other

City Departments. Furthermore, any Section 6409 approval granted under this Chapter shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits or regulatory approvals.

**17.92.040 – Application Requirements.**

- A. **Application Required.** The City shall not approve any request for a Section 6409 Permit except upon a duly filed application consistent with this Section and any other written rules the Community Development Director or Public Works Director may establish from time to time in any publicly-stated format.
- B. **Application Content.** All applications for a Section 6409 Permit must include all the information and materials required by the Community Development Director or Public Works Director for the application. In addition, the City Council authorizes the Community Development Director and Public Works Director to do the following:
  - 1. Develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that are found necessary, appropriate or useful for processing a Section 6409 permit. However, the Community Development Director or Public Works Director may not require documentation proving the need or presenting the business case for the proposed modification; and
  - 2. Establish other reasonable rules and regulations, which may include, without limitation, regular hours for appointments with applicants, as deemed necessary or appropriate to organize, document and manage the application intake process. All such rules and regulations must be in written form and publicly stated to provide applicants with prior notice.
- C. **Procedures for a Duly Filed Application.** Any application for a Section 6409 Permit will not be considered duly filed unless submitted in accordance with the procedures in this Subsection:
  - 1. Pre-Submittal Conference:
    - a. Before application submittal, the applicant is encouraged (but not required) to schedule and attend a pre-submittal conference with the Planning Division or Public Works Department for all proposed collocations or modifications to any concealed or camouflaged wireless tower or base station. Pre-submittal conferences for all other proposed collocations or modifications are strongly encouraged but not required.
    - b. The pre-submittal conference is intended to streamline the review process through informal discussion that includes, without limitation, the appropriate project classification and review process, including whether the project qualifies for approval pursuant to Section 6409 or not; any latent issues in connection with the existing wireless tower or base station, including compliance with generally applicable rules for public health and safety; potential concealment issues or concerns (if applicable);

coordination with other City Departments responsible for application review; and application completeness issues.

- c. To mitigate unnecessary delays due to application incompleteness, applicants are encouraged (but not required) to bring any draft applications or other materials so that City may provide informal feedback and guidance about whether such applications or other materials may be incomplete or unacceptable.
- d. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and any applicable fee or deposit to reimburse the City for its reasonable costs to provide the services rendered in the pre-submittal conference.

2. Submittal Appointment:

- a. All applications must be submitted to the City at a pre-scheduled appointment. Applicants may submit up to five (5) applications per appointment with the Public Works Department for all facilities in the public right-of-way and the Planning Division for all other facilities.
- b. The City shall use reasonable efforts to provide the applicant with an appointment within five (5) working days after receiving a written request and, if applicable, confirms that the applicant complied with the pre-submittal conference requirement. Any application received without an appointment, whether delivered in-person, by mail or through any other means, will not be considered duly filed unless the applicant received a written exemption from the Community Development Director or Public Works Director prior to the submittal.

D. **Applications Deemed Withdrawn.** To promote efficient review and timely decisions, any application governed under this Chapter will be automatically deemed withdrawn by the applicant when the applicant fails to tender a substantive response to the City within 90 calendar days after the application was deemed incomplete in a written notice to the applicant. The Community Development Director or Public Works Director, at his or her discretion, may grant a written extension for up to an additional 30 calendar days when the applicant submits a written request prior to the 90th day that shows good cause to grant the extension. Delays due to circumstances outside the applicant's reasonable control will be considered good cause to grant the extension.

E. **Peer and Independent Consultant Review:**

- 1. Authorization. The City Council authorizes the Community Development Director and Public Works Director to, at their discretion, select and retain an independent consultant with specialized training, experience and/or expertise in telecommunications issues in connection with any permit application.
- 2. Scope. The Community Development Director or Public Works Director may request an independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless facilities deployment or permit applications for wireless facilities, which include without limitation:

- a. Permit application completeness and/or accuracy;
  - b. Pre-construction planned compliance with applicable regulations for human exposure to RF emissions;
  - c. Post-construction actual compliance with applicable regulations for human exposure to RF emissions;
  - d. The applicability, reliability and/or sufficiency of any information, analyses or methodologies used by the applicant to reach any conclusions about any issue with the City's discretion to review; and
  - e. Any other issue identified by the Community Development Director or Public Works Director that requires expert or specialized knowledge. The Community Development Director or Public Works Director may request that the independent consultant prepare written reports, testify at public meetings, hearings and/or appeals and attend meetings with City staff and/or the applicant.
3. Consultant Fees:
- a. Subject to applicable law, in the event that the Community Development Director or Public Works Director elects to retain an independent consultant in connection with any permit application, the applicant shall be responsible for the reasonable costs in connection with the services provided, which may include without limitation any costs incurred by the independent consultant to attend and participate in any meetings or hearings.
  - b. If the City elects to retain an independent consultant, the City shall collect a fee prior to accepting an application for filing. The amount of the fee collected shall be in accordance with the most recently adopted City Council Resolution.

**17.92.050 – Notices, Decisions and Findings.**

- A. **Administrative Review.** The Planning Division or Public Works Department shall administratively review a complete and duly filed application for a Section 6409 Permit and may act on such application without prior notice or a public hearing.
- B. **Decision Notices.** The Community Development Director or Public Works Director shall make his or her decision through a Decision Letter. Such letter shall be sent to the applicant within five (5) days after City action has been taken or before the FCC Shot Clock expires (whichever occurs first). If the permit is denied, the letter must contain the reasons for the decision, a statement that the denial is without prejudice and instructions on how to file an appeal.
- C. **Necessary Findings for Approval.** The Public Works Director (for facilities in the public right-of-way) or the Community Development Director (for all other facilities) shall make the following findings prior to approving or conditionally approving a Section 6409 Permit:
  - 1. The project involves the collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and

2. The project does not substantially change the physical dimensions of the existing wireless tower or base station.
- D. **Criteria for Denial without Prejudice.** Notwithstanding any other provision in this Chapter, and consistent with all applicable federal laws and regulations, the Public Works Director (for facilities in the public right-of-way) or the Community Development Director (for all other facilities) may deny a Section 6409 Permit without prejudice, provided one of the following criteria can be met:
1. The project does not meet the findings required in Subsection (C) above;
  2. The project involves the replacement of the entire support structure; or
  3. The project violates any legally enforceable law, regulation, rule, standard or permit condition reasonably related to public health or safety.

**17.92.060 – Standard Conditions of Approval.**

Subject to any applicable limitations in federal or state law, nothing in this Chapter is intended to limit the City's authority to conditionally approve an application for a Section 6409 Permit to protect and promote the public health and safety. In addition to all other conditions adopted by the approval authority, all Section 6409 Permit approvals shall be automatically subject to the conditions in this Section. The Community Development Director or Public Works Director (or the City Manager on appeal) shall have discretion to modify or amend these conditions on a case-by-case basis as may be necessary or appropriate under the circumstances to protect public health and safety or allow for the proper operation of the approved facility consistent with the goals of this Chapter.

- A. **Permit Term.** The City's grant or grant by operation of law of a Section 6409 Permit approval constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station, and will be regarded as a modification to the underlying approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409 Permit approval will not extend the permit term, if any, for any underlying permit or other underlying prior regulatory authorization. Accordingly, the term for a Section 6409 Permit approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station.
- B. **Compliance Obligations Due to Invalidation.** In the event that any court of competent jurisdiction invalidates all or any portion of Section 6409 or any FCC rule that interprets Section 6409 such that federal law would not mandate approval for any Section 6409 approval(s), such approval(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved Section 6409 approvals or the Community Development Director grants an extension upon written request from the permittee that shows good cause for the extension, which includes without limitation extreme financial hardship. Notwithstanding anything in the previous sentence to the contrary, the Community Development Director may not grant a permanent exemption or indefinite extension. A permittee shall not be

required to remove its improvements approved under the invalidated Section 6409 approval when it has obtained the applicable permit(s) or submitted an application for such permit(s) before the one-year period ends.

- C. **City's Standing Reserved.** The City's grant of a Section 6409 approval does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409 or any Section 6409 approval.
- D. **Compliance with Approved Plans.** Before the permittee submits any applications to the Building Division, the permittee must incorporate this Section 6409 approval, all conditions associated with this Section 6409 approval and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless facility in substantial compliance with the approved plans, as determined by the Community Development Director. Any material alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other City Departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the Community Development Director's prior review and approval. The Community Development Director may revoke the Section 6409 approval if the Community Development Director finds that the requested alteration, modification or other change causes a substantial change as that term is defined by the FCC in 47 C.F.R. § 1.40001 (b)(7), as may be amended.
- E. **Build-Out Period.** This Section 6409 approval will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The Community Development Director may grant one written extension for up to one year when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least 30 days prior to the automatic expiration date in this condition.
- F. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved plans and all conditions in this Section 6409 approval. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the City, shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
- G. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("Laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this Section 6409 approval, which includes without limitation any laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws. In the



event that the City fails to timely notice, prompt or enforce compliance with any applicable provision in the EMMC, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in the EMMC, any permit, any permit condition or any applicable law or regulation.

- H. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. Undue or unnecessary adverse impacts shall not be interpreted to mean aesthetic impacts that may result from the City's issuance of this Section 6409 approval consistent with applicable law. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction hours authorized by the EMMC. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the City. The Community Development Director may issue a stop work order for any activities that violates this condition.
- I. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that the City's officers, officials, staff or other designee may enter onto the site and inspect the improvements and equipment upon reasonable prior notice to the permittee; provided, however, that the City's officers, officials, staff or other designee may, but will not be obligated to, enter onto the site area without prior notice to support, repair, disable or remove any improvements or equipment in emergencies or when such improvements or equipment threatens actual, imminent harm to property or persons. The permittee will be permitted to supervise the City's officers, officials, staff or other designee while any such inspection or emergency access occurs.
- J. **Permittee's Contact Information.** The permittee shall furnish the Community Development Director with accurate and up-to-date contact information to reach a live person responsible for the wireless facility, which includes without limitation a direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the Community Development Director with updated contact information in the event that the contact information changes.
- K. **Indemnification.** The permittee and, if applicable, the property owner upon which the wireless facility is installed, shall defend, indemnify and hold harmless the City, City Council and City boards, commissions, agents, officers, officials, employees and volunteers from any and all:
  - 1. Damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, law suits, writs and other actions or proceedings ("claims") brought against the City or its agents, officers, officials, employees or volunteers to challenge, attack, seek to modify, set aside, void or annul the City's approval of this Section 6409 approval;

2. Other claims of any kind or form, whether for personal injury, death or property damage, that arise from or in connection with the permittee's or its agents', directors', officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in connection with this Section 6409 approval or the wireless facility. In the event the City becomes aware of any claims, the City will use best efforts to promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense; and
  3. The permittee expressly acknowledges and agrees that the City shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the City's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the City to approve this Section 6409 approval, and that such indemnification obligations will survive the expiration or revocation of this Section 6409 approval.
- L. **Performance Bond.** Before the applicable City Department issues any construction or encroachment permit, in connection with this Section 6409 approval, the permittee shall post a performance bond from a surety and in a form acceptable to the Community Development Director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless facilities removal. The written estimate must include the cost to remove all equipment and other improvements, which includes without limitation all antennas, radios, batteries, generators, utilities, cabinets, mounts, brackets, hardware, cables, wires, conduits, structures, shelters, towers, poles, footings and foundations, whether above ground or below ground, constructed or installed in connection with the wireless facility, plus the cost to completely restore any areas affected by the removal work to a standard compliant with applicable laws. In establishing or adjusting the bond amount required under this condition, and in accordance with Section 65964(a) of the California Government Code, the Community Development Director shall take into consideration any information provided by the permittee regarding the cost to remove the wireless facility to a standard compliant with applicable laws. In addition, the Community Development Director may modify this condition to the extent reasonably necessary to comply with any reasonable requirements imposed by the permittee's surety.
- M. **Recall to Approval Authority; Permit Revocation.** The Section 6409 Permit be subject to Section 17.10.130 (General Regulations – Revocation of Permits) of this Title.
- N. **Record Retention.** The permittee must maintain complete and accurate copies of all permits and other regulatory approvals issued in connection with the wireless facility, which includes without limitation this approval, the approved plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition, any ambiguities or uncertainties that

would be resolved through an inspection of the missing records will be construed against the permittee. The permittee may keep electronic records; provided, however, that hard copies or electronic records kept in the City's regular files will control over any conflicts between such City-controlled copies or records and the permittee's electronic copies, and complete originals will control over all other copies in any form.

- O. **Undergrounded Utilities.** In the event that other electric or communications utilities in the public right-of-way underground their facilities where the permittee's wireless facility is located, and the permittee's wireless facility is located in the public right-of-way, the permittee must underground its equipment except the antennas and antenna supports. Such undergrounding shall occur at the permittee's sole cost and expense except as reimbursed pursuant to law.
- P. **Electric Meter Removal.** In the event that the electric utility provider adopts or changes its rules obviating the need for a separate or ground-mounted electric meter and enclosure in the public right-of-way, the permittee on its own initiative and at its sole cost and expense shall apply to the City for the required encroachment and/or other ministerial permit(s) to remove the separate or ground-mounted electric meter and enclosure and restore the affected area to its original condition.
- Q. **Rearrangement and Relocation:**
  - 1. The permittee acknowledges that the City, in its sole discretion and at any time, may:
    - a. Change any street grade, width or location;
    - b. Add, remove or otherwise change any improvements in, on, under or along any street owned by the City or any other public agency, which includes without limitation any sewers, storm drains, conduits, pipes, vaults, boxes, cabinets, poles and utility systems for gas, water, electric or telecommunications; and/or
    - c. Perform any other work deemed necessary, useful or desirable by the City (collectively, "City Work").
  - 2. The City reserves the rights to do any and all City Work without any admission on its part that the City would not have such rights without the express reservation in this permit. In the event that the Public Works Director determines that any City Work will require the permittee's wireless facility located in the public right-of-way to be rearranged and/or relocated, the permittee shall, at its sole cost and expense, do or cause to be done all things necessary to accomplish such rearrangement and/or relocation.
  - 3. If the permittee fails or refuses to either permanently or temporarily rearrange and/or relocate the permittee's wireless facility within a reasonable time after the Public Works Director's notice, the City may (but will not be obligated to) cause the rearrangement or relocation to be performed at the permittee's sole cost and expense. The City may exercise its rights to rearrange or relocate the permittee's wireless facility without prior notice to permittee when the Public Works Director determines that the City Work is immediately necessary to protect public health or safety.

4. The permittee shall reimburse the City for all costs and expenses in connection with such work within ten (10) days after a written demand for reimbursement and reasonable documentation to support such costs. In addition, the permittee shall indemnify, defend and hold the City, its agents, officers, officials, employees and volunteers harmless from and against any claims in connection with rearranging or relocating the permittee's facility, or turning on or off any water, oil, gas, electricity or other utility service in connection with the permittee's facility.
- R. **Abandoned Wireless Facilities.** The wireless facility authorized under this permit shall be deemed abandoned if not operated for any continuous six-month period. Within ninety (90) days after a wireless facility is abandoned or deemed abandoned, the permittee and/or property owner shall completely remove the wireless facility and all related improvements and shall restore all affected areas to a condition compliant with all applicable laws, which includes without limitation the EMMC. In the event that neither the permittee nor the property owner complies with the removal and restoration obligations under this condition within said 90-day period, the City shall have the right (but not the obligation) to perform such removal and restoration with or without notice, and the permittee and property owner shall be jointly and severally liable for all costs and expenses incurred by the City in connection with such removal and/or restoration activities.

#### **17.92.070 – Time Periods.**

A Section 6409 Permit shall be valid for 12 months after the date of approval. If the applicant has proceeded in good faith toward the implementation of the Section 6409 Permit as determined by the Community Development Director or Public Works Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director or Public Works Director within 30 days of the request. No additional extensions shall be permitted.

#### **17.92.080 – Appeals.**

The Community Development Director's and Public Works Director's decisions are appealable to the City Manager. The City Manager's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **DIVISION 10 – AFFORDABLE HOUSING**

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### **CHAPTER 17.100 – DENSITY BONUS PROVISIONS**

#### **Sections.**

- 17.100.010 – Purpose.
- 17.100.020 – Applicability.
- 17.100.030 – General Procedures.
- 17.100.040 – Minimum Qualifications for a Density Bonus.
- 17.100.050 – Density Bonus Rules.
- 17.100.060 – Density Bonus Allowances.
- 17.100.070 – Concessions and Incentives.
- 17.100.080 – Waivers or Reductions of Development Standards.
- 17.100.090 – Parking Reductions.
- 17.100.100 – Continued Affordability; Setting of Affordable Rent.
- 17.100.110 – Initial Occupancy of For-sale Units; Equity Sharing.
- 17.100.120 – Replacement of Pre-Existing Affordable Units.
- 17.100.130 – Time Periods.
- 17.100.140 – Appeals.

#### **17.100.010 – Purpose.**

Section 65915 of the California Government Code (i.e. State Density Bonus Law requires each local government to adopt an ordinance that specifies how the jurisdiction will comply with and effectuate applicable state law requirements. This Chapter is intended to satisfy this requirement. Pursuant to state law, this Chapter shall be interpreted liberally in favor of producing the maximum number of total housing units. Any ambiguities in this Chapter shall be interpreted to be consistent with State Density Bonus Law.

#### **17.100.020 – Applicability.**

The provisions of this Chapter apply only to multiple-family residential and mixed-use development project's consisting of five (5) or more dwelling units, not including units granted as a density bonus, unless specifically stated otherwise. The definitions found in State Density Bonus Law shall apply to the terms contained in this Chapter.

#### **17.100.030 – General Procedures.**

The rules and procedures for applications, records, investigations applicable to applications for a Density Bonus, Incentives, Concessions or Waivers shall be as follows:

- A. **Application.** Applications for a Density Bonus (with or without concessions or waivers) shall require the approval of a Director Level Zoning Clearance.

- B. **Affordability Agreement.** Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives or concessions have been received, the applicant shall enter into a written agreement with the City to guarantee the continued affordability of all lower income and restricted occupancy density bonus units as required by Section 65915 of the California Government Code. The agreement shall specify the number and type of reserved units and the length of time for which they must be reserved. The agreement shall run with the land, be binding upon successor(s)-in-interest, be recorded in the County Recorder's Office, and be approved as to form by the City Attorney.

**17.100.040 – Minimum Qualifications for a Density Bonus.**

Table 17.100-1 outlines the types of housing development projects that may be eligible for a density bonus if it proposes setting aside units for the targeted populations outlined in Table 17.100-1:

| Table 17.100-1 – Eligibility Requirements |                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligible Housing Type                     | Basic Eligibility Requirements                                                                                                                                                                                                                                                                                                                                                                                   |
| Very low-income units                     | At least 5% of the base units of a housing development project for rental or for-sale projects will be for very low-income households.                                                                                                                                                                                                                                                                           |
| Lower-income units                        | At least 10% of the base units of a housing development project for rental or for-sale projects will be for lower income households (which may also include very low-income households).                                                                                                                                                                                                                         |
| Moderate-income units                     | At least 10% of the base units in a common interest development, as defined in Section 4100 of the California Civil Code, provided all units will be for-sale for moderate income households.                                                                                                                                                                                                                    |
| 100% affordable housing                   | At least 80% of the total units of a housing development project for rental or for-sale projects will be for very low- or lower-income households and the remaining 20% will be for very low, lower or moderate-income households.                                                                                                                                                                               |
| Childcare facility                        | Construction of a childcare facility on or adjacent to the housing development project, which shall remain operative for at least as long as density bonus units are to remain affordable. Children who attend the childcare facility, children of very low-, low-, or moderate-income households must be at least equal the percentage of dwelling units required for those types of households in the project. |
| Condominium conversion                    | At least 33% of the total units will be set aside for lower- or moderate-income households, or at least 15% of the total units will be set aside for lower-income households.                                                                                                                                                                                                                                    |
| Senior citizen housing development        | A senior citizen housing development with 35 or more total units, or a mobilehome park, that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code. No affordable housing is required.                                                                                                                                       |

| Table 17.100-1 – Eligibility Requirements (continued)            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligible Housing Type                                            | Basic Eligibility Requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Shared housing building                                          | Eligibility is calculated the same as for very low-income, lower-income, moderate-income or 100% affordable housing in this Table, except that a “shared housing unit” consists of a room not within another dwelling unit that includes a bathroom, sink, refrigerator, and microwave.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Student housing development                                      | At least 20% of the base units will be dedicated to lower-income students with rents calculated for a <i>single-room occupancy unit type</i> . One rental bed and its pro rata share of the common area is considered a unit. Priority for the affordable units must be provided for lower-income students experiencing homelessness. The owner must enter into agreement with university or college to rent all units to students.                                                                                                                                                                                                                                                                                                                                                      |
| Transitional foster youth, disabled veterans or homeless persons | At least 10% of the base units will be dedicated to foster youth, as defined in Section 66025.9 of the California Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Donation of land                                                 | <p>The applicant donates and transfers land on or before the date of approval of the final subdivision map, parcel map or residential development application. In addition, the transferred land shall comply with all the following:</p> <ul style="list-style-type: none"> <li>• The land will be sufficient to permit construction of very low-income households in an amount equal to at least 10% of the total number of residential units of the proposed housing development project.</li> <li>• The land is at least 1 acre in size or able to permit at least 40 units.</li> <li>• The land has the appropriate general plan designation and zoning to accommodate the number of units.</li> <li>• The land shall be within the City and ¼-mile of the project site.</li> </ul> |
| Combining housing types                                          | Except for land donation, the density bonus must be selected from only one of the categories listed and shown in this Table. For example, a project can include senior citizen housing units for lower-income households, however the applicant must choose whether to claim the density bonus for senior citizen housing or lower-income units.                                                                                                                                                                                                                                                                                                                                                                                                                                         |

#### **17.100.050 – Density Bonus Rules.**

- A. For purposes of calculating the amount of the density bonus pursuant to this Section, an applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Section 17.100.040 of this Chapter.
- B. For purposes of this Chapter, “base density” or “base units” is the maximum allowable gross residential density permitted under this Title and the Land Use Element of the General Plan or any specific plan applicable to the proposed development, as of the date of application submittal by the applicant to the City. If the underlying zoning district is inconsistent with



the base density allowed under the Land Use Element of the General Plan, the greater shall prevail.

- C. For the purposes of this Chapter, “density bonus” or “density bonus units” means a density increase over the base density, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary depending on the percentage of base density units that are designated as affordable housing.
- D. For purposes of this Chapter, “total units” or “total dwelling units” means the “base units” and “density bonus” units awarded pursuant to this Chapter or any local law granting a greater density.
- E. The total number of affordable units shall be exclusive of a manager’s unit(s).
- F. All density calculations resulting in fractional units shall be rounded up to the next whole number.
- G. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

**17.100.060 – Density Bonus Allowances.**

- A. **Basic Affordable Housing.** Housing development projects that meet or exceed the eligible requirements outlined in Table 17.100-1 and provide the minimum required percentage of affordable housing in Table 17.100-2 may be entitled to a density bonus as calculated below:

| Table 17.100-2 – Density Bonus Percentage (based on Area Median Income or AMI) |                                                          |                                                       |                                                        |
|--------------------------------------------------------------------------------|----------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------|
| % of Units                                                                     | Very Low Income<br>% Density Bonus<br>(up to 50% of AMI) | Lower Income<br>% Density Bonus<br>(50 to 80% of AMI) | Moderate Income<br>% Density Bonus<br>(80 to 120% AMI) |
| 5                                                                              | 20                                                       | No bonus                                              | No bonus                                               |
| 6                                                                              | 22.5                                                     |                                                       |                                                        |
| 7                                                                              | 25                                                       |                                                       |                                                        |
| 8                                                                              | 27.5                                                     |                                                       |                                                        |
| 9                                                                              | 30                                                       |                                                       |                                                        |
| 10                                                                             | 32.5                                                     | 20                                                    | 5                                                      |
| 11                                                                             | 35                                                       | 21.5                                                  | 6                                                      |
| 12                                                                             | 38.75                                                    | 23                                                    | 7                                                      |
| 13                                                                             | 42.5                                                     | 24.5                                                  | 8                                                      |
| 14                                                                             | 46.25                                                    | 26                                                    | 9                                                      |
| 15                                                                             | 50                                                       | 27.5                                                  | 10                                                     |
| 16                                                                             |                                                          | 29                                                    | 11                                                     |
| 17                                                                             |                                                          | 30.5                                                  | 12                                                     |

Table 17.100-2 – Density Bonus Percentage (based on Area Median Income or AMI) (continued)

| % of Units | Very Low Income<br>% Density Bonus<br>(up to 50% of AMI) | Lower Income<br>% Density Bonus<br>(50 to 80% of AMI) | Moderate Income<br>% Density Bonus<br>(80 to 120% AMI) |
|------------|----------------------------------------------------------|-------------------------------------------------------|--------------------------------------------------------|
| 18         | 50                                                       | 32                                                    | 13                                                     |
| 19         |                                                          | 33.5                                                  | 14                                                     |
| 20         |                                                          | 35                                                    | 15                                                     |
| 21         |                                                          | 38.75                                                 | 16                                                     |
| 22         |                                                          | 42.5                                                  | 17                                                     |
| 23         |                                                          | 46.25                                                 | 18                                                     |
| 24         |                                                          | 50                                                    | 19                                                     |
| 25         |                                                          |                                                       | 20                                                     |
| 26         |                                                          |                                                       | 21                                                     |
| 27         |                                                          |                                                       | 22                                                     |
| 28         |                                                          |                                                       | 23                                                     |
| 29         |                                                          |                                                       | 24                                                     |
| 30         |                                                          |                                                       | 25                                                     |
| 31         |                                                          |                                                       | 26                                                     |
| 32         |                                                          |                                                       | 27                                                     |
| 33         |                                                          |                                                       | 28                                                     |
| 34         |                                                          |                                                       | 29                                                     |
| 35         |                                                          |                                                       | 30                                                     |
| 36         |                                                          |                                                       | 31                                                     |
| 37         |                                                          |                                                       | 32                                                     |
| 38         |                                                          |                                                       | 33                                                     |
| 39         |                                                          |                                                       | 34                                                     |
| 40         |                                                          |                                                       | 35                                                     |
| 41         |                                                          |                                                       | 38.75                                                  |
| 42         |                                                          |                                                       | 42.5                                                   |
| 43         |                                                          |                                                       | 46.25                                                  |
| 44         |                                                          |                                                       | 50                                                     |

**B. Density Stacking:**

1. Eligibility requirements. The housing development project shall comply with both of the following:
  - a. A minimum 15 percent of the total units are affordable to very low-income households, 24 percent of the total units are affordable to lower-income household or 44 percent of the households are reserved for moderate income households; and
  - b. A maximum 50 percent of the total units are affordable to very low, lower or moderate-income households.
2. Housing development projects that meet or exceed the eligible requirements outlined in Subsection (1) above and provide the minimum required percentage of additional affordable housing in Table 17.100-3 may be entitled to a density bonus as calculated below:

| Table 17.100-3 – Density Stacking (based on Area Median Income or AMI) |                                                            |                       |  |                                                             |                       |
|------------------------------------------------------------------------|------------------------------------------------------------|-----------------------|--|-------------------------------------------------------------|-----------------------|
| % of Additional Units                                                  | Very low Income Additional % Density Bonus (up to 50% AMI) | Total % Density Bonus |  | Moderate Income Additional % Density Bonus (80 to 120% AMI) | Total % Density Bonus |
| 5                                                                      | 20                                                         | 70                    |  | 20                                                          | 70                    |
| 6                                                                      | 23.75                                                      | 73.75                 |  | 22.5                                                        | 72.5                  |
| 7                                                                      | 27.5                                                       | 77.5                  |  | 25                                                          | 75                    |
| 8                                                                      | 31.25                                                      | 81.25                 |  | 27.5                                                        | 77.5                  |
| 9                                                                      | 35                                                         | 85                    |  | 30                                                          | 80                    |
| 10                                                                     | 38.75                                                      | 88.75                 |  | 32.5                                                        | 82.5                  |
| 11                                                                     |                                                            |                       |  | 35                                                          | 85                    |
| 12                                                                     |                                                            |                       |  | 38.75                                                       | 88.75                 |
| 13                                                                     |                                                            |                       |  | 42.5                                                        | 92.5                  |
| 15                                                                     |                                                            |                       |  | 46.25                                                       | 96.25                 |
| 14                                                                     |                                                            |                       |  | 50                                                          | 100                   |

- C. Map and Donations of Land.** Housing development projects that meet or exceed the eligible requirements outlined in Table 17.100-1 and this Subsection and provide the minimum required percentage of affordable housing in Table 17.100-4 may be entitled to a density bonus as calculated.

1. Any increase pursuant to this Subsection shall be in addition to any increase in density outlined in Tables 17.100-1 and 17.100-2, up to a maximum combined density increase of 35 percent. Nothing in this Chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.

| Table 17.100-4 – Maps and Donations of Land |                 |  |                      |                 |
|---------------------------------------------|-----------------|--|----------------------|-----------------|
| % Very Low Income Units                     | % Density Bonus |  | % Lower Income Units | % Density Bonus |
| 10                                          | 15              |  | 21                   | 26              |
| 11                                          | 16              |  | 22                   | 27              |
| 12                                          | 17              |  | 23                   | 28              |
| 13                                          | 18              |  | 24                   | 29              |
| 14                                          | 19              |  | 25                   | 30              |
| 15                                          | 20              |  | 26                   | 31              |
| 16                                          | 21              |  | 27                   | 32              |
| 17                                          | 22              |  | 28                   | 33              |
| 18                                          | 23              |  | 29                   | 34              |
| 19                                          | 24              |  | 30                   | 35              |
| 20                                          | 25              |  | --                   | --              |

2. Any increase pursuant to this Subsection shall be in addition to any increase in density outlined in Tables 17.100-1 and 17.100-2, up to a maximum combined density increase of 35 percent. Nothing in this Chapter shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development.
  3. The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by Section 65583.2, Subdivision (i) of the California Government Code if the design is not reviewed by the City before the time of transfer.
  4. A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.
  5. The transferred land shall be served by adequate public facilities and infrastructure.
  6. The transferred land is transferred to the City or to a housing developer approved by the City.
- D. **Other Types of Bonuses:** Housing development projects that meet or exceed the eligible requirements outlined in Table 17.100-1 may be entitled to a density bonus and other allowances as outlined in Table 17.100-5:

| Table 17.100-5 – Eligibility Requirements                        |                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligible Housing Type                                            | Density Bonus and Other Allowances                                                                                                                                                                                                                                                                                                   |
| 100% affordable housing project                                  | If the project is located within one-half (½) mile of a Major Transit Stop (MTS) <sup>1</sup> or in a Very Low Vehicle Travel Area <sup>2</sup> : <ul style="list-style-type: none"> <li>• The project shall have no maximum density.</li> <li>• The project may exceed the maximum height by up to 3 stories or 33 feet.</li> </ul> |
|                                                                  | In all other instances, the density bonus shall be 80% of the number of units for very low- or lower-income households.                                                                                                                                                                                                              |
| Childcare facility                                               | Additional square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility. Notwithstanding, the City shall not be required to provide a density bonus if it finds, based upon substantial evidence, that the City has adequate childcare facilities.                          |
| Condominium conversion                                           | 25% of the total apartments to be provided in existing structure(s) proposed for conversion.                                                                                                                                                                                                                                         |
| Senior citizen housing development                               | 20% of the number of senior units.                                                                                                                                                                                                                                                                                                   |
| Shared housing building                                          | Bonus is calculated the same as for very low-income, lower-income or moderate-income in Table 17.100-2 and for the same as for 100% affordable housing in this Table, except that a “unit” for bonus purposes means one shared housing unit and its pro rata share of common area facilities.                                        |
| Student housing development                                      | 35% of the student housing units.                                                                                                                                                                                                                                                                                                    |
| Transitional foster youth, disabled veterans or homeless persons | 20% of the total number of units for transitional foster youth, disabled veterans or homeless persons.                                                                                                                                                                                                                               |

### **17.100.070 – Concessions and Incentives.**

- A. For purposes of this Chapter, a concession or incentive means any of the following:
1. A revision in the development standards of this Title that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code. This includes, but is not limited to, a reduction in setbacks and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or

<sup>1</sup> As defined in Subdivision (b) of Section 21155 of the California Public Resources Code.

<sup>2</sup> As defined in Section 65915, Subdivision (o)(4) of the California Government Code.

- for rents for the targeted units to be set as specified in Sections 17.100.100 and 17.100.110 of this Chapter;
2. Approval of mixed-use development in conjunction with the housing development project if commercial, office, industrial, or other land uses will reduce the cost of the project and if the commercial, office, industrial, or other land uses are compatible with the project and the existing or planned development in the area where the project will be located; or
  3. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in Sections 17.100.100 and 17.100.110 of this Chapter.
- B. An applicant for a density bonus, pursuant to Section 17.100.040 of this Chapter, may submit to the City a proposal for the specific incentives or concessions that the applicant requests pursuant to this Section, and may request a meeting with the City. The City shall grant the concession or incentive requested by the applicant unless the City makes a written finding, based upon substantial evidence, of any of the following:
1. The concession or incentive does not result in identifiable and actual cost reductions, consistent with Subsection (A) above, to provide for affordable housing costs, as defined in Section 50052.5 of the California Health and Safety Code, or for rents for the targeted units to be set as specified in Sections 17.100.100 and 17.100.110 of this Chapter;
  2. The concession or incentive would have a specific, adverse impact, as defined in Section 65589.5, Paragraph (2) of Subdivision (d) of the California Health and Safety Code or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower income and moderate income households; or
  3. The concession or incentive would be contrary to federal or state law.
- C. The applicant of an eligible housing development project shall receive the number of incentives or concessions as shown in Table 17.100-6.
- D. The applicant may initiate judicial proceedings if the City refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of the State Density Bonus Law, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this Section shall be interpreted to require the City to grant an incentive or concession that has a specific, adverse impact, as defined in Section 65589.5, Paragraph (2) of Subdivision (d) of the California Government Code, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require the City to grant an

| Table 17.100-6 – Number of Incentives or Concessions (based on total units) |                                                                                                                                                                                                                                                                                                                              |                            |                               |
|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|-------------------------------|
| Number of Incentives/<br>Concessions                                        | Very Low Income<br>Percentage                                                                                                                                                                                                                                                                                                | Lower Income<br>Percentage | Moderate Income<br>Percentage |
| 1                                                                           | 5%                                                                                                                                                                                                                                                                                                                           | 10%                        | 10%                           |
| 2                                                                           | 10%                                                                                                                                                                                                                                                                                                                          | 17%                        | 20%                           |
| 3                                                                           | 15%                                                                                                                                                                                                                                                                                                                          | 24%                        | 30%                           |
| 4                                                                           | 16%                                                                                                                                                                                                                                                                                                                          | --                         | 45%                           |
| 5                                                                           | At least 80% of the total units of a housing development project for rental or for-sale will be for very low- or lower-income households and the remaining 20% will be for very low, lower or moderate-income households.                                                                                                    |                            |                               |
| Childcare facility                                                          | 1 additional concession or waiver, provided it contributes significantly to the economic feasibility of the childcare facility. Notwithstanding, the City shall not be required to provide an additional concession or waiver if it finds, based upon substantial evidence, that the City has adequate childcare facilities. |                            |                               |

- E. incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
- F. This Section shall not limit or require the provision of direct financial incentives for the housing development project, including the provision of publicly owned land by the City, or the waiver of fees or dedication requirements.
- G. The City bears the burden of proof for the denial of a requested concession or incentive.

**17.100.080 – Waivers or Reductions of Development Standards.**

- A. In no case may the City apply any development standard that will have the effect of physically precluding a development from meeting the criteria of Section 17.100.040 of this Chapter at the densities or with the concessions or incentives permitted by this Chapter. Subject to Subdivision (D) below, an applicant may submit a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of Section 17.100.040 of this Chapter at the densities or with the concessions or incentives permitted under this Chapter and may request a meeting with the City.
- B. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of the State Density Bonus Law, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in Section 65589.5, Paragraph (2) of Subdivision (d) of the California Government Code, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this Section shall be interpreted to require the City to waive or reduce

development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to federal or state law.

- C. A proposal for the waiver or reduction of development standards pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.100.070 of this Chapter.
- D. A housing development project located within one-half (½) mile of an MTS that receives a waiver from any maximum controls on density pursuant to Table 17.100-5 (under 100% affordable housing project) shall not be eligible for, and shall not receive, a waiver or reduction of development standards pursuant to this Subsection, other than as expressly provided in Table 17.100-5 (under 100% affordable housing project) and 17.100.070(C) of this Chapter.

**17.100.090 – Parking Reductions.**

- A. Upon the request of the developer, the City shall not require a vehicular parking ratio, inclusive of handicapped and guest parking, greater than as shown in Table 17.100-7.
  - 1. The affordability levels shall be as provided in Section 50052.5 of the California Health and Safety Code.
  - 2. The affordability levels shall be exclusive of the manager's unit(s).
  - 3. For purposes of this Subsection, a housing development project shall have unobstructed access to a major transit stop if a resident is able to access the MTS without encountering natural or constructed impediments. Per Section 65915, Subdivision (p)(2)(B) of the California Government Code, "Natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.
- B. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this Section, a development may provide onsite parking through tandem parking or uncovered parking, but not through on street parking.
- C. This Section shall apply to a development that meets the requirements of Sections 17.100.040, 17.100.100 and 17.100.110 of this Chapter, but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to Section 17.100.070 of this Chapter.
- D. This Section does not preclude the City from reducing or eliminating a parking requirement for housing development projects of any type in any location.
- E. Notwithstanding Subsection(A) above, if the City or an independent consultant has conducted an area wide or jurisdiction wide parking study in the last seven (7) years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in Table 17.100-7, based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access,



| Table 17.100-7 – Parking Reductions             |                                            |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 | Level 1<br>Affordable Project              | Level 2<br>Affordable Project                                                                                                                                                                                     | Level 3<br>Affordable Project                                                                                                                                                                                                                                                             |
| Minimum qualifications and affordability levels | Comply with Table 17.100-1 of this Chapter | 1) Rental or for sale projects with at least 20% of the base units are for lower income units or 11% very low-income units; or<br>2) For-sale projects with at least 40% of the base units are for moderate units | Rental projects with 100% of the total units are for lower or very low-income units                                                                                                                                                                                                       |
| Other qualifications                            | None                                       | Unobstructed access within 0.5 miles of an MTS                                                                                                                                                                    | 1) Unobstructed access within 0.5 miles of an MTS;<br>2) Senior citizen or special needs housing development that has paratransit service or unobstructed access within 0.5 mile of a fixed bus route that operates 8 times/day; or<br>3) Supportive housing for people with disabilities |
| Required onsite parking:                        |                                            |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                           |
| Studio or 1 bedroom                             | 1.0 spaces per unit                        | 0.5 spaces per unit                                                                                                                                                                                               | None                                                                                                                                                                                                                                                                                      |
| 2 or 3 bedrooms                                 | 1.5 spaces per unit                        |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                           |
| 4 or more bedrooms                              | 2.5 spaces per unit                        |                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                           |

walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for lower income and very low income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this Subsection, supporting the need for the higher parking ratio.

- F. A request pursuant to this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.100.070 this Chapter.

#### **17.100.100 – Continued Affordability; Setting of Affordable Rent.**

An applicant shall agree to, and the City shall ensure, the continued affordability of all very low and lower income rental units that qualified the applicant for the award of the density bonus for at least 55 years from the issuance of the final certificate of occupancy by the Building and Safety Division or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

- A. Except as set forth in Subsection (B) below, rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the California Health and Safety Code.
- B. For housing development projects meeting the criteria of Table 17.100-1 (under 100% affordable housing project), rents for all units in the development, including both base density and density bonus units, shall be as follows:
  - 1. The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the California Health and Safety Code.
  - 2. The rent for the remaining units shall be set at an amount consistent with the maximum rent levels for a housing development project that receives an allocation of federal or state lower income housing tax credits from the California Tax Credit Allocation Committee.

#### **17.100.110 – Initial Occupancy of For-Sale Units; Equity Sharing.**

- A. The applicant shall agree to, and the City shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, lower, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the California Health and Safety Code.
- B. The City shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:
  - 1. Upon resale, the seller of the unit shall retain the value of any improvements, the down-payment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in Subsection (B)(2) below, and its proportionate share of appreciation, as defined in Subsection (B)(3) below, which amount shall be used within five (5) years for any of the purposes described in Section 33334.2, Subdivision (e) of the California Health and Safety Code that promote home ownership.
  - 2. For purposes of Sections 17.100.100 and 17.100.110 of this Chapter, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

3. For purposes of Sections 17.100.100 and 17.100.110 of this Chapter, the City's proportionate share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the home at the time of initial sale.

**17.100.120 – Replacement of Pre-Existing Affordable Units.**

- A. An applicant shall be ineligible for a density bonus or any other incentives or concessions under this Chapter if the housing development project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five (5) year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed project replaces those units, and either of the following applies:
  1. The proposed housing development project, inclusive of the units replaced pursuant to this Section, contains affordable units at the percentages set forth in Section 17.100.040 of this Chapter; or
  2. Each unit in the development, exclusive of the manager's unit or units, is affordable to and occupied by, either a lower or very low income household.
- B. For the purposes of this Section, "replace" shall mean any of the following:
  1. If dwelling units described in Subsection (A) above are occupied on the date of application, the proposed housing development project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy.
  2. For unoccupied dwelling units described in Subsection (A) above in a development with occupied units on the date of application, the proposed housing development project shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy.
  3. If dwelling units described in Subsection (A) above have been vacated or demolished within the five (5) year period preceding on the date of application, the proposed housing development project shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five (5) year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known.
- C. When income categories of current or former occupants described in Subsection (B) above are not known, the income level of replacement units shall be determined as follows:
  1. For occupied units, if the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these

units in the same proportion of lower income renter households to all renter household within the City, as determined by the most recent available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.

2. For unoccupied units on a property with occupied units, if the income category of the last household in occupancy is no known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.
  3. For units that have been vacated or demolished within the past five (5) years, if the incomes of the persons and families in occupancy at the highpoint as set forth in Subsection (B)(3) above is not known, it shall be rebuttably presumed that lower income and very low income renter households occupied these units in the same proportion of lower-income and very low income renter households to all renter households within the City, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database.
- D. All replacement calculations resulting in fractional units shall be rounded up to the next whole number.
- E. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Section 17.100.110 of this Chapter.
- F. Notwithstanding Subsection (B) above, any dwelling unit described in Subsection (A) above, that is or was, within the five (5) year period preceding the application, subject to a form of rent or price control through the City's valid exercise of its police power and that is or was occupied by persons or families above lower income, the City may, at its discretion, do either of the following:
1. Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, lower income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to Subsection (F)(2) below.
  2. Require that the units be replaced in compliance with any applicable City rent or price control ordinance, provided that each unit described in Subsection (A) above. Unless otherwise required by any City rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.
- G. For purposes of this Section, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

**17.100.130 – Time Periods.**

- A. The Density Bonus with or without Concessions or Waivers shall be valid for two (2) years after the effective date of approval by the Community Development Director.
- B. If the applicant has proceeded in good faith toward the implementation of the Density Bonus with or without Concessions or Waivers, then the applicant may request a 12-month extension of the permit. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.

**17.100.140 – Appeals.**

Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.102 – INCLUSIONARY HOUSING**

### **Sections.**

- 17.102.010 – Purpose.
- 17.102.020 – Applicability.
- 17.102.030 – Exempt Projects.
- 17.102.040 – Inclusionary Unit Requirements and Alternatives.
- 17.102.050 – Development and Affordability Standards.
- 17.102.060 – Compliance Procedures.
- 17.102.070 – Incentives.
- 17.102.080 – Inclusionary Housing Trust Fund.
- 17.102.090 – Enforcement.
- 17.102.100 – Takings Determination.
- 17.102.110 – Appeals.

### **17.102.010 – Purpose.**

The provisions of this Chapter establish standards and procedures that encourage the development of housing affordable to a range of households with varying income levels dispersed throughout the City. The purpose of this Chapter is to encourage the development and availability of such housing by ensuring that the addition of affordable housing units to the City's housing stock is in proportion with the overall increase in new housing units and to ensure the long-term affordability of such housing for eligible households.

### **17.102.020 – Applicability.**

The requirements of this Chapter shall apply to new housing development projects consisting of ten (10) or more dwelling units, both rental and for-sale, unless otherwise exempt by Section 17.102.030. If a housing development project consists of nine (9) or fewer units, the applicant may voluntarily elect to construct affordable units on-site and may be eligible to request the incentives listed in Section 17.102.060 of this Chapter, provided that the proposed project complies with Section 17.102.050 of this Chapter.

### **17.102.030 – Exemptions.**

The requirements of this Chapter shall not apply to the following housing development projects:

- A. Projects consisting of nine (9) or fewer units.
- B. Projects located in a One-family Dwelling (R-1A, R-1B and R-1C) zoning district.
- C. Projects where entitlement permits (e.g. Design Review, Minor Design Review, etc.) have been approved or deemed complete prior to the effective date of this Chapter and where a Building Permit to construct the units issued within one (1) year of entitlement approval or within one (1) year of the effective date of this Chapter, whichever occurs later.

- D. Projects where the City enters into a Development Agreement pursuant to Chapter 17.129 (Development Agreements) of this Title, that expressly exempts the requirements of this Chapter.
- E. Projects exempt by state Law.

**17.102.040 – Inclusionary Unit Requirements and Alternatives.**

- A. **Inclusionary Unit Requirements.** A housing development project subject to the requirements of this Chapter shall provide and designate a minimum of 15 percent of the total number of units as inclusionary units that may include ownership or rental units and must be made available at an affordable cost to eligible households. Table 17.102-1 prescribes the minimum percentage of on-site inclusionary units required for a project:

| Table 17.102-1 – Inclusionary Unit Requirements |                                                                 |                  |                                                                                                                                                                                                                                                                            |
|-------------------------------------------------|-----------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Eligible Household Income Levels                | Minimum Percentage of Inclusionary Units Required <sup>33</sup> |                  | Adjusted Requirements                                                                                                                                                                                                                                                      |
|                                                 | Rental Units                                                    | Ownership Units  |                                                                                                                                                                                                                                                                            |
| Very low income households                      | Not required                                                    | Not required     | <ul style="list-style-type: none"> <li>• A credit of 2 units for each very low income unit provided in lieu of a required moderate income unit.</li> <li>• A credit of 1½ units for each very low income unit provided in lieu of a required lower income unit.</li> </ul> |
| Lower income households                         | 9% of all units                                                 |                  | <ul style="list-style-type: none"> <li>• A credit of 1½ units for each unit provided in lieu of a required moderate income unit.</li> </ul>                                                                                                                                |
| Moderate income households                      | 6% of all units                                                 | 15% of all units | <ul style="list-style-type: none"> <li>• A credit of ½ unit for each moderate income unit provided in lieu of a required lower income unit.</li> </ul>                                                                                                                     |
| Total:                                          | 15% of all units                                                |                  |                                                                                                                                                                                                                                                                            |

- B. **Alternative Compliance.** The applicant may elect to satisfy the inclusionary housing requirement for the project prescribed in Subsection (A) above, in whole or in part, through implementing one (1) or more alternative means of compliance, as follows:
1. In-lieu fee. Payment of an in-lieu fee rather than constructing all or some of the inclusionary units, subject to the following:
    - a. The amount of the in-lieu fee shall be calculated in accordance with the fee schedule established by resolution by the City Council;

<sup>33</sup>For purposes of calculating the number of inclusionary units required, any additional dwelling units authorized as a density bonus under Chapter 17.100 (Density Bonus Provisions) of this Title or State Density Bonus Law shall not be counted in determining the required number of inclusionary units.

- b. One-half (½) of the in-lieu fee shall be paid prior to the issuance of the first building permit for the project. The remaining one-half (½) of the fee shall be paid prior to the issuance of the first Certificate of Occupancy; and
  - c. The fees collected shall be deposited in the City's Inclusionary Housing Trust Fund and shall be used in accordance with Subsection 17.102.070(B) of this Chapter.
- 2. Off-site construction. The applicant may construct all or some of the required number of inclusionary units for the project on another property subject to the following:
  - a. The newly built off-site units shall be on a property located within the City;
  - b. The square footage, number of bedrooms and affordability covenants of the off-site units shall comply with the equivalent on-site requirements for the project;
  - c. The off-site location shall be approved by the appropriate review authority;
  - d. Building design, quality, and maintenance standards shall be of good quality and consistent with contemporary standards for new housing, such as those applied by the Low Income Housing Tax Credit program; and
  - e. Construction of the off-site units will be completed prior to or concurrently with the project.
- 3. Off-site rehabilitation. The applicant may substantially rehabilitate off-site existing units on another property in lieu of constructing all or some of the required number of inclusionary units for the project, subject to the following:
  - a. The rehabilitated off-site units shall be on a property located within the City;
  - b. The square footage, number of bedrooms and affordability covenants of the rehabilitated units shall comply with the equivalent on-site requirements for the project;
  - c. For purposes of this Subsection, the minimum threshold for substantial rehabilitation may include, but not be limited to, corrections of code violations, Title 24 upgrades, seismic rehabilitation and accessibility upgrades;
  - d. The minimum cost threshold shall be calculated using the fee schedule established by resolution by the City Council; and
  - e. The substantial rehabilitation of the existing units to be converted to inclusionary units will be completed prior to or concurrently with the project.
- 4. Land dedication. Convey land to the City, for all or some of the units, at the discretion of the City Council for future development of affordable housing, subject to the following:
  - a. The land shall be conveyed to the City at no cost;
  - b. The dedicated land is located in the City and is appropriately zoned at a density sufficient to accommodate the number of affordable units that would have been required on-site for the project;



- c. The dedicated land is improved with infrastructure and utilities required to adequately serve the property;
- d. Evidence shall be provided upon submittal of a proposal for land dedication demonstrating that: (i) the developer has control of the land to be dedicated; (ii) the land is free of any liens, encumbrances or easements that adversely impact title; and (iii) the land does not contain any hazardous substance. The developer shall disclose any hazardous substance previously remediated on the site and evidence that cleanup was performed in accordance with applicable law;
- e. Payment in full of all property taxes and special taxes shall be made when the proposal for land dedication is submitted, and again prior to conveyance of the land to the City; and
- f. The Planning Commission may recommend the City Council approve, approve with conditions or deny the land dedication. The City Council shall be the final review authority.

**17.102.050 – Development and Affordability Standards.**

- A. **Location, Size and Design of Units.** All inclusionary units in a project shall be:
  - 1. Reasonably dispersed throughout the project and not be overly concentrated in one area.;
  - 2. Comparable to the market-rate units in square footage and number of bedrooms; and
  - 3. Comparable to the market rate units in terms of the base design, appearance, materials and finished quality. The inclusionary units should be indistinguishable from the market rate units in terms of exterior appearance and quality of construction.
- B. **Access to Amenities.** Residents of inclusionary units shall have the same rights and access to common amenities in the development, as residents of market-rate units.
- C. **Timing of Construction.** All inclusionary units in a project shall be constructed prior to or concurrently with the construction of the market rate units. In a phased project, a proportionate number of inclusionary units to market-rate units as required by this Chapter shall be constructed during each phase of the project.
- D. **Period of Affordability:** The applicant shall designate and offer inclusionary units to eligible income level households as follows:
  - 1. Rental inclusionary units:
    - a. Units shall remain reserved for the eligible income level households at the applicable affordable housing costs in perpetuity.
    - b. The applicant shall designate and offer rental inclusionary units to eligible income level households based on the Inclusionary Housing Plan.
    - c. Changes in tenant income:

- i. If the income of a tenant of eligible very lower-income rental inclusionary unit changes to exceed the very-low income limit, but not the lower-income limit: (a) The applicant may allow the tenant to remain in the original unit at the affordable rent for lower-income households, provided the next vacant rental unit shall be redesignated as an inclusionary rental unit for eligible very low-income households; or (b) The tenant shall be given a one (1) year notice to vacate the unit. If during the year, an inclusionary unit affordable to lower-income households become available, the applicant shall allow the tenant to submit an application for that unit.
    - ii. If the income of a tenant of eligible lower-income rental inclusionary unit changes to exceed the income limits for that unit: (a) The applicant may raise the tenant's rent to market rate and allow the tenant to remain in the original unit, provided another unit in the development is redesignated as an inclusionary rental unit affordable to eligible very low- or lower income households within one (1) year; or (b) If the applicant does not want to redesignate another unit as an inclusionary rental unit, the tenant shall be given a one (1) year notice to vacate the unit.
  - d. Annual report. The applicant shall submit an annual report summarizing the occupancy of each rental inclusionary unit for the year and demonstrating the continued income-eligibility of the tenant. The City may require additional information if deemed necessary.
2. For-sale inclusionary units:
- a. Units shall remain reserved for the eligible income level households at the applicable affordable housing costs for a minimum of 55 years.
  - b. The applicant shall designate and offer for-sale inclusionary units to eligible income level households based on the Inclusionary Housing Plan.
  - c. Transfer of title. Upon the death of an owner of an ownership inclusionary unit, title in the inclusionary unit may transfer to the surviving joint owner without respect to the income-eligibility of the household. Upon the death of a sole owner or all owners, and inheritance of the inclusionary unit by a non-income-eligible child or stepchild of one or more owners, there will be a one-year compassion period between the time when the estate is settled and the time when the inclusionary unit must be sold to an eligible household. Inheritance of an inclusionary unit by any other person whose household is not income-eligible shall require resale of the inclusionary unit to an eligible household as soon as is feasible but not more than 180 days from when the estate is settled.
  - d. Owner occupancy requirements:

- i. Owners of inclusionary units shall use and occupy the inclusionary unit as the owner's principal residence for at least ten (10) months out of any 12-month period, or as determined appropriate by the Community Development Director.
  - ii. Owners shall not lease or rent any part of the inclusionary unit unless the City has given its prior written consent to such lease or rental on the basis of a demonstrated hardship by the owner.
- e. The City may require owners of inclusionary units to provide an annual report with information demonstrating the continued income-eligibility of the owner. The City may require additional information if deemed necessary.

**17.102.060 Compliance Procedures.**

An Inclusionary Housing Plan and an Affordable Housing Agreement shall be required for a housing development project subject to this Chapter prior to approval as follows:

**A. Inclusionary Housing Plan:**

1. The Inclusionary Housing Plan shall include the following:
  - a. A brief description of the project including the total number of proposed units and the proposed number and income levels of the inclusionary units;
  - b. A table identifying unit sizes, bedrooms counts and whether the units will be rental, for-sale, or a combination;
  - c. Site plan identifying the inclusionary units, resident and guest parking areas and common open space areas;
  - d. If the project will include phases, a project phasing plan demonstrating the timely development of the inclusionary units;
  - e. A description of any requested incentives, as listed in Section 17.102.060 of this Chapter; and
  - f. Additional information deemed necessary by the Planning Division to evaluate compliance with the requirements of this Chapter.
2. Review and approval of an Inclusionary Housing Plan:
  - a. The Inclusionary Housing Plan shall be submitted at the same time as the project application is submitted; and
  - b. The Inclusionary Housing Plan must be deemed complete and approved by the Review Authority prior to or at the same time as the entitlement permits (e.g. Design Review, Minor Design Review, etc.) are approved.
3. Alternative compliance. An Inclusionary Housing Plan shall not be required if the applicant elects to comply by an alternative method as set forth in Section 17.102.040(B) of this Chapter. If the applicant elects to pay an in-lieu fee, the applicant shall submit a statement certifying said election. If the applicant elects to comply through off-site construction, off-site rehabilitation or land donation, the applicant shall submit

information necessary to confirm compliance and a statement certifying the elected method of compliance.

**B. Inclusionary Housing Agreement:**

1. The applicant shall enter into an Inclusionary Housing Agreement with the City. The contents of the Agreement shall be established by the City Attorney and will vary, depending on the manner in which the provisions of this Chapter are satisfied. At minimum, the Agreement shall guarantee the continued affordability of all the inclusionary units as required by Section 65915 of the California Government Code. The Agreement shall run with the land and recorded in the Los Angeles County Recorder's Office.
2. An Inclusionary Housing Agreement shall be recorded prior to the issuance of the first Certificate of Occupancy.
3. An Inclusionary Housing Agreement shall not be required when the applicant elects to fully comply with this Chapter by paying an in-lieu fee and/or through land donation.

**17.102.070 – Incentives.**

When all or some of the inclusionary units are proposed to be constructed on-site, the applicant may request one (1) or more of the following incentives:

- A. **Impact Fee Reductions.** Table 17.102-2 outlines the maximum percentage the Review Authority may reduce impact fees for the inclusionary units:

| Table 17.102-2 – Impact Fee Reductions                    |            |          |                    |
|-----------------------------------------------------------|------------|----------|--------------------|
| Units that are proposed be sold or rented by income level | Quimby Fee | Park Fee | Traffic Impact Fee |
| Moderate income households                                | 25%        | 25%      | 25%                |
| Very low or lower-income households                       | 50%        | 50%      | 50%                |

- B. **Design Flexibility.** The Review Authority may modify the following development standards<sup>4</sup>:

1. Reduce yard setbacks, with exception to the front yard any street side yard; however, in no event shall any yard setback be less than five (5) feet;
2. Reduce upper floor building setbacks, provided the elevations have step backs and/or projections every 20 feet.
3. Reduce building separation requirements; however, in no event shall a separation be less than five (5) feet;
4. Reduce private open space dimensions; however, in no event shall a dimension be less than four (4) feet; and

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<sup>4</sup> This Subsection shall not apply to projects utilizing a density bonus pursuant to Chapter 17.100 of this Title. Rather, the applicant shall request concessions or incentives, as outlined in Section 17.100.070 of this Title.

- 5. Adjust the open space allocation between private open space and common open space.
- C. **Floor Area Bonus.** For projects with less than ten (10) units, a Floor Area Ratio (FAR) bonus of 0.10 as outlined in Section 17.24.050(C) (Multiple-family Dwelling Zoning Districts – Floor Area Ratio (FAR) Bonus) of this Title.
- D. **Parking Reductions.** For the inclusionary units as permitted for affordable housing projects in Table 17.70-4 of Chapter 17.70 (Parking Regulations) of this Title.
- E. **Density Bonus.** Pursuant to Chapter 17.100 (Density Bonus Provisions) of this Title. The project may also be eligible for special concessions, incentives, waivers and parking reductions.

#### **17.102.080 – Inclusionary Housing Trust Fund.**

- A. **Establishment.** The City shall establish an Inclusionary Housing Trust Fund. All in-lieu fees shall be deposited into the Inclusionary Housing Trust Fund.
- B. **Usage of Funds.** Inclusionary Housing Trust Fund moneys may be used for the following:
  - 1. Development and preservation of affordable housing;
  - 2. Providing financial assistance to applicants constructing new affordable units or rehabilitating existing housing units to be restricted as affordable units;
  - 3. Acquisition of properties necessary to maintain affordable housing;
  - 4. Purchase of affordability covenants on existing market rate housing;
  - 5. Lengthening the term of existing deed restrictions or affordability covenants on currently restricted affordable housing;
  - 6. Supportive housing and transitional housing for formerly homeless persons; and
  - 7. Administrative costs associated with implementing this Chapter not to exceed ten (10) percent of the fees collected.
  - 8. A maximum amount of the Inclusionary Housing Trust Fund that the City can allocate to a housing project shall be established by resolution by the City Council.
- C. **Administration of Funds.** The Finance Director shall administer the Inclusionary Housing Trust Fund. An annual report of the Inclusionary Housing Trust Fund's revenues and expenditures shall be prepared and made available to the public.

#### **17.102.090 – Enforcement.**

- A. **Forfeiture of Funds.** Any individual who sells or rents an inclusionary unit in violation of this Chapter shall be required to forfeit all money so obtained. Recovered funds shall be deposited into the Inclusionary Housing Trust Fund.
- B. **Legal Actions.** The City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Chapter, including:
  - 1. To disapprove, revoke, or suspend any permit, including a Building Permit, Certificate of Occupancy or discretionary approval; and

2. For injunctive relief or damages.
- C. **Recovery of Costs.** In any action to enforce this Chapter, or an Inclusionary Housing Agreement recorded hereunder, the City shall be entitled to recover City Attorney's fees and costs.

#### **17.102.100 – Takings Determination.**

- A. **Modifying or Waiving Requirements.** The requirements of this Chapter may be modified or waived if the applicant demonstrates to the Community Development Director that applying these requirements, considered together with any variances, or regulatory concessions or incentives that may be applied to the proposed development, would take property in violation of the United States or California Constitutions.
- B. **Burden of Proof.** The applicant has the burden of providing economic information and other evidence necessary to establish that application of the provisions of this Chapter to the project would constitute a taking of the property of the proposed project without just compensation.
- C. **Adjustments and Waivers.** Any adjustments or waivers may only modify the inclusionary housing requirement to the extent necessary to avoid an unconstitutional result. If the Community Development Director determines no violation of the United States or California Constitutions would occur through application of this Chapter, the requirements of this Chapter shall remain applicable.
- D. **Applications and Decisions:**
  1. The Community Development Director shall review the application and issue a written decision.
  2. In making a determination on the requested adjustment or waiver, the decision-maker shall consider each of the following:
    - a. Application of the inclusionary housing requirement to the housing development project;
    - b. Application of any applicable inclusionary or density bonus concessions or incentives;
    - c. Utilization of the most cost-efficient product type for the inclusionary units; and
    - d. The potential for external funding, including but not limited to, governmental grants, loans, or subsidies of any nature where reasonably likely to occur.

#### **17.102.110 – Appeals.**

Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Other appeals depend on the required project applications and Review Authority. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **CHAPTER 17.104 – AFFORDABLE HOUSING IN COMMERCIAL AREAS**

### **Sections.**

- 17.104.010 – Purpose.
- 17.104.020 – Subtypes and Permitted Zoning Districts.
- 17.104.030 – Property Requirements.
- 17.104.040 – Project Requirements.
- 17.104.050 – Development Standards.
- 17.104.060 – Notification Requirements.
- 17.104.070 – Labor Standards.
- 17.104.080 – Processing Applications.
- 17.104.090 – Expiration Date.

### **17.104.010 – Purpose.**

The housing regulations set forth in this Chapter are established to comply with the state standards and requirements set forth in Section 65912 of the California Government Code, as amended from time to time, and other applicable state laws. This Chapter is not intended to conflict with state enactments.

### **17.104.020 – Applicability and Permitted Zoning Districts.**

- A. This Chapter shall apply to the following affordable housing development projects in commercial areas:
  - 1. Affordable housing projects in commercial zones; and
  - 2. Mixed-income housing projects along commercial corridors.
- B. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit affordable housing projects in commercial areas, subject to the requirements of this Chapter.

### **17.104.030 – Property Requirements.**

- A. **Adjoining Uses.** A minimum 75 percent of the perimeter of the property shall be adjacent to parcels that are developed with urban uses. Urban uses shall mean any current or former residential, commercial, public institutional, recreation facility (i.e., open space), transit or transportation passenger facility, or retail use, or any combination of those uses.
- B. **Environmentally Sensitive Sites.** The property satisfies the requirements of Subsections 65913.4(a)(6)(B) through (K) of the California Government Code.
- C. **Mobilehome Limitations.** The property shall not be governed under the Mobilehome Residence Law (Division 2, Part 2, Title 2, Chapter 2.5 commencing with Section 798 of the California Civil Code), the Recreational Vehicle Park Occupancy Law (Division 2, Part 2, Title 2, Chapter 2.6 commencing with Section 799.20 of the California Civil Code), Mobilehome Parks Act (Division 13, Part 2.1 commencing with Section 18200 of the California Health and



Safety Code) or the Special Occupancy Parks Act (Division 13, Part 2.3 commencing with Section 18860 of the California Health and Safety Code).

- D. **Tribal Resources.** If the property is vacant, it shall not contain tribal cultural resources, as defined by Section 210744 of the California Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the California Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the California Public Resources Code.
- E. **Fire Hazardous.** If the property is vacant, it shall not be within a very high fire severity zone, as indicated on maps adopted by the California Department of Forestry and Fire Protection pursuant to Section 4202 of the California Public Resources Code or as designated pursuant to Subsections 51197(a) and (b) of the California Government Code.
- F. **Additional Site Requirements for Mixed-income Housing Projects.** The following requirements shall apply to mixed-income housing projects:
  - 1. The property shall abut a commercial corridor with a minimum street frontage of 50 feet.
  - 2. If the property is a regional mall, it shall not exceed a size of 100 acres. In all other instances, the property shall not exceed a size of 20 acres.
  - 3. The property shall not have been previously used as permanent housing occupied by tenants (excluding any manager unit(s)) that was demolished with ten (10) years prior to submittal of a formal application for a mixed-income housing project.
  - 4. The property shall not contain one (1) to four (4) existing dwelling units.

**17.104.040 – Project Requirements.**

- A. **Project Type.** The project shall be a multiple-family housing development project with five (5) or more dwelling units for sale or rent.
- B. **Environmental Assessment:**
  - 1. The applicant shall complete a Phase 1 Environmental Assessment, as defined in Section 25319.1 of the California Health and Safety Code.
  - 2. If a recognized environmental condition is found, the applicant shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the California Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
    - a. If a release of hazardous substance is found to exist on the site, the release shall be removed, or any significant effects on the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements.
    - b. If a potential for exposure to a significant hazardous substance from surrounding properties or activities is found to exist, the effects of the potential exposure shall be

mitigated to a level of insignificance in compliance with current federal and state requirements.

**C. Proximity Restrictions to Freeways and Refineries.**

1. The property shall be located within 500 feet of a freeway, as defined in Section 332 of the California Vehicle Code unless it meets specified criteria, including that it will have a centralized heating, ventilation and air conditioning system.
2. None of the proposed dwelling units on the property shall be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

**D. Additional Requirements for Mixed-income Housing Projects.** The following requirements shall apply to mixed-income housing projects:

1. The project does not require the demolition of any of the following:
  - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income.
  - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  - c. Housing that has been occupied by tenant(s) within the past ten (10) years (excluding any manager unit(s)).
2. The project does not require the demolition of a structure that was designated or listed as a federal, state or local landmark or historic property.

**17.104.050 – Development Standards.**

- A. Table 17.104-1 prescribes the development standards for affordable housing in commercial areas.
- B. **Density Bonuses.** An applicant shall be eligible for a density bonus, incentives or concessions, waivers or reduction of development standards and parking ratios as outlined in Chapter 17.100 (Density Bonus Provisions) of this Title.
- C. **City's Inclusionary Housing Requirements.** The applicant shall comply with Section 17.102.050 (Inclusionary Housing – Development Standards and Procedures) of this Title and may request any of the incentives listed in Section 17.102.060 (Inclusionary Housing – Incentives) of this Title.

**17.104.060 – Commercial Relocation Assistance Requirements.**

The following shall be required for all mixed-income housing development projects along commercial corridors that include existing commercial tenants:

- A. **Written Notification.** The applicant shall provide written notification to each commercial tenant on the site when the application is submitted.
- B. **Relocation Assistance.** As a condition of approval, the applicant shall provide relocation assistance to qualified commercial tenants at the rates prescribed in Section 65912.123(i) of the California Government Code.

| Table 17.104-1 – Development Standards – Affordable Housing in Commercial Areas |                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Standard                                                            | 100% Affordable Projects                                                                                                                                                                                                                                       | Mixed-income Projects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Affordability requirements for rental projects <sup>55</sup>                    | <ul style="list-style-type: none"> <li>• 100% of base units shall be for lower-income or very low-income households</li> <li>• Shall be subject to an affordability deed restriction in perpetuity</li> </ul>                                                  | 1) 8% of base units reserved for very low-income households and 5% for extremely low-income households; or<br>2) 15% of base units for lower income households<br>Shall be subject to an affordability deed restriction in perpetuity                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Affordability requirements for owner-occupied projects <sup>5</sup>             | <ul style="list-style-type: none"> <li>• 100% of reserved units shall be for lower-income or very low-income households</li> <li>• Shall be subject to an affordability deed restriction for 55 years</li> </ul>                                               | 1) 30% of reserved units for moderate income households; or<br>2) 15% for lower income households<br>Shall be subject to an affordability deed restriction for 55 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Minimum density                                                                 | 30 units/acre or the underlying zoning district, whichever is greater                                                                                                                                                                                          | 30 units/acre or the underlying zoning district, whichever is greater                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Maximum density                                                                 | <ul style="list-style-type: none"> <li>• New construction: 30 units/acre or the underlying zoning district, whichever is greater</li> <li>• Adaptive reuse: There shall be no density bonus for projects that adaptively reuse an existing building</li> </ul> | New construction: <ul style="list-style-type: none"> <li>• Lot area &lt;1 acre: 30 units/acre or the underlying zoning district</li> <li>• Lot area &gt;1 acre and &lt;100 ft. of frontage: 40 units/acre</li> <li>• Lot area &gt;1 acre and &gt;100 ft. of frontage: 60 units/acre</li> <li>• Notwithstanding the above, if the property is within ½-mile of a Major Transit Stop (MTS): 80 units/acre</li> <li>• Notwithstanding the above, the underlying zoning district shall apply if it allows a greater maximum density</li> </ul> Adaptive reuse: <ul style="list-style-type: none"> <li>• There shall be no density bonus for projects that adaptively reuse an existing building</li> </ul> |

<sup>5</sup> Affordability requirements as defined by Section 60052.5 of the California Health and Safety Code.

| Table 17.104-1 – Development Standards – Affordable Housing in Commercial Areas |                                                                    |                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Development Standard                                                            | 100% Affordable Projects                                           | Mixed-income Projects                                                                                                                                                                                                                                                                                                                                             |
| Maximum height                                                                  | Refer to the underlying zoning district                            | <ul style="list-style-type: none"> <li>Corridor right-of-way &lt;100 ft: 35 ft.</li> <li>Corridor right-of-way ≥100 ft: 45 ft.</li> <li>Notwithstanding the above, if the property is within ½-mile of a Major Transit Stop (MTS): 65 ft.</li> <li>Notwithstanding the above, the underlying zoning district shall apply if it allows a greater height</li> </ul> |
| Other height standards                                                          | Section 17.60.030 (Height Exceptions and Restrictions) shall apply |                                                                                                                                                                                                                                                                                                                                                                   |
| Setbacks –                                                                      |                                                                    |                                                                                                                                                                                                                                                                                                                                                                   |
| Front yard (when a commercial corridor)                                         | Refer to the underlying zoning district                            | <ul style="list-style-type: none"> <li>No minimum shall be required</li> <li>Minimum 80% of the building's ground floor shall be within 10 ft. of the front property line</li> <li>Parking shall be set back a minimum 25 ft.</li> </ul>                                                                                                                          |
| Interior side yard (when the adjacent property fronts a commercial corridor)    |                                                                    | <ul style="list-style-type: none"> <li>Adjacent property is residential and constructed prior to July 1, 2023: minimum building setback of 10 ft., or the underlying zoning district, whichever is less</li> <li>All other cases: no building setback shall be required</li> </ul>                                                                                |
| All other yards                                                                 |                                                                    | <ul style="list-style-type: none"> <li>Ground floor if adjacent property is residential: minimum building setback of 10 ft., or the underlying zoning district, whichever is less</li> <li>All other cases: minimum building setback of 15 ft., or the underlying zoning district, whichever is less</li> </ul>                                                   |
| Parking                                                                         | Refer to the underlying zoning district                            | <ul style="list-style-type: none"> <li>Electric vehicle charging and bicycle parking spaces: comply with the requirements outlined in Chapter 17.70 (Parking Regulations)</li> <li>Disabled access parking: comply with Title 15 (Building and Construction)</li> <li>No additional parking shall be required</li> </ul>                                          |

**17.104.070 – Labor Standards.**

As a condition of approval, all affordable housing projects in commercial areas shall comply with Article 4 (Labor Standards), Section 65912.130 of the California Government Code. In addition, affordable housing projects in commercial areas with 50 or more units shall comply with Article 4 (Labor Standards), Section 65912.131 of the California Government Code.

**17.104.080 – Processing Applications.**

The Review Authority and applicant shall comply with Article 2, Section 65912.114 of the California Government Code for affordable housing development projects in commercial zones that satisfy all of the requirements established in Sections 65912.111, 65912.112, and 65912.113 of the California Government Code and Article 3, Section 65912.124 of the California Government Code for mixed-income projects along commercial corridors that satisfy all of the requirements established in Sections 65912.121, 65912.122, and 65912.123 of the California Government Code.

**17.104.090 – Expiration Date.**

This Chapter shall be in effect July 1, 2023 and continue in effect until January 1, 2033, and as of that date shall be repealed.

## **DIVISION 11 – REGULATIONS APPLICABLE FOR SPECIFIC USES**

### **CHAPTER 17.110 – STANDARDS FOR SPECIFIC RESIDENTIAL USES**

#### **Sections.**

- 17.110.010 – Purpose.
- 17.110.020 – Accessory Buildings and Structures.
- 17.110.030 – Accessory Dwelling Units (ADUs) and Junior ADUs.
- 17.110.040 – Corridor Housing.
- 17.110.050 – Home Occupation Businesses.
- 17.110.060 – Live/Work Units.
- 17.110.070 – Mixed-Use Projects – Vertical or Horizontal.
- 17.110.080 – Religious Institutions Housing.
- 17.110.090 – Single Room Occupancy (SRO).
- 17.110.100 – Transitional Uses.
- 17.110.110 – Urban Dwellings.
- 17.110.120 – Urban Housing Developments.

#### **17.110.010 – Purpose.**

The purpose of this Chapter is to establish site plan, development and/or operational standards for specific residential uses and activities that are permitted or conditionally permitted in some or all residential zoning districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and the general public.

#### **17.110.020 – Accessory Buildings and Structures.**

- A. **Height.** Accessory buildings located in any residential zone shall not exceed one (1) story and 16 feet in height.
- B. **Floor Area.** The total area for all accessory buildings shall not exceed 800 square feet per residential property. If there is more than one (1) detached single-family dwelling on a property, the total area for accessory buildings shall not exceed 600 square feet per dwelling.
- C. **Lot Coverage and Floor Area Ratio (FAR).** The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the maximum floor area of the accessory building. In addition, the lot coverage and square footage shall be included in the maximum lot coverage and FAR of the underlying zoning district.
- D. **Location.** Accessory buildings and structures located in any residential zone shall not be located at a distance less than 50 percent of the depth of the lot from the front lot line, or 50 feet, whichever is less. In addition, it shall not be located within a front yard or street side yard setback.

- E. **Setbacks.** Accessory buildings and structures located in any residential zone shall have a minimum interior side and rear yard setback of four (4) feet. On a corner lot, the setbacks shall meet the minimum required of the underlying zoning district.
- F. **Design.** The exterior design shall have the same architectural style as the primary dwelling or multiple-family structure(s). In addition, it shall use the same materials, colors, exterior finishes, roof form and windows/doors. Accessory structures shall comply with Chapter 17.140 (Design Guidelines) of this Title. This shall not apply to structures for animal enclosures and related activities, greenhouses or conservatories.
- G. **Bathrooms and Other Plumbing.** Plumbing for bathrooms, washer hookups and other plumbing are permitted as part of an accessory building for residential uses. For bathrooms with showers or bathtubs, a covenant shall be signed and recorded against the property by the property owner stating that the structure will not be converted to an ADU or urban dwelling without obtaining necessary permits from the City and paying any required fees.
- H. See Chapter 17.12 (Rurban Homestead Overlay District) of this Title for additional standards and requirements for accessory buildings within the Rurban Homestead Overlay District (RHOD).

#### **17.110.030 – Accessory Dwelling Units (ADUs) and Junior ADUs.**

- A. **Purpose.** The Accessory Dwelling Units (ADUs) and Junior ADU regulations set forth in this Section are established to comply with the state standards and requirements set forth in Sections 65852.2 and 65852.22 of the California Government Code, as amended from time to time, and other applicable state laws. This Section is not intended to conflict with state law and shall be interpreted to be compatible with state enactments.
- B. **Applications:**
  - 1. ADUs/Junior ADUs submitted separately with existing improvements. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an ADU or a Junior ADU which complies with this Section within 60 days from the date the City receives a completed application. There must be an existing single-family or primary dwelling or multiple-family structure on the subject property.
  - 2. ADUs/Junior ADUs submitted with other proposed new improvements. If the permit application to create an ADU or a Junior ADU is submitted with a permit application to create a new single-family dwelling on the subject property, the City may delay acting on the permit application for the ADU or the Junior ADU until the City acts on the permit application to create the new single-family dwelling. The application to create the ADU or Junior ADU shall be considered without discretionary review or hearing.
  - 3. ADUs/Junior ADUs shall be subject to the requirements of this Section and approval of a Staff Level Zoning Clearance.

**C. Permitted Zoning Districts, Maximum Number of Units and Minimum Lot Size:**

- ADUs/Junior ADUs outlined in Table 17.110-1 shall be permitted in any residentially zoned or M/MU zoned lot that includes a proposed or existing dwelling, subject to the requirements of this Section (notwithstanding Subsection (V) below):

| Table 17.110-1 – Accessory Dwelling Units |                                                           |                                                                                                                      |                                                                                                                                                 |                            |
|-------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Zoning:                                   | Existing or Proposed Structures On-Site                   | # of Detached ADUs Permitted                                                                                         | # of Attached ADUs Permitted                                                                                                                    | # of Junior ADUs Permitted |
| Single-family or multiple-family          | 1 single-family structure                                 | Maximum 1                                                                                                            | None                                                                                                                                            | Maximum 1                  |
|                                           |                                                           | None                                                                                                                 | Maximum 1                                                                                                                                       | Maximum 1                  |
|                                           | 2 or more detached units under separate ownership         | Maximum 1 per lot<br>(Maximum FAR and lot coverage shall be based on total site area divided by the number of units) |                                                                                                                                                 | None                       |
|                                           | 2 or more detached units under the same ownership         | Maximum 1 total                                                                                                      |                                                                                                                                                 | None                       |
| Single-family, multiple-family or M/MU    | Multi-family structure(s) (i.e. 2 or more attached units) | Maximum 2                                                                                                            | 25% of the number of units in an existing or proposed multi-family structure(s), provided they are converted from non-living space <sup>1</sup> | None                       |

- There shall be no minimum lot size to establish an ADU or Junior ADU.
- No ADU or Junior ADU shall be permitted on a property developed with an urban dwelling as outlined in Section 17.110.110 of this Chapter.

**D. Configuration:**

- An ADU may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. An ADU may be either located within a proposed or existing primary dwelling or multiple-family structure, or detached from the proposed or existing primary dwelling or multiple-family structure. A Junior ADU shall be attached to the existing or proposed primary dwelling or multiple-family structure.

<sup>1</sup> Examples of non-habitable space includes boiler rooms, storage rooms, attics, basements and garages.



2. For purposes of this Subsection, “attached” shall mean the ADU or Junior ADU shares a wall with the existing or proposed primary dwelling or the multiple-family structure, with both sides of the wall being habitable space. ADUs or Junior ADUs shall not be connected to the existing or proposed primary dwelling or multiple-family structure solely by a patio cover, breezeway or similar roofed area.

**E. Unit Size:**

1. Junior ADU (new or converted). The maximum square footage for a Junior ADU shall be 500 square feet.
2. Attached ADU (new). The total square footage of an attached ADU shall not exceed 50 percent of the existing or proposed primary dwelling. In addition, the attached ADU shall not exceed 850 square feet for a studio or one (1) bedroom and 1,000 square feet for more than one (1) bedroom.
3. Detached ADU (new). The maximum square footage for a detached ADU shall not exceed 850 square feet for a studio or one (1) bedroom and 1,000 square feet for more than one (1) bedroom.
4. Conversion of an existing accessory structure. There shall be no size limit.
5. Efficiency Unit. Notwithstanding this Subsection, and as required under state law, an efficiency unit, meeting the criteria defined in Section 17958.1 of the California Health and Safety Code, shall be permitted. An efficiency unit is a unit for occupancy by no more than two (2) persons which has a minimum floor area of 150 square feet and which may also have partial kitchen or bathroom facilities.

**F. Building Height:**

1. Detached ADU. A maximum height of 16 feet in all zoning districts. However, a maximum height of 18 feet may be permitted as follows:
  - a. Properties located within one-half ( $\frac{1}{2}$ ) mile walking distance of a High Transit Corridor or Major Transit Stop (MTS)<sup>2</sup>.
  - b. Additional height that is aligned with the roof pitch of the primary dwelling.
  - c. Properties developed with an existing or proposed multiple-family development that is more than one (1) story in height.
2. Attached ADU or Junior ADU. A maximum height of 25 feet (1½ stories) in the One-family Dwelling (R-1C) zoning district. A maximum height of 30 feet (2 stories) in all other zoning districts.

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

1. Converted from an existing legal or legal nonconforming structure; or

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<sup>2</sup> High Quality Transit Corridor as defined in Section 21155(b) of the Public Resources Code; MTS as defined in Section 21064.3 of the California Public Resources Code.

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

H. **Parking Requirements:**

1. No parking shall be required for a Junior ADU.
  2. One (1) parking space shall be required for each ADU bedroom or ADU unit, whichever is less. Such required parking shall supplement additional parking requirements for the existing dwelling. Such parking does not need to be enclosed and may be provided as tandem parking on an existing driveway.
  3. When a garage, carport, or uncovered parking structure is demolished or removed, in conjunction with the construction of an ADU or Junior ADU, replacement parking shall not be required.
  4. Notwithstanding this Subsection, parking requirements shall not apply to ADUs in any of the following circumstances:
    - a. The ADU is located within one-half ( $\frac{1}{2}$ ) mile walking distance of public transit. For purposes of this Section, “public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public;
    - b. The ADU is located within the proposed or existing primary dwelling or an accessory building;
    - c. When on-street parking permits are required but not offered to the occupant of the ADU; or
    - d. When there is a car sharing vehicle located within one (1) block of the ADU.
- I. **Driveways.** If a property is proposed to be developed with a detached ADU, and the property has one (1) existing driveway, a second driveway shall not be permitted, unless the proposed second driveway is accessed from an alley. If a property is vacant, it shall only be developed with one (1) driveway, unless the proposed second driveway is accessed from an alley. If the property has two (2) existing driveways, the second driveway may remain.
- J. **Lot Coverage and Floor Area Ratio (FAR).** The roofed area shall be included in the maximum lot coverage and the square footage shall be included in the FAR limits of the underlying zoning district.
- K. **Density.** ADUs shall not exceed the maximum allowable density identified in the City’s General Plan for the lot in which the ADU is proposed. However, an ADU that conforms to this Section shall be deemed an accessory use or an accessory building. Therefore, it shall not be considered to exceed the allowable density for the lot upon which it is located. It shall be deemed to be a residential use that is consistent with the existing General Plan and zoning district for the lot.

**L. Limitations to Sell, Convey or Rent an ADU:**

1. Detached ADUs shall not be sold or otherwise conveyed separate from the primary residence, except as otherwise provided in Section 65852.26 of the California Government Code.
2. Attached ADUs or Junior ADUs shall not be sold or otherwise conveyed separate from the primary residence.
3. The rental of ADUs or Junior ADU shall be for a duration longer than 30 consecutive calendar days. Short-term rentals shall be prohibited.

**M. Design:**

1. For attached ADUs and Junior ADUs, the entrance shall be located on the side or rear of the primary dwelling. The additional entrance is prohibited from being located on the front of the primary dwelling unit, facing the public right-of-way. In addition, there shall be no exterior staircase leading to or from an attached ADU or Junior ADU.
2. There shall be no upper story balconies or decks.
3. For detached ADUs, the entrance shall not face, or be visible from the public right-of-way.
4. For ADUs converted from a garage or other existing accessory buildings, the garage door shall be removed and replaced with building doors, windows and/or other design features. In addition, a three (3) foot wide planter shall be installed between the ADU and any driveway.
5. ADUs and Junior ADUs shall comply with Chapter 17.140 (Design Guidelines) of this Title.
6. ADUs and Junior ADUs shall comply with Chapters 17.72 (Landscape Regulations) and 17.74 (Water Efficiency) of this Title.
7. If it is deemed infeasible to comply with all the requirements outlined Subsections (M)(1) through (M)(5) above, the applicant may receive a waiver to one (1) or more of the requirements.

**N. Occupancy.** For new construction, the primary dwelling shall receive a Certificate of Occupancy at the same time or prior to the ADU or Junior ADU receiving a Certificate of Occupancy.

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

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

**Q. Building and Zoning Enforcement:**

1. The correction of nonconforming zoning conditions on the property shall not be required as a condition for ministerial approval of a permit application for the creation of an ADU or a Junior ADU.
2. ADUs or Junior ADUs constructed before January 1, 2020:
  - a. The City shall not deny a permit if the ADU or Junior ADU is in violation of Division 13, Chapter 5, Article 1, commencing with Section 17960 of the Health and Safety Code, does not comply with Article 3, Section 66333 of the California Government Code or with any provision of this Title.
  - b. The City may deny a permit if the City makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.

**R. Owner Occupancy Requirement for Junior ADUs.** Either the existing primary dwelling or Junior ADU on a lot shall be occupied by the owner of the property, unless the owner is another governmental agency, land trust, or housing organization. A covenant shall be signed and recorded against the property by the property owner stating that the existing primary dwelling or Junior ADU will be occupied by the property owner.

**S. Fees/Utility Connections:**

1. The property owner shall pay all applicable impact fees related to an ADU 750 square feet or larger, including but not limited to, parks, traffic, water and sewer impact fees. Such fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.
2. No new or separate utility connection or related fees or capacity charges shall be required for an ADU described in Subsection (V)(1)(a) below, unless such ADU was constructed with a new single-family dwelling.
3. For ADUs not described in Subsection (V)(1)(a) below, a new or separate utility connection may be required and related fees or capacity charges shall be proportionate to the burden of the proposed ADU based upon either its square feet or number of its drainage fixture unit (“DFU”) values, upon the water or sewage system. Such fees or charges shall not exceed the reasonable cost of providing service.

**T. Other Development Standards.** For all other development standards not specified in this Section, the development standards of the underlying zoning district shall apply.

**U. Exempt Units.** Notwithstanding any development standard or other limitation set forth in Subsections (A) through (S) above, the City shall ministerially approve an application for a building permit within a residential or mixed-use zoning district to create any of the following units:

1. One (1) single-family structure or more than one (1) detached unit on-site:
  - a. Created within an existing or proposed primary dwelling or accessory building. One (1) Junior ADU and one (1) attached ADU or detached ADU per lot, subject to all the following:
    - i. Attached ADU or detached ADU. Shall be entirely within the square footage of an existing or proposed primary dwelling or accessory building. An additional 150 square feet may be permitted, provided it is only to accommodate ingress and egress. The minimum interior side and rear yard setbacks for the addition to a detached ADU shall be sufficient for fire and safety.
    - ii. Junior ADU. Shall be entirely within the square footage of an existing or proposed primary dwelling.
    - iii. Area. The maximum square footage for an attached ADU shall not exceed 800 square feet or 50 percent of the existing or proposed primary dwelling, whichever is less.
    - iv. Access. The attached ADU or Junior ADU shall have exterior access from the proposed or existing primary dwelling.
    - v. The Junior ADU shall comply with the requirements of Section 65852.22 of the California Government Code.
  - b. New construction. One (1) detached ADU per lot with an existing or proposed dwelling, subject to all the following:
    - i. Area. The maximum square footage for the ADU shall be 800 square feet.
    - ii. Setbacks. The minimum interior side yard and rear yard setbacks shall be four (4) feet.
    - iii. Height. Refer to Subsection (F) above.
  - c. Combination. A new construction detached ADU shall not be permitted if the site includes an attached ADU. However, a new construction detached ADU may be permitted if the site includes a Junior ADU, subject to the requirements of this Subsection.
2. Multiple-family, including multiple-family in mixed-use zoning districts:
  - a. Attached ADUs, subject to all the following:
    - i. Location. Multiple ADUs within portions of existing multiple-family structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with state building standards for dwellings.
    - ii. Number. ADUs equal to a maximum of 25 percent of the existing dwelling units, with a minimum of one (1) ADU. Fractions shall be rounded down to the nearest whole number.

- b. Detached ADUs, subject to all the following:
  - i. Location. Within an existing or proposed accessory building.
  - ii. Number:
    - I. Lot with an existing multifamily dwelling. A maximum of eight (8) or equal to the number of existing units on the property shall be permitted, whichever is less<sup>3</sup>.
    - II. Lot with a proposed multifamily dwelling. A maximum of two (2) shall be permitted.
  - iii. Area. The maximum square footage for each ADU shall be 800 square feet.
  - iv. Setbacks. The minimum interior side yard and rear yard setbacks shall be four (4) feet.
  - v. Height. Refer to Subsection (F) above.
- c. Combination. Attached ADUs and up to two (2) detached ADUs may be established on the same site, subject to the requirements of this Subsection.

#### **17.110.040 – Corridor Housing.**

- A. **Effective and Expiration Dates.** This Section shall be in effect beginning on July 1, 2023 and shall expire on January 1, 2033, and as of that date shall be repealed.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit corridor housing, subject to the requirements of this Chapter.
- C. **Development Standards.** As outlined per Senate Bill No. 6 (July 1, 2023, Caballero, also known as Local planning: housing: commercial zones) and Sections 65852.24 and 65913.4 of the California Government Code.

#### **17.110.050 – Home Occupation Businesses.**

- A. **Purpose.** The provisions set forth in this Section are intended to allow the conduct of businesses in residential dwellings, which are incidental to and compatible with surrounding uses in permitted zoning districts.
- B. **Permitted Zoning Districts.** A home occupation business may be permitted as an ancillary use to any existing residential unit, subject to the requirements of this Section.
- C. **Development Standards:**
  - 1. A home occupation business shall be conducted entirely within a residential dwelling structure and shall occupy no more than 500 square feet of floor area. This maximum floor area shall include on-site storage areas and any portion of the home occupation

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<sup>3</sup> For properties developed with a combination of detached units and multiple-family structures, a maximum of 2 detached ADUs shall be permitted.

business that is located within an accessory building. No outside storage shall be permitted.

2. Trucks and vans may be used for the home occupation business, provided the vehicles do not exceed a height of seven (7) feet and can fit within a parking stall of 8'6" wide by 18 feet deep.
3. On-site signs advertising a home occupation business shall not be allowed. Paper and website advertisements are allowed (including business cards), provided they do not include the address of the home occupation business.

**D. Operational Standards:**

1. For rental property, the property owner's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation business.
2. There shall be no items sold on-site other than products crafted on the premises. Items manufactured off-site may be sold through mail order or through the internet as long as the home occupation business (including storage area) does not exceed 500 square feet of floor area. This floor area maximum can be exceeded if the storage area is located off-site.
3. A home occupation business shall not allow any clients or customers without prior appointments. Client/customer appointments are limited to the hours of 7:00 a.m. to 10:00 p.m., Monday through Saturday.
4. The existence of a home occupation use shall not be apparent beyond the boundaries of the subject site.

- E. Prohibited Activities.** Adult entertainment establishments, commercial cannabis activities (except as permitted in Chapter 8.78 (Personal Cannabis Cultivation) of Title 8 (Health and Safety) of the EMMC), firearms sales, fireworks sales, manufacturing, munitions sales and vehicle repairs. In addition, any activity or use, as determined by the Community Development Director, that is deemed noncompatible with residential uses and/or have the possibility of affecting the health or safety of residents. This includes uses that have the potential to create dust, glare, heat, noise, odor, smoke, traffic and/or vibration. In addition, this includes uses that may be deemed hazardous because of the materials or products used, the processes conducted or the wastes created.

**17.110.060 – Live/Work Units.**

- A. **Purpose.** To provide for the appropriate development of units which incorporate both living and working space. To ensure that each live/work unit contains an area designated for productive uses and entrepreneurial activities as a component of a dwelling unit. Ensure that the exterior design of live/work units is compatible with the exterior design of commercial, industrial, and residential buildings in the area.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit live/work units, subject to the requirements of this Section.

**C. Permitted Uses:**

1. Permitted uses. Table 17.110-2 prescribes the land use regulations in live/work units. These designations apply strictly to the permissibility of land uses; applications for building improvements may require other reviews.
2. Unlisted uses. Any land use not listed in Table 17.110-2 is not permitted in live/work units, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.110-2 – Permitted Uses – Live/Work Units |   |                                                                                                               |
|---------------------------------------------------|---|---------------------------------------------------------------------------------------------------------------|
| Land Use                                          |   | Notes                                                                                                         |
| Home occupation business                          | P |                                                                                                               |
| Schools and education institutions –              |   |                                                                                                               |
| Specialized education and training                | P | Limited to 5 students at any time                                                                             |
| Tutoring and education centers                    | P |                                                                                                               |
| Offices –                                         |   |                                                                                                               |
| Ancillary                                         | P |                                                                                                               |
| Administrative, business professional             | P |                                                                                                               |
| Medical                                           | P | Limited to chiropractors, acupuncturists, physical therapists, and counselors/ psychotherapists.              |
| Personal service use, general                     | P | Excludes dry cleaning services. Services shall be by appointment only and limited to 3 customers at any time. |

Key: P Use permitted by-right.

**C. Development Standards:**

1. Ground floor height. The minimum height shall be nine (9) feet floor-to-floor.
2. Work area access. Each live/work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit. The entrance should be built at the same grade as the sidewalk, to minimize the need for ramps.
3. Working space size. The working space area (including bathrooms and accessways for the working space) shall not exceed 800 square feet or 50 percent of the unit's total square footage, whichever is less.
4. Access within the live/work units. The living space shall be contiguous with the working space, with direct access between the two (2) areas.
5. Residential access. Access to individual units should be from common access areas (e.g. lobby entrance) or private entrances along another façade.



6. Emergency access. Access to each unit shall be clearly identified to provide for emergency services.
7. Projections. Projecting elements such as balconies, roof overhangs, shade structures and bay windows on upper floor may project up to four (4) feet into a street yard setback.

**D. Operational Standards:**

1. For rental property, the property owner's written authorization for the proposed use shall be obtained and submitted with the application for a home occupation business.
2. No portion of a live/work unit shall be separately sold or rented.
3. The owner/operator of the live/work unit shall comply with all performance standards outlined in Chapter 17.50 (Performance Standards) of this Title.
4. All activities related to the "work" component of a live/work unit shall be conducted within a completely enclosed building.
5. Up to two (2) additional persons who do not reside in the live/work unit may work in the unit.
6. Client and customer visits to live/work units are allowed. Hours of operation shall be limited to the hours of 7:00 a.m. to 10:00 p.m. on Monday through Saturday and 8:00 a.m. to 8:00 p.m. on Sunday.
7. A live/work unit shall not be converted entirely to a residential use or entirely to a nonresidential use.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for live/work units.

**17.110.070 – Mixed-Use Projects – Vertical or Horizontal.**

- A. **Purpose.** To promote pedestrian friendly development that include a mixture of residential and nonresidential uses. Developments are to be of high quality, compact and walkable. The range of nonresidential uses includes offices, retail, food and beverage establishment and services mixed. Developments may be vertical (with housing above nonresidential uses) or horizontal, with housing and nonresidential on the same property, but in separate buildings.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit mixed-use vertical or horizontal developments, subject to the requirements of this Section.
- C. **Permitted Nonresidential Uses:**
  1. General Commercial (C-3) zoning district. For horizontal mixed-use, permitted uses shall be limited to those denoted with an "\*" in Table 17.40-1 (Permitted Uses – Commercial Zoning Districts) of this Title.

2. Multiuse zoning district. For vertical mixed-use, permitted uses shall be limited to those denoted with an “\*” in Table 17.30-1 (Permitted Uses – Multiuse Zoning Districts) of this Title. For horizontal mixed-use, any use listed in Table 17.30-1 may be permitted.
3. Gateway Specific Plan. For vertical mixed-use, permitted uses shall be limited to those denoted with an “\*” in Table 17.131-2 (Permitted Uses – Gateway Specific Plan) of this Title.
4. Downtown Specific Plan. For vertical mixed-use, permitted uses shall be limited to those denoted with an “\*” in Table 17.134-1 (Permitted Uses – Downtown Specific Plan) of this Title. For horizontal mixed-use, any use listed in the Subarea in Table 17.134-1 may be permitted.

**D. Development Standards:**

1. Architectural details and materials:
  - a. Architectural style and use of quality materials shall be compatible and consistent throughout the entire project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project.
  - b. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be broken down by architectural features.
  - c. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
2. Building entrances:
  - a. Nonresidential entrances. Each tenant space shall have a separate pedestrian entrance for use by tenants and the public which faces the public right-of-way or a public open space area.
  - b. Residential entrances. For vertical mixed-use buildings, entrances to individual residential units shall not be permitted along a street frontage. Instead, the units shall be accessed from shared entrances (e.g. a lobby). For residential-only buildings, the units may be accessed individually or from shared entrances.
  - c. Design. Entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses.
3. Pedestrian access:
  - a. Building frontage. A minimum 75 percent of the building frontage facing a public street, pedestrian walkway or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, display windows, landscaping, etc.).

- b. Linkages. Provide direct pedestrian linkages to adjacent public sidewalks and throughout the project between residential and nonresidential uses and parking areas.
  - c. Amenities. Provide enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories and similar items to create a pleasant pedestrian experience.
  - d. Scale and character. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
- 4. Safety. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by incorporating the following:
  - a. Maximize visibility to common open space areas, internal walkways and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - b. Use walkways, low fences, lighting, signage and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - c. Eliminate areas of concealment, hiding places and dead spaces.
  - d. Access control barriers (e.g. gates and doorways with access codes) separate commercial and residential uses. This shall also be incorporated in parking areas.
- 5. Lighting. Decorative lighting shall be incorporated along pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.
- 6. Parking regulations. Residential parking shall be secured and separated from nonresidential parking. This should not apply to projects utilizing parking credits in the Downtown Specific Plan.
- 7. Signage regulations:
  - a. The nonresidential portion of project shall follow the sign standards of multiuse zoning districts. The residential portion of the project shall follow the sign standards of multiple-family residential uses.
  - b. A Master Sign Program shall be required.
  - c. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**E. Operational Standards:**

1. A joint Tenants and Owners Association (TOA) should be established for the well-being of each residential and nonresidential tenant and owner. In addition to the requirements outlined in Section 17.50.120 (Performance Standards – Property Maintenance) of this Title, the Covenants, Conditions, and Restrictions (CC&Rs) for the TOA, shall incorporate the following:
  - a. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities;
  - b. Noise notification procedures;
  - c. Relationship between uses regarding association representation;
  - d. Voting procedures; and
  - e. Procedures for solving problems that may arise between the different types of uses or residents.
2. Loading and unloading activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place before 7:00 a.m. and after 10:00 p.m. on any day of the week.
3. Noise disclosure notification:
  - a. Residents, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area. The disclosure of the potential noise impacts of living in a mixed-use development shall be included in all deeds or lease agreements.
  - b. The covenants, conditions, and restrictions shall require that the residents acknowledge receipt of the written noise disclosure notification. Their signatures shall confirm receipt and acceptance of the noise disclosure.

**17.110.080 – Religious Institutions Housing.**

- A. **Purpose.** To provide opportunities for properties owned and operated by a religious institution to develop affordable housing units.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit religious institutions housing, subject to the requirements of this Section.
- C. **Development Standards:**
  1. Property ownership and occupancy. The religious facility shall be a nonprofit organization and shall have owned the property and operated the property as a religious institution for a minimum of three (3) years prior to submittal of an application. The religious facility shall remain on the property and shall not be converted to another use.

2. Lot size. Properties shall have a minimum area of 20,000 square feet.
3. Density:
  - a. Residential zoning districts. No minimum and a maximum of 20 units per acre or the maximum permitted in the underlying zoning district, whichever is greater.
  - b. Nonresidential zoning districts. No minimum and a maximum of 30 units per acre or the maximum permitted in the underlying zoning district, whichever is greater.
4. Floor Area Ratio (FAR). The maximum FAR shall be 0.50 or the maximum permitted in the in the underlying zoning district, whichever is greater. This shall apply to all structures on the property, except for multiuse zoning districts, where FAR shall only apply to nonresidential and shared uses.
5. Usable open space:
  - a. Overall square footage:
    - i. Residential zoning districts. A minimum of 300 square feet per unit.
    - ii. Multiuse zoning districts. A minimum of 150 square feet per unit.
    - iii. Commercial zoning districts. A minimum of 200 square feet per unit.
    - iv. Downtown Specific Plan. A minimum of 100 square feet per unit.
  - b. Common and private: A maximum of 100 percent of the open space may be common.
  - c. Indoor and outdoor: A maximum of 50 percent of the open space may be indoors.
  - d. Sharing of open space: A maximum of 50 percent of the open space may be shared with the onsite religious institution and any onsite school or educational facility. However, the space must be accessible to residents for a minimum of 40 hours per week between the hours of 8:00 a.m. and 10:00 p.m.
6. Lot coverage. The maximum lot coverage (for all structures on the property) shall be 50 percent or the maximum permitted in the underlying zoning district, whichever is greater.
7. Parking:
  - a. Minimum residential parking. A minimum of one (1) parking space per unit shall still be provided. The number of spaces may be further reduced for affordable units as outlined in Section 17.100.090 (Density Bonus Provisions – Parking Reductions) of this Title.
  - b. Other parking. Parking for existing nonresidential uses may be reduced by up to 50 percent to accommodate the residential units. For example, if 20 housing units are proposed and the site has 30 additional spaces (for a total of 50 on-site spaces), the number of additional spaces may be reduced to 15 (for a total of 35 on-site spaces).
  - c. On-site parking spaces which are unenclosed shall be made available at all times for residents and all other uses.

8. Affordability requirements:

- a. For projects with less than five (5) units. There shall be no affordability requirements.
- b. Properties with five (5) or more units. A minimum 30 percent of the units shall be reserved for very low or lower-income households. An additional 30 percent of the units shall be reserved for moderate income, lower income or very low-income households. The remaining units may be market rate.
- c. The units shall be subject to a recorded deed restriction for 55 years for rental units and 45 years for owner-occupied units.
- d. The applicant shall comply with all other requirements of Chapter 17.102 (Inclusionary Housing) of this Title and may request any of the incentives listed in Section 17.102.060 (Inclusionary Housing – Incentives) of this Title.

9. Other development standards. Refer to the underlying zoning district.

- D. **Higher Education and Religious Institutions Housing.** In lieu of this Section, an applicant may choose to develop housing as permitted in Senate Bill No. 4 (January 1, 2024, Wiener, also known as Planning and zoning: housing development: higher education institutions and religious institutions) and Section 65913.16 of the California Government Code in its entirety.

**17.110.090 – Single Room Occupancy (SRO) Facilities.**

- A. **Purpose.** It is the purpose of this Section to regulate the development and operation of single room occupancy (SRO) facilities. SRO units provide housing opportunities for lower-income individuals, persons with disabilities, seniors, and formerly homeless individuals.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit SRO developments, subject to the requirements of this Section.
- C. **Development Standards:**
1. Each SRO facility shall comply with the minimum standards of this Section and all applicable development standards of the property's underlying zoning district.
  2. Each unit shall be a minimum 150 square feet and a maximum 400 square feet.
  3. Each unit shall accommodate a maximum of two (2) persons, including children.
  4. Tenancy shall be a minimum 30 days and maximum period of 12 months.
- D. **Required Amenities:**
1. Each unit is required to provide a separate bathroom containing a water closet, lavatory and bathtub and/or shower.
  2. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches.
  3. Each unit shall have a separate closet.

4. Laundry facilities must be provided in a separate enclosed room at the ratio of one (1) washer and one (1) dryer for every 20 units, with a minimum of one (1) washer and one (1) dryer provided on each floor of the SRO facility.
5. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO facility.
6. Projects with ten (10) or more units shall provide on-site management. A project with less than ten (10) units may provide a management office off-site.

**17.110.100 – Transitional Uses.**

- A. **Purpose.** To provide flexibility with existing commercial and manufacturing uses located in residential zoning district. Transitional uses may be limited to offices uses and other neighborhood serving uses that do not generate excessive noise or traffic.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit transitional uses, subject to the requirements of this Section.
- C. **Permitted Uses:**
  1. Table 17.110-3 prescribes the land use regulations for transitional uses. These designations apply strictly to the permissibility of land uses; applications for building improvements may require other reviews.
  2. Unlisted permitted uses. Any land use not listed in Table 17.110-3 is not permitted, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.
- D. **Operational Standards:**
  1. An approved transitional use may continue in perpetuity, so long as it remains otherwise lawful, subject to the provisions of this Section.
  2. If the commercial use converts to a residential use or other conforming use, it cannot thereafter convert to a nonconforming commercial use.
  3. This Section only applies to existing structures; new projects must adhere to current applicable zoning.

| Table 17.110-3 – Permitted Uses – Transitional Uses |                                                                                                                                                         |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use                                            | Notes                                                                                                                                                   |
| Food or beverage establishment                      | Limited to 3,500 sq. ft. in gross floor area. Excludes commercial bakery and ancillary entertainment. For restaurants, it shall be the most recent use. |
| Retail use                                          | Limited to 3,500 sq. ft. in gross floor area. Excludes convenience store or minimart, unless it was the most recent use.                                |

| Table 17.110-3 – Permitted Uses – Transitional Uses (continued) |                                                                                                                  |
|-----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Land Use                                                        | Notes                                                                                                            |
| Schools and education institutions –                            |                                                                                                                  |
| Specialized education and training                              | Limited to 5 students at any time.                                                                               |
| Tutoring and education centers                                  |                                                                                                                  |
| Offices –                                                       |                                                                                                                  |
| Ancillary                                                       |                                                                                                                  |
| Administrative, business professional                           |                                                                                                                  |
| Medical                                                         | Limited to chiropractors, physical therapists, acupuncturists and counselors/psychotherapists.                   |
| Office supply store                                             | Limited to 3,500 sq. ft. in gross floor area.                                                                    |
| Personal service use, general                                   | Excludes dry cleaning services.<br>Services shall be by appointment only and limited to 3 customers at any time. |
| Pharmacy                                                        | Limited to 3,500 sq. ft. in gross floor area.                                                                    |

4. The Conditional Use Permit or Minor Use Permit may limit signage, hours of operation and other operational standards. Improvements to the building may be required, such as new/replaced doors, windows and updated facades, provided no additional square footage is added. In addition, improvements to the property may be required, such as parking lot improvements and new landscaping.
- E. **Limitations.** Applications to request a new transitional use will only be accepted up to December 31, 2030. Thereafter, the use and property shall be subject to the nonconforming provisions outlined in Chapter 17.16 (Nonconforming Provisions) of this Title.
- F. **Additional Findings.** In addition to the required findings outlined in Section 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following findings shall also be made:
1. That the parking for the transitional use will not have a significant negative impact on the surrounding parcels or neighborhood; and
  2. That the property will be improved, to the extent feasible, to meet current development standards relating to landscaping, walls and fencing, building facades, trash enclosures and the Americans with Disabilities Act (ADA) accessibility.

#### **17.110.110 – Urban Dwellings.**

- A. **Purpose.** The urban dwelling regulations set forth in this Section are established to comply with the state standards and requirements set forth in Section 65852.21 of the California Government Code, as amended from time to time, and other applicable state laws. This Section is not intended to conflict with state law and shall be interpreted to be compatible with state enactments.



**B. Applications:**

1. One (1) urban dwelling on a property with an existing primary dwelling. One (1) application shall be submitted.
2. One (1) urban dwelling on a property with a proposed primary dwelling. One (1) application shall be submitted. The City may delay acting on the portion of the application for the urban dwelling until the City acts on the portion of the application to develop the new primary dwelling.
3. Two (2) urban dwellings on a property that is vacant or proposed to be vacant. One (1) application shall be submitted.
4. Concurrent applications for one (1) or two (2) urban dwellings and an urban lot split as outlined in Chapter 16.25 (Urban Lot Splits) of Title 16 (Subdivision Ordinance) of the EMMC. The City shall act on the urban lot split at the same time or before acting on the application for the urban dwelling.
5. The City shall ministerially, and without discretionary review or a hearing, act on the application to create an urban dwelling, subject to the requirements of this Section.

**C. Permitted Zoning Districts.** Urban dwellings shall only be permitted in One-Family Dwelling (R-1A or R-1B) zoning districts.

**D. Development Standards:** Table 17.110-4 prescribes the land use regulations for urban dwellings:

| Table 17.110-4 – Development Standards – Urban Dwellings |                                                                                                                         |          |                                                                                                                          |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------|
| Development Standard                                     | Existing or Proposed Primary Single-family Dwelling                                                                     |          | Existing Vacant or Proposed Vacant Parcel                                                                                |
| Maximum number of urban dwelling units <sup>4</sup>      | 1 permitted                                                                                                             |          | Up to 2 permitted                                                                                                        |
| Configuration                                            | Attached <sup>5</sup>                                                                                                   | Detached | Attached or detached                                                                                                     |
| Maximum lot coverage                                     | 800 sq. ft. for the urban dwelling or the maximum lot coverage for all structures on the property, whichever is greater |          | 800 sq. ft. for each urban dwelling or the maximum lot coverage for all structures on the property, whichever is greater |
| Maximum height and top plate height                      | Underlying zone                                                                                                         |          | Underlying zone                                                                                                          |

<sup>4</sup> If the property is developed with 2 or more single-family, multiple-family dwellings, an Accessory Dwelling Unit (ADU) or Junior ADU, no urban dwelling(s) shall be permitted.

<sup>5</sup> Attached shall mean the urban dwelling shares a wall with the existing or proposed primary single-family dwelling, with both sides of the wall being habitable space. An urban dwelling shall not be connected to an existing or proposed primary single-family dwelling solely by a patio cover, breezeway or similar roofed area.

| Table 17.110-4 – Development Standards – Urban Dwellings (continued) |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                        |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Development Standard                                                 | Existing or Proposed Primary Single-family Dwelling                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Existing Vacant or Proposed Vacant Parcel                                                                              |
| Minimum setbacks                                                     | Underlying zone                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Front & street side: underlying zone<br>Interior side & rear: 4 ft.                                                    |
| Minimum building separation                                          | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | R-1A: Underlying zone<br>R1-B: 10 ft.                                                                                  |
| Maximum unit size and floor area                                     | 800 sq. ft. for the urban dwelling or the maximum floor area for all structures on the property, whichever is greater                                                                                                                                                                                                                                                                                                                                                                                                         | 800 sq. ft. for each urban dwelling or the maximum floor area for all structures on the property, whichever is greater |
| Driveways                                                            | If the property has 1 existing driveway, a second driveway shall not be permitted, unless the second driveway is accessed from an alley. If the property has 2 existing driveways, the second driveway may remain.                                                                                                                                                                                                                                                                                                            | Limited to 1 driveway                                                                                                  |
| Minimum Parking                                                      | Primary dwelling: underlying zone<br>Urban dwelling: <ul style="list-style-type: none"> <li>• 1 tandem open space per urban dwelling.</li> <li>• No parking if property within ½-mile (walking distance) of a High Transit Corridor or Major Transit Stop (MTS)<sup>6</sup>, or within 1 block of a car sharing vehicle location.</li> </ul> If no on-site parking is proposed as permissible in this table, the property owner shall submit all necessary documentation to confirm compliance with one of the circumstances. |                                                                                                                        |

- E. **Design Standards.** Urban dwellings shall comply with Chapter 17.140 (Design Guidelines) of this Title.
- F. **Occupancy.** For new construction, the primary single-family dwelling shall receive a Certificate of Occupancy at the same time or prior to the urban dwelling receiving a Certificate of Occupancy.
- H. **Building, Fire and Other Codes.** All urban dwellings shall comply with all provisions of the EMMC pertaining to water, sewer, electrical, drainage, and fire and emergency services to the property on which the urban dwelling will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.
- I. **Other Development Standards.** For all other development standards not specified in this Section, the development standards of the underlying zoning district shall apply.

<sup>6</sup> High Quality Transit Corridor as defined in Section 21155(b) of the California Public Resources Code; MTS as defined in Section 21064.3 of the California Public Resources Code.

**J. Fees/Utility Connections:**

1. Impact fees. The applicant shall pay all applicable impact fees for each new dwelling, including but not limited to: parks; traffic; water and sewer. Such fees shall be charged at the same rate as a new single-family dwelling.
2. Utilities. New or separate utility connection shall be required, including all related fees or capacity charges. Such fees shall be charged at the same rate as a new single-family dwelling.

**K. Limitations to Develop, Sell, Convey or Rent an Urban Dwelling:**

1. Historic properties. Any proposed urban dwelling shall not be located within a historic district or property included on the State Historic Resources Inventory (per Section 5020.1 of the California Public Resources Code), or within a property that is designated or listed as a federal, state or local landmark or historic property or district pursuant by ordinance.
2. Demolition:
  - a. The following types of housing shall not be demolished or altered to accommodate an urban dwelling:
    - i. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, lower or very low income;
    - ii. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power; and
    - iii. Housing that has been occupied by a tenant within the past three (3) years.
  - b. A residential dwelling that has been vacant and/or owner occupied for the past three (3) years may be fully demolished. It shall be the applicant's responsibility to provide compelling and substantial evidence to the satisfaction of the Community Development Director that the dwelling has been vacant and/or owner occupied over the past three (3) years.
3. Accessory Dwelling Units (ADUs) and Junior ADUs. An urban dwelling shall not be permitted if the property is already developed with an ADU and/or Junior ADU. In addition, if an urban dwelling is developed on the property, no ADU or Junior ADU shall be permitted thereafter.
4. Separate conveyance. The urban dwelling shall not be sold or otherwise conveyed separately from any other dwelling on the property; and
5. Short term rentals. The urban dwelling shall not be rented for any duration less than 30 consecutive calendar days.

**L. Disclosures:** The following disclosures shall be recorded on the property and proof of the recordation shall be provided to the City prior to final occupancy:

1. The dwellings shall not be used for short term rentals;

2. The property (or properties if there was an urban lot split) shall not be further subdivided in the future (through an urban lot split or other process);
  3. The urban dwelling shall not be sold or otherwise conveyed separate from any other dwelling on the property;
  4. The driveway easement shall remain in place and both property owners shall be equally responsible to maintain, repair and repave the driveway;
- M. **Exemptions to Objective Standards.** Notwithstanding any development standard or other limitation set forth in Subsections (A) through (L) above, the City shall ministerially approve an application for a building permit within the R-1A and R-1B zoning districts to create any of the following units:
1. If the property is vacant and two (2) urban dwellings are proposed, the City shall approve an average size of up to 800 square feet for each urban dwelling (i.e. 1,600 square feet total).
  2. If the property is developed with one (1) primary dwelling, the City shall approval an urban dwelling of up to 800 square feet.
  3. If the above cannot be accommodated because of property constraints, the City shall provide relief to the development standards of this Section (without requiring a Variance or Minor Variance), in the following descending order in order of priority (i.e. relief shall be provided through (a) maximum FAR first and then (b) lot coverage, and so on) only to the extent necessary to allow the development of no more than two (2) residential units on a lot pursuant to this Section that are each 800 square feet in floor area:
    - a. Maximum Floor Area Ratio (FAR) for the property.
    - b. Maximum lot coverage for the property.
    - c. Minimum building separation for a detached urban dwelling.
    - d. Requirement for enclosed parking spaces may be partially or fully replaced with unenclosed parking spaces;
    - e. Minimum front yard setback for the rear urban dwelling(s) may be reduced to four (4) feet;
    - f. Minimum parking requirements for the urban dwellings may be reduced or eliminated.
    - g. Additional height. If a third story is needed to accommodate the minimum square footage, it shall be completely subterranean (with exception to the minimum opening requirements for light and ventilation per the most recently adopted California Building Code).
    - h. Other standards as determined by the Community Development Director.

#### **17.110.120 – Urban Housing Developments.**

- A. **Purpose.** To promote developments at high densities in close proximity to transit stations and along major transit corridors. The goal is to create neighborhoods that are walkable with retail, food and beverage establishment and entertainment uses.
- B. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit urban housing, subject to the requirements of this Section.
- C. **Development Standards:**
  - 1. Minimum density. The project shall have a minimum density of 35 units per acre. The maximum density shall be the maximum permitted in the underlying zoning district.
  - 2. Architectural details and materials:
    - a. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
    - b. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
  - 3. Building entrances. Units may be accessed individually or from shared entrances (e.g. a lobby).
  - 4. Pedestrian access:
    - a. Building frontage. A minimum 75 percent of the building frontage facing a public street, pedestrian walkway or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses, display windows, landscaping, etc.).
    - b. Linkages. Provide direct pedestrian linkages to adjacent public sidewalks and throughout the project between residential and parking areas.
    - c. Amenities. Provide enhanced pedestrian amenities throughout the project, including: seating; pedestrian area lighting; special paving; public art; water features; common open space; directories; and similar items to create a pleasant pedestrian experience.
    - d. Scale and character. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
  - 5. Safety. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by incorporating the following:

- a. Maximize visibility to common open space areas, internal walkways and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - b. Use walkways, low fences, lighting, signage and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - c. Eliminate areas of concealment, hiding places and dead spaces.
6. Lighting. Decorative lighting shall be incorporated along pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes.
7. Signage regulations. A Master Sign Program shall be required. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**D. Operational Standards:**

1. Loading and unloading activities. Where applicable, the covenants, conditions, and restrictions of an urban housing project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place before 7:00 a.m. and after 10:00 p.m. on any day of the week.
2. Noise disclosure notification:
  - a. Residents, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area. The disclosure of the potential noise impacts of living in an urban housing development shall be included in all deeds or lease agreements.
  - b. The covenants, conditions, and restrictions shall require that the residents acknowledge their receipt of the written noise disclosure notification. Their signatures shall confirm receipt and acceptance of the noise disclosure.

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## **CHAPTER 17.112 – STANDARDS FOR SPECIFIC NONRESIDENTIAL USES**

### **Sections.**

- 17.112.010 – Purpose.
- 17.112.020 – Adult Entertainment Establishments.
- 17.112.030 – Alcohol Sales Uses.
- 17.112.040 – Alternative Financial Establishments.
- 17.112.050 – Automated Teller Machines (ATMs).
- 17.112.060 – Collection Containers.
- 17.112.070 – Correctional Facilities.
- 17.112.080 – Drive-thru Businesses.
- 17.112.090 – Emergency Shelters.
- 17.112.100 – Hotels or Motels.
- 17.112.110 – Low Barrier Navigation Centers.
- 17.112.120 – Multiple-tenant Commercial Centers.
- 17.112.130 – Outdoor Seating/Dining Areas.
- 17.112.140 – Pawnbrokers or Pawnshops.
- 17.112.150 – Personal Service Uses (General, Restricted and Massage).
- 17.112.160 – Recycling Facilities.
- 17.112.170 – Secondhand Vendors.
- 17.112.180 – Significant Tobacco Retailers.
- 17.112.190 – Vehicle Sales and Leases.
- 17.112.200 – Vehicle Repair Facilities.
- 17.112.210 – Vehicle Service Stations.
- 17.112.220 – Vehicle Washing Facilities.

### **17.112.010 – Purpose.**

The purpose of this Chapter is to establish site plan, development and/or operational standards for specific uses and activities that are permitted or conditionally permitted in some or all zoning districts. These provisions are supplemental standards and requirements to minimize the potential adverse impacts of these uses and activities on surrounding properties and to protect the health, safety and welfare of their occupants and the general public.

### **17.112.020 – Adult Entertainment Establishments.**

#### **A. Purpose:**

1. The purpose and intent of this Section is to regulate adult entertainment establishments which, unless closely regulated, may have serious negative secondary effects on properties within the vicinity of an adult entertainment establishment, which effects include, but are not limited to, the following: depreciation of property values and increase in vacancies in residential and commercial areas; interference with residential property owners' enjoyment of their property as a result of increases in crime, litter, noise and vandalism; higher crime rates; and blighting conditions such as lower



maintenance levels of commercial properties, which thereby have a deleterious effect upon adjacent areas. Special regulation of these businesses is necessary to prevent these potential adverse effects and the blighting or degradation of the neighborhoods in the vicinity of the adult entertainment establishment.

2. It is neither the intent nor the effect of this Section to impose limitations or restrictions on the content of any communicative material. Similarly, it is neither the intent nor the effect of this Section to restrict or deny access by adults to communication materials or to deny access by the distributors or exhibitors of adult entertainment establishment to their intended market.
  3. Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any City Ordinance or any statute of the State of California regarding public nuisance, unlawful or indecent exposure, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.
  4. Notwithstanding any provision of Title 9 (Public Peace, Morals and Safety) of the EMMC, the regulations set forth under this Section shall apply specifically to adult entertainment establishments.
- B. **Permitted Zoning Districts.** Refer to Division A (Matrix of Permitted Uses) for zoning districts that may permit adult entertainment establishments, subject to the requirements of this Section.
- C. **Applicability.** This Section shall apply to adult entertainment establishments, as defined in Chapter 17.150 (Use Definitions) of this Title.
- D. **Exempt Businesses.** This Section shall not apply to any of the following businesses or activities:
1. Any massage establishment holding a valid massage establishment certificate and whose owner(s) and manager(s) are also the holders of valid operating certificates, all issued in accordance with the provisions of Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of Title 5 (Business License and Regulations) of the EMMC;
  2. Any massage practitioner holding a valid state certificate and in full compliance with all requirements, restrictions and obligations set forth under Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of the EMMC; and
  3. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person holding a valid license or certificate issued by the State of California to practice such art or profession under the provisions of the Business and Professions Code or any other applicable state law.
- E. **Development Standards:**
1. Separation requirements from sensitive uses. Any adult entertainment establishment shall be a minimum 250 feet from any of the following:

- a. Any residential zoning district, whether in the City, in an adjoining City or within an unincorporated area;
  - b. Any residential use in any zoning district;
  - c. Public recreation facilities;
  - d. Public or private K-12 schools, public or private preschools and child daycare centers;
  - e. Community centers and libraries; and
  - f. Religious institutions.
2. Separation requirements from another adult entertainment establishment. Any adult entertainment establishment shall be a minimum 750 feet from another adult entertainment establishment, whether in the City, in an adjoining City or within an unincorporated area (provided the adult business was legally established).
  3. Each such adult entertainment establishment must, prior to commencement or continuation or substantial enlargement of such business, first apply for and receive an adult business license in accordance with the provisions of Chapter 5.98 (Adult Business License Regulations) of the EMMC.

**F. Operational Standards:**

1. Each adult entertainment business shall have a business entrance separate from any other nonadult business located in the same building.
2. All building openings, entries, and windows for an adult entertainment business shall be located, covered or screened in such a manner as to prevent a view into the interior of an adult entertainment business from any area open to the general public.
3. No adult entertainment business shall be operated in any manner that permits the observation by the public of any material or activity depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any location beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
4. No loudspeakers or sound equipment shall be used by adult entertainment businesses for amplification of sound to a level discernible by the public beyond the walls of the building or portion thereof in which the adult entertainment business is conducted.
5. Each adult entertainment business shall be provided with a manager's station which shall be used for the purpose of supervising activities within the business. A manager shall be on the premises during all times that the adult entertainment business is open to the public.
6. The interior of the adult entertainment business shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult entertainment business to which any patron is allowed access for any purpose, excluding restrooms. If the adult entertainment business has two or more manager's stations designated, then the interior of the adult entertainment business shall be configured in

such a manner that there is an unobstructed view of each area of the adult entertainment business to which any patron is allowed access for any adult purpose, excluding restrooms, from at least one of the manager's stations. The view required in this Subsection shall be by direct line of sight from the manager's station.

7. No individual viewing area may be occupied by more than one person at any one time. Individual viewing areas of the adult entertainment business shall be operated and maintained without any hole or other opening or means of direct communication or visual or physical access between the interior space of two or more individual viewing areas.
  8. All interior portions of the adult entertainment business, except those areas devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with lighting system which provides a minimum maintained horizontal illumination of not less than two (2) foot candles of light on the floor surface.
- G. **Signage Regulations.** Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for adult entertainment establishments.
- H. **Misdemeanor Offenses.** In addition to all other offenses specified in this Section, this Title and state statutes, an adult entertainment establishment shall be subject to the following restrictions:
1. Notwithstanding that it is not a criminal offense for a person to operate or cause to be operated an adult entertainment establishment to be in violation of the nudity limitation set forth in Chapter 5.98 (Adult Business License Regulations) of Title 5 (Business License and Regulations) of the EMMC, it is unlawful and a misdemeanor to establish, substantially enlarge or operate an adult entertainment establishment within the City without first complying with the provisions of this Section.
  2. It is unlawful and a misdemeanor to operate or cause to be operated an adult entertainment establishment outside of the zoning districts specified in Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit adult entertainment establishments.
  3. It is unlawful and a misdemeanor to operate or cause to be operated an adult entertainment establishment in violation of the locational development standards set forth in Subsection (E) above.
  4. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of more than one (1) adult entertainment establishment within the same building, structure or portion thereof, or cause the increase of floor area of any adult entertainment establishment in any building, structure or portion thereof containing another adult entertainment establishment.
  5. It is unlawful and a misdemeanor to cause or permit the operation, establishment or maintenance of a sex supermarket/sex mini-mall as defined in Chapter 17.150 (Use Definitions) of this Title.

**I. Penalties:**

1. Violations/penalties. Any firm, corporation or person, whether as principal, agent, employee or otherwise, violating or causing the violation of any provision of this Section shall be guilty of a misdemeanor, and any conviction thereof shall be punishable by a fine of not more than \$1,000.00 and/or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Any violation of the provision of this Section shall constitute a separate offense for each and every day during which such violation is committed, permitted, caused or continued.
2. Administrative penalties. In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this Section may be subject to administrative penalties, as set forth by City Ordinance.

**J. Civil Injunction.** The violation of any provision of this Section shall be and is declared to be contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

**K. Public Nuisance.** In addition to the penalties set forth above, any adult entertainment establishment which is operating in violation of this Section or any provision thereof, or Chapter 5.98 (Adult Business License Regulations) of Title 5 (Business License and Regulations) of the EMMC, or any provision thereof, is declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation.

**17.112.030 – Alcohol Sales Uses.**

**A. Off-site Alcohol Sales:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit off-site alcohol sales, subject to the requirements of this Subsection.
2. Applicability. This Subsection shall apply to all uses that sells alcohol for off-site consumption.
3. Development standards:
  - a. Retail stores that sell alcohol and are less than 5,000 square feet of gross floor area:
    - i. If the proposed alcohol sales business will be within 500 feet of a public or private school (grades K-12), a notice shall be mailed to the school principal a minimum 30 days prior to the scheduled hearing. The principal shall be given a minimum 15 days to protest the request in writing. The protest should be taken into consideration by the Director of Community Development upon developing a recommendation and the Planning Commission upon rendering a decision.
  - b. All liquor stores, regardless of their gross floor area:
    - i. The proposed alcohol sales business shall be a minimum 500 feet from a public recreation facility, community center and public or private school (K-12); and

- ii. The proposed alcohol sales business shall be a minimum 500 feet from any existing liquor store.
- c. All other uses that sell alcohol for off-site consumption. This Subsection shall not apply.
- 4. Operating standards. The following shall apply:
  - a. Alcohol consumption on premises prohibited. Consumption of alcoholic beverages inside any retail alcohol sales business, outside the building, or elsewhere outside on the premises shall be prohibited.
  - b. Sales activities. Alcoholic beverages shall not be sold outside the exterior walls of the retail alcohol sales business or from drive-up or walk-up service windows.
  - c. Litter and graffiti. The owner/operator shall:
    - i. Maintain the exterior of the premises, including signs and accessory buildings, free of litter and graffiti at all times; and
    - ii. Provide for daily removal of trash from the premises and abutting sidewalks or alleys within 20 feet of the premises.
  - d. Security. The Planning Commission may require on-site security (for example security personnel, security programs, and/or surveillance devices), both inside and outside the building as a condition of approval through the Conditional Use Permit process.
  - e. Sales training:
    - i. Personnel. Owners, operators, and managers of businesses selling alcoholic beverages shall complete a Licensee Education on Alcohol and Drugs (LEAD) program sponsored by the Department of Alcoholic Beverage Control (ABC).
    - ii. Records. Records of each owner's and operator's successful completion of the LEAD training program shall be maintained on the premises and shall be presented to a representative of the City upon request
- 5. Signs. Signs shall comply with Chapter 17.80 (Signage Regulations). In addition, the following shall apply:
  - a. Window signs shall not obstruct the view of the interior of the premises (e.g., sales counter, cash register, employees, customers, etc.) from the exterior; and
  - b. Loitering, open container, and other signs specified by the Alcoholic Beverage Control (ABC) Act shall be posted as required by the ABC.
- 6. Additional Findings. In addition to the required findings outlined in Section 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following findings shall also be made:
  - a. The crime rate in the reporting service area is not significantly higher compared to other areas of the City. In addition, the numbers of alcohol-related calls for service,

crimes, or arrests in the reporting service area are not significantly higher compared to other areas of the City; and

- b. The proposed retail alcohol sales business will not significantly contribute to an undue proliferation of retail alcohol sales businesses in an area where additional retail alcohol sales businesses would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering and traffic problems.

**B. On-site Alcohol Sales:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit on-site alcohol sales, subject to the requirements of this Subsection.
2. Applicability. This Subsection shall apply to all uses that sells alcohol for on-site consumption.
3. Exemption. The requirement(s) of this Subsection shall not apply to proposed on-site alcohol sales businesses in the Gateway Specific Plan (SP-1) and Downtown Specific Plan (SP-4).
4. Additional Finding. In addition to the required findings outlined in Section 17.123.030 (Conditional and Minor Use Permit – Necessary Findings) of this Title, the following finding shall also be made:
  - a. The proposed alcohol sales business will not significantly contribute to an undue proliferation of alcohol sales businesses in an area where additional ones would be undesirable, with enhanced consideration given to the area's function and character, problems of crime and loitering and traffic problems.

**17.112.040 – Alternative Financial Establishments.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit alternative financial establishments, subject to the requirements of this Section.
- B. **Separation Requirement.** Any new alternative financial establishment business shall be a minimum 1,000 feet from an existing alternative financial establishment business.

**17.112.050 – Automated Teller Machines (ATMs).**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit ATM facilities, subject to the requirements of this Section.
- B. **Development and Operational Standards:**
  1. Visibility. ATM facilities within a building and walk-up ATM facilities shall be highly visible from the public right-of-way.
  2. Design. Walk-up ATM facilities that are stand-alone structures shall incorporate the on-site building's architectural design, materials and colors.

3. Privacy. ATM facilities on the exterior wall of a building and facing a walkway shall have a three (3) foot deep privacy area between the ATM and the walkway.
4. Lighting. Adequate lighting shall be provided to maintain visibility of the area for safety purposes.
5. Maintenance. A refuse container shall be accessible immediately adjacent to the ATM.
6. Future removal. When walk-up facilities are removed, the structure's façade shall have a finished appearance consistent with the existing structure.

**17.112.060 – Collection Containers.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit collection containers, subject to the requirements of this Section.
- B. **Applicability.** This Section shall apply to adult entertainment establishments, as defined in Chapter 17.150 (Use Definitions) of this Title.
- C. **Exemptions.** This Subsection shall not apply to the following:
  1. Collection containers that are located within an entirely enclosed and lawfully constructed and permitted building or otherwise cannot be seen from outside of the boundaries of the property on which the containers are located, provided that such collection containers satisfy the operational requirements set forth below.
  2. Refuse or recycling containers that comply with the provisions of this Title.
- D. **Development Standards:**
  1. Separation requirements. A property with a new collection container shall be a minimum 500 feet from another property with an existing collection container.
  2. Maximum number. A maximum of one (1) collection container shall be located on any property.
  3. Residential uses. Collection containers shall not be located on a property which has a residential use. In addition, the collection container area shall be set back a minimum 100 feet from any residentially zoned property.
  4. Vacant properties. Collection containers shall not be located on a vacant property.
  5. Location on property. No collection container shall be located within a required landscaping area, parking space and within 20 feet of a street property line.
  6. Minimum access requirements. Collection containers shall not be located to block or impede access to driveways, parking areas, pedestrian and disabled access routes, emergency access, building ingress and egress, refuse storage facilities.
  7. Physical attributes. All collection containers, shall:
    - a. Be fabricated of durable and waterproof materials;
    - b. Be placed on ground that is paved with durable cement;

- c. Have a tamper-resistant locking mechanism for all collection openings;
  - d. Not be electrically or hydraulically powered or otherwise mechanized; and
  - e. Not be considered a fixture of the site or an improvement to real property.
8. Height. A small collection container shall be no taller than seven (7) feet and a large collection container shall be no taller than 12 feet above the finished grade of the parcel on which it is located.
  9. Collection containers shall have the following information conspicuously displayed in at least two (2) inch type visible from the front of the collection container:
    - a. The name, address, 24-hour telephone number and email address of the operator of the collection container and the agent for the property owner;
    - b. The type of materials that may be deposited;
    - c. For small collection containers: a notice stating that no material shall be left outside the collection container. For large collection containers: a statement that no items may be left for collection unless an attendant is on duty; and
    - d. A sticker, certificate or other form of identification from the Planning Division with the permit number and date of City approval or inspection.

**E. Operational Standards:**

1. Maintenance. Collection containers shall be maintained and in good working order, and free from graffiti, removed or damaged signs and notifications, peeling paint, rust, and broken collection operating mechanisms.
2. Minimum service. Collection containers shall be serviced not less than weekly between 7:00 a.m. and 7:00 p.m. on weekdays and 10:00 a.m. and 6:00 p.m. on weekends. This servicing includes maintenance of the container, the removal of collected material and abatement of any graffiti, litter, or nuisance condition as defined in of this Code.
3. Solid waste and hazardous materials. Collection containers shall not be used for the collection of solid waste and/or any hazardous materials except as authorized by of this Code or other applicable law.
4. Reporting requirements. The operators of the collection containers shall report all tonnage collected within City limits on an annual basis by June 1 of the following year to the public works department (pursuant to the requirements of Integrated Waste Management Act, (AB 939, Chapter 1095, Statutes of 1989) and the Per Capita Disposal Measurement Act of 2008 (Chapter 343, Statutes of 2008 [Wiggins, SB 1016] and SB 1016, the Per Capita Disposal Measurement System) and any related successor laws or regulations in order to properly account for the City's waste diversion and recycling efforts.
5. Attendants. Large collection containers shall have an attendant present at the container at all times that items are being received.



6. Enforcement. Any conditions that are in violation of this Section must be remedied or abated within 48 hours of being reported to the operator or property owner.

**17.112.070 – Correctional Facilities.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit correctional facilities, subject to the requirements of this Section.
- B. **Development Standards:**
  1. Separation requirements from sensitive uses. Any correctional facility shall be set back from the following uses:
    - a. Minimum 500 feet from any community care use;
    - b. Minimum 1,000 feet from public or private K-12 schools, public or private preschools, child daycare centers and libraries;
    - c. Minimum 1,000 feet from public recreation facilities and community centers; and
    - d. Minimum one-half (½) mile from another correctional facility.
  2. Sleeping space. A correctional facility shall provide a minimum of 60 square feet of sleeping space per bed/resident, not including the square footage provided for Subsections (3) through (6) below.
  3. Multi-purpose space. A minimum ten (10) square feet of multi-purpose space per bed/resident shall be provided. Multi-purpose space shall be used for games and activities, visiting, television lounge, meetings and quiet space for study, counseling and reading. This space shall be designed so that several activities can occur simultaneously without conflict. In addition, the facility shall provide an exercise area of at least 500 square feet, not including required yards and required landscape areas.
  4. Storage space. A minimum eight (8) cubic feet of closet and drawer space per bed/resident shall be provided. The required closet and drawer space may consist of portable or permanent fixtures and shall be located in the sleeping space.
  5. Dining areas. A minimum 15 square feet of dining area per bed/resident shall be provided, not including kitchen areas.
  6. Restroom facilities. A minimum one (1) toilet and wash basin for every eight (8) beds/residents shall be provided. In addition, a minimum one (1) shower or bathtub for every 12 beds/residents shall be provided. The correctional facility shall provide individual privacy for all toilet, shower, and bath areas.
- C. **Employment and Training Requirements.** Correctional facility residents shall be regularly employed, regularly attending job training or regularly attending a learning institution.
- D. **Dispatch Calls.** A correctional facility may be liable for City Police Department costs related to dispatch calls, up to a maximum of \$500.00 per dispatch call. This shall apply if the Police Department determines that the dispatch call was the result of a crime or alleged crime that resulted in a police report or enforcement agency investigation.

**E. Electronic and Written Record Maintenance:**

1. List of residents. The correctional facility shall maintain a list of all facility residents, which shall detail the sentences and offenses precipitating each resident's stay at the facility. In addition, the facility shall maintain a list of residents returned to higher security federal, state or county prison or jail for violation of facility rules and/or parole. Either list shall be made available to the City within 15 calendar days of the City presenting a written request.
2. Electronic and written records. The correctional facility shall maintain electronic and written records, including but not limited to, Department of Motor Vehicle registration and licensing pertaining to all vehicles driven by residents of the facility. Either list shall be made available to the City within 15 calendar days of the City presenting a written request.
3. Surveillance system. The correctional facility shall install recorded camera surveillance systems as approved by the City. The installation of such recorded camera surveillance systems shall be a condition precedent to the City's issuance of a Certificate of Occupancy for the facility. Such systems shall be set up for a 45-day rotation period. All video recordings shall be kept onsite for at least five (5) years from the date of recordings. The recordings shall be made available to the City within 15 calendar days of the City presenting a written request.
4. Failure to timely make electronic and written records available to the City, as provided for in this Section, within the time period allowed shall result in the assessment of a \$500.00 penalty due to the City per day until the requested records are made available.

**F. Personnel Requirements:**

1. All correctional facility personnel shall be trained in accordance with Title 15, Sections 11-358 of the California Code of Regulations and maintained at levels mandated by the Federal Bureau of Prisons.
2. Correctional facilities shall provide at least two Cardiopulmonary Resuscitation (CPR) trained, uniformed custodial guards or monitors on duty at all times on facility premises. CPR training must be made in accordance with the most current American Heart Association CPR guidelines.

**G. Excludable Offences.** A correctional facility shall not accept persons that were convicted of any of the following offenses, as are defined in the California Penal Code, to be facility residents or personnel:

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- |                                              |                                                |
|----------------------------------------------|------------------------------------------------|
| ● Arson                                      | ● Holding of a hostage by a prisoner           |
| ● Assault with a deadly weapon               | ● Kidnapping                                   |
| ● Assault by a life prisoner on a non-inmate | ● Lewd act on a child                          |
| ● Assault with a deadly weapon by an inmate  | ● Mayhem                                       |
|                                              | ● Murder                                       |
|                                              | ● Personal infliction of a great bodily injury |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>● Assault with intent to rape or rob;</li> <li>● Exploding a destructive device with intent to injure, murder, cause mayhem or great bodily injury</li> <li>● Any felony punishable by death or life imprisonment</li> <li>● Forcible oral copulation</li> <li>● Forcible penetration by foreign object</li> <li>● Forcible sodomy</li> <li>● Grand theft using a firearm</li> </ul> | <ul style="list-style-type: none"> <li>● Personal use of a deadly weapon or a firearm</li> <li>● Rape</li> <li>● Robbery (including bank robbery)</li> <li>● Sale or possession for sale of a controlled substance</li> <li>● Selling and/or furnishing drugs to a minor</li> <li>● Vehicular manslaughter</li> <li>● Voluntary manslaughter</li> </ul> |
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- An attempt to commit any of the crimes listed above;
  - Any sex offense, either a misdemeanor or a felony, wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under Section 290 of the California Penal Code, and also offenses involving child pornography as described in Section 311 through 312.3 of the California Penal Code;
  - Any person convicted of a crime whom the sentencing judge deems unacceptable for community access; and
  - Any person sentenced for a federal crime that is similar in nature or type, to any of the crimes listed.
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H. **Repeat Residence Prohibition.** Correctional facilities shall not accept persons to be facility residents that have previously resided in any correctional facility within the City limits and were subsequently released, after service of his or her sentence, or returned to federal, state or county prison or jail for violation of correctional facility rules and/or parole.

#### **17.112.080 – Drive-thru Businesses.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit drive-thru businesses, subject to the requirements of this Section.
- B. **Applicability.** This Section applies to drive-thru food or beverage establishments and drive-thru service or retail uses (e.g. banks, pharmacies, etc.). The drive-thru may be ancillary to the main business or the primary form of the business. This Section shall not apply to vehicle related activities (e.g. vehicle washing facilities).
- C. **Development Standards:**
1. Drive-thru site orientation. In multiuse zoning districts, the drive-thru aisle shall be inwardly focused within the property and located away from adjoining streets. In all other zones, this is highly encouraged, when feasible.
  2. Pedestrian walkways. Such walkways should not intersect the drive-thru access aisle. When they are permitted, they shall be clearly visible and emphasized by enhanced paving or markings.

3. Parking. The provisions of drive-thru and drive-up service facilities shall not justify a reduction in the number of required off-street parking spaces.
4. Vehicle stacking requirements:
  - a. Food or beverage establishment. A minimum two (2) waiting vehicles before the order window and a minimum two (2) waiting vehicles before the pick-up window. A minimum of three (3) vehicles if there is only one (1) window.
  - b. Pharmacy. A minimum two (2) waiting vehicles before the pick-up window.
  - c. Financial institution. A minimum one (1) waiting vehicle before the Automated Teller Machine (ATM). If two (2) or more drive-thru ATMs are provided, waiting vehicle areas are not required.
  - d. All other uses. As required per the Conditional Use Permit or Minor Use Permit.
  - e. Queuing study. The vehicle stacking requirements listed in Subsections (a), (b), (c) and (d) above are the minimums required. The Community Development Director may require a queuing study prepared by a traffic engineer and approved by the City. The study should support the proposed vehicle stacking and may include conditions of approval for the Conditional Use Permit or Minor Use Permit to reduce wait times.
5. Drive-thru aisle. All aisles shall have a minimum width of 12 feet and a minimum interior radius of 15 feet at curves.
6. Landscaping. The area between the drive-thru aisle and adjacent sidewalks, roadways, driveways or parking areas shall be separated by curbing and landscaping. Such landscaping shall be a minimum three (3) feet high to screen headlights, and a maximum four (4) feet high to provide visibility.
7. Adjacent to residential properties. A minimum six (6) feet high solid decorative masonry wall shall be constructed on each property line that adjoins a residentially zoned property. A minimum five (5) feet deep landscape planter shall be provided between the wall and any parking or driveway.

**D. Operational Standards:**

1. Noise. All amplified equipment (e.g. menu board speakers) shall be located so as not to adversely impact adjoining uses. Outdoor piped music shall be prohibited.
2. Refuse. The applicant shall provide a litter pick-up schedule and a map of the clean-up area. Outdoor refuse bins shall be incorporated throughout the parking lot.

**E. Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for drive-thru businesses.

F. **Additional Findings.** In addition to the required findings outlined in Section 17.123.040 (Conditional and Minor Use Permits – Necessary Findings) of this Title, the following findings shall also be made:

1. The proposed parking and circulation plan will provide adequate area for safe queuing and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses; and
2. The proposed location of the drive-thru business will not result in adverse impacts on the surrounding area, after giving consideration to the site plan, litter clean-up plan and business operations plan.

**17.112.090 – Emergency Shelters.**

A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit emergency shelters, subject to the requirements of this Section.

B. **Development Standards:**

1. Separation requirements:
  - a. The shelter shall be a minimum 300 feet from any existing emergency shelter or low barrier navigation center.
  - b. The shelter shall be a minimum 300 feet from any public recreation facility, public or private K-12 school, public or private preschool and child daycare center.
2. Waiting areas. The shelter shall include an interior waiting area near the main entrance. It shall have an area of five (5) square feet per bed, with a minimum area of 100 square feet.
3. Amenities. The shelter may include amenities for clients. This may include, but is not limited to, private toilet and/or shower facilities, bicycle parking, indoor and/or outdoor recreation area, laundry facilities, kitchen/dining facilities, counseling centers and job placement centers.

C. **Operational Standards:**

1. Client information. The center shall include a system for entering information regarding client stays, client demographics, client income and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
2. Alcohol and illegal drugs. The shelter shall prohibit the on-site use of alcohol and illegal drugs. Management shall expel clients from the facility if found to be using alcohol or illegal drugs.
3. Management plan. The application for a shelter shall be accompanied by a management plan, which should incorporate the following: hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, admittance and discharge procedures, provisions for

on-site or off-site supportive services, on-site and off-site security procedures and protocols for communications with local law enforcement agencies and surrounding property owners.

**17.112.100 – Hotels or Motels.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit hotels or motels, subject to the requirements of this Section.
- B. **Applicability.** This Section shall apply to hotels or motels, as defined in Chapter 17.150 (Use Definitions) of this Title.
- C. **Maximum Floor Area Ratio (FAR).** Hotels and motels with 100 or more rooms may request an FAR bonus of up to ten (10) percent, provided the additional square footage is evaluated for any potential environmental impacts (and mitigated to less than significant levels).
- D. **Development Standards:**
  - 1. Lot size. The minimum lot size shall be 30,000 square feet and the minimum lot width shall be 150 feet. This standard shall not apply for projects within the Downtown Specific Plan (SP-4).
  - 2. Lobby. The minimum interior lobby size shall be 400 square feet, exclusive of any office area.
  - 3. Guest amenities. One (1) or more amenity area(s) shall be provided for each hotel or motel facility. This shall be a minimum of 25 square feet of amenity space per guestroom, or 2,500 square feet, whichever is less. A minimum 50 percent shall be outdoors and a minimum 25 percent shall be indoors. Examples include patios, playground equipment, swimming pools, tennis courts, exercise rooms and saunas.
  - 4. Minimum stay. Hotel and motel guest rooms shall not be provided on less than a daily basis.
  - 5. Manager unit. An on-site manager's dwelling unit shall be provided for each hotel or motel facility having fewer than 75 rooms. Such dwelling shall contain a minimum of one (1) bedroom and a maximum of two (2) bedrooms.
- E. **Ancillary Uses:** Ancillary uses are permitted as follows:
  - 1. Hotel guests only. Hotel facilities/ancillary uses limited for hotel guest use only may include the guest amenities listed in Subsection (C) above, continental breakfast areas, business concierge service areas and meeting rooms.
  - 2. Hotel and other guests. Hotel facilities/ancillary uses open to the public may include the restaurants, lounge/bar areas, gift shops, conference rooms and banquet facilities.
- F. **Signage Regulations:**
  - 1. A Master Sign Program shall be required.

2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for hotels and motels.

**17.112.110 – Low Barrier Navigation Centers.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit low barrier navigation centers, subject to the requirements of this Section.
- B. **Development Standards:**
  1. Separation requirements:
    - a. The center shall be a minimum 300 feet from any existing low barrier navigation center or emergency shelter.
    - b. The center shall be a minimum 300 feet from any public recreation facility, public or private K-12 school, public or private preschool and child daycare center.
  2. Waiting areas. The center shall include an interior waiting area near the main entrance. It shall have an area of five (5) square feet per bed, with a minimum area of 100 square feet.
  3. Low Barrier Best Practices. The center shall incorporate best practices to reduce barriers for clients. This may include, but is not limited to, the presence of partners (if it is not a population-specific site, such as for survivors of domestic violence), accommodate persons with a disability, presence of pets, storage areas for personal possessions and privacy screening around beds that are in a dormitory setting.
  4. Amenities. The center may include amenities for clients. This may include, but is not limited to, private toilet and/or shower facilities, bicycle parking, indoor and/or outdoor recreation area, laundry facilities, kitchen/dining facilities, counseling centers and job placement centers.
- C. **Operational Standards:**
  1. Coordinated entry system. The center shall include a coordinated entry system, so that staff may conduct assessments and provide services to connect people to permanent housing. A coordinated entry system means a centralized assessment system developed pursuant to the applicable provisions of Section 65662 of the Code of Federal Regulations, and any related requirements, designed to coordinate program participant intake, assessment and referrals.
  2. Client information. The center shall include a system for entering information regarding client stays, client demographics, client income and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
  3. Housing first components. The center shall comply with Section 8255 of Chapter 6.5 of Division 8 of the California Welfare and Institutions Code.

4. Management plan. The application for a center shall be accompanied by a management plan, which should incorporate the following: hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, house rules regarding use of alcohol and drugs, on-site and off-site security procedures and protocols for communications with local law enforcement agencies and surrounding property owners.
- D. **Repeal.** This Section shall remain in effect only until January 1, 2021, and as of that date is repealed.

**17.112.120 – Multiple-tenant Centers.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit multiple-tenant centers, subject to the requirements of this Section.
- B. **Development Standards:**
1. Lot size. The minimum lot size shall be 20,000 square feet and the minimum lot width shall be 150 feet. This requirement shall not apply to properties in the Downtown Specific Plan (SP-4) or to vertical mixed-use projects.
  2. Tenant sizes. One (1) anchor tenant shall occupy a minimum 20 percent of the total building square footage or 3,500 square feet, whichever is less. This requirement shall not apply to properties in the Gateway Specific Plan (SP-1) and SP-4 and to vertical mixed-use projects.
  3. Tenant entrances. Each tenant shall have a separate entrance from the outside of a building or through a shared lobby, corridor or atrium.
  4. Compatibility of uses. Uses within the center should be inherently compatible with similar use classifications (i.e. they are capable of existing in a harmonious manner without disrupting each other). For example, most retail and office tenants would be considered compatible. However, most retail or medical offices would be considered incompatible with most manufacturing tenants, unless the retail tenant sold merchandise that was related to the manufacturing use (e.g. the retail sales of flooring and a carpet manufacturer).
  5. Signage regulations. A Master Sign Program shall be required. Refer to Chapter 17.80 (Signage Regulations) of this Title for additional regulations.

**17.112.130 – Outdoor Seating/Dining Areas.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit outdoor seating/dining. Outdoor seating/dining may occur as ancillary to any existing or proposed food or beverage establishment use or as a primary use.



**B. Development Standards:**

1. Setbacks. Outdoor seating/dining areas shall be set back a minimum 20 feet from any residentially zoning district.
2. Design. The design and appearance of the outdoor seating/dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure.
3. Furniture. Furniture shall include durable tables, chairs and refuse bins that match each other. Perimeter fencing on private property is encouraged. Suitable materials include picket, wood lattice and decorative metal fencing. For outdoor seating/dining areas visible from the public right-of-way, perimeter fencing shall not exceed a height of 42 inches. In all other areas, perimeter fencing shall not exceed a height of six (6) feet. The use of folding banquet tables, metal folding chairs and/or chain link fencing shall not be permitted.
4. Seasonal needs. Umbrellas and sail shade structures are encouraged. Pop-up canopies and party tents may only be used in outdoor seating/dining areas not visible from the public right-of-way. The use of water misters and heat lamps are permitted.
5. Landscaping and lighting. The use of landscaping is encouraged. This can be incorporated with the perimeter fencing (e.g. hanging flower boxes), potted plants and shrubs and/or table centerpieces. Accent lighting is also encouraged (e.g. white hanging lights). However, bright spotlights, spinning or flashing lights shall not be permitted.
6. Public Property. Outdoor seating/dining on public property shall require approval of an Encroachment Permit by the Public Works Director.

**C. Operational Standards:**

1. Hours of operation. Hours of operation for outdoor seating/dining areas shall coincide with those of the associated food or beverage establishment.
2. Outdoor bar prohibited. A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside seating/dining area.
3. Noise. Amplified sound (e.g., music, television, etc.) shall not be audible beyond the property line.
4. Maintenance. The operator shall maintain the outdoor seating/dining area(s) in a neat, clean, and orderly condition at all times. This shall include all tables, benches, chairs, displays, umbrellas and other related furniture. An adequate number of refuse bins shall be provided to serve the outdoor seating/dining area.

**17.112.140 – Pawnbrokers or Pawnshops.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit pawnbrokers or pawnshops, subject to the requirements of this Section.

- B. **Separation Requirement.** Any new pawnshop shall be a minimum 1,000 feet from an existing pawnshop.

**17.112.150 – Personal Service Uses.**

**A. Personal Service, General and Restricted:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit personal service general and restricted, subject to the requirements of this Subsection.
2. Applicability. This Subsection shall not apply to dry cleaning services, locksmiths, modeling agencies.
3. Development and operational standards:
  - a. Interior space. There shall be no partitions in excess of four (4) feet in height in the interior of the premises, except for appropriate interior walls or partitions for restrooms, storage/staff rooms and offices not exceed a combined 25 percent of the gross floor area. However, an applicant may request movable partitions up to six (6) feet in height for up to two (2) customer areas through the Minor Use Permit process.
  - b. Visibility. The front of the premises shall not be covered with blinds, curtains, window coverings or temporary window signs that block visibility into and through the facility.

**B. Personal Service, Massage:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit personal service massage, subject to the requirements of this Subsection.
2. Separation requirement. Any new massage business shall be a minimum 1,000 feet from an existing massage business.
3. Other EMMC requirements. Refer to Chapter 5.56 (Massage Establishments and Massage Practitioners/Therapists) of Title 5 (Business License and Regulations) of the EMMC for additional requirements.

**17.112.160 – Recycling Facilities.**

**A. Mobile Facilities:**

1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit mobile recycling facilities, subject to the requirements of this Subsection.
2. Accessory use. The facility shall be an accessory use to an existing or proposed primary use. The primary use may be a retail, office, service, industrial or transportation use.
3. Quantity. Shall be limited to one (1) facility per primary use.
4. Setbacks. The minimum setback from a residential zoning district shall be 50 feet.

5. Hours. The operating hours shall not extend past that of the primary use.
  6. Parking. The facility shall have an area clearly marked to prohibit other vehicle parking during the hours when the mobile unit is scheduled to be present.
  7. Operations and maintenance:
    - a. All recyclable materials shall be stored in the mobile unit; no materials shall be left outside the mobile unit.
    - b. The mobile unit shall leave the property at the end of each day.
    - c. The facility shall be maintained in a dust-free and litter-free condition and the site shall be swept on a daily basis.
- B. Self-service Facilities.** Facilities located outdoors shall comply with the following:
1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit self-service facilities, subject to the requirements of this Subsection.
  2. Accessory use. The facility shall be an accessory use to an existing or proposed primary use. The primary use may be a retail, office, service, industrial or transportation use.
  3. Quantity. There shall be a maximum of one (1) facility per primary use.
  4. Area, height and setbacks:
    - a. The maximum area shall not exceed 100 square feet;
    - b. The maximum height shall not exceed eight (8) feet;
    - c. The minimum setback shall be 15 feet from any street property line;
    - d. The machine shall not block pedestrian or vehicular access.
  5. Hours. The operating hours shall not extend past that of the primary use.
  6. Parking. The container shall not occupy any required parking spaces.
  7. Operations and maintenance:
    - a. The container shall be clearly marked to identify the type of material to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the container is inoperative;
    - b. The facility shall be maintained in a litter-free condition on a daily basis; and
    - c. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- C. Small Collection Facilities:**
1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit small collection facilities, subject to the requirements of this Subsection.

2. Recyclable materials:

- a. Shall accept only glass, metal, plastic containers, papers and cardboard;
- b. Shall use containers that are clearly marked to identify the type of recyclables to be deposited. The name and telephone number of the owner or manager of the facility shall be conspicuously posted; and
- c. Use the facility for the deposit of solid waste is not permitted.

3. Area, height and setbacks:

- a. The maximum area of the facility shall not exceed 500 square feet;
- b. The maximum height of the facility shall not exceed 12 feet;
- c. The minimum setback shall be 20 feet from any street property line;
- d. The minimum setback from a residential zoning district shall be 100 feet; and
- e. The facility shall not block pedestrian or vehicular access.

4. Hours. The operating hours shall be limited to the hours of 7:00 a.m. to 8:00 p.m. daily.

5. Parking. The use of existing required parking to accommodate the small collection facility shall be allowed if the following conditions exist:

- a. The facility is located in a Convenience Zone, as designated by the California Department of Conservation;
- b. The facility is certified by the California Department of Conservation; and
- c. If the facility meets the requirements outlined in Subsections (a) and (b) above, a parking reduction may be granted as follows:

| Provided Parking: | Parking Space Reduction: |
|-------------------|--------------------------|
| 0 to 25           | 1                        |
| 26 to 35          | 2                        |
| 36 to 49          | 3                        |
| 50 to 99          | 4                        |
| 100 or greater    | 5                        |

6. Design:

- a. The facility shall be constructed and maintained with durable waterproof and rustproof material;
- b. Roofing material shall be decorative metal seam or similar material; and
- c. Exterior siding shall be a smooth painted finish and weatherproof.

7. Noise:

- a. The facility shall not use power-driven sorting and consolidating equipment such as crushers or balers, nor shall it use power-driven processing equipment except for reverse vending machines.
- b. Noise levels shall not exceed 50 dBA as measured at the property line of the nearest residentially zoned property, or 65 dBA at the property line for of all other zoned properties.

8. Operations and maintenance:

- a. The containers shall be clearly marked to identify the type of recyclables to be deposited, operating instructions and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
  - b. The containers shall be covered when the facility is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
  - c. All recyclable materials shall be stored in containers; no materials shall be placed in open areas; any mobile recycling units must be removed from the site when not operating;
  - d. A sign shall be displayed at the exterior of the facility stating that materials shall not be left outside during non-business hours.
  - e. The facility shall be maintained in a dust-free and litter-free condition and the operator or responsible person shall sweep the site on a daily basis.
  - f. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
9. Expiration. If the facility permit expires without a renewal, the facility shall be immediately removed from the site by the operator or responsible person no later than 7:00 pm on the next day following the expiration. If the recycling materials are not claimed within 30 calendar days, the materials shall be considered unclaimed property and may be in possession of the City.

**D. Large Collection Facilities:**

- 1. Permitted zoning districts. Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit large collection facilities, subject to the requirements of this Section.
- 2. Hours.
  - a. General. The operating hours shall be limited to the hours of 7:00 a.m. to 8:00 p.m. daily.
  - b. Adjacent to residentially zoned properties. The operating hours shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.

- c. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a condition of approval through the Conditional Use Permit process.
- 3. Noise. Power-driven processing, including aluminum foil and can compacting, baling, plastic bag shredding or other light processing activities necessary for efficient temporary storage and shipment of materials, shall not be used unless permitted as a condition of approval through the Conditional Use Permit process.
- 4. Operations and maintenance:
  - a. All exterior storage of materials shall be in sturdy containers or enclosures which are covered, secured and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material; and
  - b. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the wall surrounding the facility.
  - c. A sign shall be displayed at all entrances stating that materials shall not be left outside during non-business hours.
  - d. The facility shall be maintained in a dust-free, odor-free and litter-free condition and the operator or responsible person shall sweep the site on a daily basis.
  - e. The facility shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- E. **Signage Regulations.** Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for recycling facilities.
- F. **Expiration or Revocation of Permits.** If the facility permit has expired or been revoked, and the appeal period has lapsed or been exhausted for a revocation, and the applicant has not immediately removed the recycling facility from the property, the following may apply:
  - 1. The Community Development Director may give the applicant an “intent to remove” notice, stating, unless the recycling facility is removed within five (5) business days, it will be impounded.
  - 2. If the recycling facility is impounded, the recycling materials may be stored in any convenient place. The Community Development Director shall give the applicant a “notice of removal” notice. The notice shall include the location of the stored materials, procedures to collect the materials and costs due to the City. In addition, it shall include information as to what shall occur if the materials are not claimed.
  - 3. If the recycling materials are not claimed within 45 calendar days, the materials shall be considered unclaimed property in possession of the City and may be disposed of.

**17.112.170 – Secondhand Vendors.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit secondhand vendors. If a donation center for the drop-off of goods is also proposed, it shall be subject to the requirements of this Section.

**B. Operational Standards:**

1. The drop-off area shall be within a designated area within the building. It shall not occupy more than 25 percent of the gross floor area of the business.
2. Donations shall only be accepted during business hours.
3. The donation center shall be staffed by employees of the secondhand vendor.
4. Signage shall be placed strictly prohibiting the placement of goods outside the building during nonbusiness hours.
5. Parking spaces adjacent to the donation center entrance may be reserved for the drop-off of goods.
6. Signage shall be placed strictly prohibiting the placement of donated goods outside the building during nonbusiness hours.
7. The donation of larger household items such as appliances (e.g. refrigerators and stoves) and furniture (e.g. couches and dining room sets) shall require the approval of a Minor Use Permit.

**17.112.180 – Significant Tobacco Retailers.**

- A. **Permitted Zoning Districts and Required Approvals.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit significant tobacco retailers, subject to the requirements of this Section.

**B. Separation Requirements:**

1. Separation requirements from sensitive uses. Any new significant tobacco retailer shall be a minimum 250 feet from public recreation facilities, public or private K-12 schools, public or private preschools, child daycare centers, community centers and libraries.
2. Separation requirements from another significant tobacco retailer. Any new significant tobacco retailer shall be a minimum 500 feet from any existing significant tobacco retailer.

**C. Operational Standards:**

1. The significant tobacco retailer shall comply with all applicable federal, state and local laws regarding the advertising, display or sales of tobacco products.
2. Only store employees shall have immediate access to tobacco products.
3. No person under the age of 18 may exchange, sample, buy or sell tobacco products.
4. Smoking rooms and lounges shall be prohibited.

**17.112.190 – Vehicle Sales and Leases.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle sales and lease, subject to the requirements of this Section.

B. **Applicability.** Vehicle sales and lease limited shall not be subject to the requirements of this Section.

C. **Development and Operational Standards:**

1. Lot size. The minimum lot size shall be 25,000 square feet.
2. Lot width. The minimum street frontage shall be 150 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
3. Landscaping. A landscape planter shall be placed along all street frontages with a minimum width of ten (10) feet.
4. Walls and fences. No wall or fence shall exceed a height of four (4) feet within 40 feet of any street property line. In addition, the wall or fence shall be decorative and a minimum 50 percent open.
5. Ancillary uses. Any other use on the site shall be ancillary to the vehicle sales and lease use. Ancillary uses shall not occupy more than 30 percent of the total lot area. Examples of ancillary uses include the following:
  - a. Vehicle repair. Refer to Section 17.112.200 of this Chapter for development and operational standards.
  - b. Vehicle washing. Refer to Section 17.112.220 of this Chapter for development and operational standards.
  - c. Other uses. Examples include parts and accessory sales, vehicle rental and food and beverage establishments (primarily for customers).
6. Customer and employee parking. Customer and employee parking areas shall be easily accessible and located separately from vehicle display areas. Ground markings and signs shall clearly indicate the location of customer and employee parking.

D. **Signage Regulations:**

1. A Master Sign Program shall be required.
2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle sales and lease uses.

**17.112.200 – Vehicle Repair Facilities.**

A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle repair minor and major, subject to the requirements of this Section.

B. **Applicability.** All new automobile minor and major repair facilities, whether it is the primary use or an ancillary use, are subject to the requirements of this Section.

C. **Development and Operational Standards:**

1. Lot size. The minimum lot size shall be 15,000 square feet.



2. Lot width. The minimum street frontage shall be 80 linear feet. For corner lots, the minimum street frontage shall be 80 linear feet on each street.
3. Building orientation. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. Bay doors shall be screened from the public right-of-way to the greatest extent feasible.
4. Work areas. All work on vehicles shall be conducted within an enclosed building.
5. Vehicle storage. Vehicles awaiting service or pick-up shall be stored within an enclosed building or in a designated on-site parking area. Unattended vehicles shall not be parked or stored in required customer parking spaces, within the public right-of-way or off-site on a separate property.
6. Equipment, products and vehicle parts storage. Exterior storage, including tires, shall be fully screened from all property lines by building walls and/or screen walls.
7. Spray/paint booths. If spray or paint booths are permitted, they shall be fully screened and set back a minimum 50 feet from any residential zoning district.
8. Hours of operation:
  - a. General. The hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. daily.
  - b. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 7:00 a.m. and 7:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
  - c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
  - d. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a condition of approval through the Conditional Use Permit process.

#### **17.112.210 – Vehicle Service Stations.**

- A. **Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle service stations, subject to the requirements of this Section.
- B. **Applicability.** All new vehicle service stations, whether it is the primary use or an ancillary use, are subject to the requirements of this Section.
- C. **Development Standards:**
  1. Lot size. The minimum lot size shall be 20,000 square feet.
  2. Lot width. The minimum street frontage shall be 100 linear feet. For corner lots, the minimum street frontage shall be 100 linear feet on each street.
  3. Setbacks:

- a. Buildings. A minimum setback of 25 feet shall be maintained from any street property line.
- b. Canopies. A minimum setback of ten (10) feet shall be maintained from any property lines.
- c. Pump islands. A minimum setback of 20 feet shall be maintained from any property line.
- 4. Landscaping. A minimum 200 square foot landscape planter shall be installed and maintained at the intersection of the property lines at a street corner.
- 5. Driveways:
  - a. Number. A maximum of two (2) driveways may be installed along each street frontage.
  - b. Separation. A minimum separation of 25 feet shall be maintained between two driveways along the same street frontage.
  - c. Setbacks. A minimum setback of ten (10) feet shall be maintained from any interior property line. A minimum setback of 20 feet shall be maintained from any street corner.
  - d. Width. Driveways shall have a minimum width of 30 feet and a maximum width of 35 feet.

**D. Operational Standards:**

- 1. Air and water. The service station shall provide air and water self-service for vehicles at no charge.
- 2. Security. The Planning Commission may require on-site security (for example security personnel, security programs, and/or surveillance devices), both inside and outside of buildings as a condition of approval through the Conditional Use Permit process.
- 3. Hours of operation:
  - a. General. The hours of operation shall be limited to between 6:00 a.m. and 10:00 p.m. daily.
  - b. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 7:00 a.m. and 8:00 p.m. on Monday through Saturday and 8:00 a.m. and 7:00 p.m. on Sunday.
  - c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
  - d. Exemption. The limitations outlined in Subsections (a), (b) and (c) above shall not apply to service stations that are located within 300 feet of a freeway on-ramp or off-ramp.

- e. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a conditional of approval through the Conditional Use Permit process.

**E. Signage Regulations:**

- 1. A Master Sign Program shall be required.
- 2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle service stations.

**17.112.220 – Vehicle Washing Facilities.**

- A. Permitted Zoning Districts.** Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for the zoning districts that may permit vehicle washing facilities, subject to the requirements of this Section.

**B. All Washing Facilities:**

- 1. Site plan and circulation:
  - a. Overall circulation. All vehicular circulation shall be entirely on site.
  - b. Building placement. Buildings shall be oriented on the site to minimize visibility of the washing tunnel's entrance and exit from the public right-of-way. Washing tunnel exits should not face directly toward a residential zone.
  - c. Driveways and drive-thru aisles. All driveway approaches shall be set back a minimum 25 feet from street corners and adjacent property lines. All aisles shall have a minimum width of 12 feet and a minimum interior radius of 15 feet at curves.
  - d. Walkways. Pedestrian walkways should not intersect with the drive-thru access aisle. When necessary, walkways shall be clearly visible and emphasized by enhanced parking or markings.
- 2. Noise:
  - a. Drive-thru aisles. The washing tunnel's entrances and exits shall be reduced to the greatest extent feasible to minimize noise exiting from the tunnel areas.
  - b. Noise reduction measures. A minimum 50 percent of the wall and ceiling area adjacent to the dryers shall be treated with sound absorbing materials with a minimum noise reduction coefficient (NRC) of 1.0.
  - c. Vacuum systems. A central vacuum system shall be utilized so that multiple vacuum stalls are supported by a single vacuum motor. The motor shall be located within an indoor equipment room or other fully enclosed and roofed building with any required venting directed away from adjacent properties.
- 3. Hours of operation:
  - a. General. The hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m. daily.

- b. Adjacent to residentially zoned properties. The hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m. on Monday through Saturday and 9:00 a.m. to 6:00 p.m. on Sunday.
  - c. As an ancillary use. In addition to the limitations outlined in Subsections (a) and (b) above, the operating hours shall not extend past that of the primary use.
  - d. Additional restrictions. The Planning Commission may further restrict the hours of operation to address noise impacts on adjacent properties as a condition of approval through the Conditional Use Permit process.
4. Landscaping and screening:
- a. Equipment screening. Ground mounted equipment, including vacuum systems, visible from the public right-of-way shall be screened from view with landscaping and/or a combination of landscaping, decorative fencing and low-height walls to the greatest extent feasible.
  - b. Drive-thru aisles. The area between drive-thru aisles and adjacent sidewalks, roadways, driveways or parking areas shall be separated by curbing and landscaping. Such landscaping shall be a minimum three (3) feet high to screen headlights, and a maximum four (4) feet to provide visibility.
5. Security. The washing tunnel's entrances and exits shall be closed and secured during nonoperation hours to prevent unauthorized access.

**C. Self-service and Automated Facilities:**

- 1. Primary or secondary uses. Self-service or automated facilities may be the primary use on a property and may also be permitted as an ancillary use to a vehicle service station.
- 2. Vehicle stacking requirements. A minimum three (3) waiting vehicles before the first stopping point and two (2) vehicles before the second stopping point is required. If only one (1) stopping point is provided, it shall have vehicle stacking for four (4) vehicles. Stacking areas shall be separated from the site's ingress and egress and access to parking spaces.
- 3. Noise. Vacuums shall be equipped with automatic shut-off timers to prevent use when the facility is closed. Vacuums and dryers shall be located a minimum 25 feet from any residentially zoned property.

**D. Full-service Facilities:**

- 1. Vehicle stacking requirements. A minimum four (4) waiting vehicles before the first stopping point and three (3) vehicles before the second stopping point is required. If only one (1) stopping point is provided, it shall have vehicle stacking for five (5) vehicles. Stacking areas shall be separated from the site's ingress and egress and access to parking spaces.

2. Customer waiting areas. A customer waiting area shall be provided that incorporates benches, landscaping and amenities, including but not limited to fountains, sculptures, information kiosks and enhanced paving.
  3. Drying areas. There shall be a sufficient drying area at the end of the washing tunnel to accommodate eight (8) vehicles. The drying area shall be separated from the site's ingress and egress and access to parking spaces.
- E. **Queuing Study.** The vehicle stacking requirements listed in Subsections (C)(2) and (D)(1) above are the minimums required. The Community Development Director may require a queuing study prepared by a traffic engineer and approved by the City. The study should support the proposed vehicle stacking and may include conditions of approval for the Conditional Use Permit or Minor Use Permit to reduce wait times.
- F. **Signage Regulations:**
1. A Master Sign Program shall be required.
  2. Refer to Section 17.80.100 (Signage Regulations – Signs for Specific Uses) of this Title for permitted signs for vehicle washing facilities.

## **DIVISION 12 – APPLICATIONS AND PERMITS**

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### **CHAPTER 17.120 – ZONING CLEARANCES & BUSINESS PERMITS**

#### **Sections.**

- 17.120.010 – Purpose.
- 17.120.020 – Applicability.
- 17.120.030 – Exempt Projects.
- 17.120.040 – General Procedures.
- 17.120.050 – Guidelines.
- 17.120.060 – Time Periods.
- 17.120.070 – Appeals.

#### **17.120.010 – Purpose.**

Zoning Clearances are ministerial acts that ensures developments are consistent with the City's General Plan and this Title. Zoning Clearances are intended to implement architectural standards, site planning, circulation, landscaping and other zoning and planning policies. Director Level Zoning Clearances are intended to ensure adjacent properties are not negatively impacted by any secondary effects of the proposed activity. Business Occupancy Permits are also ministerial acts that ensure new uses and changes to existing uses comply with this Title.

#### **17.120.020 – Applicability.**

- A. **Staff Level Zoning Clearances.** Approval of a Staff Level Zoning Clearance shall be received prior to obtaining any other planning or building permit or prior to commencing work. Specifically, a Zoning Clearance shall be required for any of the following:
  - 1. Automated Teller Machine (ATM);
  - 2. Building murals;
  - 3. Buildings and structures, limited to the following:
    - a. One (1) or more new detached Accessory Dwelling Unit (ADUs), greater than 800 square feet each;
    - b. One (1) new dwelling unit, including urban dwelling units; and
    - c. Reconstruction or restoration of a building or structure that is damaged greater than 50 percent of its replacement value.
  - 4. Fences and walls greater than two (2) feet in height;
  - 5. Occupancy of an existing tenant space in a nonconforming multi-tenant commercial or industrial center. This shall only be required when the vacancy of the center is less than

50 percent of the total gross floor area and if the vacancy has been in place for more than one (1) year<sup>1</sup>;

6. Outdoor seating/dining areas greater than 120 square feet in area;
  7. Self-service (i.e. reverse vending machines) recycling facilities, subject to Section 17.112.150 (Standards for Nonresidential Uses – Recycling Facilities) of this Title; and
  8. Vending machines.
  9. The requirements of this Subsection may be waived for projects that require another application or permit of this Division (e.g. Minor Variance, Minor Design Review, etc.).
- B. **Director Level Zoning Clearances.** Approval of a Director Level Zoning Clearance shall be required for any of the following:
1. Affordable housing concessions, incentive or waivers;
  2. Affordable housing density bonus;
  3. Development Opportunity Reserve (DOR) within the Downtown Specific Plan;
  4. Parking:
    - a. Downtown parking credits;
    - b. Shared parking; and
    - c. Other parking reductions and adjustments listed in Table 17.70-9 (Other Reductions and Adjustments) that require a Director Level Zoning Clearance.
  5. Permeable paving or turf grids for low traffic or infrequent use areas for multiple-family uses;
  6. Uses listed in Chapter 17.A (Matrix of Permitted Uses) of this Title that require the approval of a Director Level Zoning Clearance; and
  7. Other projects with improvements as conditioned by the Community Development Director.
- C. **Business Occupancy Permits.** Approval of a Business Occupancy Permit shall be required for all new home occupation permits, new nonresidential uses, changes to existing nonresidential uses, business name changes and business ownership changes. It may also be required for certain temporary uses.

#### **17.120.030 – Exempt Projects.**

- A. **Zoning Clearances.** The following projects shall be exempt from a Zoning Clearance:
1. Buildings and structures that received application or permit approvals as outlined in any of the following Chapters: 17.122 (Design and Minor Design Review), 17.123 (Conditional and Minor Use Permits), 17.125 (Variance and Minor Variance), 17.126 (Modification for

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<sup>1</sup> If the vacancy is greater than 50 percent, the new use shall comply with the zoning district; if the vacancy has for less than one (1), the use does not need a Zoning Clearance.

an Individual with a Disability) and/or 17.127 (Planned Residential Development) of this Title;

2. Repainting of buildings or structures provided the color is not fluorescent, luminescent or bright and provided the building colors were not specified under a previously approved land use entitlement;
  3. Landscaping improvements or restorations less than 500 square feet in area; and
  4. Concrete flatwork that does not cover more than 40 percent of the front or street side yard of any residentially zoned or used property.
- B. **Business Occupancy Permits.** Residential uses and business license renewals shall not require a Business Occupancy permit.

**17.120.040 – General Procedures.**

The rules and procedures for applications, records and investigations applicable to Zoning Clearance shall be as follows:

- A. **Application.** Applications for a Zoning Clearance and Business Occupancy Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.
- C. **Decisions.** The Planning Division or Director of Community Development shall issue a Decision Letter for a Staff Level Zoning Clearance and Director Level Zoning Clearance, respectively, within 30 days of deeming the application complete. The Planning Division shall issue or reject a Business Occupancy Permit within ten (10) days of receiving all requested information.

**17.120.050 – Guidelines.**

- A. **Zoning Clearances.** The Planning Division or Community Development Director shall review the applicable guidelines outlined below, to determine if the request is appropriate:
  1. The proposed improvements will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the area;
  2. The orientation and location of the buildings or structures are appropriate for the property;
  3. The vehicular and pedestrian circulation on the property allow for the safe movement of people regardless of their mode of travel;
  4. The functionality of the floor plans is superior; and



5. The scale, character and quality of the improvements are consistent with purpose, goals and policies of the City's General Plan, Zoning Code, any applicable Specific Plan and its Comprehensive Design Guidelines.
- B. **Business Occupancy Permits.** The Planning Division shall review the applicable guidelines outlined below, to determine if the request is appropriate:
1. The proposed use or changes to the existing use are clearly defined and permitted in the applicable zoning district;
  2. The proposed use or changes to the existing use will comply with all applicable provisions of this Title; and
  2. Conditions of approval have been added to minimize any potential impacts.

**17.120.060 – Time Periods.**

- A. The Zoning Clearances and Business Occupancy Permits shall be valid for 12 months after the date of approval by Planning Division.
- B. If the applicant has proceeded in good faith toward the implementation of the permit granted as determined by the Community Development Director, then the applicant may request a 12-month extension of the Zoning Clearance or Business Occupancy Permit. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.

**17.120.070 – Appeals.**

Planning Division and Community Development Director decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.121 – INITIAL PLAN REVIEWS**

### **Sections.**

- 17.121.010 – Purpose.
- 17.121.020 – Applicability.
- 17.121.030 – General Procedures.
- 17.121.040 – Time Periods.

### **17.121.010 Purpose.**

Projects should use sound design principles to establish buildings of high quality design consistent with the City's General Plan and Comprehensive Design Guidelines. In order to achieve this, the Initial Plan Review process has been established. Through this process, the applicant submits a preliminary site plan, elevations and other items for review by the Planning Division, other City Divisions and outside agencies for comments relevant to the proposed project. These comments should then be incorporated as part of the formal application submittal.

### **17.121.020 – Applicability.**

- A. The Planning Division shall review and provide comments on the site configuration, architectural design, signage and landscaping for the following:
  - 1. New nonresidential buildings greater than 5,000 square feet in gross floor area;
  - 2. New drive-thru facilities;
  - 3. New vehicle car wash facilities, vehicle sales (new and/or used vehicles), vehicle service and repair facilities and vehicle service stations;
  - 4. New mixed-use projects with multiple-family residential units;
  - 5. Housing development projects with two new (2) units on a property, including developments with two (2) new urban dwelling units; and
  - 6. Housing development projects with three (3) or more units that do not meet the eligibility requirements as a "certain special housing project" in Table 17.122-1 (Design Review – Applicability) of this Title.
- B. The Community Development Director may, at his or her discretion, have the Initial Plan Review requirement waived, provided both of the following apply:
  - 1. The project was approved and expired within the past three (3) years or the same or substantially similar project went through the Initial Plan Review process within the past three (3) years; and
  - 2. A General Plan or Zoning Amendment, as defined in Section 17.128.020 (General Plan and Zoning Amendment – Applicability) of this Title, has not occurred where the proposed use and/or the proposed site plan and elevations would no longer be permitted.

- C. The Community Development Director may, at his or her discretion, have the Initial Plan Review and entitlement review run concurrently. This shall only occur when the Planning Division and the applicant have had extensive preliminary discussions on the development project prior to the typical submittal period of an Initial Plan Review. In addition, the Community Development Director must find that the site configuration and architectural design are consistent with the City's Comprehensive Design Guidelines.

#### **17.121.030 – General Procedures.**

The rules and procedures for applications, records and investigations applicable to an Initial Plan Review shall be as follows:

- A. **Applications.** Applications for an Initial Plan Review shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before Planning Division and other City Departments for review and comments. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.
- C. **Decisions.** The Planning Division shall issue a Comment Letter within 90 days after a complete application is filed.

#### **17.121.040 – Time Periods.**

- A. Comments provided by the Planning Division are advisory and shall not be binding. If a General Plan Amendment or Zoning Amendment have been approved by the City Council after the Initial Plan Review comments have been provided, the development project shall comply with the new regulations. In addition, if new fees have been adopted after the Initial Plan Review comments have been provided, the development project shall be subject to the new fees.
- B. An entitlement application should be submitted within 365 days from the date Planning Division comments were provided. After that period, a new Initial Plan Review should be required unless the Initial Plan Review can be waived or run concurrent with other entitlements, subject to Subsections 17.121.020(B) and (C) of this Chapter.

## **CHAPTER 17.122 – DESIGN AND MINOR DESIGN REVIEWS**

### **Sections.**

- 17.122.010 – Purpose.
- 17.122.020 – Applicability.
- 17.122.030 – General Procedures.
- 17.122.040 – Necessary Findings.
- 17.122.050 – Time Periods.
- 17.122.060 – Appeals.

### **17.122.010 - Purpose.**

New construction needs to be compatible and harmonious with the design and uses of surrounding properties. In order to achieve this, the Planning Commission or Community Development Director may grant Design Review approval for new buildings and additions or remodels to existing buildings, provided the architecture, building materials and landscaping are of high quality and are consistent with the City's Comprehensive Design Guidelines. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.122.020 - Applicability.**

#### **A. Levels of Review:**

1. Design Review Applications. The Planning Commission shall review and approve, conditionally approve or deny the site configuration, architectural design, signage and landscaping.
2. Minor Design Review Applications in the Rurban Homesteads Overlay District (RHOD). The Community Development Director shall review and approve, conditionally approve, deny or refer to the Planning Commission the architectural design.
3. All other Minor Design Review Applications. The Community Development Director shall review and approve, conditionally approve, deny or refer to the Planning Commission the site configuration, architectural design, signage and landscaping.
4. Thresholds for Review. Tables 17.112-1 and 17.112-2 prescribe the thresholds for Design Review and Minor Design Review applications.

#### **B. Thresholds that Conflict.** In the event of conflicting thresholds, the more specific threshold shall apply. For example, new buildings over 5,000 square feet in gross floor area require Design Review. However, if a new building for a drive-thru is proposed, it would require Design Review, regardless of the size of the building.

#### **C. Thresholds are Cumulative.** The thresholds identified in this Section shall be cumulative over a five (5) year period. The starting point for the five (5) years shall be when the Certificate of Occupancy has been issued.

| Table 17.122-1 – Thresholds for Review               |                                                                                                                                          |                                                         |                                                                                    |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------|
| Nonresidential Uses                                  | Planning Division                                                                                                                        | Minor Design Review                                     | Design Review                                                                      |
| Canopy structure, new or additions                   | <3,500 sq. ft.                                                                                                                           | ≥3,500 sq. ft. and visible from a street                | --                                                                                 |
| Building, new                                        | <500 sq. ft.                                                                                                                             | 500 sq. ft. to 5,000 sq. ft. in gross floor area        | >5,000 sq. ft. in gross floor area and visible from a street <sup>2</sup>          |
| Building, additions                                  | <10% of the gross floor area                                                                                                             | 10% to 35% of the gross floor area                      | >35% or 3,500 sq. ft., whichever is greater and visible from a street <sup>2</sup> |
| Building, increased height                           | <10% of the roof area                                                                                                                    | 10% to 35% of the roofed area                           | >35% of the roofed area and visible from a street                                  |
| Building, exterior remodel                           | <35% of elevations                                                                                                                       | ≥35% of elevations                                      | --                                                                                 |
| Conversion, from residential to a nonresidential use | --                                                                                                                                       | New conversion, may expand <50% of the gross floor area | New conversion with an expansion ≥50% of the gross floor area                      |
| Billboards                                           | --                                                                                                                                       | --                                                      | New, remodel or expansion of an existing                                           |
| Cannabis activity, commercial                        | --                                                                                                                                       | New, remodel or expansion of an existing                | --                                                                                 |
| Drive-thru facilities                                | --                                                                                                                                       | Expansion of an existing                                | New                                                                                |
| Pylon signs                                          | ≤25 ft. in height                                                                                                                        | Remodel of existing signs >25 ft. in height             | New signs >25 ft. in height                                                        |
| Vehicle retail and service uses <sup>3</sup>         | --                                                                                                                                       | Expansion of an existing                                | New                                                                                |
| Residential Uses                                     |                                                                                                                                          |                                                         |                                                                                    |
| RHOD lot                                             | New or expansion of an existing, 1 story                                                                                                 | 1 new or expansion of an existing, >1 story             | --                                                                                 |
| Vacant lot                                           | 1 new unit                                                                                                                               | 2 new units                                             | >3 new units                                                                       |
| >1 unit on a lot                                     | Enlarge existing unit                                                                                                                    | 1 or 2 new units                                        |                                                                                    |
| Mixed-use with residential                           | Subject to the residential and nonresidential thresholds listed above. The strictest threshold shall be followed for the entire project. |                                                         |                                                                                    |
| Certain special housing projects <sup>4</sup>        | --                                                                                                                                       | New or expansion of an existing                         | --                                                                                 |

<sup>2</sup> New buildings and additions that are not visible from a street shall require Minor Design Review.

<sup>3</sup> Shall not include vehicle parts and accessory store or vehicle rental when they are the primary use.

<sup>4</sup> Certain special housing projects shall include the following: 1) "Housing Development Projects" as defined by the Housing Accountability Act (Section 65589.5(h)(2) of the California Government Code); 2) housing projects with

### **17.122.030 – General Procedures.**

- A. **Applications.** Applications for a Design Review permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission or Director can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices:**
  - 1. Design Review and Minor Design Review applications as listed in Subsections 17.122.020(A)(1) and (A)(2), respectively, of this Chapter. Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code as required, and shall be given by the method specified as follows:
    - a. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
    - b. Mail a notice, postage prepaid, to the applicant and to owners and occupants of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing or director-level decision. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City:
      - i. For Design Review applications, the mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
      - ii. For Minor Design Review applications, the mailing radius shall be 300 feet of the exterior boundaries of the subject property.
    - c. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

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more than 10 units where a minimum 20% are designed for lower-income or very-low income households as defined in Sections 50079.5 and 50105, respectively, of the California Health and Safety Code; 3) affordable housing in commercial areas as defined in Chapter 17.150 of this Title; 4) corridor housing as defined in Chapter 17.150 of this Title; and 5) religious institutions housing as defined in Chapter 17.150 of this Title.

2. Minor Design Review applications as listed in Subsection 17.122.020(A)(3) of this Chapter. Public notices shall not be required.

**D. Public Hearings and Decisions:**

1. Design Review and Minor Design Review applications as listed in Subsection 17.122.020(A) of this Chapter. Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter. The Planning Commission shall make its decision by Resolution.
2. Minor Design Review applications as listed in Subsection 17.122.020(B) of this Chapter. Public hearings shall not be required. However, the public shall be given an opportunity to provide comments a minimum of ten (10) days prior to the Community Development Director making a decision. The Community Development Director shall issue a Decision Letter within 30 days of deeming the application complete.
3. Minor Design Review applications as listed in Subsection 17.122.020(C) of this Chapter. Public hearings shall not be required. The Community Development Director shall issue a Decision Letter within 30 days of deeming the application complete.

**17.122.040 – Necessary Findings.**

Before a Design Review or Minor Design Review approval may be granted, the Planning Commission or Community Development Director shall make all of the following findings, unless otherwise noted:

- A. The Design Review or Minor Design Review will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The architectural design provides a desirable environment for its occupants, neighbors and visitors through its careful placement of building mass and its use of materials, textures and colors and will remain appealing through ongoing maintenance;
- C. The site plan and layout incorporate measures to encourage and protect alternative modes of transportation such as pedestrians, bicyclists and transit riders (only required when the proposed project includes a new site plan or revisions to an existing site plan);
- D. The landscaping, including the location, type, size, quantity and maintenance, complies with Chapter 17.72 (Landscaping Requirements) and Chapter 17.74 (Water Efficiency) of this Title (only required when landscaping is proposed or required); and
- E. The Design Review or Minor Design Review is consistent with purpose, goals and policies of the City's General Plan, Zoning Code, any applicable Specific Plan and its Comprehensive Design Guidelines.
- F. For a project that is defined as a "Housing Development Project" by the Housing Accountability Act (Section 65589.5(h)(2) of the California Government Code), the reviewing body must approve or conditionally approve Design Review unless it makes one of the following findings supported by a preponderance of the evidence in the record:

1. The project does not comply with all applicable objective general plan, zoning, subdivision and development standards including objective design review standards.
2. The project would result in a specific adverse impact to public health and safety that cannot be feasibly mitigated without denying the project or reducing its density.

As used in Subsection (F) above, a “specific, adverse impact” is defined by California Government Code Section 65589.5(j) and means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

**17.122.050 - Time Periods.**

- A. The Design Review or Minor Design Review shall be valid for two (2) years after the effective date of approval by the Planning Commission or Community Development Director.
- B. If the applicant has proceeded in good faith toward the implementation of the Design Review or Minor Design Review, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.122.060 - Appeals.**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Community Development Director decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information. For decisions that may be appealed by the public, the effective date of the decision shall not commence until the deadline to appeal has expired.



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## **CHAPTER 17.123 – CONDITIONAL AND MINOR USE PERMITS**

### **Sections.**

- 17.123.010 – Purpose.
- 17.123.020 – Applicability.
- 17.123.030 – General Procedures.
- 17.123.040 – Necessary Findings.
- 17.123.050 – Time Periods.
- 17.123.060 – Abandonment.
- 17.123.070 – Appeals.

### **17.123.010 – Purpose.**

When certain uses of this Title may have potential negative impacts or need to be looked at on a case-by-case basis, the Planning Commission or Zoning Review Committee may grant a Conditional Use Permit or Minor Use Permit, respectively. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.123.020 – Applicability.**

Refer to Chapter 17.A (Matrix of Permitted Uses) of this Title for comprehensive lists of uses that require the approval of a Conditional Use Permit and Minor Use Permit. Conditional Use Permit applications shall be reviewed by the Planning Commission and Minor Use Permit applications shall be reviewed by the Zoning Review Committee.

### **17.123.030 – General Procedures.**

The rules and procedures for applications, records, investigations, notices and public hearings applicable to Conditional Use Permits and Minor Use Permits shall be as follows:

- A. **Applications.** Applications for a Conditional Use Permit or Minor Use Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission or Zoning Review Committee can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code as required, and shall be given by the methods specified as follows:

1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
  2. Mail a notice, postage prepaid, to the applicant and to owners and occupants of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
    - a. For Conditional Use Permit applications for the following uses, the mailing radius shall be 700 feet of the exterior boundaries of the subject property:
      - i. Boarding or rooming houses with seven (7) or more residents;
      - ii. Community care facility with seven (7) or more residents;
      - iii. Correctional facilities in accordance with Section 17.112.070 (Standards for Nonresidential Uses – Correctional Facilities) of this Title;
      - iv. Emergency shelter (25 or more occupants/beds) in accordance with Section 17.112.090 (Standards for Residential Uses – Emergency Shelters) of this Title; and
      - v. Massage establishments.
    - b. For all other Conditional Use Permit applications, the mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
    - c. For Conditional Use Permit applications for new industrial construction over 5,000 square feet and within 150 feet of a residential zoning district, notices shall also be mailed to all residents within 150 feet of the property.
    - d. For Minor Use Permit reviews, the mailing radius shall be 300 feet of the exterior boundaries of the subject property.
  3. Post the property. A minimum of one (1) notice shall be posted along each street frontage a minimum ten (10) days prior to the public hearing. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.
- D. **Public Hearings.** Public hearings, as provided for in this Chapter, shall be held before the Planning Commission for Conditional Use Permits and the Zoning Review Committee for Minor Use Permits.
- E. **Decisions.** The Planning Commission shall make its decision by Resolution. The Zoning Review Committee shall make its decision through a Decision Letter.

**17.123.040 – Necessary Findings.**

Before a Conditional Use Permit or Minor Use Permit may be granted, the Planning Commission or Zoning Review Committee shall make all of the following findings:

- A. The Conditional Use Permit or Minor Use Permit will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The proposed use applied for at the location indicated is one (1) for which a Conditional Use Permit or Minor Use Permit is authorized;
- C. The subject property for the proposed use is adequate in size and shape to accommodate such use and that all yards, spaces, walls, fences, parking, loading, landscaping and other features required for the proposed use are provided;
- D. The subject property abuts streets and highways adequate in width and pavement type to carry the kind of traffic which will be generated by the proposed use; and
- E. The Conditional Use Permit or Minor Use Permit is consistent with the purpose, goals and policies of the City's General Plan, Zoning Code and any applicable Specific Plan.

**17.123.050 – Time Periods.**

- A. The Conditional Use Permit or Minor Use Permit shall be valid for two (2) years after the effective date of approval by the Planning Commission or Zoning Review Committee.
- B. If the applicant has proceeded in good faith toward the implementation of the Conditional Use Permit or Minor Use Permit, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.123.060 – Abandonment.**

If the use authorized by any Conditional Use Permit or Minor Use Permit is, or has been, unused, abandoned or discontinued for a period of 12 months, such Conditional Use Permit or Minor Use Permit shall become null and void.

**17.123.070 – Appeals.**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Zoning Review Committee decisions regarding this Chapter are appealable to the Planning Commission, and ultimately to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information. The effective date of the decision shall not commence until the deadline to appeal has expired.

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## **CHAPTER 17.124 – TEMPORARY USE PERMITS**

### **Sections.**

- 17.124.010 – Purpose.
- 17.124.020 – Applicability.
- 17.124.030 – Exempt Projects.
- 17.124.040 – General Procedures.
- 17.124.050 – Necessary Findings.
- 17.124.060 – Time Periods.
- 17.124.070 – Appeals.

### **17.124.010 – Purpose.**

When certain short-term activities require individual consideration but not intensive review, the Community Development Director may grant a Temporary Use Permit. Conditions of approval may be added to ensure the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.124.020 – Applicability.**

- A. **Construction Yards, Off-site.** Off-site contractors' construction, in conjunction with an approved construction project on a different site. The permit shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever occurs first.
- B. **Seasonal Sales Events.** The temporary sale of seasonal merchandise shall comply with the following:
  - 1. Zoning. May be permitted in all Multiuse, Commercial and Manufacturing zoning districts.
  - 2. Types of events:
    - a. Temporary Use Permit required. Outdoor events including pumpkin patches, Christmas tree lots and flower stands (for Valentine's Day, Mother's Day, etc.) and similar seasonal sales of merchandise.
    - b. Temporary Use Permit not required. Fireworks stands shall be exempt from this Chapter and shall require Permit Committee approval.
  - 3. Duration:
    - a. A maximum of three (3) sales events per property per calendar year may occur. Shopping centers, office complexes, industrial parks and other similar campus settings shall be considered one (1) property.
    - b. The maximum duration of one (1) sales event shall be 45 days.
    - c. The maximum combined duration of all events shall be 60 days.

4. Hours of operation. Shall be limited to 7:00 a.m. to 10:00 p.m. on Mondays through Saturdays and 8:00 a.m. to 8:00 p.m. on Sundays and federal holidays.
  5. Size. For properties occupied by an existing use, a maximum of 25 percent of the parking areas may be utilized. For vacant properties, a maximum of 75 percent of the parking areas may be utilized. Other outdoor areas may also be used. All Los Angeles County Fire Department access shall be maintained.
  6. Site cleanup. After the sales are completed, all associated structures, signage and refuse shall be removed from the property within 24 hours.
  7. Other approvals. The applicant shall obtain any other required approvals for temporary structures, tents, power/lighting, portable restrooms, concessions, security, signage and/or other items prior to operations.
- C. **Special Events.** The special event shall comply with the following:
1. Zoning. Religious assembly events may be permitted in any zoning district where religious institutions are permitted. All other events may be permitted in all Multiuse, Commercial and Manufacturing zoning districts and the Downtown Specific Plan (SP-4).
  2. Types of events:
    - a. Temporary Use Permit required. Outdoor events including business openings, business closings, food events (without food trucks), arts and crafts exhibits, outdoor meetings, religious assembly and merchandise sales (related to an existing business on the property). Events may be private or open to the public.
    - b. Temporary Use Permit not required:
      - i. Groundbreaking and ribbon cutting ceremonies in coordination with the City or local chamber of commerce shall be exempt from this Chapter.
      - ii. Outdoor events including animal shows, carnivals, circuses, concerts and farmers' markets shall require Permit Committee approval.
      - iii. Any outdoor event that includes amplified sound, food trucks, fireworks, alcohol sales (off-site or on-site sales or use), street closures, traffic control and/or off-site parking shall require Permit Committee approval.
  3. Duration:
    - a. A maximum of four (4) special events per property per calendar year may occur. Shopping centers, office complexes, industrial parks and other similar campus settings shall be considered one (1) property.
    - b. The maximum duration of one (1) special; events shall be four (4) days. A period longer than four (4) consecutive days shall require Permit Committee approval.
    - c. Multiple special events shall be separated by a minimum of 30 days.
    - d. The maximum combined duration of all events shall be 16 days.

- e. The maximum combined duration of all events shall include all Special Events approved through the Temporary Use Permit and Permit Committee process, with exception to Subsection (C)(2)(b)(i) above.
- 4. Hours of operation:
  - a. Residential zoning districts – Shall be limited to 7:00 a.m. to 6:00 p.m. on Mondays through Fridays and 8:00 a.m. to 6:00 p.m. on Saturdays, Sundays and federal holidays.
  - b. All other zoning districts – Shall be limited to 7:00 a.m. to 10:00 p.m. on Mondays through Saturdays and 8:00 a.m. to 8:00 p.m. on Sundays and federal holidays.
- 5. Size. A maximum of 25 percent of the parking areas may be utilized. Other outdoor areas may also be used. A percentage greater than 25 percent shall require Permit Committee approval. All Los Angeles County Fire Department access shall be maintained.
- 6. Site cleanup. After the sales are completed, all associated structures, signage and refuse shall be removed from the property within 24 hours.
- 7. Other approvals. The applicant shall obtain any other required approvals for temporary structures, tents, power/lighting, portable restrooms, concessions, security, signage and/or other items prior to commencing the event.
- D. **Temporary Living Trailers.** A trailer or mobile home may be used in any zoning district as a temporary residence during the construction of a permanent residence, provided the trailer is located on the same site where the permanent residence will be located and will be occupied by the same people that will ultimately live in the permanent residence. The application may be approved for a maximum period of 120 days.
- E. **Temporary Model Homes/Units.** Temporary model homes/units and related facilities may be established in any zoning district within the area of an approved residential project, solely for the sale of homes. The application may be approved for a maximum period of 18 months.
- F. **Temporary Real Estate Sales Offices.** A temporary real estate office may be established in any zoning district within the area of an approved development project solely for the first sale of homes/units. The application may be approved for a maximum period of 18 months.
- G. **Temporary Structures.** A temporary classroom, office or similar portable structure, including a manufactured or mobile unit, may be approved in a nonresidential zoning district as an accessory use or as the first phase of a development project. The application may be approved for a maximum period of 18 months.
- H. **Temporary Work Trailers.** A trailer or mobile home may be used as a temporary work site for employees of a business in any zoning district: 1) during construction of a subdivision or other development project as part of an active Building Permit; and 2) upon demonstration by the applicant that the temporary work trailer is a short-term necessity, while a permit work site is being obtained. The application may be approved for a maximum period of 18 months.



- I. **Vehicle Parking.** The temporary parking of stationary vehicles on vacant sites shall conform with the following:
1. **Use Type.** Shall be limited to overflow inventory for a vehicle sales and lease use (general, new vehicles only). Other types of vehicles shall not be considered through Subsection (J) below.
  2. **Zoning.** May be permitted in the Neighborhood Commercial (C-2), General Commercial (C-3), Office Professional (OP), Light Manufacturing (M-1), General Manufacturing (M-2) and Airport (AP) zoning districts. Other zoning districts shall not be considered through Subsection (J) below.
  3. **Duration.** The application may be approved for an initial period of two (2) years. An additional 12-month extension may be permitted.
  4. **Property.** Property shall be vacant (no existing use of the property). Vehicles must be parked on a paved surface.
  5. **Site cleanup.** After the duration of the parking is completed, all associated structures, signage and refuse shall be removed from the site within 72 hours.
- J. **Similar Temporary Uses.** Similar temporary uses which, in the opinion of the Community Development Director, are compatible with the zoning district and the surrounding land uses.

#### **17.124.030 – Exempt Uses.**

The following uses shall be exempt from a Temporary Use Permit:

- A. **Car Washes.** Car washes sponsored by a cultural institution, K-12 school – public or private, preschool – public or private or philanthropic or charitable institution on property zoned nonresidential.
- B. **City Facility.** Any temporary event conducted at City Hall or another City facility.
- C. **Construction Yard, On-site.** On-site contractors' construction yards in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the Building Permit authorizing the construction project, whichever occurs first.
- D. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
- E. **Filming Permit.** Activities associated with an approved Filming Permit.
- F. **Permit Committee.** Uses and activities that receive approval from the Permit Committee.

#### **17.124.040 – General Procedures.**

The rules and procedures for applications, records and investigations applicable to Temporary Use Permits shall be as follows:

**A. Applications.**

1. Applications for a Temporary Use Permit shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Division can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements.
2. One (1) Temporary Use Permit application may be submitted for multiple seasonal sales events or multiple special events. However, events that require Permit Committee approval shall be submitted separately.

**B. Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.

**C. Decisions.** The Community Development Director shall issue a Decision Letter within ten (10) days of deeming the application complete.

**17.124.050 – Necessary Findings.**

- A. The Temporary Use Permit will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. Conditions of approval have been incorporated to ensure: 1) the site is secure and the surrounding area is safeguarded; 2) the use is conducted in an orderly and efficient manner; and 2) impacts such as noise, light/glare, odors, smoke, traffic and vibration are limited; and
- C. The Temporary Use Permit will not adversely affect the purpose, goals and policies of the General Plan, the Zoning Code and any applicable Specific Plan.

**17.124.060 – Time Periods.**

- A. The Temporary Use Permit shall only be valid for the dates and times specified by the Community Development Director. The applicant may request in writing to revise the specified dates and times. The requested revision shall be considered by the Community Development Director within ten (10) days of the request.
- B. The Temporary Use Permit shall be void if not used within the dates and times specified by the Community Development Director.

**17.124.070 – Appeals.**

Planning Division decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

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## **CHAPTER 17.125 – VARIANCE AND MINOR VARIANCES**

### **Sections.**

- 17.125.010 – Purpose.
- 17.125.020 – Applicability.
- 17.125.030 – General Procedures.
- 17.125.040 – Necessary Findings.
- 17.125.050 – Time Periods.
- 17.125.060 – Appeals.

### **17.125.010 – Purpose.**

When the strict interpretation of any provision of this Title creates practical difficulties or unnecessary hardships, the Planning Commission or Zoning Review Committee may grant a Variance or Minor Variance, respectively. Such approvals allow an applicant to deviate from a specific requirement of this Title. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.125.020 – Applicability.**

- A. For Minor Variance applications, the Zoning Review Committee shall review and approve, conditionally approve, deny or refer to the Planning Commission relief from the following development standards:
  - 1. Waiver of up to 25 percent of automobile parking space or ten (10) parking spaces, whichever is greater, or waiver of loading space requirements;
  - 2. Square footage, location, dimensions, quantity and other requirements for signs as stated in Chapter 17.80 (Signage Regulations) of this Title, with exception to changeable copy signs, electronic copy signs and signs listed in Section 17.80.040 (Signage Regulations – Prohibited Signs) of this Title. In addition, pylon signs greater than 25 feet high shall require Design Review approval from the Planning Commission;
  - 3. Yard setbacks requirements;
  - 4. Building separation requirements;
  - 5. The location, setbacks, materials, height and other requirements for fences, walls and hedges;
  - 6. Landscaping requirements (as outlined in Chapter 17.72 of this Title);
  - 7. The height of nonresidential structures, provided it will not exceed the maximum height by five (5) feet or ten (10) percent, whichever is less; and
  - 8. Satellite dish antenna regulations. The term "satellite dish antenna" shall have the same meaning as set forth under Chapter 17.150 (Definitions – Uses) of this Title.

- B. For Variance applications, the Planning Commission shall review and approve, conditionally approve or deny relief from all other development standards of this Title, unless otherwise noted.

**17.125.030 – General Procedures.**

The rules and procedures for applications, records, investigations, notices and public hearings applicable to Variances and Minor Variances shall be as follows:

- A. **Applications.** Applications for a Variance and Minor Variance shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission or Zoning Review Committee can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) entitlement or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code as required, and shall be given by the methods specified as follows:
  - 1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
  - 2. Mail a notice, postage prepaid, to the applicant and to owners and occupants of all properties within a specified radius. Such notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
    - a. For Variance applications, the mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
    - b. For Minor Variance applications, the mailing radius shall be 300 feet of the exterior boundaries of the subject property.
  - 3. Post the property. A minimum of one (1) notice shall be posted along each street frontage a minimum ten (10) days prior to the public hearing. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

- D. **Public Hearings.** Public hearings as provided for in this Chapter shall be held before the Planning Commission or Zoning Review Committee at the time and place for which public notice has been given as before required in this Chapter.
- E. **Decisions.** The Planning Commission shall make its decision by Resolution. The Zoning Review Committee shall make its decision through a Decision Letter.

**17.125.040 - Necessary Findings.**

Before a Variance or Minor Variance may be granted, the Planning Commission or Zoning Review Committee shall make all of the following findings:

- A. The Variance or Minor Variance will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The Variance or Minor Variance will not authorize a use or activity that is not otherwise expressly authorized in the subject property's zoning classification;
- C. There are exceptional or extraordinary circumstances applicable to the property involved (e.g. location, shape, size, surroundings and topography), so that the strict application of this Title denies the property owner privileges enjoyed by others in the vicinity and under identical zoning classifications;
- D. The Variance or Minor Variance will not provide special privileges for the property involved, which are inconsistent with other properties in the vicinity and within the same zoning classification; and
- E. The Variance or Minor Variance will not adversely affect the purpose, goals and policies of the General Plan, the Zoning Code and any applicable Specific Plan.

**17.125.050 - Time Periods.**

- A. The Variance or Minor Variance shall be valid for two (2) years after the effective date of approval by the Planning Commission or Zoning Review Committee.
- B. If the applicant has proceeded in good faith toward the implementation of the Variance or Minor Variance, as determined by the Community Development Director, the applicant may request a 12-month extension. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

**17.125.060 - Appeals.**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Zoning Review Committee decisions regarding this Chapter are appealable to the Planning Commission and ultimately, the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information. The effective date of the decision shall not commence until the deadline to appeal has expired.

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## **17.126 – MODIFICATION FOR AN INDIVIDUAL WITH A DISABILITY**

### **Sections.**

- 17.126.010 – Purpose.
- 17.126.020 – Applicability.
- 17.126.030 – General Procedures.
- 17.126.040 – Necessary Findings.
- 17.126.050 – Time Periods.
- 17.126.060 – Appeals.

### **17.126.010 – Purpose.**

A Modification for an Individual with a Disability provides a mechanism for the City, in compliance with federal and state law, to grant relief from the strict requirements of this Title, as necessary to provide individuals with disabilities reasonable accommodations to avoid discrimination against, eliminate barriers and ensure equal access to housing for individuals with disabilities. Conditions of approval may be added to ensure that the spirit and purpose of this Title will be observed and that public health, safety and welfare are protected.

### **17.126.020 – Applicability.**

- A. A request for a Modification for an individual with a disability may be made by any disabled person, his or her representative, a developer providing housing for disabled persons or a provider of housing for disabled persons. The applicant may request any applicable development standard be modified or waived, with exception to density and Floor Area Ratio (FAR), to eliminate barriers to housing opportunities and prevent discrimination against the individual on the basis of the individual's disability.
- B. The Community Development Director shall have the authority to grant a reasonable accommodation Modification for an individual with a disability for relief from all development standards of this Title.

### **17.126.030 – General Procedures.**

- A. **Applications.** Applications for a Modification for an Individual with a Disability shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Director can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Division.



- C. **Confidential information.** Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
- D. **Assistance.** If an individual needs assistance in making the request for a Modification, the City will provide assistance to ensure that the process is accessible.
- E. **Decisions.** The Community Development Director shall issue a Decision Letter within 30 days of deeming the application complete and may either grant, grant with modifications or deny a request for reasonable accommodations in accordance with the required findings.

#### **17.126.040 – Necessary Findings.**

Before a Modification for an Individual with a Disability may be granted, the Community Development Director shall make all of the following findings:

- A. The person that will live in the housing which is the subject of the Modification for an Individual with a Disability is a qualified individual with a disability protected under fair housing laws;
- B. The Modification for an Individual with a Disability is necessary to make housing available to disabled persons protected under fair housing laws; and
- C. The Modification for an Individual with a Disability will not adversely affect the purpose, goals and policies of the City's General Plan, Zoning Code and any applicable Specific Plan.

#### **17.126.050 – Time Periods.**

- A. A Modification for an individual with a Disability shall be valid for two (2) years after the effective date of approval by the Community Development Director.
- B. If the applicant has proceeded in good faith toward the implementation of the Modification granted as determined by the Community Development Director, the applicant may request a 12-month extension of the Modification. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. No additional extensions shall be permitted.
- C. The Community Development Director may, at his or her discretion, require the improvements be removed upon the future sale of the property and/or the disabled person no longer resides on the property. This shall be limited to site improvements such as excess paving or a second driveway.

#### **17.126.060 – Appeals.**

Community Development Director decisions regarding this Chapter are appealable to the Planning Commission. The Planning Commission's decision shall be final. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.127 – PLANNED RESIDENTIAL DEVELOPMENTS**

### **Sections.**

- 17.127.010 – Purpose.
- 17.127.020 – Applicability.
- 17.127.030 – General Procedures.
- 17.127.040 – Permitted Exceptions.
- 17.127.050 – Necessary Findings.
- 17.127.060 – Time Periods.
- 17.127.070 – Appeals.

### **17.127.010 – Purpose.**

While the strict application of zoning regulations may result in larger multiple-family housing projects, the Planned Residential Development process is intended to encourage more creative designs and a better environment through more flexible standards. The PRD process is further intended to facilitate development that provides a harmonious variety of housing choices, a higher level of residential amenities, and preservation of natural resources and open space. Through the Planned Residential Development process, projects should include a variety of dwelling unit types, site arrangement plans and greater amounts of open space for recreational and visual uses. In return, the applicant can receive flexibility in numerous development standards such as building placement, building separation, building setbacks and open space dimensions.

### **17.127.020 – Applicability.**

- A. **Zoning.** Planned Residential Developments shall only be permitted on property zoned Medium-density Multiple-family Dwelling (R-3), High-density Multiple-family Dwelling (R-4), Office Commercial (C-1), Neighborhood Commercial (C-2) and General Commercial (C-3).
- B. **Land Area.** For properties zoned R-3 and R-4, the minimum parcel size shall be one (1) acre. For properties zoned C-1 and C-2 and C-3, the minimum parcel size shall be two (2) acres.
- C. **Density.** For properties zoned R-3, the minimum density shall be ten (10) units per acre. For properties zoned R-4, C-1, C-2 and C-3, the minimum density shall be 20 units per acre.
- D. **Open Space:**
  - 1. A minimum 40 percent of the units shall have their entrances face directly onto a street or one (1) or more main common open space area(s).
  - 2. Main common open space areas:
    - a. Shall have a minimum dimension of 20 linear feet horizontally in each direction (compared to 15 feet for a regular multiple-family project) with an unobstructed vertical height of seven (7) feet.
    - b. have a minimum size of 800 square feet.

- E. **Dwelling Unit Type.** All units shall be developed and sold for individual ownership.
- F. A Variance shall not be permissible to deviate from the requirements in this Section.

**17.127.030 – General Procedures.**

The rules and procedures for applications, records, investigations, notices and public hearings applicable to Planned Residential Developments shall be as follows:

- A. **Applications.** Applications for Planned Residential Developments shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is needed for the project.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code as required, and shall be given by the methods specified as follows:
  - 1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
  - 2. Mail a notice, postage prepaid, to the applicant and to owners and occupants of all properties within a specified radius:
    - a. The notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
    - b. The mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
  - 3. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.
- D. **Public Hearings.** Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter.
- E. **Decisions.** The Planning Commission shall make its decision by Resolution.

#### **17.127.040 – Permitted Exceptions.**

##### **A. Design Flexibility:**

1. Reduce yard setbacks, with exception to the front yard and any street side yard; however, in no event shall any hard setback be less than five (5) feet;
2. Reduce upper floor building setbacks, provided the elevations have step backs and/or projections every 20 feet;
3. Reduce building separation requirements; however, in no event shall a separation be less than five (5) feet;
4. Increase the lot coverage by up to five (5) percent;
5. Reduce private open space dimensions; however, in no event shall a dimension be less than four (4) feet;
6. Adjust the open space allocation between private open space and common open space; and
7. For properties or project areas that are split zoned, the lot coverage, Floor Area Ratio (FAR) and/or density may be transferrable from one zoning district to another, subject to the following:
  - a. If Planned Residential Developments are permitted in both zoning districts:
    1. The transferred lot coverage and/or density may extend a maximum 200 feet within the adjacent zoning district;
    2. Structures within the transferred area shall comply with the maximum height and minimum ground floor setback requirements of the underlying zone. For all other development standards, the structures may comply with either zoning district; and
    3. The transfer may be required as part of the Planned Residential Development application.
  - b. If residential uses are permitted in both zoning districts, but not Planned Residential Developments. Comply with Section 17.12.070 (Rules and Measurements – Properties and Project Areas that are Split Zoned) of this Title.

##### **B. Additional Standards.** Any development standards not identified in this Chapter shall follow the standards of the underlying zoning district.

##### **C. Additional Regulations.** After reviewing an application for a Planned Residential Development, the Planning Commission may, in its approval thereof, impose conditions or requirements in addition to or in excess of those specified in this Chapter if it finds that such additional requirements or conditions are necessary for the protection of the public health, safety or welfare.

#### **17.127.050 – Necessary Findings.**

Before a Planned Residential Development may be granted, the Planning Commission shall make all of the following findings:

- A. The Planned Residential Development will not be detrimental to the public health, safety or welfare or injurious to the subject property or other improvements in the vicinity;
- B. The Planned Residential Development is centered around common open space, recreational areas and/or the public streets;
- C. The subject property (or properties) are physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated Planned Residential Development. The internal street and walkway system is designed for the efficient and safe movement of vehicles, bicyclists and pedestrians;
- D. The Planned Residential Development is demonstratively superior to the development that could have occurred under the standards applicable to the underlying zoning district, and will achieve superior community design, environmental preservation and/or substantial public benefit; and
- E. The Planned Residential Development is consistent with the purpose, goals and policies of the City's General Plan and Zoning Code.

#### **17.127.060 – Time Periods.**

- A. The Planned Residential Development shall be valid for two (2) years after the effective date of approval by the Planning Commission Resolution.
- B. If the applicant has proceeded in good faith toward the implementation of the Planned Residential Development granted as determined by the Community Development Director, then the applicant may request a 12-month extension of the Planned Residential Development. The applicant shall submit the request prior to the expiration date. The extension shall be considered by the Community Development Director within 30 days of the request. The applicant may request additional extensions, which shall be considered by the Planning Commission.

#### **17.127.070 – Appeals.**

Planning Commission decisions regarding this Chapter are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information. For decisions that may be appealed by the public, the effective date of the decision shall not commence until the deadline to appeal has expired.

## **17.128 – GENERAL PLAN AND ZONING AMENDMENTS**

### **Sections.**

- 17.128.010 – Purpose.
- 17.128.020 – Applicability.
- 17.128.030 – General Procedures.
- 17.128.040 – Necessary Findings.
- 17.128.050 – Time Periods.
- 17.128.060 – Appeals.

### **17.128.010 – Purpose.**

This Chapter establishes provisions for amending the General Plan or this Title whenever deemed necessary. This includes amending, supplementing or changing standards, districts or regulations of the General Plan or this Title. In addition, this Chapter outlines the process for the Planning Commission to make General Plan Conformity findings for street and alleyway vacations.

### **17.128.020 – Applicability.**

#### **A. General Plan Amendments:**

1. Revise any text;
2. Revise any map, table, graphic illustration, other than the Land Use Policy Plan (or the Land Use Map) located in the Land Use Element; or
3. Revise the General Plan Land Use Policy Plan (or the Land Use Map) located in the Land Use Element. This has the effect of changing the land use from one category to another.

#### **B. Zoning Amendments:**

1. Revise any text, table, graphic or illustration of this Title (or a Zoning Code Amendment); or
2. Revise the Zoning Map (or a Zone Change). This has the effect of rezoning property from one zoning district to another.

#### **C. General Plan Conformity Applications.** Vacate a public street, alleyway or easement.

### **17.128.030 – General Procedures.**

#### **A. Applications:**

1. Applications for a General Plan Amendment, General Plan Conformity or Zoning Amendment shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission and City Council can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with

all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) application or action is needed for the project.

2. The following may submit or initiate an application for a General Plan Amendment, General Plan Conformity or Zoning Amendment:
  - a. A majority of the City Council;
  - b. A majority of the City Council may adopt an Urgency Ordinance or Interim Zoning Code Amendment in compliance with Section 65858 of the California Government Code;
  - c. The Community Development Director; or
  - d. An owner or authorized applicant of property for which the amendment is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application. The Community Development Director also has the authority to initiate expanding the boundaries.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission and City Clerk.
- C. **Public Notices.** Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code as required, and shall be given by the methods specified as follows:
  1. Public notice for a General Plan or Zoning Amendment that includes one (1) or more properties:
    - a. Publish a notice once in a newspaper of general circulation in the City a minimum 20 days prior to the Planning Commission public hearing if the proposed Amendment affects the uses on a property. In all other instances, the notice shall be published a minimum ten days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
    - b. Mail a notice, postage prepaid, to the applicant and to owners and occupants of all properties within a specified radius. Such notice shall be mailed a minimum 20 days prior to the Planning Commission public hearing if the proposed Amendment affects the uses on a property. In all other instances, the notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
      - i. The mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
      - ii. If the number of effected properties exceed 1,000, the Community Development Director or City Clerk may reduce the mailing radius to 300 feet or, in lieu of a mailed or written notice, provide notice by placing a display

advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation.

- c. Post the property. A minimum of one (1) notice shall be posted along each street frontage a minimum ten (10) days prior to the public hearing. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line. If the number of effected properties exceeds five (5), the Community Development Director or City Clerk may remove this requirement.
  2. Public notice for a General Plan or Zoning Amendment that does not include a specific property as the subject of the application. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and the nature of the request.
  3. Public notice shall not be required for a General Plan Conformity.
- D. **Public Hearings for a General Plan or Zoning Amendment:**
1. At the conclusion of a Planning Commission public hearing on a proposed General Plan or Zoning Amendment, the Planning Commission may recommend the City Council approve the Amendment, approve the Amendment with revisions or deny the Amendment. If evidence received shows facts which the provisions of this Chapter would entitle a person to a Variance or Conditional Use Permit, the Planning Commission may concurrently recommend the City Council entitle the applicant to a Variance or Conditional Use Permit.
  2. At the conclusion of a City Council public hearing on a proposed General Plan or Zoning Amendment, the City Council may approve or deny the Amendment, or it may refer the Amendment back to the Planning Commission for further consideration. If the Planning Commission concurrently recommends the City Council approve a Variance or Conditional Use Permit, the City Council may approve, deny or refer the recommendation back to the Planning Commission for further consideration.
  3. The Planning Commission is not required to review an Urgency Ordinance or Interim Zoning Code Amendment in compliance with Section 65858 of the California Government Code.
- E. **Public Meetings for Conformity Applications.** The Planning Commission shall make or deny the Conformity findings. The findings shall then be forwarded to the City Council to complete the street or alleyway vacation process.
- F. **Decisions.** The Planning Commission shall make its recommendation or decision on a General Plan, Zoning Amendment and/or Conformity by Resolution. The City Council shall make its decision on a General Plan Amendment by Resolution and its decision on a Zoning Amendment by Ordinance.



#### **17.128.040 – Necessary Findings.**

- A. Before a General Plan or Zoning Amendment may be granted, the Planning Commission (on recommendation) and City Council shall make all of the following findings:
  - 1. The Amendment will not be detrimental to the public health, safety or welfare or injurious to the City;
  - 2. The subject property (or properties) proposed for the Amendment are physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested/anticipated land uses/developments (only required when the Amendment is for a specific property or series of properties); and
  - 3. The Amendment is consistent with the purpose, goals and policies of the City's General Plan.
- B. Before a General Plan Conformity may be granted, the Planning Commission shall make all of the following findings:
  - 1. The proposed Vacation is anticipated to serve the public interest and be a public benefit; and
  - 2. The proposed Vacation is consistent with the purpose, goals and policies of the City's General Plan.

#### **17.128.050 – Time Periods.**

- A. A General Plan Amendment shall become effective immediately upon the adoption of a Resolution by the City Council.
- B. A General Plan Conformity shall become effective immediately upon the adoption of a Resolution by the Planning Commission.
- C. A Zoning Amendment shall become effective 30 days following the second reading of an Ordinance. However, an Urgency Ordinance or an Interim Zoning Code Amendment in compliance with Section 65858 of the California Government Code shall take effect immediately.

#### **17.128.060 – Appeals.**

Planning Commission denials regarding this Chapter are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

## **CHAPTER 17.129 – DEVELOPMENT AGREEMENTS**

### **Sections.**

- 17.129.010 – Purpose.
- 17.129.020 – Applicability.
- 17.129.030 – General Procedures – Submittal.
- 17.129.040 – General Procedures – Application Contents.
- 17.129.050 – General Procedures – Agreement Contents.
- 17.129.060 – General Procedures – Public Notices.
- 17.129.070 – Planning Commission Public Hearing.
- 17.129.080 – City Council Public Hearing.
- 17.129.090 – Necessary Findings.
- 17.129.100 – Development Agreement Reviews.
- 17.129.110 – Good Faith Compliance.
- 17.129.120 – Initiation of Amendment or Cancellation.
- 17.129.130 – Irregularity in Proceeding.
- 17.129.140 – Subsequently Adopted Federal and State Laws.
- 17.129.150 – Effect of Rules, Regulations and Policies on a Development Agreement.
- 17.129.160 – Enforcement of Development Agreements.
- 17.129.170 – Severability Clause.
- 17.129.180 – Condemnation.
- 17.129.190 – Judicial Review – Time Limitation.

### **17.129.010 – Purpose.**

Development Agreements are contracts approved by the City Council, where the City and a developer expressly define a development project's rules, regulations, commitments, and policies for a specific period of time. The purpose is to strengthen the public planning process by encouraging private participation in the achievement of comprehensive planning goals and reducing the economic costs of development. A Development Agreement reduces the risks associated with development, thereby enhancing the City's ability to obtain public benefits beyond those achievable through existing ordinances and regulations.

### **17.129.020 – Applicability.**

There are no specific minimum requirements for a proposed project to include a Development Agreement. An applicant is able to request an application for a Development Agreement on any proposed development. A majority of the City Council may initiate a Development Agreement. However, a Development Agreement cannot be sanctioned on a developer.

### **17.129.030 – General Procedures – Submittal.**

- A. **Applications.** An application for a Development Agreement may be made to the Community Development Director in accordance with the procedures set forth herein:

1. Applications may be made by any qualified applicant. In addition, applications may be initiated by a majority of the City Council by resolution. If an application is made for a Development Agreement by the City Council, the City shall obtain and attach a notarized statement of consent to proceed with the proposed agreement executed by the owner of the subject property. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) permit or action is necessary for the project.
  2. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission and City Council can review and take action on the request. The filing procedures and applications shall be published and made available to the public.
  3. For applications made by a qualified applicant, no petition shall be received unless it complies with all filing requirements.
- B. **Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission and City Council.
- C. **Investigation.** For applications made by a qualified applicant, the applicant shall bear the burden of providing sufficient documents and exhibits that allow the Planning Commission and City Council to render a decision upon the application under consideration. The Planning Commission and City Council may request additional information before rendering a decision. Further, it is the responsibility of the applicant to certify the information contained therein. The filing of an application also grants the Planning Division the right to enter the property to make any inspections necessary to render a decision on the application. Prior to an inspection, the applicant shall be given notice a minimum of 48 hours in advance.
- D. **Qualifications of the Applicant.** A qualified applicant includes an authorized agent of a qualified applicant. The Community Development Director may require an applicant to submit proof of his/her interest in the real property and of the authority of the agent to act for the qualified applicant. Such proof may include a title report, policy or guarantees issued by a title insurance company licensed to do business in the State of California evidencing the requisite interest of the applicant in the real property.

If the application is made by the holder of an equitable interest, the application shall be accompanied by a title guarantee issued by a title insurance company report and by a notarized statement of consent to proceed with the proposed Development Agreement executed by the holder of the legal interest. Before processing the application, the Community Development Director shall obtain the opinion of the City Attorney as to the sufficiency of the qualified applicant's interest in the real property to enter into the Development Agreement as a qualified applicant hereunder.

#### **17.129.040 – General Procedures – Application Contents.**

The submitted application shall include, at minimum, the following items in order to proceed forward through the public hearing process:

- A. The parties to the Development Agreement;
- B. The nature of the qualified applicant's legal or equitable interest in the real property constituting such person as a qualified applicant hereunder;
- C. A description of the development project sufficient to permit the Development Agreement to be reviewed under the applicable criteria of this Chapter. Such description may include, but is not limited to, references to site and building plans, elevations sufficient to determine heights and areas, relationships to adjacent properties and operational data. Where appropriate, such description may distinguish between elements of the development project which are proposed to be fixed under the Development Agreement, those which may vary and the standards and criteria pursuant to which the same may be reviewed;
- D. An identification of the approvals and permits for the development project enacted to the date of or contemplated by the Development Agreement;
- E. The proposed duration of the Development Agreement;
- F. The proposed site improvements, building improvements and design standards;
- G. The proposed phasing of the construction, and any public improvements to be required;
- H. A program and criteria for regular periodic review under this Chapter;
- I. Proposed provisions providing security for the performance of the qualified applicant under the Development Agreement; and
- J. Any other relevant provisions which may be deemed necessary by the Community Development Director under this Chapter.

**17.129.050 – General Procedures – Agreement Contents.**

- A. A Development Agreement shall specify its duration, the permitted uses of the property thereunder, the density and/or intensity of use, the maximum height and size of proposed buildings and improvements, and provisions for reservation or dedication of land for public purposes.
- B. A Development Agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the property for the uses and to the density or intensity, height, and size of development set forth in the Development Agreement and phasing if and to the extent the Development Agreement so provides. Without limitation as to types of conditions, terms, and restrictions, the Development Agreement may provide for the phasing of construction of development projects and any improvements with respect thereto, and the Development Agreement may also provide that the construction shall be commenced and completed within specified times and that the development project, public improvements, or any phase thereof be commenced and completed within specified times.
- C. A Development Agreement shall include all conditions imposed by the City, and may also include conditions imposed by other agencies, and all obligations agreed to by the City and

other parties to the Development Agreement with respect to the development project thereunder including those conditions authorized by law and/or required pursuant to the California Environmental Quality Act, or the National Environmental Protection Act, and the City's regulations with respect thereto in order to eliminate or mitigate environmental and traffic impacts caused by or aggravated as a result of the development project proposed under the Development Agreement.

- D. A Development Agreement shall contain an indemnity and insurance clause in form and substance acceptable to the City Attorney, requiring the qualified applicant to protect, defend, indemnify and hold harmless the City against claims arising out of the development process; provided, that such a provision does not violate applicable law or constitute a joint venture, partnership or other participation in the business affairs of qualified applicant by the City.
- E. A Development Agreement shall include appropriate provisions acceptable to the City Attorney providing security for the performance under the Development Agreement.

#### **17.129.060 – General Procedures – Public Notices.**

Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code as required, and shall be given by the methods specified as follows:

- A. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
- B. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius:
  - 1. The notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
  - 2. The mailing radius shall be 500 feet of the exterior boundaries of the subject property. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
- C. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line.

#### **17.129.070 – Planning Commission Public Hearing.**

- A. The Planning Commission may recommend adoption of a Development Agreement as a method of implementing or providing standards and criteria for any approval of the Planning Commission or permits or approvals issued or made by any other agency, including but not limited to:
  - 1. Rezoning and/or conditions imposed upon approval of rezoning;

2. Issuance of a Conditional Use Permit;
  3. Conditions imposed upon approval of a permit after discretionary review;
  4. Conditions imposed in connection with the adoption of any General Plan Amendment or Specific Plan;
  5. Site-specific conditions imposed in any other district;
  6. Approval of and/or conditions imposed upon approval of a subdivision map;
  7. The separate review and approval by the City Attorney of conditions, covenants and restrictions (CC&Rs) affecting the subject property where the development project affects, or is proposed to affect, more than one legal parcel, which CC&Rs shall include enforcement provisions acceptable to the City including without limitation the grant of power to the City by the applicant to enforce the property maintenance standards set forth in such CC&Rs as if the City was a property owner party to such CC&Rs. Such CC&Rs shall be recorded against the lands included in the development project prior to issuance by the City of any Certificate of Occupancy;
  8. The formation of any assessment district, benefit district, maintenance district or special benefit district or any other procedure, for the installation of required or necessary on-site or off-site improvements or infrastructure; and/or
  9. Mitigation measures imposed upon a development project pursuant to the California Environmental Quality Act (CEQA).
- B. The Planning Commission shall make a recommendation in writing to the City Council as follows:
1. That the Development Agreement be adopted as proposed;
  2. That the Development Agreement be adopted with revisions, as proposed by the Planning Commission; or
  3. That the Development Agreement be denied.
- C. Any action taken by the Planning Commission shall occur at a noticed public hearing as outlined in Section 17.129.060 of this Chapter.
- D. The Planning Commission shall make all recommendations by Resolution.

**17.129.080 – City Council Public Hearing.**

- A. A Development Agreement is a legislative act and it shall be enacted or amended by Ordinance. The Ordinance shall be subject to a referendum and shall incorporate by reference the text of the Development Agreement.
- B. The Development Agreement shall not be binding or enforceable prior to the effective date of the Ordinance approving the Development Agreement and execution of the Development Agreement by all parties thereto.
- C. Because a Development Agreement is also a contract which requires the consent of each party in order to become binding, the City Council reserves the right to disapprove entering

into any Development Agreement, regardless of the provisions hereof, and the Ordinance shall be advisory only and shall not require the acceptance of any Development Agreement.

- D. The City Council may do any of the following:
  - 1. Refer the issue back to the Planning Commission for further hearing and recommendation whereupon Planning Commission shall reconsider the referral from the City Council within 30 days thereafter;
  - 2. Act on all or any such issue without reference back to the Planning Commission;
  - 3. Approve the Development Agreement as recommended by the Planning Commission;
  - 4. Approve the Development Agreement with revisions; or
  - 5. Reject the Development Agreement, in whole or in part.
- E. Any action taken by the City Council shall occur at a noticed public hearing as outlined in Section 17.129.060 of this Chapter.
- F. The City Clerk shall record a fully executed copy of the Development Agreement and ordinance within ten (10) days of the effective date of the ordinance. The Development Agreement shall be binding upon, and the benefits of the Development Agreement shall inure to the parties and all successors in interest to the parties to the Development Agreement.

**17.129.090 – Necessary Findings.**

Before a Development Agreement may be granted, the Planning Commission (on recommendation) and City Council shall make all of the following findings:

- A. The Development Agreement will not be detrimental to the public health, safety or welfare or injurious to the City;
- B. The Development Agreement will have a positive effect on the orderly development of property or the preservation of neighboring property values;
- C. The Development Agreement will provide sufficient benefits to the community to justify entering into the agreement; and
- D. The Development Agreement is consistent with the purpose, goals and policies of the City's General Plan, and any applicable Specific Plan.

**17.129.100 – Development Agreement Reviews.**

- A. **Community Development Director Periodic Review:**
  - 1. The City shall review the performance of the developer under a Development Agreement periodically on a regular basis as determined in the Development Agreement or at least once every 12 months for the term of the Development Agreement.
  - 2. The anniversary of the effective date of the Development Agreement shall be 90 days prior to the "established date or dates for regular periodic review," or such other substitute date or dates, mutually agreed to by the developer and City in writing. The

developer shall submit evidence to the Community Development Director showing good faith compliance with the Development Agreement.

3. If the Community Development Director determines that such evidence is insufficient for the regular periodic review, or if the developer fails to submit any evidence, the Community Development Director shall deliver or mail written notice to the developer prior to 75 days of the established date or dates of the regular periodic review. The notice shall state the developer's failure to submit any evidence or additional information reasonably required to review whether the developer has shown good faith compliance with the Development Agreement.
4. The developer shall have 30 days after the mailing or delivery of such written notice by the Community Development Director in which to respond. If the developer fails to provide such information to the Community Development Director within the 30 day period, the Community Development Director shall find that the developer has not complied in good faith with the terms of the Development Agreement.

**B. Community Development Director Special Review:**

1. Reviews which are not periodic reviews are defined as special reviews and may occur either by agreement between the developer and City or by initiation of the City by the affirmative vote of the City Council, but in any event shall not be held more frequently than three (3) times a year.
2. The Community Development Director shall deliver or mail to the developer a 30 day notice of intent for the City to undertake a special review to determine if the developer has complied in good faith with the terms of the Development Agreement. The developer shall provide the City with any evidence supporting good faith compliance with the terms of the Development Agreement.
3. If the Community Development Director determines that such evidence is insufficient for the special review, or if the developer fails to submit any evidence within the 30 day period, the Community Development Director shall deliver or mail written notice to the developer within 45 days of the delivery or mailing date of the notice of intent. The notice shall outline the developer's failure to submit any evidence or additional information reasonably needed in order to review the developer's good faith compliance with the terms of the Development Agreement.
4. The developer shall have 30 days after mailing or delivery of such written notice by the Community Development Director in which to respond. If the developer fails to provide such information to the Community Development Director within the 30 days period, the Community Development Director shall find that the developer has not complied in good faith with the terms of the Development Agreement.

**17.129.110 – Good Faith Compliance.**

- A. Finding of Good Faith Compliance.** If the Community Development Director finds good faith compliance by the developer with the terms of the Development Agreement for the period or special review, the Community Development Director, upon request of developer, shall



issue a certificate of compliance for such period reviewed. The certificate of compliance shall be in a recordable form and may be recorded by the developer in the official records of Los Angeles County. The issuance of a certificate of compliance by the Community Development Director shall conclude the review for the applicable period for which the finding was made and such determination shall be final in the absence of fraud.

**B. Failure to Find Good Faith Compliance:**

1. If the Community Development Director does not find, on the basis of substantial evidence, that the developer has complied in good faith with the terms of the Development Agreement, he or she shall so notify the City Council and the developer. The Community Development Director shall specify the reasons for the determination, the information relied upon in making such decision and any findings made with respect thereto.
2. The Community Development Director's findings shall be presented to the City Council. The City Council may do any of the following:
  - a. Compliance. Determine on the basis of evidence presented that there has been good faith compliance by the developer with the terms of the Development Agreement, in which event the Community Development Director, upon request of the developer, shall issue a certificate of compliance in accordance with Section 17.129.110 of this Chapter.
  - b. Failure to Find Good Faith Compliance. If the City Council is unable to determine on the basis of the evidence presented that there has been good faith compliance by the developer with the terms of the Development Agreement, the City Council shall do one or both of the following:
    - i. Additional Time. Upon receipt of sufficient justification to City Council, grant the developer additional time in which to establish good faith compliance with the terms of the Development Agreement at a subsequent duly called council meeting; or
    - ii. Hearing. Set a date for a public hearing on the issue of compliance by the developer with the terms of the Development Agreement and the possible conditioning and/or termination or revision of the Development Agreement. The public hearing shall follow the procedures outlined in Section 17.129.060 of this Chapter.
  - c. Necessary City Council Finding. Based upon substantial evidence, the developer has or has not complied in good faith with the terms and conditions of the Development Agreement.
3. City Council Public Hearing to Determine Good Faith Compliance:
  - a. Compliance. If the City Council finds good faith compliance by the developer with the terms of the Development Agreement, the Community Development Director upon request of the developer and subject to the written concerns of the City Attorney

shall issue a certificate of compliance, which shall be in recordable form and may be recorded by the developer in the official records of the Los Angeles County.

- b. **Noncompliance.** If the City Council does not find good faith compliance by the developer with the terms of the Development Agreement, it may do any of the following:
  - i. Determine, on the basis of substantial evidence, that the developer has not complied in good faith with the terms and conditions of the Development Agreement during the period under review, the City Council may allow the Development Agreement to be continued by imposing new terms and conditions intended to remedy such noncompliance or to be otherwise modified.
  - ii. Mutually with the developer, or unilaterally, terminate the Development Agreement or take the action authorized by California Government Code Section 65865.1.
  - iii. Impose such terms and conditions to the Development Agreement as it considers necessary to protect the interests of the City.
  - iv. The decision of the City Council shall be final. The rights of the parties after termination shall be as set forth in Section 17.129.120 of this Chapter.
- c. **Necessary City Council Finding.** Based upon substantial evidence, the developer has or has not complied in good faith with the terms and conditions of the Development Agreement.
- C. **Ordinance.** Any termination, revision or imposition of new terms and conditions pursuant to this Section shall be by Ordinance. The ordinance shall recite the facts, findings, information relied on and/or the lack thereof, and the reasons which, in the opinion of the City Council, make the termination, revision or imposition of new terms and conditions of the Development Agreement necessary. The enactment of such an ordinance by the City Council shall be final and conclusive as to its effect on the subject Development Agreement. Not later than ten (10) days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The Development Agreement shall be terminated, or the amendments to the Development Agreement shall become effective, on the effective date of the ordinance or as otherwise provided in such ordinance.

**17.129.120 – Initiation of Amendment or Cancellation.**

A Development Agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the Development Agreement or their successors in interest. Any such person may propose an amendment to or cancellation in whole or in part of the Development Agreement previously entered into.

- A. The procedure for amendment or cancellation in whole or in part of a Development Agreement by mutual consent shall be as follows:

1. A request for an amendment to or cancellation in whole or in part of the Development Agreement shall be submitted to the Community Development Director. A public hearing before the City Council shall be held within 90 days of receipt of the request. The public hearing. The public hearing shall follow the procedures outlined in Section 17.129.060 of this Chapter.
  2. Any amendment, cancellation or imposition of new terms and conditions pursuant to this Section shall be by ordinance. The ordinance shall recite the facts, findings, information relied on, and reasons which, in the opinion of the City Council, make the amendments or cancellation of the Development Agreement necessary. Not later than ten (10) days following the adoption of the ordinance, one copy thereof shall be forwarded to the developer. The amendment to or cancellation of a Development Agreement shall become effective on the effective date of such ordinance unless otherwise indicated therein.
  3. Although approved by the City Council, an amendment to or cancellation of a Development Agreement shall not be binding or enforceable prior to the effective date of the ordinance approving the amendment or cancellation of the Development Agreement and the execution of such amendment or a written consent to such cancellation by all parties to the Development Agreement or by their successors in interest.
- B. Rights of the Parties after Cancellation or Termination:
1. In the event that a Development Agreement is canceled, or otherwise terminated, unless otherwise agreed to in writing by City, all rights of the developer, property owner or successors in interest under the Development Agreement shall terminate and any and all benefits, including money or land, received by the City shall be retained by the City.
  2. Notwithstanding Subsection (B)(1) above, any termination of the Development Agreement shall not prevent the developer from completing a building or other improvements authorized to be constructed pursuant to a valid operative building permit previously approved by the City and under construction at the time of termination.
  3. The City may take any action permitted by law to prevent, stop, or correct any violation of law occurring during and after construction, and neither the developer nor any tenant shall occupy any portion of the project or any building not authorized by an occupancy permit.
  4. As used herein: (a) "construction" shall mean work on site under a valid building permit; (b) "completing" shall mean completion of construction for beneficial occupancy for developer's use, or if a portion of the project is intended for use by a lessee or tenant; and (c) "completion" shall mean completion of construction except for interior improvements such as partitions, duct and electrical run outs, floor coverings, wall coverings, lighting, furniture, trade fixtures, finished ceilings, and other improvements typically constructed by or for tenants of similar buildings. All such uses shall, to the

extent applicable, be deemed nonconforming uses and shall be subject to the nonconforming use provisions of the El Monte Municipal Code (EMMC).

**17.129.130 – Irregularity in Proceeding.**

Formal rules of evidence or procedure which must be followed in a court of law shall not be applied in the consideration of a proposed Development Agreement, its revision, cancellation, or termination. Rather, the provisions of this Chapter shall apply. The qualified applicant or developer has the burden of presenting substantial evidence at each of the public hearings on the proposal and shall be given an opportunity to present evidence in support of the qualified applicant's or developer's position.

No action, inaction, or recommendation regarding the proposed Development Agreement, its revision, cancellation, or termination shall be held void or invalid or be set aside by a court on the ground of the improper admission or rejection of evidence or by reason of any error, irregularity, informality, neglect, or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedure whatever unless after an examination of the entire case, including the evidence, the court finds that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury resulted if error is shown.

**17.129.140 – Subsequently Adopted Federal and State Laws.**

All Development Agreements shall be subject to the regulations and requirements of federal and state law, any codes, statutes or executive mandates and any federal or state court decision. In the event that any such law, code, statute, or decision made or enacted after a Development Agreement has been entered into prevents or precludes compliance with one or more provisions of the Development Agreement then such provisions of the Development Agreement shall be modified or suspended as may be necessary to comply with such law, code, statute, mandate or decision, and every such Development Agreement shall so provide.

**17.129.150 – Effect of Rules, Regulations and Policies on a Development Agreement.**

- A. Unless otherwise provided by the Development Agreement, or imposed for reasons of health or safety during the term of the Development Agreement, rules, regulations and official policies of the City governing permitted uses of the land, governing density and governing design, improvement, and construction standards and specifications, applicable to development of the property subject to a Development Agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.
- B. A Development Agreement shall not prevent the City, in subsequent actions applicable to the property or to the City in general, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the property at the time of execution of the Development Agreement, nor shall a Development Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations, and policies.

- C. Each Development Agreement shall provide, and it is provided in this Section, that this Section and the provisions thereof do not apply to taxes, imposts, assessments, fees, charges or other exactions imposed by or payable to City unless specifically and to the extent otherwise expressly agreed to by City in the Development Agreement, and that all of such shall be in amounts fixed at the time they are payable.

**17.129.160 – Enforcement of Development Agreements.**

- A. Except as provided in Subsection (B) below, a Development Agreement shall be enforceable by any party thereto notwithstanding any change in any applicable General Plan, Zoning Code, Specific Plan, subdivision map, or building regulation adopted by the City which alters or amends the rules, regulations, or policies specified in Section 17.129.150 of this Chapter or in the Development Agreement itself.
- B. An exception to the certainty intended by execution of a Development Agreement as expressed in Sections 17.129.010 and 17.129.020 of this Chapter, shall be when a change to the Development Agreement is imposed or required not by a City initiated action, but rather by City response to (i) federal or state court or administrative agency determination or (ii) federal or state legislative or administrative agency regulation requirement.

**17.129.170 – Severability Clause.**

Should any provision of this Chapter or of a subsequent Development Agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Chapter and Development Agreement shall remain in full force and effect unimpaired by the holding, except as may otherwise be provided in a Development Agreement. The City Council hereby declares that it would have adopted and enacted this Chapter and each provision thereof irrespective of the fact that any one or more of the provisions, or the applications thereof to any person or place, be declared invalid or unconstitutional. For the purpose of this Section, a "provision" is a section, subsection, paragraph, sentence, clause, phrase or portion of any thereof.

**17.129.180 – Condemnation.**

All and every part of a Development Agreement is subject to condemnation proceedings and entering into such agreement is not intended to restrict the exercise of eminent domain by the City or any other public agency.

**17.129.190 – Judicial Review – Time Limitation.**

- A. Any judicial review of the initial approval by the City of a Development Agreement shall be by writ of mandate pursuant to Section 1085 of the California Code of Civil Procedure; and judicial review of any City action taken pursuant to this Chapter, other than the initial approval of a Development Agreement, shall be by writ of mandate pursuant to Section 1094.5 of the California Code of Civil Procedure.
- B. Any action or proceeding to attack, review, set aside, void, or annul any decision of the City taken pursuant to this Chapter shall not be maintained by any person unless the action or proceeding is commenced within 90 days after the date of a City Council decision.

## **DIVISION 13 – SPECIFIC PLANS**

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### **CHAPTER 17.130 – SPECIFIC PLANS**

#### **Sections.**

- 17.130.010 – Purpose.
- 17.130.020 – Applicability.
- 17.130.030 – General Procedures.
- 17.130.040 – Preparation and Content.
- 17.130.050 – Specific Plans, the General Plan and the Zoning Map.
- 17.130.060 – Necessary Findings.
- 17.130.070 – Time Period.
- 17.130.080 – Appeals.
- 17.130.090 – Amendments.

#### **17.130.010 – Purpose.**

The Specific Plan designation serves as a planning tool to enhance development options when current zoning does not adequately provide for an optimal design or development program. The purpose of this Chapter is to establish uniform procedures for the adoption and implementation of a Specific Plan. The intent of the Specific Plan designation is as follows:

- A. To promote comprehensive planning for quality land development, with a viable program for building the infrastructure necessary to support it;
- B. To encourage a more efficient use of the land;
- C. To encourage a range of housing and employment activities so as to give imagination and variety in the physical development pattern of the City;
- D. To encourage the implementation of sustainable community design principles as well as use of renewable construction materials and incorporation of environmental friendly design concepts whenever possible; and
- E. To facilitate development within the City in accordance with the General Plan by permitting greater flexibility and encouraging more creative design development projects.

#### **17.130.020 – Applicability.**

The minimum project area for a Specific Plan shall be five (5) acres. A Variance shall not be permissible to deviate from this requirement. The project area may be one (1) property under single ownership, or a combination of adjoining lots subject to a unified planning concept. For a Specific Plan initiated by the City, the area can extend over several blocks of land.

### **17.130.030 – General Procedures.**

#### **A. Application:**

1. Applications for a Specific Plan shall be made on the appropriate form. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the Planning Commission and City Council can review and take action on the request. The filing procedures and applications shall be published and made available to the public. No application shall be received unless it complies with all filing requirements. Refer to Section 17.10.080 (General Regulations – Projects with Multiple Applications or Actions) of this Title if more than one (1) permit or action is necessary for the project.
2. The following may submit or initiate an application for a Specific Plan or Specific Plan Amendment:
  - a. A majority of the City Council;
  - b. The Community Development Director; or
  - c. An owner or authorized applicant of property for which a Specific Plan is sought. If the property is under more than one ownership, all of the owners or their authorized agents shall join in filing the application. The Community Development Director shall also have the authority to initiate expanding the boundaries.

#### **B. Records.** Applications filed pursuant to this Chapter shall be numbered consecutively in the order of their filing and shall be part of the permanent official records of the Planning Commission and City Clerk.

#### **C. Public Notice.** Public notices shall be provided and processed in a manner consistent with the provisions of Section 65090 and/or 65091 of the California Government Code, and shall be given by the methods specified as follows:

1. Publish a notice once in a newspaper of general circulation in the City a minimum ten (10) days prior to each public hearing. The notice shall include the date, time, place of hearing and location of the property and the nature of the request.
2. Mail a notice, postage prepaid, to the applicant and to owners of all properties within a specified radius:
  - a. The notice shall be mailed a minimum ten (10) days prior to each public hearing. The applicant shall use the last known name and address of such owners as shown upon the last assessment roll of the City.
  - b. The mailing radius shall be 500 feet of the exterior boundaries of the specific plan boundary. The Community Development Director may direct the applicant to increase the mailing radius, but in no event shall it be greater than 700 feet.
  - c. If the number of effected properties exceed 1,000, the Community Development Director or City Clerk may reduce the mailing radius to 300 feet or, in lieu of a mailed

or written notice, provide notice by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation.

3. Post the property. A minimum of one (1) notice shall be posted along each street frontage. The posting shall be placed in the ground or on a fence, wall or building façade that is set back no more than ten (10) feet from the street property line. If the number of effected properties exceeds five (5), the Community Development Director or City Clerk may remove this requirement.
- D. **Public Hearings.** Public hearings as provided for in this Chapter shall be held before the Planning Commission at the time and place for which public notice has been given as before required in this Chapter.
1. At the Planning Commission public hearing, the Planning Commission may recommend the City Council approve the Specific Plan, approve with revisions, or deny.
  2. At the City Council public hearing, the City Council may approve or deny the Specific Plan or refer the Specific Plan back to the Planning Commission for further consideration.
- E. **Decisions.** The Planning Commission shall make its recommendation or decision by Resolution. The City Council shall make its decision by Ordinance or Resolution in compliance with Section 65453 of the California Government Code.

#### **17.130.040 – Preparation and Content.**

The Specific Plan shall include detailed information in the form of text and diagrams, organized in compliance with Section 65451 of the California Government Code. The following information shall be provided:

- A. **Boundary Survey Map.** The Specific Plan shall include the property or project area with a calculation of the gross land area covered by the Plan. A Tentative Tract or Parcel Map may be substituted if processed concurrently;
- B. **Land Uses and Development Standards.** The Specific Plan shall include the distribution, location, and extent of land uses proposed within the proposed area, including open space areas. The Specific Plan shall also include development standards, design requirements and landscape guidelines by which development would proceed;
- C. **Infrastructure.** The Specific Plan shall show the location of existing public utilities on and adjacent to the area. In addition, it shall show the distribution, extent, intensity, and location of major components of public and private circulation/transportation, drainage, energy, sewers, solid waste disposal, water, and other essential facilities proposed on and adjacent to the area covered by the plan and needed to support the land uses described in the plan;
- D. **General Plan.** The Specific Plan shall include a discussion of the relationship of the Specific Plan to the goals, policies, and objectives of the General Plan;
- E. **Administrative Procedures.** The Specific Plan shall address the procedures and conditions for amending, adjusting standards, and interpreting the Specific Plan, consistent with Section 17.130.030 of this Chapter;



- F. **Implementation Measures.** The Specific Plan shall include a program of implementation measures, including financing, regulations, programs, and public works projects, necessary to carry out the proposed land uses, infrastructure, and development and conservation standards and criteria; and
- G. **Additional Information.** The Specific Plan shall contain additional information deemed to be necessary by the Community Development Director.

**17.130.050 – Specific Plans, the General Plan and the Zoning Code and Map.**

**A. Specific Plans and the General Plan:**

1. The Specific Plan shall be consistent with the General Plan. If the General Plan needs to be amended to be consistent, then an application for a General Plan Amendment shall be submitted concurrent with the Specific Plan.
2. General Plan Land Use Map. The Specific Plan shall be consistent with the General Plan's Land Use Map. If a General Plan needs to be amended to be consistent, then an application for a General Plan Land Use Map Amendment shall be submitted concurrent with the Specific Plan. In cases where the Specific Plan is not consistent with any existing category listed in the General Plan Land Use Map, a new category shall be added.

**B. Specific Plans and the Zoning Code and Map:**

1. In connection with the approval of a Specific Plan, the Zoning Map shall be amended by an Ordinance adopted by the City Council to rezone and reclassify the area covered by the Specific Plan. The Specific Plan district shall be indicated on the Zoning Map by an SP designation and a number.
2. An existing zone, or zones, may be specified as the underlying zoning district(s) for the area covered by a Specific Plan. Exceptions to the zoning and development standards of the zoning district(s) shall be provided in the Specific Plan.
3. The Specific Plan zoning and development standards shall, upon adoption, supersede the zoning previously established for the area covered by the Specific Plan. Violations of the Specific Plan zoning and development standards shall carry the same penalties and shall be enforceable in the same manner as other violations of this Title.
4. Unless otherwise provided in a Specific Plan, adoption of a Specific Plan shall have no effect upon other requirements under state law or the El Monte Municipal Code (EMMC) for development approval including, but not limited to, subdivision maps, grading, design, engineering and location.

**17.130.060 – Necessary Findings.**

Before a Specific Plan may be granted, the Planning Commission (on recommendation) and City Council shall make all of the following findings:

- A. The Specific Plan will not be detrimental to the public health, safety or welfare or injurious to the City;

- B. The subject property (or properties) proposed for the Specific Plan has unique characteristics such as topography, location, size or surroundings that are enhanced by special land use and development standards;
- C. The Specific Plan results in the development of desirable character and use types that will be compatible with the surrounding area and provides effective buffering from adjacent uses as found necessary; and
- D. The Specific Plan is consistent with the purpose, goals and policies of the City's General Plan and its Comprehensive Design Guidelines.

**17.130.070 – Time Period.**

A Specific Plan shall become effective 30 days following the second reading of the Ordinance.

**17.130.080 – Appeals.**

Denials of the Planning Commission regarding this Chapter are appealable to the City Council. Refer to Section 17.10.100 (General Regulations – Ability to Appeal) of this Title for additional information.

**17.130.090 – Amendments.**

- A. An adopted Specific Plan may be amended through the same procedure specified by this Chapter for the adoption of a Specific Plan.
- B. The Specific Plan may be amended as often as deemed necessary by the City Council, in compliance with Section 65453 of the California Government Code.

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## **CHAPTER 17.131 – GATEWAY SPECIFIC PLAN<sup>1</sup>**

### **Sections.**

- 17.131.010 – Purpose and Applicability.
- 17.131.020 – Vision and Guiding Principles.
- 17.131.030 – Summary of Subdistricts.
- 17.131.040 – Summary of Land Use Buildout.
- 17.131.050 – Permitted Uses.
- 17.131.060 – Development Standards.
- 17.131.070 – Design Guidelines.
- 17.131.080 – Other Requirements.

### **17.131.010 – Purpose and Applicability.**

This Chapter summarizes the development standards and guidelines for the Gateway Specific Plan. Regulations are provided for commercial, mixed use, open space and residential uses. Application of these regulations is intended to create a harmonious relationship among the land uses and districts, and protect the health, safety and welfare of the community. The Specific Plan also lays the foundation for the design guidelines and development regulations. The development standards contained in this Chapter shall apply to parcels within the Specific Plan's project area boundaries. All new projects, including additions to buildings and changes in use, are subject to the provisions of this Chapter.

### **17.131.020 – Vision and Guiding Principles.**

The Gateway Specific Plan's Guiding Principles are intended to serve as a benchmark for the analysis of future proposals and design concepts to determine if they are supportive of the spirit and intent of the Specific Plan.

- A. **Guiding Principle 1.** Positively influence the creation of a daytime employment and residential population.
- B. **Guiding Principle 2.** Coordinated land use, urban design, transportation and infrastructure planning.
- C. **Guiding Principle 3.** Strategic implementation of land use and activities that foster citywide economic development.
- D. **Guiding Principle 4.** Enhanced pedestrian utilization, public mass transit use and high occupancy vehicle (HOV) access that foster stronger connections in the downtown area and the regional marketplace.
- E. **Guiding Principle 5.** Preservation, creation and enhancement of public parks and public open space.

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<sup>1</sup> The Gateway Specific Plan was adopted as the Transit District Specific Plan in 2007 and was renamed the El Monte Gateway Specific Plan in 2011.

- F. **Guiding Principle 6.** Provision of community-accessible social and recreational amenities.
- G. **Guiding Principle 7.** Provision of childcare and education facilities.
- H. **Guiding Principle 8.** Housing opportunities for persons with a variety of income levels and household compositions.
- I. **Guiding Principle 9.** Provision of more retail and dining choices for residents and business in the community.
- J. **Guiding Principle 10.** Provision of a hotel, conference center and meeting facilities.
- K. **Guiding Principle 11.** Planning, design and development that respects the respects the history and character of El Monte.
- L. **Guiding Principle 12.** A predictable, streamlined discretionary review process that fosters high quality design and development.
- M. **Guiding Principle 13.** A vibrant mixed use environmental, providing a complimentary mix of housing, retail, commercial and recreation opportunities.
- N. **Guiding Principle 14.** Implementation of sustainable development principles that encourage the conservation of resources in the natural and man-made environment.
- O. **Guiding Principle 15.** Physical and functional connections with adjacent neighborhoods and commercial centers that foster utilization by the local community.

#### **17.131.030 – Summary of Subdistricts.**

The Land Use Plan for the Gateway Specific Plan provides for the development of a vibrant, pedestrian-oriented, mixed-use community. Organized into four (4) distinct Land Use Subdistricts, the Land Use Plan allows for a variety of housing, employment, entertainment and commercial opportunities, as well as community, open space and transportation uses that will complement and expand the urban fabric of downtown El Monte, as well as strengthen the citywide economy.

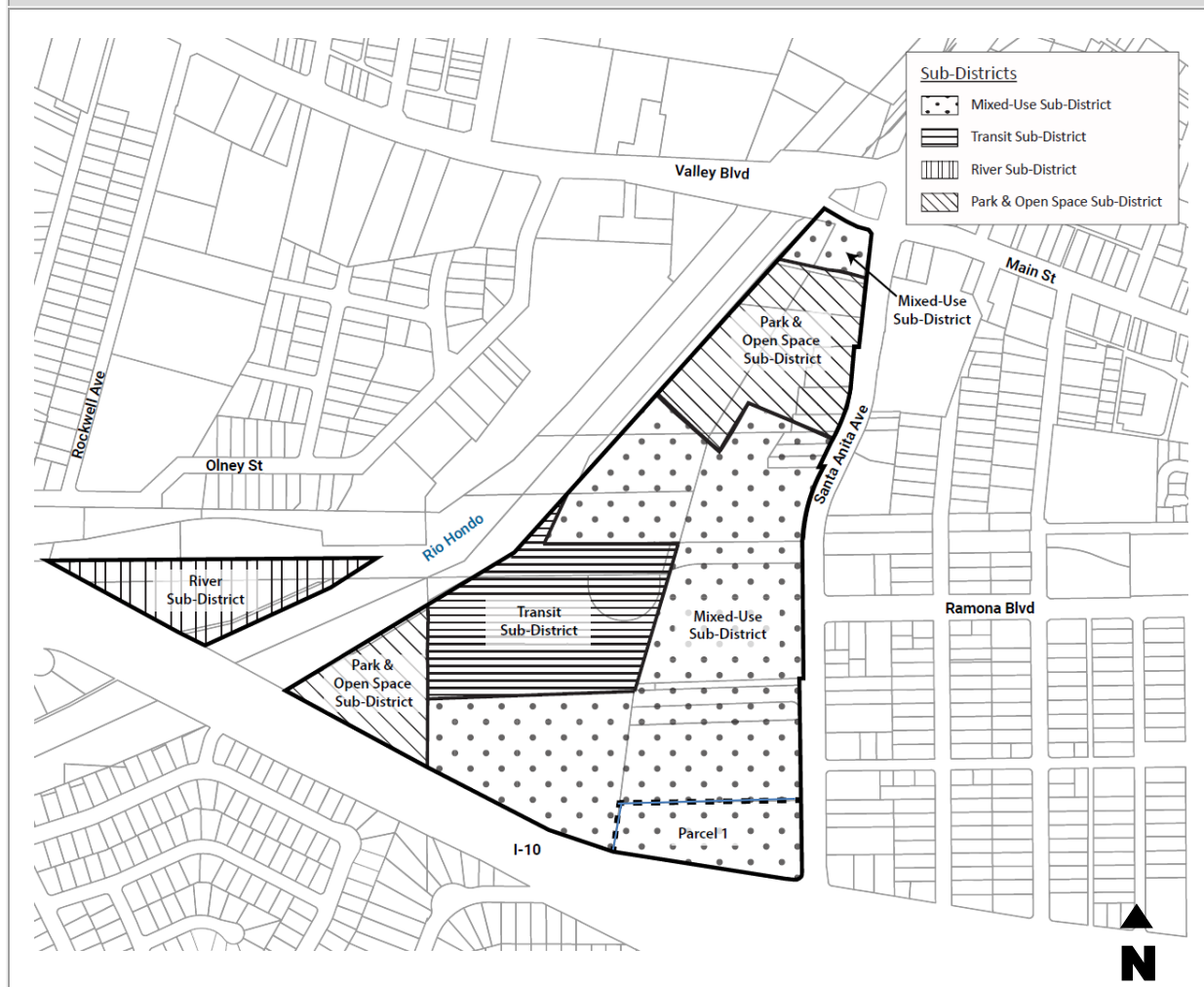
At build-out, the Specific Plan will serve as a key community activity center and further enhance the City's desire to create a vibrant, mixed-use downtown environment with enhanced connectivity to local neighborhoods and the region, through the Rio Hondo River, METRO and the Emerald Necklace. Each Land Use Subdistrict is planned around a variety of creative and functional physical connections that incorporate the unique opportunities of the project site, including the El Monte Bus Station and the Rio Hondo River. The following describes the envisioned land use mix for each of the four (4) Subdistricts, as well as their relationship to each other and the surrounding environment. Refer to Figure 17.131-1 for a map of the Subareas.

- A. **Mixed Use (MU) Subdistrict** – The Mixed Use Subdistrict is intended to provide a complimentary mix of residential, commercial, entertainment and retail uses. Mixed use development is encouraged in vertical and horizontal forms, providing for an interaction between various land use types to encourage pedestrian utilization throughout the Subdistrict. The area northwest of Santa Anita Avenue and Brockway Street is intended to provide the southern gateway into the Gateway Specific Plan. Design guidance for this sub-

district is provided through three distinct “villages”, including the: Rio Paseo; North Promenade and South Promenade Villages.

- B. **Transit (T) Subdistrict** – The Transit Subdistrict is intended to preserve existing and expand facilities and services for public transportation. In addition, it calls to provide ancillary uses and services that improve the transit experience.
- C. **River (R) Subdistrict** – The River Subdistrict is intended to provide additional open space opportunities within the Gateway Specific Plan. The subdistrict is intended to provide necessary facilities for the periodic collection and detention of peak stormwater discharge during storm events. The River Subdistrict may also serve as a holding district for future transit, commercial and industrial uses, provided subsequent entitlement planning and environmental analysis is conducted.
- D. **Park and Open Space (POS) Subdistrict** – The Park and Open Space Subdistrict is intended to provide active and passive open space and recreational facilities for a variety of users. The Subdistrict will provide integrated connections within the Gateway Specific Plan and regional recreational trail system.

Figure 17.131-1 Map of Subdistricts – Gateway Specific Plan



### **17.131.040 – Summary of Land Use Buildout.**

Table 131-1 identifies the distribution of land uses among the five land use Subdistricts in the Gateway Specific Plan:

| Table 17.131-1 – Specific Plan Buildout – Gateway Specific Plan |                                                                                         |                        |             |                              |                        |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------|-------------|------------------------------|------------------------|
|                                                                 | Dwelling Units (DU)                                                                     | Square Feet (SF)       | Hotel Rooms | Density <sup>2</sup> (DU/AC) | Floor Area Ratio (FAR) |
| Mixed Use Subdistrict –                                         |                                                                                         |                        |             |                              |                        |
| Residential                                                     | 1,850                                                                                   | 2,230,330 <sup>3</sup> | --          | 60                           | 2.70                   |
| Retail                                                          | --                                                                                      | 591,000                | --          | --                           |                        |
| Office                                                          | --                                                                                      | 600,000                | --          | --                           |                        |
| Entertainment retail                                            | --                                                                                      | 70,000                 | --          | --                           |                        |
| Conference                                                      | --                                                                                      | 42,000                 | --          | --                           |                        |
| Hotel uses                                                      | --                                                                                      | 75,000 <sup>4</sup>    | 200         | --                           |                        |
| Child development center                                        | --                                                                                      | 20,000                 | --          | --                           |                        |
| Transit & River Subdistricts –                                  |                                                                                         |                        |             |                              |                        |
| Permitted uses                                                  | Not estimated to exceed existing development square footage                             |                        |             |                              |                        |
| Park and Open Space Subdistrict –                               |                                                                                         |                        |             |                              |                        |
| Permitted uses                                                  | Does not include riverside linear park areas or open space owned by Los Angeles County. |                        |             |                              |                        |
| Totals –                                                        |                                                                                         |                        |             |                              |                        |
| Residential maximum                                             | 1,850                                                                                   | 2,230,330              | --          | 60                           | 2.70                   |
| Nonresidential maximum                                          | --                                                                                      | 1,398,000              | 200         | --                           |                        |
| Grand total                                                     | 1,850                                                                                   | 3,628,330              | 200         | 60                           | 2.70                   |

### **17.131.050 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.131-2 prescribes the land use regulations for the Gateway Specific Plan. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.131-2 is not permitted in the Gateway Specific Plan, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

<sup>2</sup> Based on gross density and gross floor area.

<sup>3</sup> Estimate of total square footage is for 1,850 units.

<sup>4</sup> Estimate of total square footage for 200 hotel rooms.

| Table 17.131-2 – Permitted Uses – Gateway Specific Plan |           |    |    |     |                        |
|---------------------------------------------------------|-----------|----|----|-----|------------------------|
| Residential <sup>5</sup> & Community Care Use           | MU        | T  | R  | POS | Notes                  |
| Childcare facility                                      | C         | -- | -- | --  |                        |
| Corridor housing                                        | P         | P  | -- | --  | 17.110.040             |
| Home occupation business                                | P         | P  | -- | --  | 17.110.050             |
| Live/work unit <sup>^</sup>                             | M         | -- | -- | --  | 17.110.060 & G-6.12(D) |
| Mixed-use development – vertical <sup>^6</sup>          | P         | M  | -- | --  | 17.110.070 & G-6.12(C) |
| Senior housing                                          | M         | M  | -- | --  |                        |
| Urban housing development                               | P         | M  | -- | --  | 17.110.120             |
| Public & Quasi-Public Uses                              |           |    |    |     |                        |
| Electrical distribution substation                      | --        | C  | C  | --  |                        |
| Government or government related facility <sup>^</sup>  | P         | P  | P  | --  |                        |
| Recreation facility – public <sup>^</sup>               | P         | P  | P  | P   |                        |
| School & educational facility –                         |           |    |    |     |                        |
| Preschool, private                                      | C         | -- | -- | --  |                        |
| K-12, private                                           | C         | -- | -- | --  |                        |
| Specialized education and training                      | C         | -- | C  | --  |                        |
| Tutoring and education center* <sup>^</sup>             | P         | -- | -- | --  |                        |
| Utility facility                                        | C         | C  | C  | --  |                        |
| Wireless facility                                       | See notes |    |    |     | 17.90 & 17.92          |
| Assembly & Entertainment Uses                           |           |    |    |     |                        |
| Ancillary entertainment* <sup>^</sup>                   | P         | -- | -- | --  |                        |
| Assembly or meeting facility <sup>^</sup>               | C         | -- | -- | --  |                        |
| Commercial entertainment <sup>^</sup>                   | C         | -- | -- | --  |                        |
| Commercial recreation facility – indoor <sup>^</sup>    | C         | -- | -- | --  |                        |
| Community center <sup>^</sup>                           | P         | -- | -- | --  |                        |
| Cultural institution <sup>^</sup>                       | C         | -- | -- | --  |                        |
| Family entertainment center                             | C         | -- | -- | --  |                        |

<sup>5</sup> Residential units shall be limited to 100 in the MU Subdistrict, Parcel 1, as part of a vertical mixed-use project.

<sup>6</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential.



| Table 17.131-2 – Permitted Uses – Gateway Specific Plan (continued) |    |    |    |     |            |
|---------------------------------------------------------------------|----|----|----|-----|------------|
| Assembly & Entertainment Uses (continued)                           | MU | T  | R  | POS | Notes      |
| Gaming center or arcade <sup>^</sup>                                | C  | -- | -- | --  | 5.96       |
| Nightclub <sup>^</sup>                                              | C  | -- | -- | --  | 5.32       |
| Retail & Office Uses                                                |    |    |    |     |            |
| Alcohol sales <sup>7</sup> –                                        |    |    |    |     |            |
| Assembly and entertainment use, on-site <sup>^8</sup>               | C  | -- | -- | --  | 17.112.030 |
| Bar or tavern, on-site <sup>^</sup>                                 | C  | -- | -- | --  | 17.112.030 |
| Brew pub, on-site and off-site <sup>^</sup>                         | C  | -- | -- | --  | 17.112.030 |
| Liquor store, off-site <sup>^</sup>                                 | C  | -- | -- | --  | 17.112.030 |
| Restaurant, limited hours, on-site* <sup>^</sup>                    | M  | M  | -- | --  | 17.112.030 |
| Restaurant, on-site* <sup>^</sup>                                   | M  | M  | -- | --  | 17.112.030 |
| Retail store, off-site* <sup>^</sup>                                | C  | -- | -- | --  | 17.112.030 |
| Convenience store or minimart* <sup>^</sup>                         | C  | C  | -- | --  |            |
| Destination retail or entertainment development* <sup>^</sup>       | P  | -- | -- | --  | G-6.12(B)  |
| Food or beverage establishment –                                    |    |    |    |     |            |
| Bakery or pâtisserie, retail* <sup>^</sup>                          | P  | -- | -- | --  |            |
| Coffeehouse or ice cream parlor* <sup>^</sup>                       | P  | P  | -- | P   |            |
| Outdoor seating/dining* <sup>^</sup>                                | P  | P  | -- | P   | 17.112.130 |
| Restaurant* <sup>^</sup>                                            | P  | P  | -- | --  |            |
| Grocery store <sup>^</sup>                                          | P  | -- | -- | --  |            |
| Multiple-tenant center* <sup>^</sup>                                | M  | -- | -- | --  | 17.112.120 |
| Offices –                                                           |    |    |    |     |            |
| Ancillary* <sup>^</sup>                                             | P  | P  | P  | P   |            |
| Administrative, business professional* <sup>^</sup>                 | P  | P  | C  | --  |            |
| Government* <sup>^</sup>                                            | P  | P  | P  | --  |            |
| Medical and dental* <sup>^</sup>                                    | P  | -- | C  | --  |            |
| Office supply store* <sup>^</sup>                                   | P  | -- | -- | --  |            |

<sup>7</sup> Alcohol sales can be for beer and wine or for beer, wine and distilled spirits. However, they shall be considered different levels of alcohol sales. Therefore, if a use has approval for beer and wine and wants to add spirits, a new CUP or MUP will be required.

<sup>8</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

| 17.131-2 – Permitted Uses – Gateway Specific Plan (continued()) |           |    |    |     |                   |
|-----------------------------------------------------------------|-----------|----|----|-----|-------------------|
| Retail & Office Uses (continue)                                 | MU        | T  | R  | POS | Notes             |
| Pharmacy*^                                                      | P         | -- | -- | --  |                   |
| Retail sales (unless listed as a separate use)*^                | P         | P  | -- | --  |                   |
| Secondhand vendor*^                                             | P         | P  | -- | --  | 5.68 & 17.112.170 |
| Wholesaler^                                                     | P         | -- | -- | --  |                   |
| Service Uses                                                    |           |    |    |     |                   |
| Animal service – animal grooming^                               | P         | -- | -- | --  |                   |
| Automated Teller Machine (ATM), walk-up*^                       | P         | P  | -- | --  | 17.112.050        |
| Drive-through business – service or retail                      | M         | -- | -- | --  |                   |
| Financial institution*^                                         | P         | -- | -- | --  |                   |
| Hotels and motels*^                                             | C         | -- | -- | --  | 5.48 & 17.112.100 |
| Office concierge service*^                                      | P         | -- | -- | --  |                   |
| Personal service use – general*^                                | P         | -- | -- | --  | 17.112.150        |
| Philanthropic or charitable institution^                        | P         | -- | -- | --  |                   |
| Recycling facility – self-service                               | P         | -- | -- | --  | 17.112.160        |
| Vehicle rental, automobile                                      | C         | C  | -- | --  |                   |
| Industrial, Transportation & Other Uses                         |           |    |    |     |                   |
| Cannabidiol (CBD) products manufacturer                         | --        | -- | C  | --  |                   |
| Distribution, fulfillment or warehouse center                   | --        | -- | C  | --  |                   |
| Industrial hemp processing                                      | --        | -- | C  | --  |                   |
| Laboratory, testing                                             | --        | -- | C  | --  |                   |
| Machine shop                                                    | --        | -- | C  | --  |                   |
| Manufacturing (unless listed as a separate use) –               |           |    |    |     |                   |
| Ancillary                                                       | --        | -- | C  | --  |                   |
| Light                                                           | --        | -- | C  | --  |                   |
| Passenger transport or taxi service                             | C         | C  | C  | --  |                   |
| Recycling processing facility                                   | --        | -- | C  | --  |                   |
| Research and development                                        | --        | -- | C  | --  |                   |
| Temporary use                                                   | See notes |    |    | --  | 17.124            |
| Transportation use                                              | --        | P  | C  | --  |                   |

| 17.131-2 – Permitted Uses – Gateway Specific Plan |    |    |    |     |              |
|---------------------------------------------------|----|----|----|-----|--------------|
| Industrial & Transportation Uses (continued)      | MU | T  | R  | POS | Notes        |
| Vehicle parking –                                 |    |    |    |     |              |
| Attendant or valet parking                        | M  | C  | -- | --  |              |
| Car sharing, residential                          | M  | -- | -- | --  | 17.70.070(C) |
| Car sharing, nonresidential use <sup>9</sup>      | M  | M  | -- | --  |              |
| Commercial parking                                | M  | M  | -- | --  |              |
| Parking structure                                 | M  | M  | C  | --  | G-6.12(A)    |
| Shared parking                                    | Z  | Z  | -- | --  | 17.70.070(D) |
| Vehicle parking, limited                          | M  | M  | -- | --  |              |

Key:

- \* Use is pedestrian oriented and may occupy the ground floor of vertical mixed-use buildings. Other uses shall not be permitted on the ground floor.
- ^ Use is pedestrian oriented and may occupy the ground floor of buildings facing Santa Anita Avenue. Other uses shall not be permitted on the ground floor.
- Not permitted.
- P Use permitted by-right.
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).
- Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).
- G Gateway Specific Plan.

### **17.131.060 – Development Standards.**

Refer to Chapter 6 (Development Standards) of the Gateway Specific Plan.

### **17.131.070 – Design Guidelines.**

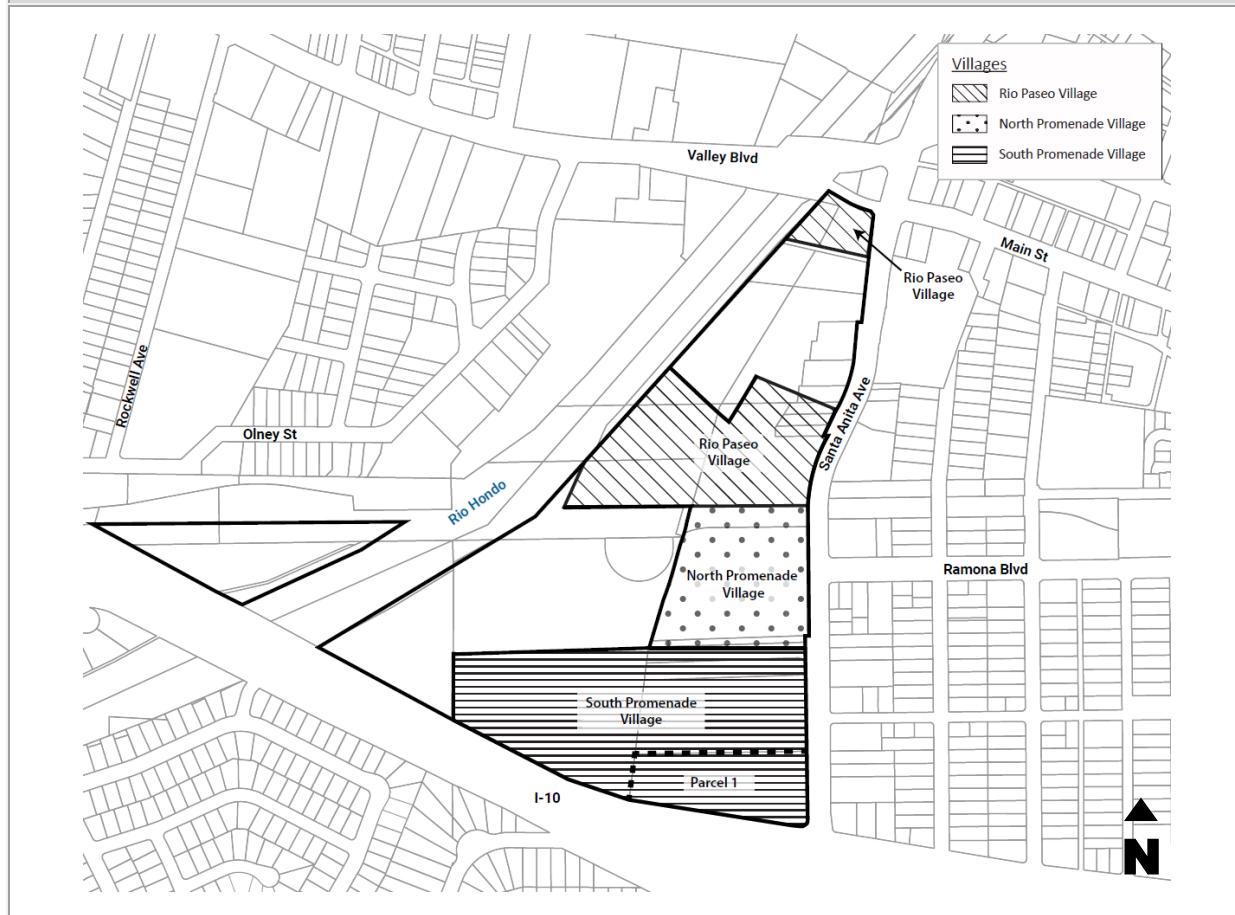
- A. **Purpose and Intent.** The following guidelines are intended to provide both a vision of the El Monte Gateway overall character, and specific aesthetic and experiential expectations regarding the various components of the El Monte Gateway.
- B. **Introduction:**
  1. The primacy of pedestrian experience. The Gateway Specific Plan is dedicated first and foremost to the creation of a highly vitalized pedestrian environment, achieved through well-designed density and interaction of mixed uses.
  2. Scale. All future development projects should be designed with a human scale that acknowledges pedestrian perception and experience.
  3. Themes and variations. While the Gateway will have over-arching themes that include intensive small-scaled density; architectural expression of sustainable design; a contemporary glassy openness; and continuity of selected public materials, amenities,

<sup>9</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

lighting and graphics, the area should also be a place of great experiential diversity. It will achieve this by two means:

- a. The creation of the separate Villages, each with the character of a special neighborhood; and
  - b. The encouragement of themes with multiple detailed variations within each of the various Villages.
4. The villages. The General Design Guidelines will be complemented by specific Design Guidelines for the following three (3) villages. Each Village is envisioned to contain both specific types of uses and specific qualities that will make each Village unique and identifiable. Refer to Figure 17.131-2 for a map of the Villages:
- a. Rio Paseo Village;
  - b. North Promenade Village; and
  - c. South Promenade Village.
- C. **General Design Guidelines – Broad Themes / Goals.** Embracing a wide diversity of architectural expression, new development should embrace the following over-arching themes.

Figure 17.131-2 Map of Villages – Gateway Specific Plan



1. Contemporary architecture. The architecture should be clearly of the 21st Century, looking forward, with dynamic building forms, expressive structure, and a rich use of glass, tying together El Monte's past, present and the future.
2. Sustainability. Sustainable architecture should be a major shaping force in defining the visual expression of The Gateway. Building form should respond in design to such issues as energy conservation, daylighting, natural ventilation, and solar energy harvesting.
3. Rich native landscape. Acknowledging both the authentic value and the sustainable value of native landscape, the landscape design should provide a rich backdrop and overhead canopy for human activity. The landscape should extend the existing regional context of the Rio Hondo River and linear park, and should be influential throughout the pedestrian/ground plane of The Gateway. Landscape and water features or waterscape should be thematic throughout all of the Villages.
4. Detail and diversity. All buildings fronting on pedestrian activity should have design rhythms, details, texture, and scale appropriate to the pedestrian. Harmonized visual richness and diversity should support rich human experiences.
5. Formal integrity. Buildings and building masses should have 360-degree integrity. Buildings with multiple frontages should have a continuous harmony of materials and expression around the corner and not be merely façades.

**D. Village Parks and Open Space Design Guidelines:**

1. Open space overview. The parks and open space component of Gateway is dedicated to the creation of quality active and passive parks and open spaces that provide "green" linkages and physical connections to the river, the community and the regional transportation network that has its hub at the Gateway. The Gateway's approach to parks, open space, trails and walkways will focus on the connectivity and continuity and that open space and parks will be provided throughout the entire gateway site. It is intended that the parks and open space become an integral component of the overall Gateway character, resulting in a popular public destination, which is lively, secure, distinct, and promotes a healthy, community-based, urban lifestyle.

The following design goals will be considered in all aspects of the outdoor environment and will act as touchstones to guide exterior development and enhancements throughout the parks and public open spaces.

- a. Variety of outdoor experiences. Provide a variety of outdoor experiences for people of all ages and user types- residents, commuters, visitors and employees. Promote opportunities for inter-generational activities, physical, social and cultural growth that will promote a healthy lifestyle and a sense of wellbeing.
- b. Pedestrian friendly environments. Create pedestrian friendly environments to encourage walking, interaction and a sense of discovery at each turn. A comprehensive system of trails and walkways will link all areas of the site and tie into the greater regional trail system and "Emerald Necklace" that parallels the major

waterways in the area. Fitness stations and mileage markers will be incorporated into trail circuits.

- c. Celebrate nature. Celebrate nature in all its forms-riparian landscape character, natural habitats and enhancement of open space with attractive flora and fauna. Create opportunities to showcase and experience nature in the urban context.
  - d. Celebrate the Rio Hondo. Celebrate the Rio Hondo River and the role of water in our Southern California climate. Provide educational opportunities to inform the public about the water cycle and the greater watershed that replenishes our critical groundwater supply. Provide a gateway feature to direct and encourage public access to the River and greater regional recreation resources associated with the Emerald Necklace.
  - e. Attractive and functional park and open space. Create attractive and functional park space to promote outdoor recreation venues, outdoor dining, performance and art exhibit areas, historical interpretation, and “open air” learning opportunities. Provide open space to promote natural habitat and passive walking and observation of native flora and fauna.
  - f. Civic space. Create attractive public spaces that are flexible and can become destinations for community gatherings and civic events.
  - g. Sustainable design. Demonstrate sustainable design principles through the appropriate use of drought tolerant and native plant materials, utilization of recycled products, composting practices, low energy and low water consumption requirements, and water quality management practices. Reclaimed water will be used wherever it is possible.
2. Pioneer Park. Pioneer Park will be a mix of active and passive recreation uses including two rebuilt and improved sports fields. The raised sports field area will provide a central gathering area for lighted softball, baseball and overlay soccer play. The surrounding more passive park and open space offers a variety of recreation experiences from walking and bike trails to children’s play areas, an informal amphitheater, a community recreation building, family picnic tables, and featured historical and interpretive elements.
- a. Sports plaza. The two ball diamonds will be interconnected by a sports plaza. The plaza will feature a concession/restroom building with concession area, restrooms, two storage rooms and shaded patio area. Aluminum bleachers will be positioned behind the backstops. Fabric shade structures, picnic tables, benches and drinking fountains will be located within the plaza area for visitors’ convenience.
  - b. Ballfields:
    - i. The ballfields will be defined by vinyl coated chain link fence backstops with backboards and descending sideline fences to protect spectators. The dugouts will be at grade with shade fabric, team benches, bat racks, and convenient drinking fountains for players. The fields, dugouts, drinking fountains for players.

The fields, dugouts, drinking fountains and spectator areas will be American with Disabilities Act (ADA) compliant. The field may be artificial turf or traditional grass per City approval.

- ii. The ballfield lighting will be state-of-the-art, poles with minimum light spill off the field areas. An electronic scoreboard with remote controls to a scorer's table at the backstop will be located at each field. A public address system will also be provided with a localized speaker system to minimize sound travel beyond the limits of the field.

c. Riverside promenade:

- i. A riverside promenade will parallel the Rio Hondo and provide a linear pedestrian and bicycle linkage between Pioneer Park and Fletcher Park to the south. The Promenade will feature a number of trail and path options including the asphalt paved regional bike trail running directly adjacent to the Rio Hondo, an ADA accessible walkway and a meandering trail traversing the slope that separates the elevated field area from the riverbanks. Benches will be provided along the paths and trails to encourage bird watching and restful enjoyment of the open space and the wildlife it attracts.
- ii. The character of this riverside promenade area will be enhanced to reflect a riparian vegetation type with appropriate planting on the ground. Bioswales incorporating water quality enhancing plant species coupled with water movement through swales may be incorporated where possible along the riverside area. Interpretive signage will be used to guide and inform visitors.
- iii. An informal outdoor amphitheater nestled into the slope overlooking the Rio Hondo will provide a small venue for nature talks, gathering spot for a walking tour or a small presentation or performance. Trees will be planted to interrupt the terraces and anchor the landform.
- iv. Main walks and trails throughout the site will be lighted with security lights to provide directed illumination and visual surveillance. Fixtures will be selected for minimum light spill, durability, and appropriate aesthetic character.
- v. Wayfinding signage with a common style will be provided throughout the park and open space areas to direct visitors to destinations or connections within and outside of the Gateway development.

d. Themed play area:

- i. The park will feature a themed Children's Play Area. The area will be buffered with planting and enclosed by a decorative ornamental steel fence as needed to control the access of children and protect them from street traffic. The play area will feature equipment and site furnishing components that tie into the End of the Santa Fe Trail theme and historical roots of El Monte. Separate play equipment will be provided for two (2) to five (5) year old tots and five (5) to 12

year old children. Equipment will meet ADA access standards and Consumer Product Safety Commission standards.

- ii. Shade trees or fabric shade canopies will be used to shade the play equipment. Benches with backs will be provided adjacent to the play area for convenient and safe adult supervision.
  - iii. Picnic tables may also be located adjacent to the play area for family use. A paved travel way may be incorporated in the play area to accommodate a tricycle course.
  - iv. A small water/sand play feature may be incorporated into the themed play area for seasonal use or manipulative play.
- e. Gateway Entry to The Emerald Necklace. A broad tree-lined entry drive will occur south of the park along Santa Anita Avenue and will act as a major pedestrian entry to Emerald Necklace and the park. This roadway/linear plaza must be wide enough to accommodate a Los Angeles County fire lane. It will terminate at a large riverfront overlook. Pedestrian walkways and decomposed granite trails will link into this key public space.
  - f. Community building area. A new community building will be added to the park. It may be a one (1) or two (2) story structure with an assembly room, lobby, restrooms, kitchen, storage and meeting rooms.
  - g. Landscape and irrigation improvements:
    - i. The Gateway Specific Plan will encourage the use of native or drought tolerant materials, as appropriate, and require a minimum of supplemental fertilization and maintenance. Because of the variety of conditions on the site, the species selected for a given area shall be compatible with the microclimate exposure, soil conditions and user demands. Shrubs and groundcovers should be perennial type, noninvasive and require a minimum of trimming.
    - ii. Irrigation of plant materials shall be efficiently managed through state-of-the-art automated irrigation control systems appropriate to the unique needs of trees, shrubs and turf.
- 3. Fletcher Park design guidelines. Fletcher Park may remain in its current configuration. However, it may be renovated to meet the quality standards associated with the redeveloped Pioneer Park. The intent is to connect Fletcher Park into the overall high quality park and open space associated with the Gateway Specific Plan development.

#### **E. Rio Paseo Village Design Guidelines:**

- 1. Rio Paseo Village features. The Rio Paseo will be a regional feature, where visitors can come to dine along a narrow river channel. This channel will loop through the heart of the project, providing a walkable linkage as well as a romantic place of dining and passive recreation.



- a. In character, the Rio Paseo should have the informality of river and canal districts around the world, with rich landscaping and a relaxed use of natural materials.
- b. The Rio Paseo should be lush and romantic. Well-lit at night, it should also have a special character of light, allowing for a rich play of shadows, highlights, accent and feature lighting of landscape.
- c. The principal commercial uses along Rio Paseo (dining and drinking, coffee houses, bakeries, specialty shops that could potentially sell goods for consumption on property) should be evident to the stroller both from signage and from literal visual contact between goods offered and pedestrian movement.

The typical storefront should be seen as a simple, minimal mediation between the street and the interior. Both the generous use of glass and the use of flexibly open storefronts (folding glass doors or French doors) should be encouraged.

- d. While diversity of storefronts and awnings are encouraged, the terrace along the Rio Paseo should have a feeling of public continuity and not be sub-divided by tenants (e.g. continuity of outdoor paving, street furniture, umbrellas, etc.).

At the same time, individuation at storefront lines should be encouraged via personalized devices such as greeting stands, and artisanal sign boards and handwritten menu boards.

The overall test of successful design, both of the terraces and the storefronts, should be that they provide a consistently romantic and sophisticated ambience, avoiding explicit historic references or 'cuteness'.

- e. The fire lane should be usefully employed to support internal walking, with a richness of surface pattern that belies its use as a fire lane.
- f. Bay widths should be modest and in keeping with the constrained width of the Rio Paseo itself.
- g. The river channel should be of modest width, varying from 15 to 30 feet.
- h. In the spirit of world-class, small-scaled, highly pedestrian environments, services to Rio Paseo restaurants should be structured at dedicated off-hours from the adjacent parking garages.
- i. Restaurant pads and storefronts with frontage along Santa Anita Avenue are critical invitational components of the Gateway. On the one hand, these frontal pads are the most likely to draw strong national and regional tenants. At the same time, it is highly important that the character that is projected along Santa Anita Avenue offers the intimate, natural and special qualities that will characterize the interior of the Gateway.

First, these restaurants should transform the character of the sidewalk. In conjunction with enhanced paving and street landscaping, the basic setting should be one of lush tree canopy and natural materials to the extent that a continuous

sidewalk cafe environment draws the public from Santa Anita Avenue into the heart of the project.

Further, in keeping with the character of the more intimate internal restaurants, with the exception of the kitchen/service areas, these larger restaurant pads should maintain either a glassy or wholly open storefront character to the street.

The design character of these storefronts should be simple, but include a rich palette of materials, and a vision that incorporates layers of detail and landscape.

2. Rio Paseo Village guidelines:

- a. Residential development should have a modest public lobby at the public or semi-public deck level containing mail functions and resident access to upper levels. These lobbies should have a slightly more marked presence at the deck level than individual unit entries and yards at the deck level.
- b. For deck level units, there should be a hierarchy from most public space (e.g. the shared, landscape deck area), to semi-private space (e.g. modest front yards or porch areas) to unit entries.
- c. Deck-level unit yards/porches should have a semi-public feeling, with an identifiable edge that also allows visual permeability (e.g. low hedges, partial low walls, etc.). While over parking, the public and semi-public decks should convey a quality of lush landscaping.
- d. Architectural character should be consonant with generous unit daylighting (especially to the north). Through the generous use of glass, the architecture should exude a quality of exterior design that is airy, lightweight, and open to the lush natural environment surrounding it as well as the multiple distant view opportunities.
- e. Development in the Rio Paseo Village should have a sense of generosity, both in terms of distance between units/views, and in terms of common and private outdoor recreational space.

**F. Shared Rio Paseo Village and North Promenade Village Design Guidelines:**

1. The essential character of both Rio Paseo Village and North Promenades at the pedestrian level should be one of considerable intimacy, both of scale and detail. It should have the density and compaction of a narrow pedestrian-oriented shopping street. These shops will, by geometry, be limited in depth and scale and their character should reflect this smallness.
2. Internal bridge crossings between the retail areas should aggressively acknowledge the pedestrian with generosity of scale and specially designed surface articulation.
3. To encourage maximized access between uses, lobbies for vertical access to both residential and commercial floors that are above the ground retail level should be secured. However, they should still have a visible and well-designed identity to the streetscape.

4. Storefronts should use great amounts of glass, with significant articulation, detail, eclecticism and diversity of storefront arcades should be encouraged while avoiding the overuse of historical references. Diversity of storefront overhanging canopy design should be encouraged.
5. There shall be a virtual semi-public zone/porch area at the frontage of each leasing bay which should allow for small, lacy projected specialty signs, non-permanent canopies and banners and individualized amenities that should reflect an artisanal approach to shop-keeping (e.g. potted landscaping, chalkboards and unique standing signage).
6. Residential units above the first two stories should not encroach beyond the retail storefront line (including residential balconies).
7. The architecture of the residential units should be shaped to a large extent by the buildings' east and west exposures, suggesting appropriate facade depth, outdoor/indoor balcony rhythms, etc. East-facing Santa Anita Avenue units should also develop a clear cadence, lending rhythm and distinction to the street. All residential units should allow for a simple, but variegated, contemporary design expression with a generous use of glass.
8. Consistent with the sustainable goals of the Gateway, the major lower roof platforms of the North and South Promenade Villages should be developed as green roofs. The design criteria for these roofs should be designed to:
  - a. Create landscaped view-sheds for residents;
  - b. Create semi-public shared space for residents and conference center users;
  - c. Enhance energy conservation and sustainability; and
  - d. Provide dynamic views for rooftop users.
9. The Promenades should have a dedicated off-street truck service area from which goods can be carted throughout the pedestrian promenade system.
10. Pedestrian activities, and amenities such as seating, kiosks, and dining are gathering places that should be integrated into the overall design.

**G. North Promenade Village – Specific Design Guidelines:**

1. All frontages to the Rio Paseo, whether restaurant or retail, should project a glassy or fully open presentational aspect to pedestrian passersby. Unarticulated, solid walls facing the Rio Paseo or any of the internal pedestrian streets should not be permitted.
2. In hierarchy of character, the North Promenade should 'mediate' between Pioneer Park, at the north of the project, and the increasingly formal urban landscape of the South Promenade Village. The landscape should create a sense of lushness, without being overly formal. It should be appropriate to a narrow-laned urban setting. There should be a combination of in-ground planting and tenant planters in rhythms that anticipate a casual and surprising impact from the overall landscape patterns along the Promenade

lanes. The emphasis should be on maintaining an informal but continuous overhead canopy of trees and/or vines.

3. The easterly internal street of the North Promenade, especially at its junction with Ramona Avenue, should be envisioned as the most activated core of the project with a sense of 'town square' openness, with enough excess width in the street to accommodate street performers and moving crowds at considerable density. The Ramona Boulevard/Santa Anita Avenue cafes and outdoor dining should line Ramona and provide excitement to visitors as they enter the Gateway. An area within the North Promenade is envisioned as the most activated core area of the project with a sense of "Town Square", with enough excess width in the street to accommodate street performers and moving crowds. The Town Square should be airy and spacious. It should be a democratic place, for passage, for people watching, and for entrepreneurial street entertainment. The Town Square 'floor' should be of an enriched paving material, lending both detail and color.

#### **H. South Promenade Village – Specific Design Guidelines:**

1. North /south lanes of the South Promenade Village will share the same character and guidelines as the North Promenade Village. The South Promenade will open up in width and present a more formal and broad entrance to the hotel, office towers and regional retailers.
2. The east-west pedestrian walkway of this Promenade should be designed in a formal way, with visual signage of prominent retailers contiguous along its edge. Additionally, stately and generous landscape should be continuous along its edge. There should be an overall sense of generous scale along this pedestrian way. Vertical elements should be of a scale to provide armatures for banners.
3. A water feature of significant scale should be part of this east/west axis.
4. Outdoor vending concessions should be allowed in the east-west lane of this Village as a way to further enliven its pedestrian life.
5. This village will be an important visual focus for the Gateway to the freeway and to the south. In consistency with the architecture throughout the Gateway, its design should be contemporary, and expressive of sustainable architecture. Along with the office buildings to the west, this building should most fully epitomize the progressive values of the General Design Guidelines at the beginning of this Section.
6. Motor court and arrival areas should provide for enhanced surface paving, with articulated detail, under-car and under-foot continuously to the entry lobby.
7. Publicly accessible lobby spaces should present an open, welcoming quality to the street as well as to the Village Promenade area.
8. The architecture of buildings in this Village should epitomize the General Design Guidelines in terms of sustainability, contemporaneousness and a literally green setting. The buildings should maximize glassiness and views. As the tallest buildings in the Gateway, design should capitalize on views of the San Gabriel Mountains and downtown

Los Angeles. And with their strong exposure to I-10 Freeway, they will serve as landmarks that exemplify the quality and character of the entire project.

9. Retail lease space, even if shallow in depth, shall be provided continuously along the edge of any parking structure facing the promenade. The parking structure lobbies should be marked in contrast to these retail elements with a vertical identity. Lobbies should discharge in a place along the promenade to be most stimulating for pedestrian activity.
10. The width of the east-west South Village Promenade should be gracious, with rich formal tree canopy and the capacity to contain crowds for major events.
11. Storefronts should be designed to accommodate two different readings:
  - a. During weekdays, the base of the buildings should be read as glassy outlet storefronts consistent with the contemporary decorum of the office buildings above.
  - b. There will be an active marketplace in the north promenade that is open during weekends. It should be designed as a vibrant indoor/outdoor market, with outlet goods rolled onto the pedestrian streets or brought similar to a farmers' market operation.

**17.131.080 – Other Requirements.**

When a development standard is not identified in the Gateway Specific Plan, this Title shall apply.

## **CHAPTER 17.132 – MOUNTAIN VIEW SPECIFIC PLAN**

### **Sections.**

- 17.132.010 – Purpose and Applicability.
- 1.132.020 – Goals and Objectives.
- 17.132.030 – Development Plan.
- 17.132.040 – Permitted Uses.
- 17.132.050 – Development Standards.
- 17.132.060 – Design Guidelines.
- 17.132.070 – Other Requirements.

### **17.132.010 – Purpose and Applicability.**

This Chapter sets the regulatory and design framework for the Mountain View Specific Plan area, while implementing the City's general Plan goals as they relate to the development of Specific Plans. The provisions of this Chapter apply to building additions, exterior remodels, relocations, or new construction requiring a building permit within the Specific Plan.

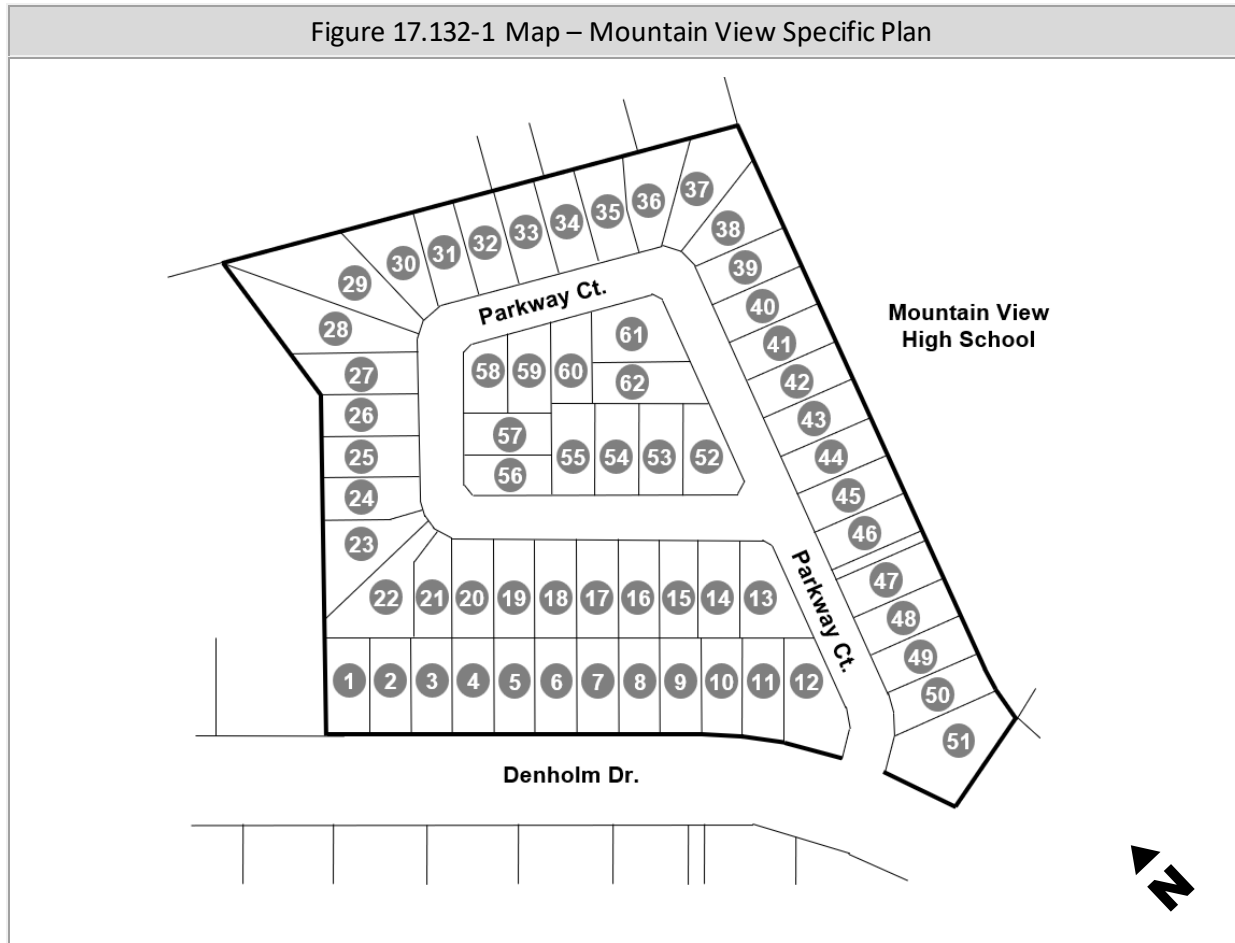
### **17.132.020 – Goals and Objectives.**

These goals are aimed at guiding the development of the Mountain View Specific Plan to create a neighborhood which will be in harmony with surrounding land uses and to develop a distinctive sense of community for its residents.

- A. To implement development objectives, policies and programs of the General Plan;
- B. To implement affordable housing goals. Ten (10) percent of the project will be restricted to first-time affordable buyers. These units will be set aside for low-income and moderate-income households;
- C. To provide specific planning and development standards for the property;
- D. To provide streets with sufficient capacity for efficient and safe travel movements, incorporating neo-traditional design concepts that reduce vehicle speeds and noise and better accommodate pedestrians;
- E. To provide a cohesive architectural style and produce a high-quality residential community, unique in design and visual character;
- F. To provide infrastructure and utilities to meet the demands generated by the project and to not only minimize impacts on adjacent land uses but improve functionality of adjacent land uses. Coordinating with Mountain View High School to add a crosswalk, stop signs, disabled ramps and loading lanes to improve traffic flow and safety; and
- G. To create a uniquely identifiable neighborhood character through landscaping, interface treatments and architectural theme and details.

### **17.132.030 – Development Plan.**

See Figure 17.132-1 for a development map of the Mountain View Specific Plan.



### **17.132.040 – Permitted Uses.**

- A. Residential dwelling, single-family, one (1) on a lot.
- B. Accessory structures. Shall be limited to swimming pools, spas, porte cochères, covered patios (attached or detached), gazebos and cabanas.
- C. Accessory Dwelling Unit (ADU) and Junior ADU (see Section 17.110.030 of this Title).
- D. Home occupation business (see Section 17.110.050 of this Title).

### **17.132.050 – Development Standards.**

#### **A. Residential Dwellings:**

- 1. Minimum front yard setback. The existing area between the street curb and the front line of the dwelling as shown on Figure 17.132-1.
- 2. Street side yard setback (for Lots 12, 13, 52, 56, 58 and 61). The existing area between the street curb and the side line of the dwelling. The areas enclosed by a masonry wall with a minimum height of five (5) feet shall be considered part of the rear yard.

3. Other minimum development standards. Refer to Table 17.132-1.

| 17.132-1 – Residential Development Standards – Mountain View Specific Plan |        |         |               |              |  |       |        |         |               |              |
|----------------------------------------------------------------------------|--------|---------|---------------|--------------|--|-------|--------|---------|---------------|--------------|
| Lot #                                                                      | Lot SF | Unit SF | Interior Side | Rear Setback |  | Lot # | Lot SF | Unit SF | Interior Side | Rear Setback |
| 1                                                                          | 3,460  | 2,285   | 5 ft.         | 15 ft.       |  | 32    | 3,386  | 2,285   | 5 ft.         | 15 ft.       |
| 2                                                                          | 3,382  | 2,189   | 5 ft.         | 15 ft.       |  | 33    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 3                                                                          | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 34    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 4                                                                          | 3,382  | 2,189   | 5 ft.         | 15 ft.       |  | 35    | 3,359  | 2,189   | 5 ft.         | 15 ft.       |
| 5                                                                          | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 36    | 4,178  | 2,285   | 5 ft.         | 10 to 20 ft. |
| 6                                                                          | 3,382  | 2,189   | 5 ft.         | 15 ft.       |  | 37    | 4,862  | 2,285   | 5 ft.         | 15 to 30 ft. |
| 7                                                                          | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 38    | 4,134  | 2,285   | 5 ft.         | 15 ft.       |
| 8                                                                          | 3,382  | 2,189   | 5 ft.         | 15 ft.       |  | 39    | 3,382  | 2,189   | 5 ft.         | 15 ft.       |
| 9                                                                          | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 40    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 10                                                                         | 3,403  | 2,189   | 5 ft.         | 15 ft.       |  | 41    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 11                                                                         | 3,528  | 2,285   | 5 ft.         | 15 ft.       |  | 42    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 12                                                                         | 4,906  | 2,189   | 5 ft.         | 25 ft.       |  | 43    | 3,382  | 2,189   | 5 ft.         | 15 ft.       |
| 13                                                                         | 4,338  | 2,009   | 5 ft.         | 20 ft.       |  | 44    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 14                                                                         | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 45    | 3,382  | 2,189   | 5 ft.         | 15 ft.       |
| 15                                                                         | 3,115  | 1,444   | 5 ft.         | 25 ft.       |  | 46    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 16                                                                         | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 47    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 17                                                                         | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 48    | 3,382  | 2,285   | 5 ft.         | 15 ft.       |
| 18                                                                         | 3,382  | 2,189   | 5 ft.         | 15 ft.       |  | 49    | 3,382  | 2,189   | 5 ft.         | 15 ft.       |
| 19                                                                         | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 50    | 3,575  | 2,285   | 5 ft.         | 15 ft.       |
| 20                                                                         | 3,387  | 2,285   | 5 ft.         | 15 ft.       |  | 51    | 5,351  | 2,189   | 5 ft.         | 30 ft.       |
| 21                                                                         | 3,027  | 1,444   | 5 ft.         | 25 ft.       |  | 52    | 3,605  | 1,444   | 5 ft.         | 20 ft.       |
| 22                                                                         | 4,737  | 2,009   | 5 ft.         | 10 ft.       |  | 53    | 3,360  | 2,009   | 5 ft.         | 15 ft.       |
| 23                                                                         | 4,685  | 2,009   | 20 ft.        | 5 ft.        |  | 54    | 3,360  | 2,009   | 5 ft.         | 15 ft.       |
| 24                                                                         | 3,290  | 2,285   | 5 ft.         | 15 ft.       |  | 55    | 3,360  | 2,009   | 5 ft.         | 15 ft.       |
| 25                                                                         | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 56    | 2,767  | 1,444   | 5 ft.         | 20 ft.       |
| 26                                                                         | 3,382  | 2,285   | 5 ft.         | 15 ft.       |  | 57    | 3,216  | 2,009   | 5 ft.         | 10 ft.       |
| 27                                                                         | 3,800  | 2,189   | 5 ft.         | 15 to 35 ft. |  | 58    | 2,782  | 1,444   | 5 ft.         | 10 ft.       |
| 28                                                                         | 6,651  | 2,285   | 5 ft.         | 12 to 50 ft. |  | 59    | 3,150  | 2,009   | 5 ft.         | 10 ft.       |
| 29                                                                         | 6,289  | 2,285   | 13 ft.        | 17 to 50 ft. |  | 60    | 2,805  | 1,444   | 5 ft.         | 15 ft.       |
| 30                                                                         | 4,163  | 2,285   | 5 ft.         | 15 ft.       |  | 61    | 4,473  | 2,009   | 5 ft.         | 10 ft.       |
| 31                                                                         | 3,386  | 2,189   | 5 ft.         | 15 ft.       |  | 62    | 3,845  | 2,285   | 5 ft.         | 15 ft.       |



- B. **Entryways and Doorways.** The main entryway shall face the front yard. Other doorways may face the rear yard. However, doorways shall be prohibited along the street side and along the interior side yard.
- C. **Parking.** Each dwelling unit shall have an attached garage for two (2) fully enclosed parking spaces. The garage shall also have automated roll-up doors. Driveways shall have a minimum depth of 18 feet to allow two (2) open parking spaces. There shall also be a minimum of 30 on-street parking spaces for residents and guests.
- D. **Accessory Structures:**
1. Covered patios (attached or detached), gazebos and caban. Dwellings may have one (1) accessory structure limited to the rear yard. It shall not exceed an area of 100 square feet and height of 12 feet. In addition, it shall maintain a minimum setback of five (5) feet from any property line.
  2. Porte cochères. Dwellings may have one (1) detached porte cochère located in front of the garage and across the driveway, provided neither of the adjacent dwellings have a porte cochère. It shall have a minimum setback of eight (8) feet from the front property line.
  3. Exterior spas, hot tubs or swimming pools. Shall be limited to the rear yard.
- E. **Paving and Landscaping:**
1. Paving in the front yard and street side yard. Shall be limited to a driveway (with a maximum width of 20 feet) and a pedestrian walkway (with a maximum width of four (4) feet to access the main entryway and a gate to the rear yard.
  2. Refuse pad. A three (3) foot by nine (9) foot concrete pad shall be maintained within the interior side yard at all times for refuse containers.
  3. Other paving. Shall be limited to a maximum of 200 square feet within the interior side yard and rear yard.
  4. Landscaping. One (1) 24-inch box tree shall be planted along the parkway in front of each dwelling. This shall be increased to two (2) 24-inch box trees for dwellings on corner lots. In addition, one (1) 24-inch box tree shall be planted in the rear or interior side yard of each dwelling.
- F. **Walls and fences:**
1. Front and street side yards:
    - a. Lots 1 through 12. May have a front yard fence with a maximum height of three (3) feet. It shall be decorative, painted white and made of wood or vinyl materials.
    - b. All other lots. Walls and fences shall be prohibited.
  2. Interior side and rear yards:
    - a. Facing a street. Walls shall be constructed of split face block, except where gates occur.

- b. Not facing a street. Walls shall be constructed of split face block or grey precision block.
- c. Walls shall not exceed a height of six (6) feet, not including the retaining portion of retaining walls. Walls and gates shall be of uniform design throughout the Mountain View Specific Plan.

**17.132.060 – Design Guidelines.**

Refer to Chapter 6.0 (Architectural Design Guidelines) of the Mountain View Specific Plan for information on building layout and massing, architectural style, architectural details and materials and colors.

**17.132.070 – Other Requirements.**

- A. When a development standard is not identified in the Mountain View Specific Plan, this Title shall apply.
- B. **Implementation and Administration.** Refer to Chapter 5.0 (Implementation and Administration) of the Mountain View Specific Plan for additional requirements with regards to required actions and entitlements, permits and discretionary actions, expiration of approval and extensions, severability, applicability, administration and enforcement and Specific Plan amendments.

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## **CHAPTER 17.133 – FLAIR PARK SPECIFIC PLAN**

**Reserved.**

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## **CHAPTER 17.134 – DOWNTOWN SPECIFIC PLAN**<sup>10</sup>

### **Sections.**

- 17.134.010 – Purpose and Applicability.
- 17.134.020 – Vision and Guiding Principles.
- 17.134.030 – Summary of Subareas.
- 17.134.040 – Permitted Uses.
- 17.134.050 – Development Standards.
- 17.134.060 – Development Opportunity Reserve (DOR).
- 17.134.070 – Design Guidelines.
- 17.134.080 – Other Requirements.

### **17.134.010 – Purpose and Applicability.**

This Chapter sets the regulatory and design framework for developers, designers, City staff, and review bodies to develop and implement projects as they proceed through the entitlement process. The provisions of this Chapter apply to building additions, exterior remodels, relocations, or new construction requiring a building permit within the Downtown Specific Plan.

### **17.134.020 – Vision and Guiding Principles.**

The vision for Downtown El Monte has been one that has been continually evolving over the past 100 years. The Downtown Specific Plan builds upon the existing historical context of the City while at the same time incorporating ongoing planning efforts to create a vision that emphasizes transit-oriented strategies, multi-modal options and public realm enhancements. Through interactive design exercises, stakeholder interviews and community feedback, crucial elements were identified that are necessary to make the Downtown a beautiful, safe, historic and lively regional destination. The following serve as the Specific Plan's Guiding Principles:

- A. **Mixed-use, Pedestrian and Transit-oriented Urban Village** – Create a mixed-use, pedestrian and transit-oriented urban village focused around a pedestrian-friendly Main Street containing a mix of shops and supportive uses woven together by attractive streetscape improvements and paseos connecting to adjacent neighborhoods and transit centers.
- B. **Central Shopping and Entertainment District** – Transform the Downtown into a central shopping and entertainment district that contains retail stores, neighborhood services, office spaces, and restaurants with outdoor dining; complemented by broad sidewalks, plazas and parks designed with music and performance areas for resident and visitor enjoyment.
- C. **Enticing Place for Investment** – Make Downtown an enticing place for investment by designing an active and vibrant street environment that attracts new businesses Downtown and by providing incentives to developers, downtown merchants, and property owners to locate in this area.

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<sup>10</sup> The Downtown Specific Plan was adopted as the Downtown Main Street Transit-Oriented Specific Plan in 2017.

- D. **Variety of Housing Opportunities** – Incorporate a variety of housing opportunities throughout the Downtown that include a mix of densities and product types that use engaging architecture to further define El Monte’s historic Downtown.
- E. **Expanded and Improved Public Transit System** – Create a Downtown supported by an expanded and improved public transit system, including a new trolley route throughout the Downtown core with connections to El Monte Bus Station and Metrolink Station.
- F. **Blend of Old and New** – Provide a blend of old and new, where new development takes its design cues from the existing El Monte culture, character, and history. Define unique public plazas and green-space improvements connected by distinctive streetscapes interconnected with pedestrian paseos.
- G. **Balanced System of Multimodal Streets** – Provide a well-connected and balanced system of multimodal streets (bus, auto, bike) connected to pedestrian linkages designed to accommodate all users regardless of age or ability.
- H. **Entryways at Key Intersections** – Create entryways at key intersections to denote entries into the Downtown Specific Plan through improved streetscapes and signage.

#### **17.134.030 – Summary of Subareas.**

The Downtown Specific Plan is divided into the following four (4) subareas. Refer to Figure 17.134-1 for a map of the Subareas.

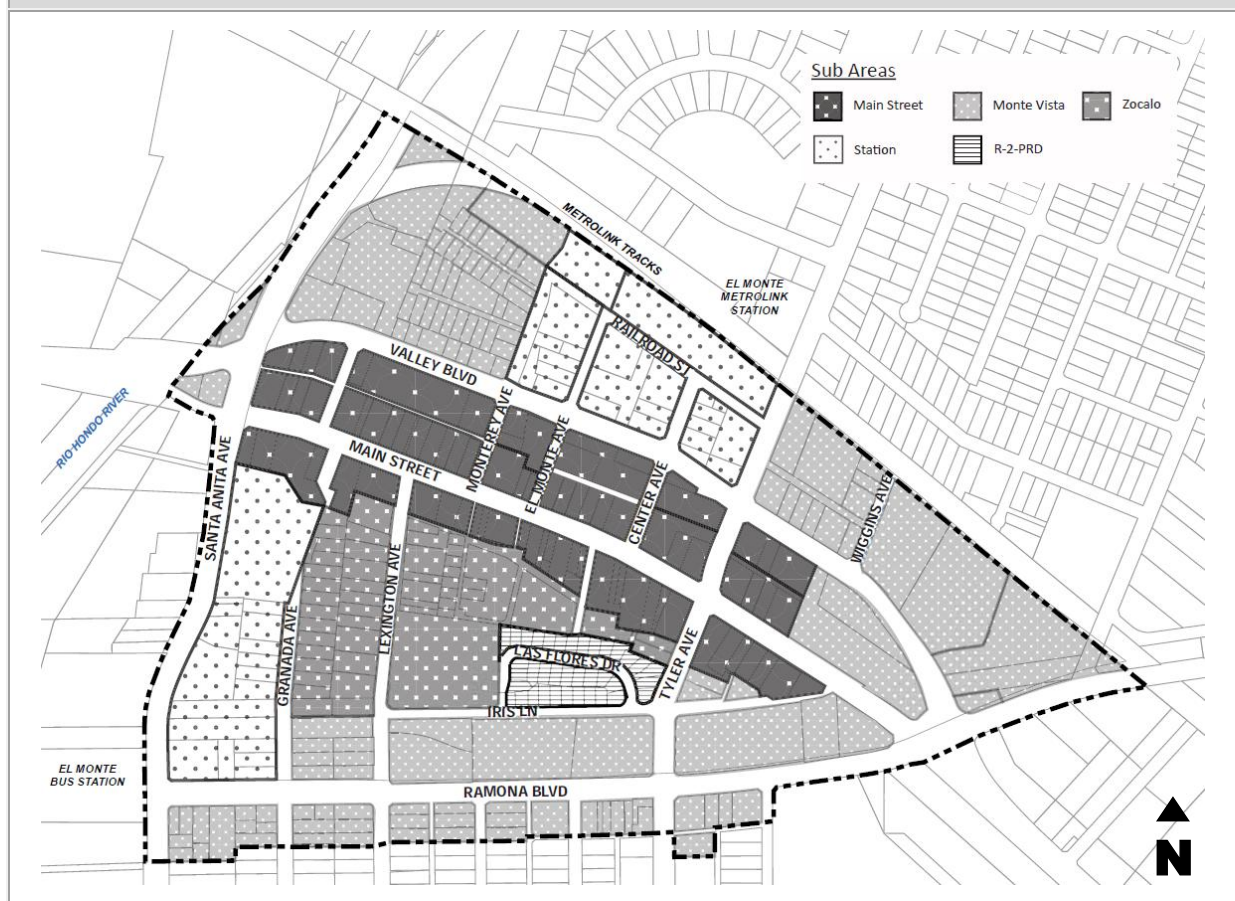
- A. **Main Street (MS) Subarea** – This Subarea is the economic, cultural and historic “heart” of the City. It includes many existing mom-and-pop retail and dining establishments. Much of Main Street has been improved with wide sidewalks, street furnishings and pockets of enhanced landscaping. A network of alleys and paseos allow for access to/from parking areas and adjacent subareas. The Subarea is envisioned to be revitalized with façade improvements and vertical mixed-use development with residential or office above retail and restaurants. Buildings up to three (3) stories in height will line Main Street and buildings up to four (4) stories in height will front along Valley Boulevard.
- B. **Zócalo (Z) Subarea** – Zócalo means “public square” which is a term that characterizes the physical location of this Subarea. Today this Subarea mostly includes residential, retail and office uses that are linked to the Main Street Subarea via paseos, alleys and Lexington Avenue. One large centrally located parking area is utilized for Downtown events and provides parking for the businesses along Main Street. This Subarea is envisioned to transform underutilized parking areas into retail and housing opportunities centered around outdoor open space. This plaza will provide space for community arts and cultural events to occur. Artist live/work units and urban housing developments up to five (5) stories in height will support Main Street retail uses a short walk away. Along Lexington Avenue, retail and professional offices will provide an extension of Main Street uses and support the surrounding residences with various job opportunities.

Within the Zócalo Subarea is a well-established residential neighborhood that is unlikely to change during the life of the Downtown Specific Plan. This area is exempt from the

regulations and guidelines of the Specific Plan and shall follow the Low-density Multiple-family Dwelling (R-2) zoning district standards.

- C. **Station (ST) Subarea** – This Subarea embodies the transit-oriented elements of the Downtown Specific Plan. Broken into two (2) areas, the Station Subarea includes the El Monte Metrolink Station and properties across the street from the El Monte Bus Station. Both transit stops are within a comfortable five (5) to ten (10) minute walking distance to Downtown restaurants, shops and services. This Subarea is envisioned to include a complementary mix of retail, urban housing and transit uses. Stand-alone multi-family residential uses such as townhomes, studio flats and apartments up to six (6) stories will provide housing opportunities for transit users in close proximity to Downtown.
- D. **Monte Vista (MV) Subarea** – This Subarea is located along the southern and northern edges of the Downtown Specific Plan and is comprised of office, residential and public uses including the El Monte United States Post Office which occupies a large portion of the Subarea. The area contains Downtown supporting uses and creates a buffer to surrounding residential uses. This Subarea will be enhanced with street corridor beautification, mixed-use development and Downtown entry treatments in key locations. New development is limited to a maximum of four (4) stories to ensure an appropriate transition from the Downtown core to areas outside the Specific Plan boundary.

Figure 17.134-1 Map of Subareas – Downtown Specific Plan





### **17.134.040 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.134-1 prescribes the land use regulations for the Downtown Specific Plan. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; applications for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.134-1 is not permitted in the Downtown Specific Plan, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

| Table 17.134-1 – Permitted Uses – Downtown Specific Plan      |                   |                  |    |            |
|---------------------------------------------------------------|-------------------|------------------|----|------------|
| Residential – Main and Ancillary Uses                         | MS & Z            | ST <sup>11</sup> | MV | Notes      |
| Accessory building                                            | --                | --               | P  | 17.110.020 |
| Corridor housing                                              | P                 | P                | P  | 17.110.040 |
| Factory-built housing                                         | --                | P/C              | P  |            |
| Home occupation business                                      | P                 | P                | P  | 17.110.050 |
| Live/work unit                                                | --                | M                | M  | 17.110.060 |
| Mixed-use development –                                       |                   |                  |    |            |
| Horizontal                                                    | --                | P/C              | P  | 17.110.070 |
| Vertical <sup>12</sup>                                        | P                 | P                | P  | 17.110.070 |
| Multiple-family, five (5) or more attached dwellings on a lot | -/P <sup>13</sup> | P/C              | P  |            |
| Religious institutions housing                                | --                | --               | P  | 17.110.080 |
| Senior housing                                                | C                 | P/C              | P  |            |
| Urban housing development                                     | -/P <sup>13</sup> | P/C              | P  | 17.110.120 |
| Community Care Uses                                           |                   |                  |    |            |
| Adult daycare facility, general                               | --                | --               | C  |            |
| Childcare facility                                            | --                | C                | C  |            |
| Elder care or assisted living facility                        | --                | --               | C  |            |
| Residential care facility, general                            | --                | --               | C  |            |
| Public & Quasi-Public Uses                                    |                   |                  |    |            |
| Electrical distribution substation                            | --                | --               | C  |            |
| Government or government related facility^                    | P                 | P                | P  |            |

<sup>11</sup> Ground floor residential facing Santa Anita Avenue shall require approval of a CUP.

<sup>12</sup> For vertical mixed-use projects with residential, a minimum 50% of the total floor area shall be residential, with exception to projects in the Main Street DOR-1.

<sup>13</sup> Only permitted in Main Street DOR-2 and Zócalo Subareas. Shall not be permitted in Main Street DOR-1.

| Table 17.134-1 – Permitted Uses – Downtown Specific Plan (continued) |           |    |    |               |
|----------------------------------------------------------------------|-----------|----|----|---------------|
| Public & Quasi-Public Uses                                           | MS & Z    | ST | MV | Notes         |
| Recreation facility – public^                                        | P         | P  | P  |               |
| School & educational facility –                                      |           |    |    |               |
| College or university, public                                        | --        | P  | P  |               |
| College or university, private                                       | --        | C  | C  |               |
| K-12, public                                                         | --        | -- | P  |               |
| K-12, private                                                        | --        | -- | C  |               |
| Preschool, public                                                    | --        | P  | P  |               |
| Preschool, private                                                   | --        | C  | C  |               |
| Specialized education and training                                   | --        | C  | C  |               |
| Tutoring and education center*                                       | P         | P  | P  |               |
| Urgent care or medical clinic*                                       | --        | P  | P  |               |
| Utility facility                                                     | --        | -- | C  |               |
| Wireless facility                                                    | See notes |    |    | 17.90 & 17.92 |
| Assembly & Entertainment Uses                                        |           |    |    |               |
| Ancillary entertainment*^                                            | P         | P  | P  |               |
| Assembly or meeting facility                                         | C         | C  | C  |               |
| Commercial entertainment^                                            | C         | C  | C  |               |
| Commercial recreation facility – indoor^                             | C         | C  | C  |               |
| Community center^                                                    | P         | P  | P  |               |
| Cultural institution^                                                | C         | C  | C  |               |
| Family entertainment center                                          | --        | C  | C  |               |
| Gaming center or arcade                                              | --        | C  | C  |               |
| Nightclub^                                                           | C         | C  | C  | 5.32          |
| Religious institution                                                | --        | -- | C  |               |
| Retail & Office Uses                                                 |           |    |    |               |
| Alcohol sales <sup>14</sup> –                                        |           |    |    |               |
| Assembly and entertainment use, on-site <sup>15</sup>                | C         | C  | C  | 17.112.030    |
| Bar or tavern, on-site^                                              | C         | C  | C  | 17.112.030    |

<sup>14</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

<sup>15</sup> Only applicable to assembly and entertainment uses permitted in the underlying zoning district.

| Table 17.134-1 – Permitted Uses – Downtown Specific Plan (continued) |        |    |    |                   |
|----------------------------------------------------------------------|--------|----|----|-------------------|
| Retail & Office Uses (continued)                                     | MS & Z | ST | MV | Notes             |
| Alcohol sales <sup>16</sup> (continued) –                            |        |    |    |                   |
| Brew pub, on-site and off-site                                       | --     | -- | C  | 17.112.030        |
| Liquor store, off-site                                               | --     | -- | C  | 17.112.030        |
| Restaurant, limited hours, on-site*^                                 | M      | M  | M  | 17.112.030        |
| Restaurant, on-site*^                                                | M      | C  | C  | 17.112.030        |
| Retail store, off-site*^                                             | C      | C  | C  | 17.112.030        |
| Cannabis activity, commercial – dispensary*^                         | P      | P  | P  | 5.18              |
| Convenience store or minimart*^                                      | M      | M  | C  |                   |
| Food or beverage establishment –                                     |        |    |    |                   |
| Bakery or pâtisserie, retail*^                                       | P      | P  | P  |                   |
| Coffeehouse or ice cream parlor *^                                   | P      | P  | P  |                   |
| Outdoor seating/dining*^                                             | P      | P  | P  | 17.112.130        |
| Restaurant*^                                                         | P      | P  | P  |                   |
| Grocery store*^                                                      | P      | P  | P  |                   |
| Multiple-tenant center*^                                             | P      | M  | M  | 17.112.120        |
| Offices –                                                            |        |    |    |                   |
| Ancillary*^                                                          | P      | P  | P  |                   |
| Administrative, business professional*                               | P      | P  | P  |                   |
| Government*                                                          | P      | P  | P  |                   |
| Medical and dental*                                                  | P      | P  | P  |                   |
| Office supply store*^                                                | P      | P  | P  |                   |
| Pharmacy*^                                                           | P      | P  | P  |                   |
| Retail sales (unless listed as a separate use)*^                     | P      | P  | P  |                   |
| Secondhand vendor*^                                                  | P      | P  | P  | 5.68 & 17.112.170 |
| Vehicle retail use –                                                 |        |    |    |                   |
| Parts and accessory store                                            | --     | -- | P  |                   |
| Sales and lease, limited                                             | --     | -- | M  |                   |

<sup>16</sup> If a use only has approval for beer and wine and wants to add distilled spirits, a new CUP or MUP shall be required.

| Table 17.134-1 – Permitted Uses – Downtown Specific Plan (continued) |        |           |                 |                   |
|----------------------------------------------------------------------|--------|-----------|-----------------|-------------------|
| Service Uses                                                         | MS & Z | ST        | MV              | Notes             |
| Animal service –                                                     |        |           |                 |                   |
| Animal grooming <sup>^</sup>                                         | P      | P         | P               |                   |
| Veterinary service or animal hospital/clinic                         | --     | --        | P               |                   |
| Automated Teller Machine (ATM), walk-up* <sup>^</sup>                | P      | P         | P               | 17.112.050        |
| Drive-through business –                                             |        |           |                 |                   |
| Food or beverage establishment                                       | --     | --        | C               |                   |
| Service or retail                                                    | C      | C         | M               |                   |
| Financial institution*                                               | P      | P         | P               |                   |
| Funeral home or mortuary                                             | --     | --        | P <sup>17</sup> |                   |
| Hotels and motels* <sup>^</sup>                                      | C      | C         | C               | 5.48 & 17.112.100 |
| Office concierge service*                                            | P      | P         | P               |                   |
| Personal service use –                                               |        |           |                 |                   |
| General* <sup>^</sup>                                                | P      | P         | P               | 17.112.150        |
| Restricted* <sup>^</sup>                                             | M      | M         | M               | 17.112.150        |
| Philanthropic or charitable institution*                             | P      | P         | P               |                   |
| Recycling facility –                                                 |        |           |                 |                   |
| Mobile                                                               | --     | --        | P               | 17.112.160        |
| Self-service                                                         | --     | --        | Z               | 17.112.160        |
| Wedding chapel                                                       | M      | M         | M               |                   |
| Industrial, Transportation & Other Uses                              |        |           |                 |                   |
| Temporary use                                                        | --     | See notes |                 | 17.124            |
| Transportation use                                                   | --     | P         | P               |                   |
| Vehicle parking –                                                    |        |           |                 |                   |
| Attendant or valet parking                                           | M      | M         | M               |                   |
| Car sharing, residential                                             | M      | M         | M               | 17.70.070(C)      |
| Car sharing, nonresidential use <sup>18</sup>                        | M      | M         | M               |                   |
| Commercial parking                                                   | C      | M         | M               |                   |
| Parking structure                                                    | C      | M         | M               |                   |
| Shared parking                                                       | Z      | Z         | Z               | 17.70.070(D)      |

<sup>17</sup> Funeral home or mortuary shall not include crematories.

<sup>18</sup> Car sharing shall be permitted by-right if there is no on-site parking of vehicles (i.e. it is only an office use).

Key:

- \* Use is pedestrian oriented and may occupy the ground floor of vertical mixed-use buildings. Other uses shall not be permitted on the ground floor.
- ^ Use is pedestrian oriented and may occupy the ground floor of buildings facing Main Street west of Tyler Avenue. Other uses shall not be permitted on the ground floor.
- Use not permitted.
- P Use permitted by-right.
- M Use permitted after review and approval of a Minor Use Permit (MUP).
- C Use permitted after review and approval of a Conditional Use Permit (CUP).
- Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

### **17.134.050 – Development Standards.**

#### **A. General Development Standards.**

1. Table 17.134-2 prescribes the development standards for the Downtown Specific Plan. This includes maximum height, maximum Floor Area Ratio (FAR), minimum density and maximum density (by right and through the development opportunity reserve (DOR)). Figure 17.134-2 graphically prescribes the information provided in Table 17.134-2, as well as ground floor limitations on residential uses.

| Table 17.134-2 – Development Standards – Downtown Specific Plan <sup>19 20</sup> |          |          |          |  |                     |          |          |
|----------------------------------------------------------------------------------|----------|----------|----------|--|---------------------|----------|----------|
| Regulation                                                                       | By-right | DOR-1    | DOR-2    |  | Regulation          | By-right | DOR-1    |
| Main Street Subarea                                                              |          |          |          |  | Station Subarea     |          |          |
| Maximum height                                                                   | 30 ft.   | 40 ft.   | 50 ft.   |  | Maximum height      | 40 ft.   | 75 ft.   |
| Maximum stories                                                                  | 2        | 3        | 4        |  | Maximum stories     | 3        | 6        |
| Maximum FAR                                                                      | 1.0      | 1.5      | 2.0      |  | Maximum FAR         | 1.5      | 3.0      |
| Minimum Density                                                                  | --       | 25 un/ac | 25 un/ac |  | Minimum Density     | 30 un/ac | 35 un/ac |
| Maximum Density                                                                  | 25 un/ac | 35 un/ac | 45 un/ac |  | Maximum Density     | 35 un/ac | 80 un/ac |
| Zócalo Subarea                                                                   |          |          |          |  | Monte Vista Subarea |          |          |
| Maximum height                                                                   | 35 ft.   | 60 ft.   | --       |  | Maximum height      | 40 ft.   | 50 ft.   |
| Maximum stories                                                                  | 2        | 5        | --       |  | Maximum stories     | 3        | 4        |
| Maximum FAR                                                                      | 1.0      | 2.5      | --       |  | Maximum FAR         | 1.0      | 2.0      |
| Minimum Density                                                                  | 25 un/ac | 30 un/ac | --       |  | Minimum Density     | 25 un/ac | 30 un/ac |
| Maximum Density                                                                  | 30 un/ac | 65 un/ac | --       |  | Maximum Density     | 30 un/ac | 50 un/ac |

<sup>19</sup> Minimum density only applies to residential-only projects. Maximum Floor Area Ratio (FAR) only applies to non-residential square footage.

<sup>20</sup> The maximum height, number of stories and FAR permitted shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

Figure 17.134-2 Height & Ground Floor Uses – Downtown Specific Plan

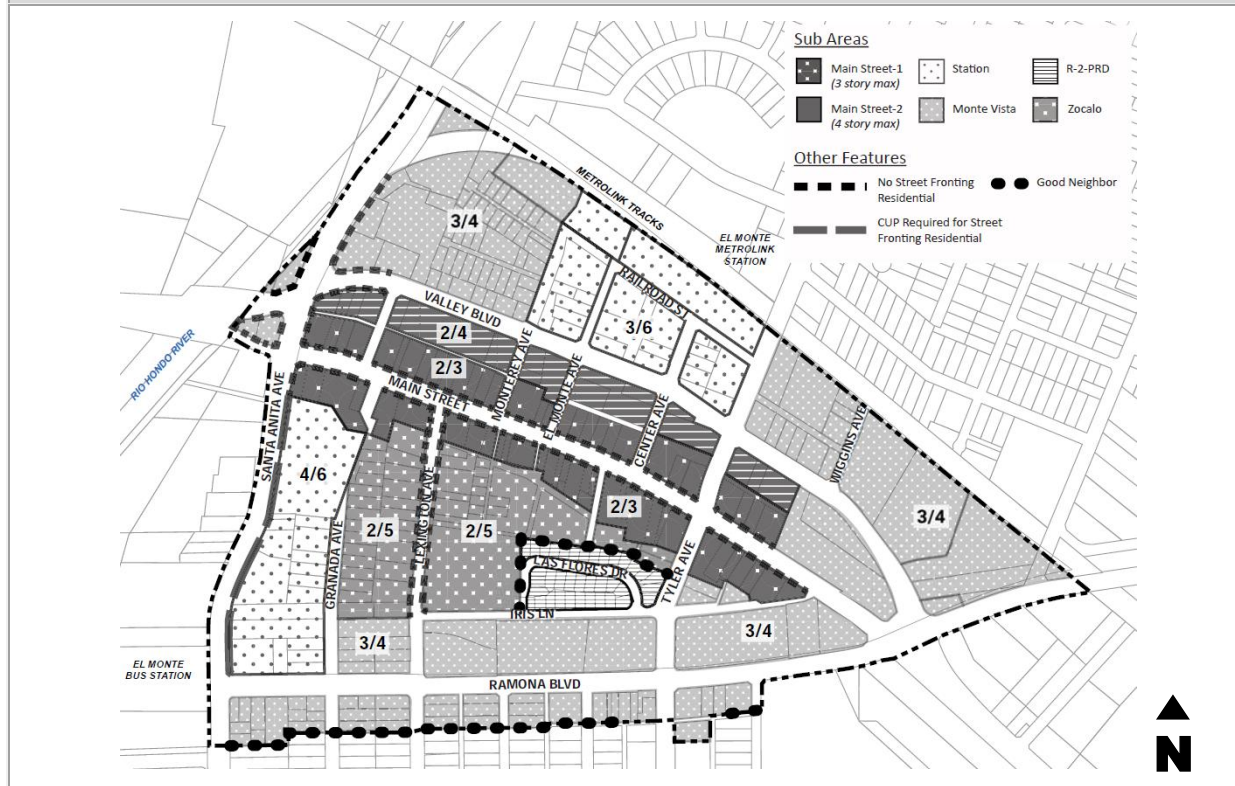
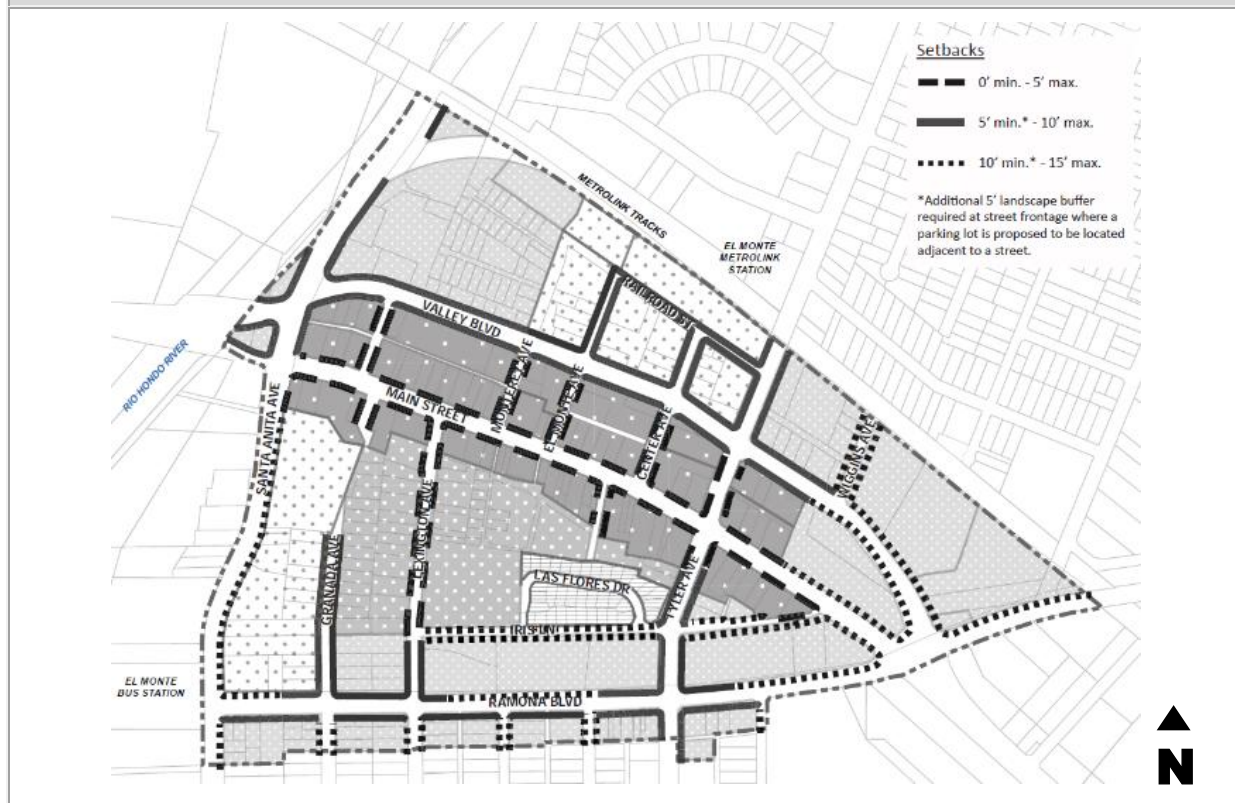


Figure 17.134-3 Street Setbacks – Downtown Specific Plan



2. Figure 17.134-3 graphically prescribes minimum and maximum street setbacks. Street setbacks may be reduced by five (5) feet to accommodate Los Angeles County Fire requirements through the Design Review or Minor Design Review process.
- B. Site Development Standards.** Site planning and design is key to quality development. The following standards promote orienting buildings toward the street, minimizing curb cuts and improving pedestrian connectivity and safety.
1. Building location. Building shall be oriented toward the street. Refer to Figure 17.134-4. The minimum separation between building shall be ten (10) feet.
  2. Ingress and egress:
    - a. All downtown streets. Reciprocal ingress and egress with adjacent properties shall be provided for parcels fronting public streets. The City may waive this depending on location of existing structures, infrastructure or failure to reach an agreement between owners. Refer to Figure 17.134-5.
    - b. Main Street. Only access to parking structures is permitted from Main Street. All other vehicular access shall be provided via an alley.
    - c. Valley Boulevard, Ramona Boulevard and Santa Anita Avenue.
      - i. Access should be taken from alleys where the condition exists.
      - ii. A maximum of one (1) vehicle access point shall be provided from a primary public street for parcels with less than 150 linear feet of street frontage and/or a parcel less than 15,000 square feet.
      - iii. A maximum of two (2) vehicle access points shall be provided from a primary public street for parcels with more than 150 linear feet of street frontage. Refer to Figure 17.134-6.
  3. Vehicle line of sight. The clear zone shall consist of an isosceles right triangle with seven and one-half (7½) sides from the edge of the curb. The clear zone shall not be occupied by a site feature or landscaping that is higher than three (3) feet. Refer to Figure 17.134-7.
  4. Service and delivery:
    - a. Loading docks and service areas shall not be visible from Main Street and Lexington Avenue.
    - b. For all other streets, loading docks and service areas shall be located a minimum of 20 feet from a public street and be screened from view. Refer to Figure 17.134-8.
    - c. Refuse and recycling enclosures shall not be located adjacent to a public street and shall be located as far as possible from the on-site/off-site residential uses.
  5. Lot coverage:
    - a. Main Street and Zócalo Subareas. 100 percent.
    - b. Station Subarea. 90 percent.
    - c. Monte Vista Subarea. 80 percent.



Figure 17.134-4: Building Orientation

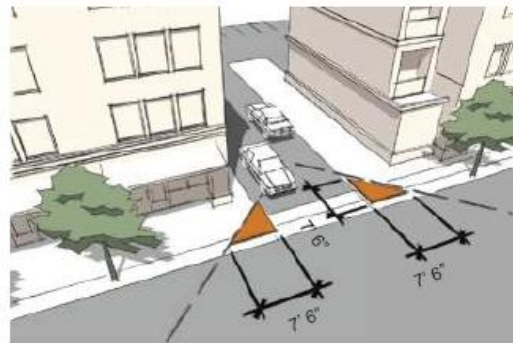


Figure 17.134-7: Vehicular Line of Sight

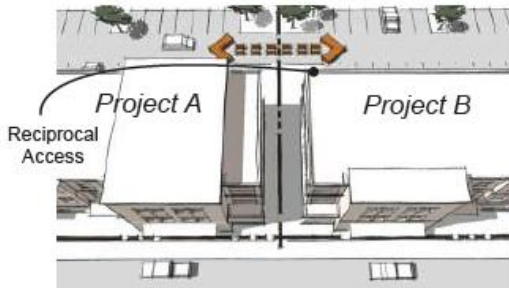


Figure 17.134-5: Ingress/Egress/Reciprocal Access

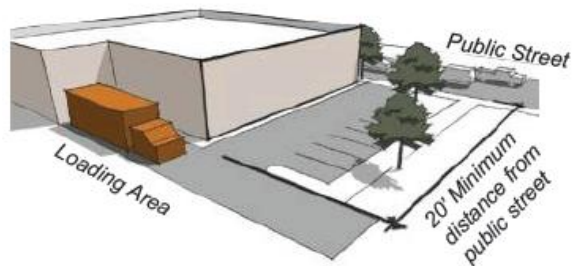


Figure 17.134-8: Service and Delivery Areas

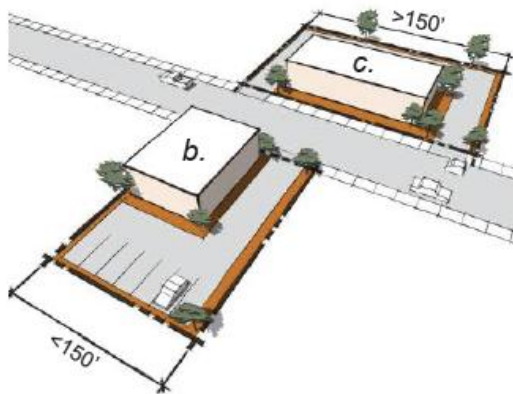


Figure 17.134-6: Single and Double Vehicle Access

6. Building setbacks:

- a. Street. Refer to Figure 17.134-3.
- b. Interior side. Five (5) feet for Monte Vista. Zero (0) feet for all other subareas.
- c. Rear. Ten (10) feet for Monte Vista. Zero (0) feet for all other subareas.



- d. Alley. Eight (8) feet.

**C. Frontage Regulations:**

1. Street fronting façades in all subareas:
  - a. Buildings shall have a primary entrance door facing public streets. Entrances at building corners may be used to satisfy this requirement. Figure 17.134-9.
  - b. A combination of architectural design elements shall be used on the building façade, along with streetscape elements at the street level, to animate and enliven the streetscape. These design elements may include but are not limited to: ornamentation; molding; changes in material or color; architectural lighting; works of art; fountains; display areas; awnings; balconies; porches; towers; landscaped planter boxes; trellises; columns; cornices; arches; decorative tiles; decorative grillwork and outdoor furniture along street frontages.
2. Non-street fronting façades in all subareas. Shall not exceed 50 feet without a change in wall plane, roof-line and/or change in material. Refer to Figure 17.134-10.
3. Main Street and Lexington Avenue façades. The following requirements are intended to create building forms that are pedestrian friendly and are representative of El Monte's historical character. Refer to Figures 17.134-11 and 17.134-12.
  - a. Buildings shall provide a primary entrance on Main Street and Lexington Avenue.
  - b. A minimum 50 percent of the ground floor façade for retail uses facing a street shall have transparent glazing. Opaque or reflective glazing shall not be permitted.
  - c. minimum 30 percent of the ground floor façade for other uses facing a street shall have transparent glazing. Opaque or reflective glazing shall not be permitted.
  - d. Buildings with more than 40 feet of linear street frontage shall be designed to replicate a traditional 20 feet to 40 feet storefront façade with a minimum six (6) inch variation in wall plane.
  - e. Building roof-lines shall provide variations in height for a maximum distance of 40 feet in wall plane length.
  - f. Parcels backing or siding onto paseos, parks or plazas shall be designed with building articulation requirements consistent with Main Street and Lexington Avenue façade requirements.
4. Station Subarea and Monte Vista Subarea façades. Refer to Figure 17.134-13.
  - a. A minimum 30 percent of the ground floor façade facing a street shall have transparent glazing. Opaque or reflective glazing shall not be permitted.
  - b. No building façade shall extend more than 100 feet in length without a five (5) feet minimum variation in the wall plane.
  - c. Building roof-lines shall provide variations in height a maximum distance of 100 feet in wall plane length.

Figures 17.134-9 through 17.134-14



Figure 17.134-9: Building Entrances



Figure 17.134-12: Building Roof Form

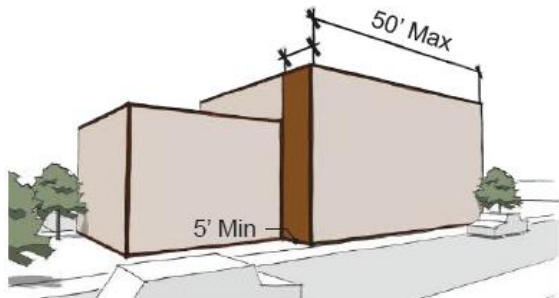


Figure 17.134-10: Building Facade Form



Figure 17.134-13: Building Glazing



Figure 17.134-11: Building Facade Form Variation



Figure 17.134-14: Ground Floor Plate Height

5. Ground floor plate height. Refer to Figure 17.134-14.
  - a. Commercial storefronts. The minimum height shall be 12 feet floor-to-floor.
  - b. Residential fronts. The minimum height shall be nine (9) feet floor-to-floor.
  - c. Director's adjustments. The Community Development Director may reduce the minimum ground floor plate height by ten (10) percent if lower heights are necessary

to meet Los Angeles County Fire Department requirements. However, the elevation should still be designed to give the appearance that the standard is being met.

- D. **Residential Open Space Requirements.** Table 17.134-3 prescribes the open space requirements for mixed-use or residential only projects for properties located within the Downtown Specific Plan.

| Table 17.134-3 – Residential Open Space Requirements – Downtown Specific Plan <sup>21</sup> |                                                                            |                                                                           |                    |
|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------|
| Open Space Standard                                                                         | ≤35 units/<br>acre                                                         | Between 35 &<br>50 units/ acre                                            | >50 units/<br>acre |
| Minimum overall open space –                                                                |                                                                            |                                                                           |                    |
| Vertical mixed-use with residential                                                         | 160 sq. ft./unit <sup>22</sup>                                             | 140 sq. ft./unit                                                          | 120 sq. ft./unit   |
| All other residential                                                                       | 200 sq. ft./unit                                                           | 175 sq. ft./unit                                                          | 150 sq. ft./unit   |
| Minimum private open space –                                                                |                                                                            |                                                                           |                    |
| Vertical mixed-use with residential                                                         | No minimum                                                                 | No minimum                                                                | No minimum         |
| All other residential                                                                       | 60 sq. ft./ unit                                                           | 40 sq. ft./unit                                                           | No minimum         |
| Dimensions                                                                                  | 6 ft.                                                                      | 6 ft.                                                                     | 6 ft.              |
| Unobstructed vertical height                                                                | 7 ft.                                                                      | 7 ft.                                                                     | 7 ft.              |
| Minimum common open space –                                                                 |                                                                            |                                                                           |                    |
| Total common open space                                                                     | 40 sq. ft./ unit                                                           | 50 sq. ft./ unit                                                          | 60 sq. ft./ unit   |
| Size for each common area                                                                   | 500 sq. ft.                                                                | 400 sq. ft.                                                               | 300 sq. ft.        |
| Dimensions                                                                                  | 12 ft.                                                                     | 12 ft.                                                                    | 12 ft.             |
| Unobstructed vertical height                                                                | 7 ft.                                                                      | 7 ft.                                                                     | 7 ft.              |
| Indoor open space –                                                                         |                                                                            |                                                                           |                    |
| Minimum size for each indoor area                                                           | 200 sq. ft.                                                                | 150 sq. ft.                                                               |                    |
| Maximum indoor space                                                                        | 30% of the required common open space or 600 sq. ft., whichever is greater | 35% of the required common open space or 800 sq ft., whichever is greater |                    |
| Minimum dimensions                                                                          | 10 ft.                                                                     | No minimum                                                                |                    |

<sup>21</sup> The minimum open space requirements shall be prior to any density bonus or other State provision that permits a higher density than allowed in this Title.

<sup>22</sup> Vertical mixed-use projects in the Main Street Subarea DOR-1 may reduce the overall open space requirement to 140 sq. ft. per unit.

1. Private open space. Private open space shall be provided as outlined in Table 17.134-3 above. It shall be directly accessible from the unit it serves and enclosed by a fence or building wall on all sides. The minimum dimension may be reduced to four (4) feet in the form of a balcony or deck.
  2. Common open space. Common open space shall be provided as outlined in Table 17.134-3 above and shall be conveniently located and accessible to all units.
  3. Indoor open space. The Review Authority may reduce the minimum size and/or dimensions to provide a recreational amenity.
- E. **Public Open Space Requirements.** Proposed projects with more than 3,500 square feet of nonresidential space shall include a public open space amenity, or some form of physical interface for the pedestrian. The minimum size of the space shall be ten (10) percent of the combined nonresidential footprint. The space may be divided into subareas, provided each subarea is a minimum 350 square feet. Such space may include, but not be limited to:
1. Formal plazas. A formal plaza would be a publicly accessible open space which has a design that is influenced by classical urban planning design. A formal plaza would typically include some sort of central water fountain and/or symmetrical landscaping. The formal plaza shall have a minimum dimension of 15 linear feet horizontally in each direction with an unobstructed vertical height of seven (7) feet.
  2. Urban gardens. An urban garden can be located on the ground level, or on upper levels of a structure. Urban gardens may include ornamental landscaping arranged in raised or at-grade planters or planting areas, potted plants and trees. Sculptures or other forms of public art would typically be included within the urban garden. The urban garden shall have a minimum dimension of 15 linear feet horizontally in each direction and shall be uncovered.
  3. Covered colonnades. Colonnades are linear in design and provide a comfortably wide, covered pathway that is adjacent to the openings of a building. Sometimes the second floor of a building is utilized to create the "covered" element of the colonnade. Covered colonnades shall have a minimum depth of ten (10) feet with an unobstructed vertical height of seven (7) feet.
  4. Sidewalk dining. Sidewalk dining may occur wherever a sidewalk space is ample enough to accommodate dining furniture without impeding pedestrian access of the sidewalk. Sidewalk dining may be defined with a railing or planters, or be open and accessible.
  5. Pedestrian alleys and walkways. A pedestrian alley or walkway is typically a "lane" that does not follow the alignment of a vehicular street, but provides a pedestrian access to a public space or some other feature within the interior of a development. It must be designed in such a manner as to be inviting to pedestrians. Therefore, issues such as lighting, security, line of sight, cleanliness and visual appeal are important considerations to a well-designed pedestrian alley or walkway. Public art, street furniture and access to shops and public spaces are features of pedestrian alleys and walkways. Pedestrian alleys

or walkways shall have a minimum walkway width of ten (10) feet and shall be uncovered.

- F. **Good Neighbor Buffer Development Standard.** Such standards are provided to ensure future development within the Downtown Specific Plan is compatible with adjacent developments on residentially zoned properties.

1. Building setbacks from residentially zoned properties:

- a. Buildings shall be setback a minimum ten (10) feet from the property line.
- b. Portions of a building between 30 feet and 40 feet in height shall be setback a minimum 20 feet from the property line.
- c. Portions of a building 40 feet high or greater shall be setback a minimum 30 feet from the property line.
- d. Subsection 17.60.030(B) (Height Exceptions and Restrictions – Variable Height Requirements) of this Title shall not apply.
- e. Refer to Figures 17.134-15 and 17.134-16:

Figures 17.134-15 and 17.134-16

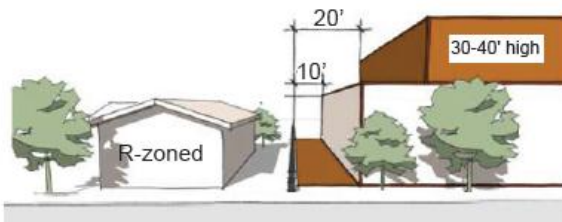


Figure 17.134-15: Privacy Buffer Setback for Portions of Structures between 30' and 40' high

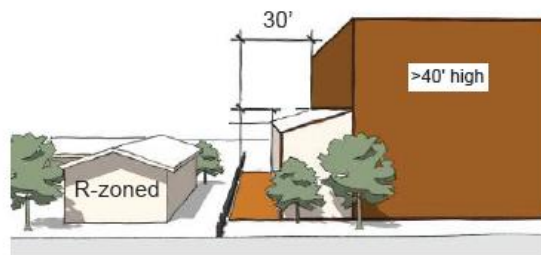


Figure 17.134-16: Privacy Buffer Setback for Portions of Structures over 40' high

2. Loading docks, service areas and other noise generating operations from residentially zoned properties:
  - a. Such operations shall be set back a minimum 20 feet from the property line. See Figure 17.134-17:
  - b. The Planning Commission may reduce this setback if the operations are buffered with an eight (8) foot high masonry wall and a five (5) feet wide landscape planter. See Figure 17.134-18:

Figures 17.134-17 and 17.134-18

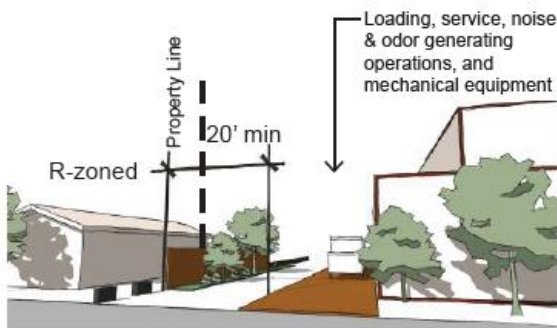


Figure 17.134-17: Noise buffer

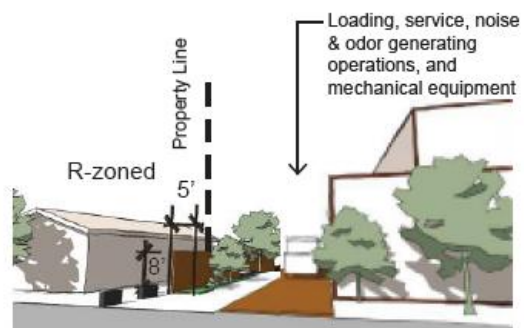


Figure 17.134-18: Noise buffer with additional screening.

3. Mechanical equipment from residentially zoned properties. HVAC systems, refrigeration units and other mechanical equipment shall be selected based on their noise rating or designed with features to reduce such noise. This may include parapet walls, equipment enclosures and/or placement of equipment.
- G. **Other Development Standards.** Table 17.134-4 denotes additional development standards found in other Chapters or Sections of this Title that apply to One-family Dwelling zoning districts:

| Table 17.134-4 – Other Development Standards |                    |
|----------------------------------------------|--------------------|
| Development Standard                         | Chapter or Section |
| Height exceptions and restrictions           | 17.60.030(A)       |
| Landscaping                                  | 17.72 & 17.74      |
| Lot configuration                            | 16.26.020          |
| Outdoor display and storage                  | 17.60.040          |
| Outdoor lighting                             | 17.60.050          |
| Parking                                      | 17.70              |
| Refuse storage facilities                    | 17.60.080          |
| Screening                                    | 17.60.100          |
| Security bars                                | 17.60.110          |
| Walls, fences and hedges                     | 17.60.120          |

### **17.134.060 – Development Opportunity Reserve (DOR).**

#### **A. Purpose and Overview:**

1. The intent of the Development Opportunity Reserve (DOR) is to encourage increased development intensity concurrent with the delivery of public improvements or other community benefits to satisfy the increased demand for public amenities that come with the increased development intensity.
2. Each subarea within the Downtown Specific Plan has development standards on permitted maximum height, number of stories, nonresidential Floor Area Ratio (FAR) and residential density by-right. A “development bonus” or DOR is also provided for in each sub-area. Through the DOR process, the applicant may increase the height, number of stories, nonresidential FAR and residential density, subject to the delivery of additional amenities by the applicant or payment of an in-lieu fee.
3. The DOR supports an inventory of public improvements and amenities determined to be necessary to support development intensity within the Downtown Specific Plan. The applicant may deliver the improvements and amenities or pay an in-lieu fee.

#### **B. Types of DOR Credits.** Increased levels of development intensity are permitted as consideration for the delivery of public improvements as measured by “Residential DOR Credit(s)” and “Commercial DOR Credit(s)”, collectively “DOR Credits”, as described below:

1. One (1) Residential DOR Credit permits the development of one (1) residential dwelling unit greater than the number permitted by-right, up to the maximum permitted under the Specific Plan DOR.
2. One (1) Commercial DOR Credit permits the development of 2,000 gross square feet of nonresidential square footage greater than the number permitted by-right, up to the maximum permitted under the Specific Plan DOR.
3. Projects that exceed the height or number of stories permitted by-right, but do not exceed the number of residential dwelling units permitted by-right or the nonresidential square footage greater than the number permitted by-right. The minimum number of DOR Credits shall equal the number of residential dwelling units or nonresidential square footage that are located in the portions of the project that exceeds the height or number of stories permitted by-right. For example, if a property permits 50 units and a height of two (2) stories by-right, and an applicant proposes 50 units and a height of three (3) stories (allowed through the DOR process), the applicant will need to secure DOR credits for all the units that are fully or partially located on the third floor.
4. The DOR Credit in-lieu fee shall be as adopted by the most recent City Council Fee Resolution.

#### **C. Application.** A DOR permit shall require the approval of a Director Level Zoning Clearance.

#### **D. DOR Credits – Private Improvements.** The applicant may propose the following improvements, amenities and incentives on private property to receive DOR Credits:

1. Affordable housing:
  - a. One (1) very low income unit shall be equal to one and one-half ( $1\frac{1}{2}$ ) DOR Credit.
  - b. One (1) lower income unit shall be equal to one (1) DOR Credit.
  - c. One (1) moderate income unit shall be equal to one-half ( $\frac{1}{2}$ ) DOR Credit.
2. Arts or cultural space. One (1) DOR Credit for each 2,000 square feet of arts or cultural space.
3. Parcel consolidation. One (1) DOR Credit for each parcel consolidated into one (1) parcel with a minimum total area of 20,000 square feet. Therefore, if four (4) parcels were consolidated to create one (1) parcel with an area of 20,000 square feet, the project will be eligible for four (4) DOR Credits.
4. Parking spaces:
  - a. Privately accessible parking spaces. One (1) DOR Credit for every six (6) parking spaces in excess of the minimum required per Chapter 17.70 (Parking Regulations) of this Title.
  - b. Publicly accessible parking spaces. One (1) DOR Credit for every four (4) publicly accessible parking spaces in excess of the minimum required per Chapter 17.70 (Parking Regulations) of this Title.
5. Façade remodel for existing structures. One (1) DOR Credit for each 50 feet of linear building façade that will be remodeled. Minor improvements such as new paint and signage shall not constitute a façade remodel.
6. Public art:
  - a. One (1) DOR Credit when public art is installed on-site or on a nearby site and the art has a minimum value of one-half ( $\frac{1}{2}$ ) percent of the total project cost; or
  - b. Two (2) DOR Credits when public art is installed on-site or on a nearby site and the art has a minimum value of one (1) and one-quarter ( $\frac{1}{4}$ ) percent of the total project or exceeds the public art cap by more than ten (10) percent as adopted by the most recent City Council Fee Resolution.
7. Publicly accessible open space:
  - a. Residential only projects. One (1) Residential DOR Credit for each 400 square feet of publicly accessible open space, for a maximum of five (5) Residential DOR Credits.
  - b. Nonresidential projects or mixed-use projects with residential:
    - i. Projects with 3,500 square feet or less of nonresidential space. One (1) DOR Credit for each 400 square feet of publicly accessible open space, for a maximum of eight (8) DOR Credits.
    - ii. Projects with more than 3,500 square feet of nonresidential space. One (1) DOR Credit for each 400 square feet of publicly accessible open space in excess of



what is required in Subsection 17.134.040(E) of this Chapter, for a maximum of ten (10) DOR Credits.

- c. Examples of open space. Examples include, but are not limited to, formal plazas, urban gardens, park/green space, open space and courtyard space.
8. Other publicly accessible improvements, amenities or other incentives. Other proposals to secure DOR Credits may be considered by the Community Development Director on a case-by-case basis. The Community Development Director may also refer the request to the Planning Commission for consideration.
- E. **DOR Credits – Public Improvements.** The applicant may propose improvements within the public right-of-way and on other City property to receive DOR Credits:
  1. Calculations. The number of DOR Credits shall be based on the value of the public improvement(s) in comparison to the DOR Credit in-lieu fee. Therefore, if the value of the public improvement(s) is four (4) times the DOR Credit in-lieu fee, the project will be eligible for four (4) DOR Credits.
  2. Process. The contract for the delivery of public improvements shall be awarded through a public bid process managed by the City.
  3. Underpayment. To the extent that the actual contract amount is less than the equivalent amount of DOR Credits required for the project, the applicant may deliver additional public improvements or pay the DOR Credit in-lieu fee.
  4. Overpayment. To the extent that the actual contract amount is greater than the equivalent amount of DOR Credits required for the project, the applicant may request a credit from the City for the difference. At the City's discretion, the City may reimburse the applicant with funds from the DOR Public Improvement Fund, or the City may wait for receipt of additional in-lieu payments from which it will reimburse the applicant. The applicant may not utilize the credits on another project without the expressed permission of the Community Development Director.
  5. Quality and design of improvements. The Community Development Director and Public Works Director must approve the design, plans and specifications for all public improvements delivered. All public improvements must meet or exceed City standards.
  6. Timing to deliver the public improvements:
    - a. The work shall be completed prior to the issuance of building permits; or
    - b. A contract to complete the award shall be signed prior to the issuance of building permits. The applicant shall be responsible for maintaining a completion bond sufficient to cover the scope of the public improvements until the City has issued a certificate of completion for the public improvements. The cost of the completion bond may be included in the calculation of the contract amount and equivalent DOR Credits in-lieu fee.
- F. **DOR Credits – In-lieu Fee.** The applicant may propose to pay an in-lieu fee to receive DOR Credits. Payments shall be due at time of building permit issuance. Payments shall go into a

DOR Public Improvement Fund. Such funds shall only be used to support the delivery of public improvements on the DOR Public Improvements list within the Downtown Specific Plan.

**17.134.070 – Design Guidelines.**

- A. **Historic Compatibility.** When a new development or rehabilitation of an existing is adjacent to or in the immediate area of an historic property, the development or rehabilitation shall comply with Secretary of Interior’s Standards and Guidelines for the Treatment of Historic Properties. In addition, it shall be consistent with the following design guidelines for historic compatibility:
1. Maintain historic features and elements of existing buildings.
  2. Restore existing historic features that may have been altered from past remodels (e.g. remove a false façade on a building to reveal its original brick exterior).
  3. New construction should respect and complement the original period and style of adjacent buildings without mimicking them exactly.
  4. New construction should avoid a false “historical” look.
- B. **Sustainability.** Sustainability includes the protection and conservation of irreplaceable non-renewable resources. The transit-oriented nature of the Downtown Specific Plan is inherently sustainable as the intent is to connect nearby residential neighborhoods to transit facilities, services, shopping and dining establishments through a series of walkable streets and paseos. This will lead to a reduction in auto dependency, encourage an active lifestyle and add a sense of vibrancy to Main Street.
1. General sustainable design guidelines:
    - a. Residences should be within one-quarter (¼) mile or less from services, transit and other daily needs, and should be linked with strong pedestrian connections.
    - b. Auto-dependency should be reduced by providing pedestrian linkages through walkways or bike paths.
    - c. Public parks and plazas should provide well-linked active and passive open space for an opportunity for exercise and recreation.
    - d. Buildings should be oriented to maximize active and/or passive solar gain; this allows the facades to let light in, reduce glare, and reduce overheating to the building interior.
    - e. Architectural elements such as skylights and high-performance glazing should be used to conserve energy, where possible.
    - f. Climatic factors such as prevailing winds shade trees, window and door orientation, and the positioning of buildings should be coordinated to maximize energy conservation.

2. Stormwater management design guidelines:
  - a. The project site should be designed to maintain natural stormwater flows by promoting infiltration.
  - b. Impervious surfaces should be minimized.
  - c. Site drainage should be designed to integrate a decentralized system that distributes stormwater across a project site.
  - d. Various devices should be considered that filter water and infiltrate water into the ground.
  - e. For areas with poor drainage conditions, the provision of drainage chimneys/wells, subsurface water storage or the provision of bioswales to clean the water and transfer off-site should be provided.
  - f. Practices to control pollution should be incorporated. Examples include phased construction, seeding, non-invasive grading, mulching, filter socks, stabilized site entrances, sediment controls, fiber rolls and stabilized channels and outlets.
3. Existing building reuse design guidelines:
  - a. The reuse of existing structures should be considered. The energy required to reuse a structure is potentially less than the energy required to develop a new structure.
  - b. Reused buildings should incorporate new architectural elements in juxtaposition with old ones where appropriate.
4. Cool roof and green roof design guidelines. Both cool roofs and/or green roofs should be considered for buildings.
5. Solar system design guidelines:
  - a. Buildings should be designed to take advantage of solar orientation to ensure that windows, walls and floors are built to collect, store and distribute solar heat efficiently.
  - b. New residential and non-residential buildings should have solar-ready roofs.
  - c. Solar panels should be incorporated in parking lots.
- C. **Site Design.** The following guidelines are designed to enhance the overall site layout to achieve the pedestrian-oriented vision for the Downtown Specific Plan.
  1. Buildings. Should be oriented toward the street and/or a publicly accessible space such as a plaza.
  2. Focal points. Should be developed at intersections, corners and the end of streets and pedestrian walkways to create a sense of identification. Plazas, landscape, fountains, artwork, textured pavement and vertical building features may be combined to create focal points.

3. Landscaping:
  - a. Landscaping should be installed between the street and the sidewalk and/or trees planted in tree wells to buffer the sidewalk from traffic and to provide enhanced pedestrian areas.
  - b. Landscaping within parking areas should be protected from encroaching vehicles by concrete curbing or raised planting areas.
4. Outdoor spaces:
  - a. Outdoor spaces should have a clear purpose that reflects careful planning and not simply “left over” areas between structures. Such spaces should be landscaped and/or provide pedestrian amenities, including benches, bicycle racks, fountains and/or public art and should be coordinate with the City as part of a development proposal.
  - b. Communal open spaces (e.g. plazas, common green spaces) should be integrated within commercial areas and residential developments to provide places for residents and visitors to relax, play and interact.
5. Parking areas:
  - a. Parking lots should be provided behind buildings, subterranean or within parking structures, where possible.
  - b. Parking areas should be landscaped to minimize glare and heat buildup and reduce negative visual impacts associated with large paving areas.
  - c. Dead-end drive aisles should be avoided.
  - d. The primary entry drive to parking lots, as well as pedestrian paths of travel within a parking lot, should be accented with enhanced paving and landscaping. Permeable or semi-permeable surfaces such as pavers are preferred for accent paving.
6. Loading and delivery areas. Should be located at the rear or side of buildings and should be screened with decorative walls, trellises/vines, berms with landscaping and/or trees.
- D. **Pedestrian and Vehicular Connections.** The circulation pattern throughout the Downtown Specific Plan will play a pivotal role in the success of attracting visitors and potential tenants to the Downtown. It is important to establish a well-connected system of streets and paths, both internally and to surrounding uses, to allow users to choose from a variety of transportation modes including public transit, walking and biking.
  1. Plazas and outdoor use areas should be enhanced with shade trees or shade structures and pedestrian amenities such as benches, fountains, landscaping and public art.
  2. Pedestrian paths and paseos should be designed as integral circulation routes to foster a vibrant environment that encourages walking and enhances the pedestrian experience.
  3. Access between transit stops and Main Street should be clearly defined.

4. Surfaces made from permeable materials such as pavers should be provided, where possible.
  5. Outdoor furniture and fixtures should be compatible with the project's architecture and should be carefully considered as integral elements of the project.
- E. **Building Form and Mass.** Design building forms to create interesting architecture that relates to pedestrian scale, creates a Downtown character, and minimizes the appearance of large box-like buildings.
1. Variation in wall and roof planes should be used on large monolithic structures to break up the boxlike appearance. Surface detailing, such as score lines, should not serve as a substitute for distinctive massing.
  2. Building designs should incorporate 360-degree architecture. Such architecture is full of articulation on every building elevation. This includes variation in massing, roof forms, and wall planes, as well as surface articulation.
  3. Architectural elements that add visual interest, scale and character such as projecting balconies, trellises, recessed windows, window detailing and door detailing should be incorporated to create shadow patterns and help articulate façades and blank walls.
  4. Building surfaces that face walkways should be effectively articulated to enhance the pedestrian experience.
  5. Contrasting base materials and/or molding elements should be used to anchor the building to the ground plane.
  6. Entries, display windows, awnings, arcades and outdoor eating areas should be provided to create inviting public spaces.
  7. The visual impact of large monolithic structures should be minimized by creating a cluster of smaller buildings or the appearance of a series of smaller buildings.
  8. Stairways should be designed as an integral part of the overall architecture of the building and not appear as tacked on.
- F. **Roof Form and Mass.** Roof forms should be used to distinguish various building forms, create an interesting roof-line, and help to break up the building massing.
1. Buildings with flat or low-pitched roofs should incorporate parapets or architectural elements to break up long horizontal rooflines.
  2. Deep roof overhangs are encouraged to create shadow and add depth to façades. Exposed structural elements (beams, rafter tails) are encouraged as roof overhang details.
  3. Full roofs are desirable. Hipped or gable roofs covering the entire building are preferred to mansard roofs and segments of pitched roofs applied at the building edge.
  4. Roof parapets should be well-detailed, be three dimensional and of substantial size to complement the building. They should include one or more of the following detail

treatments: pre-cast elements; continuous banding or projecting cornices; dentils; caps; corner details or variety in pitch (sculpted).

5. Parapets should be designed to avoid visibility of the interior. If the interior side of a parapet is visible from pedestrian view, it should be finished with the same materials and a similar level of detail as the front façade.
6. Parapets should not appear “tacked on” and should convey a sense of permanence.

**G. Windows, Doors and Entries:**

1. Window, doors and entry design and materials should complement the desired architectural style of the building.
2. Entry design should incorporate two or more of the following methods:
  - a. Change in wall/window plane;
  - b. A projecting element above the entrance;
  - c. A change in material or detailing;
  - d. Architectural elements and decorative fixtures;
  - e. A portico or formal porch projecting from or set into the surface;
  - f. Changes in the roofline or a tower;
  - g. Front porch; and
  - h. Decorative detailing or placement of art.
3. Where recessed entries occur, a decorative paving material, such as tile, marble or slate, is encouraged on the ground plane.
4. Windows should be articulated with accent trim, sills, shutters, window flower boxes, balconies, awnings or trellises authentic to the architectural style of the building.
5. Windows should be inset from building walls to create shade and shadow detail.
6. Faux shutters should be proportionate to the windows to create the appearance of a real and functional shutter.
7. Long, monotonous balconies and exterior corridors that provide access to multiple units should be avoided. Instead, access points should be clustered.

**H. Awnings:**

1. All lots with more than one (1) commercial occupant sharing contiguous frontage should maintain a common location and design for building awnings.
2. The bottom edge of awnings should be a minimum of eight (8) feet off the ground.
3. All awnings should be constructed with noncombustible materials such as a fireproof canvas or vinyl.
4. Awnings should be centered over doorways and windows.

5. Awnings should be in proportion to door and window openings.
6. Awnings should be of a color which is appropriate to the overall colors of the facade.
7. The shape, size, and number of awnings should be appropriate to the overall facade design and building size.
8. Awning structure should be sufficient to support safely the awning and withstand the pressures of wind and weather.
9. Awnings which become ripped, tattered, or damaged must be repaired or replaced within three (3) months of the occurrence/appearance of the damage.
10. Barrel awnings should not be permitted.

**I. Materials and Colors:**

1. To convey a sense of high-quality design and permanence, building colors and materials should be selected to simulate authentic and timeless materials.
2. Contrasting colors are encouraged to accentuate details such as trim, windows, doors and key architectural elements, as long as selected colors reinforce the desired architecture style.
3. Fluorescent paints and bright colors are strongly discouraged.
4. Building base materials should be selected that are durable and highly resistant to pedestrian traffic such as pre-cast concrete, stone, masonry, brick, and commercial grade ceramic tile.
5. Recommended façade materials:
  - a. Exterior plaster (smooth troweled preferred);
  - b. Cut stone, rusticated block (cast stone), stone tile, and pre-cast concrete;
  - c. Brick veneer, new or re-used; and
  - d. Ceramic tiles.
6. Façade materials that are discouraged:
  - a. Imitation and crushed rock;
  - b. Mirrored or reflective glass and heavily tinted glass;
  - c. Windows with “tape on” divisions/mullions;
  - d. Corrugated fiberglass;
  - e. Vinyl and aluminum siding;
  - f. Painted or baked enamel metal awnings;
  - g. Rough “Spanish lace” stucco finish;
  - h. Exposed concrete masonry units and split faced concrete masonry;

- i. Imitation brick; and
  - j. Plywood siding.
7. Recommended roof materials:
- a. Roof tiles made of clay, slate, or integrally colored concrete;
  - b. Roof tiles with “Mission” or “Barrel” shaped roof profiles;
  - c. Metal roof panels with standing seam texture; and
  - d. Ridge and hip caps and/or flashing should coordinate with field colors.
8. Roof materials that are discouraged:
- a. Brightly colored material;
  - b. Low-profile composition roof tile, wood and/or hard board, or synthetic shingles and shakes;
  - c. Simulated clay tile roofs in metal;
  - d. Corrugated metal roof panels; and
  - e. Roof tiles with S-profile.

**J. Walls and Fencing/Screening:**

- 1. Walls and fences should be designed with materials and finishes that complement the project’s architecture and should be planted with vines, shrubs and/or trees.
- 2. All fences and walls required for screening purposes should be of solid material. Chain link or similar metal wire fencing with slats is prohibited for screening purposes.
- 3. A combination of low walls and landscaping should be used to screen unsightly elements of the project and define private and semi-private areas.
- 4. Fences and walls should be constructed as low as possible while still performing screening, noise attenuation and security functions.
- 5. Service areas are to be separate and screened from public areas by the use of walls and landscaping as much as possible.

**K. Lighting:**

- 1. Light fixtures should be designed to relate in color, material, size, location and illumination with the building architecture.
- 2. All building entrances should be well-lit.
- 3. Exterior building lighting designated to illuminate signs should be mounted above the sign on the facade and should be appropriate to the size and scale of the signage.
- 4. Alley lighting, marking building entries, should be surface mounted and may be either flush with, recessed, or extended from the wall. No fluorescent lighting is allowed for this purpose.



5. Fluorescent lighting tubes shall be concealed by a shade or lens.
  6. Parking lots, pedestrian walkways and paseos should be illuminated to ensure safe nighttime conditions.
  7. Light fixtures should be sited, directed and/or shielded to prevent spot lighting, glare or light spillage beyond property lines.
  8. The lighting of building elements and trees is an effective and attractive lighting technique that is encouraged; however, light sources for wall washing and tree lighting should be hidden and located so as to not shine in the eyes of pedestrians.
  9. Low-voltage/high efficiency lighting should be used in the landscape.
  10. Security lighting fixtures should not project above the fascia or roofline of the building and should not be substituted for parking lot or walkway lighting fixtures.
  11. Timers and sensors should be incorporated to avoid unnecessary lighting in low volume pedestrian traffic areas.
- L. **Refuse Enclosures.** Carefully design, locate and integrate trash enclosures into the site plan.
1. Enclosures should be located away from adjacent residential uses to minimize nuisances to neighboring properties.
  2. Self-clinging vines are encouraged to discourage graffiti.
  3. Enclosures should be separated from adjacent parking stalls with a planter and paved surface behind the curb to provide easy access to a vehicle as well as adequate screening.
  4. Refuse enclosures should be designed with similar finishes, materials and details as the primary building(s) within the project area.
  5. Chain link or similar metal wire fencing with slats is prohibited.
  6. Enclosures should be unobtrusive and conveniently located for refuse disposal by tenants and collection by service vehicles.
  7. Where possible, a pedestrian entrance to the trash enclosure should be provided so that the large access doors do not have to be opened as frequently.
- M. **Mechanical Equipment Screening:**
1. Mechanical equipment on the ground should be completely screened from street level view with attractive planting, masonry walls, or iron fencing with planting which compliment building architecture.
  2. All roof-mounted mechanical equipment should be located behind a permanent parapet wall and completely screened from ground level view.
- N. **Parking Structures.** Parking structures that seamlessly integrate with surrounding buildings are appropriate for Downtown El Monte. This can be accomplished by wrapping portions of the first floor with commercial uses and by articulating upper floors with elements that reflect an occupied building.

1. Decorative and interesting architectural elements, such as towers and rotundas, should be utilized at street intersections. These elements could be used for stairwells and/or elevator towers.
2. Parapets should be added to key areas on the structure to change the roof-line and reduce its horizontal appearance.
3. Horizontal openings should be broken up with vertical columns to create a rhythm of openings.
4. Framing should be added to openings to mimic windows. The framing should have vertical members to deemphasize the horizontal lines of the structure.
5. Landscaping should be used to screen and enhance the structure. Landscaping and vines planted on structure façades can help reduce the visual impact of the structure while berms and trees planted at the perimeter of the garage can screen lower levels.
6. Where commercial uses are not provided on the ground floor, the structure should be surrounded by landscaping so that the structure does not directly abut paved areas. A minimum five (5) feet wide landscaping strip should be provided between paved areas and the structure.

#### **17.134.080 – Other Requirements.**

The Downtown Specific Plan includes six (6) parts. Refer to the following for additional requirements:

- A. **Introduction and Background.** This includes an overview of the Downtown Specific Plan, its boundaries and setting, its relationship to other planning documents and its vision and guiding principles. The vision and guiding principles are also incorporated in this Chapter.
- B. **Land Use.** This includes areawide development standards, the Main Street Subarea, the Zócalo Subarea, the Station Subarea, the Monte Vista Subarea and areawide design guidelines. The parking requirements are incorporate in Chapter 17.70 (Parking Regulations) of this Title. The signage regulations are incorporate in Chapter 17.80 (Signage Regulations) of this Title. The remaining information is incorporated in this Chapter.
- C. **Mobility and Beautification.** This includes the transit network, pedestrian network, bicycle network, roadway network, streetscape beautification, public signage and wayfinding signs.
- D. **Infrastructure and Public Facilities.** This includes water systems, wastewater systems, storm drainage system, solid waste disposal, energy system, police protection services, parks and recreation, schools and libraries.
- E. **Implementation.** This includes attracting private investment and public funding benefits, key development opportunity sites, potential funding mechanisms and implementation action plan.
- F. **Administration.** This includes the Downtown Specific Plan's authority and adoption, Specific Plan administration and permitted land uses, nonconforming uses and structures,

exceptions, Specific Plan building intensity, Specific Plan Amendments, Specific Plan Amendment process and Development Opportunity Reserve (DOR).

## **CHAPTER 17.135 – ESPERANZA VILLAGE SPECIFIC PLAN**

### **Sections.**

- 17.135.010 – Purpose and Applicability.
- 17.135.020 – Vision and Guiding Principles.
- 17.135.030 – Summary of Subareas.
- 17.135.040 – Permitted Uses.
- 17.135.050 – Development Standards.
- 17.135.060 – Design Guidelines.
- 17.135.070 – Other Requirements.

### **17.135.010 – Purpose and Applicability.**

This Chapter provides the development standards and design guidelines for the Esperanza Village Specific Plan. The regulations apply to the residential and mixed community-serving vision of the Specific Plan. Application of these regulations are intended to create a harmonious relationship among the land uses, and protect the health, safety and welfare of the Specific Plan area and its immediate surroundings. The development standards contained in this Chapter shall apply to parcels within the Specific Plan area boundaries. All new projects, including additions to buildings and changes in use, are subject to the provisions of this Chapter.

### **17.135.020 – Vision and Guiding Principles.**

The vision for the Esperanza Village Specific Plan is to provide a well-designed and high-quality mix of affordable multi-family residential dwelling units, community-serving facilities, and open space and recreational areas that serve the need of residents within and surrounding the Specific Plan. It is envisioned that development in the Specific Plan would be cohesive and would be compatible with the surrounding residential neighborhood. The following guiding principles are intended to allow the Specific Plan to be developed as it is envisioned. The guiding principles provide the foundation for the development standards and design guidelines.

- A. **Guiding Principle 1:** Encourage revitalization of an underutilized property by providing a mix of complementary uses that serve the needs of the surrounding community.
- B. **Guiding Principle 2:** Increase affordable housing opportunities for low-income persons and families, transitional age youth, and senior citizens in a region with severe overcrowding and extremely high housing costs.
- C. **Guiding Principle 3:** Provide development that is high quality, well designed, and enhances the visual character of the Esperanza Village Specific Plan area and the surrounding residential neighborhood.
- D. **Guiding Principle 4:** Create active recreational amenities that are accessible to residents of the Esperanza Village Specific Plan area and the surrounding community.
- E. **Guiding Principle 5:** Provide community gathering spaces that are accessible to residents, employees, and other users of the Esperanza Village Specific Plan area.

- F. **Guiding Principle 6:** Encourage development that respects the character of the surrounding neighborhood.
- G. **Guiding Principle 7:** Improve circulation issues along the streets adjacent to the Esperanza Village Specific Plan area.
- H. **Guiding Principle 8:** Provide for and improve the transportation and utility infrastructures to support development in the Esperanza Village Specific Plan area.
- I. **Guiding Principle 9:** Provide neighborhood-serving medical facilities that serve the needs of the residents in the community.

#### **17.135.030 – Summary of Subareas.**

The Esperanza Village Specific Plan is divided into four (4) subareas. Refer to Figure 17.135-1 for a map of the subareas.

- A. **Residential (R) Subarea** – The Residential Subarea is intended to provide affordable residential dwelling units for low-income individuals and families. The Subarea is envisioned to have two (2) residential structures with housing units that are affordable to low-and extremely low-income persons, families, and seniors. Each structure would be up to three (3) stories in height.
- B. **Mixed-Use (MU) Subarea** – The Mixed-Use Subarea is intended to provide facilities that serve and are beneficial to residents of the Esperanza Village Specific Plan and the residential neighborhood surrounding the Specific Plan. This may include a senior care center, community medical clinic and job training center. The Subarea is envisioned to have one (1) building that would be up to two (2) stories in height.
- C. **Common Circulation Areas (CC) Subarea** – the Common Circulation Area includes a northern portion that wraps around the Community Park Subarea and a southern area the encircles the Residential and Mixed-Use Subareas. The Subarea will include driveway entrances, vehicular parking, loading areas, pick-up/drop-off points and pedestrian walkways.
- D. **Community Park (CP) Subarea** – The Community Park Subarea is intended to provide active open space and recreational facilities that serve the needs of the surrounding neighborhood. The Subarea is envisioned to have a soccer field, tennis courts, basketball courts, barbeque area, flex event lawn, walking promenade, fitness areas, restrooms, walking and jogging paths, raised pavilion/gazebo, native botanical garden, children’s play mound, and children’s discovery garden.

#### **17.135.040 – Permitted Uses.**

- A. **Permitted Uses.** Table 17.135-1 prescribes the land use regulations for the Esperanza Village Specific Plan. Additional regulations are denoted in the right-hand column. These designations apply strictly to the permissibility of land uses; application for building structures may require other discretionary review.
- B. **Unlisted Uses.** Any land use not listed in Table 17.135-1 is not permitted in the Esperanza Village Specific Plan, except as outlined in Section 17.12.050 (Rules and Measurements – Additional Permitted Uses) of this Title.

Figure 17.135-1 Map of Subareas – Esperanza Village Specific Plan



Table 17.135-1 – Permitted Uses – Esperanza Village Specific Plan

| Residential – Main and Ancillary Uses                         | R  | MU              | CC | CP | Notes |
|---------------------------------------------------------------|----|-----------------|----|----|-------|
| Multiple-family, attached (low- and very low- income housing) | P  | --              | -- | -- |       |
| Senior housing (low- and very low-income housing)             | P  | --              | -- | -- |       |
| Childcare facility                                            | -- | M               | -- | -- |       |
| Supportive housing                                            | P  | --              | -- | -- |       |
| Public & Quasi-Public Uses                                    |    |                 |    |    |       |
| Government or government related facility                     | -- | P               | -- | -- |       |
| Recreation facility – public                                  | -- | --              | -- | P  |       |
| Specialized education and training                            | -- | p <sup>23</sup> | -- | -- |       |
| Urgent care or medical clinic                                 | -- | P               | -- | -- |       |

<sup>23</sup> Specialized education and training shall be limited to job training only.

| Table 17.135-1 – Permitted Uses – Esperanza Village Specific Plan (continued) |    |    |    |    |               |
|-------------------------------------------------------------------------------|----|----|----|----|---------------|
| Public & Quasi-Public Uses                                                    | R  | MU | CC | CP | Notes         |
| Bakery or pâtisserie, retail                                                  | -- | P  | -- | -- |               |
| Coffeehouse or ice cream parlor                                               | -- | P  | -- | -- |               |
| Offices –                                                                     |    |    |    |    |               |
| Government                                                                    | -- | P  | -- | -- |               |
| Medical and dental                                                            | -- | P  | -- | -- |               |
| Outdoor seating/dining                                                        | -- | P  | P  | -- | 17.112.130    |
| Retail, neighborhood serving                                                  | -- | P  | -- | -- |               |
| Parking Uses                                                                  |    |    |    |    |               |
| Attendant or valet parking                                                    | M  | M  | M  | M  |               |
| Car sharing, residential                                                      | M  | -- | M  | -- | 17.070.070(C) |
| Shared parking                                                                | -- | Z  | Z  | Z  | 17.070.070(D) |

Key:

-- Not permitted.

P Use permitted by-right.

M Use permitted after review and approval of a Minor Use Permit (MUP).

Z Use permitted after review and approval of a Director Level Zoning Clearance (ZCD).

### **17.135.050 – Development Standards.**

- A. Table 17.135-2 prescribes the development standards and Table 17.135-3 prescribes the parking requirements for the Esperanza Village Specific Plan:

| Table 17.135-2 – Development Standards <sup>24</sup> |                                                             |
|------------------------------------------------------|-------------------------------------------------------------|
| Maximum Height                                       | Development Standard                                        |
| Residential                                          | 3 stories & 45 ft. <sup>25</sup>                            |
| Nonresidential                                       | 50 ft.                                                      |
| Yard Setbacks                                        |                                                             |
| Minimum Building Setbacks –                          |                                                             |
| Front and street side                                | 5 ft.                                                       |
| Interior side and rear                               | 5 ft. (70 ft. if adjacent to a residential zoning district) |

<sup>24</sup> The R and MU Subareas and southern portion of the CC Subarea shall be considered 1 property, and the CP and northern portion of the CC Subarea shall be considered 1 property when calculating setbacks, floor area and lot coverage.

<sup>25</sup> Refer to Section 17.60.030 of this title for height exceptions for ancillary roof mounted equipment. Variable height requirements shall not apply.

| Table 17.135-2 – Development Standards <sup>26</sup> (continued) |                            |
|------------------------------------------------------------------|----------------------------|
| Yard Setbacks (continued)                                        | Development Standard       |
| Maximum Building Setbacks –                                      |                            |
| Front and street                                                 | 15 ft.                     |
| Interior side and rear side                                      | No maximum                 |
| Density                                                          |                            |
| Minimum                                                          | 25 units/acre              |
| Maximum                                                          | 35 units/acre              |
| Overall maximum number of units                                  | 210 units                  |
| Maximum Floor Area Ratio                                         |                            |
| Residential and nonresidential uses                              | 1.8                        |
| Minimum Open Space                                               |                            |
| Residential uses –                                               |                            |
| Public                                                           | No minimum                 |
| Overall                                                          | 135 sq. ft./unit           |
| Common (e.g. courtyards)                                         | 100 sq. ft./unit           |
| Private (e. g. balconies, patios, etc.)                          | No minimum                 |
| Nonresidential uses –                                            |                            |
| Public                                                           | 10% of building footprints |
| Private                                                          | No minimum                 |
| Minimum Dwelling Unit Size                                       | Development Standard       |
| Studio                                                           | 475 sq. ft.                |
| 1-bedroom                                                        | 525 sq. ft.                |
| 2-bedroom                                                        | 750 sq. ft.                |
| 3-bedroom                                                        | 1,000 sq. ft.              |
| Other Development Standards                                      |                            |
| Maximum lot coverage                                             | 90%                        |
| Minimum residential building size                                | 200,000 gross sq. ft.      |
| Minimum nonresidential building size                             | 46,000 gross sq. ft.       |

<sup>26</sup> The R and MU Subareas and southern portion of the CC Subarea shall be considered 1 property, and the CP and northern portion of the CC Subarea shall be considered 1 property when calculating setbacks, floor area and lot coverage.



| Table 17.135-3 – Parking Requirements <sup>27</sup> |                                                              |
|-----------------------------------------------------|--------------------------------------------------------------|
| Proposed Use                                        | Number of Spaces Required                                    |
| Residential uses –                                  |                                                              |
| Multiple-family unit                                | ½-space per unit                                             |
| Manager unit with 2- or more bedrooms               | 2 spaces per unit                                            |
| Guest parking                                       | 1 space per 10 units, with a minimum of 2 spaces             |
| Nonresidential uses –                               | Refer to Table 17.70-5                                       |
| Loading Spaces                                      |                                                              |
| Residential                                         | 1 small loading space per residential structure              |
| Nonresidential                                      | 1 full-size loading space per 40,000 sq. ft., up to 2 spaces |
| Other Requirements                                  |                                                              |
| Parking lot and spaced standards                    | Refer to Table 17.70-9                                       |
| Minimum Electrical Vehicle (EV) charging spaces     | Refer to Table 17.70-10                                      |
| Minimum bicycle parking                             | Refer to Table 17.70-11                                      |

#### B. Building Entrances and Façades:

1. Buildings shall have entrances face public streets and/or publicly accessible areas. Entrances at building corners may be used to satisfy this requirement.
2. Building façades facing the public right-of-way and on the sides and rear of buildings shall not exceed 50 feet without a change in wall plane and/or architectural design element. Variations in wall planes and design elements may include but are not limited to, changes in material, color, landscaped planter boxes, roof lines, trellises, arches, and decorative tiles.
3. Reflective building materials shall not be permitted, except as allowed in this Section.
4. The use of clear glass is required on the ground floor of a building, facing the public right-of-way, a driveway or required parking. After installation, clear glass windows at the ground floor shall not be treated later so as to become opaque or to be blocked so as to prevent visibility of the ground floor interior.
5. Reflective glazing shall not be permitted on building façades fronting a public street right-of way.

<sup>27</sup> Fractional spaces shall be rounded to the nearest whole number as follows:

- A) fractional spaces for guest parking and reserved for a specific unit shall be rounded up;
- B) other fractional spaces of 0.5 or greater shall be rounded up; and
- C) all other fractional spaces less than 0.5 may be rounded down.

6. Reflective glass, tinted glass, or other mirror-like materials that are highly reflective shall not cover more than 25 percent of a structure's surface.

**C. Landscaping:**

1. A minimum of 75 percent of all landscaping shall be drought tolerant.
2. A minimum of one (1) 24-inch box specimen tree shall be planted in the street setback or parkway area every 35 linear feet of lot frontage, excluding driveways.
3. A minimum of 25 percent of all common open space areas shall be landscaped. A mix of trees, shrubs, and ground cover shall be provided. Landscaping shall be pedestrian friendly and provide areas of shade and accents.
4. Street setback areas shall be fully landscaped with a mix of trees, shrubs, and ground covers that are compatible with the architectural style of the development.
5. Landscaping shall not obstruct views of motorists or pedestrians.
6. Water features shall be placed away from areas of full sun to reduce evaporation and reduce water required for operation. Reclaimed water shall be used for water features.
7. Drought-tolerant trees and plants and artificial turf shall be used for courtyards and flexible spaces.
8. Landscape maintenance shall be performed on a regular basis to maintain the visual quality of the landscaped areas.
9. Permanent and automatic irrigation facilities shall be provided in all permanent landscaped areas, except potted containers.
10. Irrigation of plant materials shall be efficiently managed through automated irrigation control systems appropriate to the unique needs of trees, shrubs, and turf.
11. A minimum of one (1) 24-inch box specimen tree shall be required for every six (6) parking spaces, or portion thereof, and shall be located throughout the surface parking area except where vehicle canopies equipped with solar panels are located above the parking spaces. This requirement shall be in addition to the required trees planted in the street setback areas.

**D. Lighting:**

1. All exterior lighting shall focus internally within the property to decrease light pollution onto neighboring residential properties.
2. All exterior lighting and other means of illumination shall be shielded, equipped, and oriented in a manner as to prevent any glare or direct illumination on any public street, residential zoning district, or other property.
3. Light poles and wall-mounted lights shall not exceed a maximum height of 12 feet.
4. Light poles and fixtures shall complement the overall site architecture and design in terms of scale, color, and style.

5. Lighting levels shall be sufficient for the safety and security of vehicular and pedestrian traffic but shall not spill onto adjacent residential properties.
6. Lighting shall be provided in all parking, vehicular and pedestrian circulation areas, loading areas, and courtyards. Lighting fixtures shall be designed and placed in a manner to provide uniform illumination over all parking areas.
7. Exterior lighting shall be placed in a manner to ensure adequate lighting levels and to create an even level of illumination.

**E. Loading Areas:**

1. Exterior loading areas shall be located a minimum of 70 feet from a public street and residential zoning district.
2. Loading areas shall be screened from view from public street rights-of-way, residential zoning districts, and public parks.
3. Loading spaces shall be clearly marked as being distinct from required parking spaces and aisles.

**F. Open Space:**

1. For residential developments, private open space shall be provided in the form of a balcony or patio and shall be directly adjacent to and accessible from the unit it serves.
2. If balconies are provided for residential units, balconies shall not be placed in a location that would overlook the backyard of any residential properties.
3. Courtyards and roof decks may satisfy the common open space requirement provided they are available for use by all units.
4. Common open space areas shall be conveniently located and accessible to all units.
5. Common open space shall have a minimum dimension of 20 feet in any direction.
6. Ground level areas that are used as common open space area shall have a minimum area of 600 square feet.
7. Roof decks that are used as common open space shall have a minimum area of 400 square feet.
8. Street yard setbacks shall not be used to satisfy the common open space requirement.

**G. Parking:**

1. Residential parking shall be designated and signed or separated from other required non-residential parking.
2. Non-guest spaces for residential uses shall be reserved.
3. Exterior parking stalls and driveways shall be separated from buildings by a pedestrian walkway and/or landscape strip.

4. Guest parking for residential development shall be clearly identified with the words "Guest Parking" painted in the space with minimum eight (8) inch letters or be provided with a sign in front of the parking spaces.
  5. Electric vehicle (EV) charging stations shall be reserved for parking and charging of EV only. Each EV charging station shall be posted with signage indicating the space is reserved for EV charging purposes.
  6. Parking spaces may be open, enclosed or partially enclosed.
- H. **Pedestrian Walkways.** Pedestrian walkways shall be a minimum of five (5) feet wide.
- I. **Trash and Recycling Enclosures:**
1. External trash and recycling enclosures shall be located a minimum of 50 feet from a public street right-of-way and residential zoning district.
  2. All trash and recycling enclosures shall be designed to architecturally integrate within the overall architectural theme of the Esperanza Village Specific Plan.
  3. Common trash enclosures shall be provided in sufficient quantity to accommodate all refuse and recycling generated.
  4. A refuse plan shall be submitted for review and approval by the City's Solid Waste Service Provider. The plan shall be approved prior to the approval of any entitlements.
- J. **Walls, Fences, and Gates:**
1. A five (5)-foot wide landscape buffer shall be placed along the property line that adjoins a residential zoning district.
  2. Walls and fences within 20 feet of a public right-of-way shall not exceed 42 inches in height. In all other areas, walls and fencing shall not exceed a height of six (6) feet. A solid six (6)-foot tall slumpstone or masonry wall shall be installed and maintained adjacent to the property line that adjoins a residential zoning district, except within 20 feet of a public right-of-way.
  3. Fencing that is installed within 20 feet of a public right-of-way shall have one (1) decorative block pilaster placed every ten (10) feet in length.
  4. Fences and gates that separates the residential and circulation/open space parcels from the public park shall be a minimum 50 percent open. The materials shall be made of decorative wrought iron. Decorative block pilasters shall be placed at each corner and at the end of the fencing. Within 20 feet of public right-of-way, the fences and gates shall not exceed 42 inches in height. In all other areas, fences and walls shall not exceed six (6) feet in height.
  5. Fences and gates that are placed at a driveway entrance, within an on-site driveway, or on-site parking area shall be a minimum 50 percent open. The materials shall be made of decorative wrought iron. Fences and gates shall not exceed six (6) feet in height.
  6. Barbed, pointed, spiked, razor, piercing or other similar materials shall not be attached to any walls, fences, or gates. Chain link fencing shall not be permitted.

- K. **Other Requirements.** With the exception of what is required by the Esperanza Village Specific Plan, all development shall conform with the requirements in Chapters 17.50 (Performance Standards), 17.60 (General Development Standards), 17.70 (Parking Regulations), 17.72 (Landscape Requirements) and 17.80 (Signage Regulations) of the EMMC.
- L. **Limitations and Exceptions to Permitted Uses and Structures.** Exceptions may be allowed for design flexibility within the Esperanza Village Specific Plan and shall be approved by the City Planning Commission. The following findings shall be made prior to the granting of any exceptions:
  - 1. Compliance with a development specification would preclude an effective and attractive design solution that fulfills the desired form, function, and character of the area as specified in the Esperanza Village Specific Plan.
  - 2. The granting of an exception will not constitute a grant of special privilege inconsistent with the limitations upon other properties that are subject to the same development specification.
  - 3. The granting of an exception will not be detrimental to the health, safety or general welfare of persons residing or working in the Esperanza Village Specific Plan and the surrounding neighborhood.
  - 4. The granting of the exception will not be detrimental or injurious to properties and improvements in the surrounding neighborhood or to the general welfare of the City.

**17.135.060 – Design Guidelines.**

- A. **Purpose.** The following Design Guidelines establish the quality and character of the built environment and create an aesthetically cohesive appearance of the Esperanza Village Specific Plan. The Design Guidelines provide both a vision of the Specific Plan's overall character, and specific aesthetic expectations regarding the various components of the Specific Plan. More specifically, the purpose of the Design Guidelines is as follows:
  - 1. To provide the City of El Monte with assurance that the Esperanza Village Specific Plan will be designed and developed in accordance with the quality and character described within this Specific Plan.
  - 2. To provide guidance to developers, architects, landscape architects, builders, engineers, and other professionals needed to achieve and maintain the desired design quality.
  - 3. To provide guidance to City staff, the Planning Commission, and the City Council in the review of future development projects within the Esperanza Village Specific Plan.
  - 4. To provide clear, understandable, and achievable design components for development in the Esperanza Village Specific Plan to achieve a cohesive appearance.
- B. **Intent.** The Design Guidelines are a design framework for the buildings and landscape to convey an aesthetically interesting community identity within an infill setting. The Design Guidelines are intended to create quality development while allowing flexibility, promoting

engaging aesthetics without limiting the product type or configuration of the built environment.

**C. Architectural Design Guidelines:**

**1. Architectural Design and Style:**

- a. The architectural styles for development in the Esperanza Village Specific Plan should be expressive of and authentic to that style.
- b. Building design should be compatible with and complement adjacent land uses while maintaining or enhancing the character of development.
- c. Structures and their related architectural elements should be visually consistent to provide a unified architectural theme.
- d. All building elements, such as materials and colors, detail elements (balconies, courtyards, surface treatments, and materials), and functional elements (exterior stairs, guardrails, gutters, screen walls) should be consistent with and integral to the overall building design, consistent with the architectural vernacular of the building and complement the surrounding neighborhood. A unified palette of materials should be used on all sides of buildings.

**2. Building Façades:**

- a. Building façades that face public streets, sidewalks, open space areas, and other pedestrian areas should incorporate articulation and detailing that create visual interest and reinforce the pedestrian scale. This includes variation in massing, roof forms, and wall planes, as well as surface articulation.
- b. The design of building façades should vary. Variations may include changing the rooflines, introducing vertical architectural features (such as columns and pilasters), and changes in building materials and colors.
- c. Buildings should maintain a consistent quality and character in terms of the articulation, detailing, and finishes on all elevations visible from public streets, open space areas, and parking areas, not just the primary façade.
- d. Avoid the creation of uninterrupted blank wall surfaces on all building façades, particularly adjacent to a public street or open space area. The maximum length of any continuous blank wall facing shall not exceed 30 feet.
- e. All elevations should have building façades articulated through the use of offset massing elements, complementary colors and materials, and/or variations in building setbacks. Building surfaces should be effectively articulated to enhance the pedestrian experience.

**3. Building Forms:**

- a. Building forms should be well proportioned, resulting in a balanced composition of elements along public streets.

- b. Provide variations in roof forms, such as a combination of changes in plane, form, ridgelines, and/or heights appropriate to the architectural style.
- 4. Building Massing:
  - a. Building mass and scale should not overwhelm the surrounding uses.
  - b. Variation in wall and roof planes should be used to break up the massing of large structures.
- 5. Building Entrances and Windows:
  - a. Main building entrances should be clearly defined and provide a focal point for the building as a whole. Building entrances should be identifiable and accentuated through changes in massing, color, façade articulation, and/or building materials. Strategies for architecturally defining building entries may include the use of architectural features such as columns, pilasters, and different materials.
  - b. Buildings on parcels adjacent to a public street should have entrances facing the street or corner of the building adjacent to the street. Buildings on internal parcels should have entrances facing publicly accessible open space areas.
  - c. The design and materials used for building entrances and windows should complement the architectural style of the building.
  - d. Building entrances shall incorporate two (2) or more of the following:
    - i. Change in wall and/or window plane;
    - ii. A projecting element above the entrance;
    - iii. A change in material or detailing;
    - iv. Architectural elements and decorative fixtures; and/or
    - v. Changes in the roofline.
  - e. Windows should be inset from building walls to create shade and shadow detail.
  - f. The patterns of openings (windows and doors) should correspond with the overall rhythm of the building and should be consistent in form, pattern, and color of the architectural style.
  - g. Window trim used on elevations facing the streets should be repeated on all sides.
- 6. Building Materials and Colors:
  - a. Durable, high-quality exterior building materials should be used to convey the sense of quality, minimize maintenance concerns, and promote buildings that will last over time. Examples of appropriate materials include stone, tile, terra cotta, brick, metal, glass and architectural concrete. Other materials are acceptable if they meet the same standards for durability and visual quality. Stucco should be of smooth finish. Wood may be acceptable depending on its sturdiness and appearance.

- b. Building materials and colors should be used to unify and provide visual interest to building exteriors and reinforce building identity.
  - c. Contrasting colors are encouraged to accentuate details such as trim, windows, doors, and key architectural elements. Colors of the trim and architectural details should be subtly contrasting but complementary of the overall building color. The colors should reinforce the desired architecture style.
  - d. Materials, colors, and materials should be selected with the design objectives of avoiding monotony, providing depth and interest, and promoting visual diversity along public streets. Colors should complement the architectural style and overall color scheme of the building.
7. Functional Elements:
- a. Loading areas, storage areas, trash bins, and mechanical equipment shall be placed to the rear or side of buildings away from public street rights-of-way and residential zoning districts. These elements shall be physically screened from public view and should be designed to be compatible with the architectural style and character of the associated development, such as through the use of similar finishes, materials, and details as the associated structures. These elements should be designed, located, or screened so as not to be readily identifiable from adjacent streets.
  - b. Ground mounted equipment and meters shall be visually concealed and should be designed to not detract from the building architecture.
  - c. Exterior stairways should be designed as an integral part of the overall architecture of the building and not appear as tacked on.
  - d. Trash enclosures should be designed with similar finishes, materials, and details as the primary building(s) within the project area.
8. Lighting:
- a. Lighting should be designed as an integral part of the development and should be consistent with the architectural building style and character.
  - b. Building illumination should be focused on building entrances and signs. Overly bright and indiscriminate illumination of building façades should be avoided.
9. Open Space Areas:
- a. Open space areas should be integrated into the overall design of the development.
  - b. Common and public open space areas, outdoor furniture, and fixtures should be designed to be compatible with the architectural style of the development.
  - c. Common and public open space areas should be well-defined by buildings and landscaping, be designed at a pedestrian scale, landscaped for shade and ornamentation, furnished with areas for sitting and dining, and lighted for evening use.



- d. Pedestrian-scaled elements and amenities shall be provided in common and public open space areas.
- e. Create attractive and flexible common and public open space areas that promotes outdoor recreation and community gathering while being sensitive to the privacy needs of adjacent residences within the Esperanza Village Specific Plan and the surrounding neighborhood.
- f. Common and public open space should provide shaded areas, such as seating under tree canopies and overhead shade elements.
- g. Buildings and residential units should be designed to overlook common and public open space areas to ensure safety and visibility.
- h. Common and public open space areas should be designed as a place for residents and visitors to relax, play, and interact. Development should include a mix of amenities in common and public open space areas that provide opportunities for community gatherings, interactions, and quiet spaces. Amenities may include barbecue areas, shade trees, shade structures, sculptural play structures, tables and chairs for community dining, flexible lounge seating, quiet bench seating, flex lawns, water features, outdoor couches, gathering spaces with firepit, trellises, and overhead lighting.
- i. The perimeter of common open space areas shall be landscaped with a mix of trees, shrubs, and groundcovers.
- j. Decorative and accent pavers and tiles shall be consistent with the architectural style of the development.

#### 10. Parking:

- a. Surface parking lots should not be located in the setback area between a building façade and a public street right-of-way.
- b. Where possible, limit views of parking areas from public street rights-of-way by placing parking spaces behind buildings. If surface parking lots are provided and are visible from a public street right-of-way, views of the surface parking lot should be softened with landscaping.

#### 11. Signage:

- a. Signage should be constructed of high-quality materials that enhances the character of the development.
- b. Signage should be designed to be consistent with the architectural style of the development. The materials, colors, scale, and proportion of the signs should complement the architectural style of the development.

12. Walls, Fences, and Gates:

- a. Walls, fences, and gates should be designed with materials and finishes that complement the architectural style of the development. Landscaping, such as vines, shrubs, and/or trees, should be provided adjacent to the walls and fences.
- b. Walls that are used for screening purposes should be of solid material. Chain link or similar metal wire fencing with slats is prohibited for screening purposes.

13. Sustainable Design:

- a. The driveway entrances to surface parking lots, driveway intersections, and pick-up/drop-off areas should be accented with enhanced paving and landscaping. Permeable or semi-permeable surfaces such as pavers are preferred for accent paving.
- b. The use of solar carports at surface parking lots are encouraged.
- c. Demonstrate sustainable design principles in open space areas through the appropriate use of drought tolerant and native plant materials, utilization of recycled products, and/or low energy and low water consumption requirements. Reclaimed water should be used wherever possible.

14. Safety Design:

- a. Incorporate appropriate Crime Prevention Through Environmental Design (CPTED) features in the design of spaces as territorial reinforcement, strategic natural surveillance, well-lit spaces, and appropriate maintenance.

**D. Landscape Design Guidelines:**

2. Plant Palette:

- a. The tree and plant palette are provided in Figures 4-4 and 4-5, respectively, of the Esperanza Village Specific Plan. The plant palette establishes a base palette for the Specific Plan area's landscape design. Other similar plant materials may be substituted for these species, provided the replacement plants are drought-tolerant, complement the architectural style of development, and create year-round interest.
- b. The plant palette should include shrubs and groundcovers that are commonly used throughout Southern California and complement the Esperanza Village Specific Plan's design theme and setting. The plant materials should be water-efficient species, rated low or moderate by the Water Use Classification of Landscape Species (WUCOLS), native to Southern California or naturalized to the arid Southern California climate.
- c. Encourage the use of native (California-Mediterranean) and/or drought tolerant materials. Shrubs and groundcovers should be perennial type, non-invasive, and require minimal trimming.

3. Streetscape:

- a. Where possible on Gilman Road, Kerrwood Street, and Durfee Avenue, the following

minimum parkway width should be placed between the sidewalk and the street:

- i. Durfee Road – four (4) foot wide continuous parkway
- ii. Gilman Road – five (5) foot wide continuous parkway
- iii. Kerrwood Street – ten (10) foot wide continuous parkway

The parkway should be landscaped with a mix of ground covers, shrubs, and trees to buffer the sidewalk from traffic and to provide an enhanced pedestrian area. If a parkway cannot be accommodated due to insufficient space, landscaped planters with street trees should be installed in lieu of the landscaped parkway.

- b. The street trees should be a minimum of 24-inch box specimen.

3. Other Landscape Design Guidelines:

- a. Landscaping should enhance building façades, complement architectural features, emphasize focal points, provide shade, and add visual interest.
- b. Landscaping should be compatible with the architectural style of the development.
- c. Landscaping should be used to activate building façades, screen less attractive elements, provide shade, and add color, texture and visual interest. Landscape materials should be of high quality and suitable for the Southern California climate.
- d. Outdoor furnishing should be high quality, durable, and consistent in style with the landscape design and architectural style of the development.
- e. Canopy trees should provide shade and visual comfort in common and public open space areas, as well as other areas with pedestrian activities.
- f. Shading materials should be used to shade open space areas and outdoor seating and dining areas. The shading materials should complement the architectural style of the development.
- g. Landscaping should be provided along the perimeter of common open space areas.

**17.135.070 – Other Requirements.**

- A. When a development standard is not identified in the Esperanza Village Specific Plan, this Title shall apply.
- B. **Implementation and Administration.** Refer to Chapter 5.0 (Implementation and Administration) of the Esperanza Village Specific Plan for additional requirements with regards to required actions and entitlements, permits and discretionary actions, expiration of approval and extensions, severability, applicability, administration and enforcement and Specific Plan amendments.

## **DIVISION 14 – COMPREHENSIVE DESIGN GUIDELINES**

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### **CHAPTER 17.140 – DESIGN GUIDELINES**

#### **Sections.**

- 17.140.010 – Purpose.
- 17.140.020 – Applicability.
- 17.130.030 – General Procedures.
- 17.130.040 – Comprehensive Design Guidelines.

#### **17.140.010 – Purpose.**

The provisions of this Chapter are established to:

- A. Encourage appropriate development that is compatible and harmonious with the design and use of surrounding properties and with the City in general;
- B. Foster the use of sound design principles which result in creative, imaginative solutions and establish structures of quality design throughout the City and which avoid monotony and mediocrity of development;
- C. Promote and maintain the public health, safety, and general throughout the City; and
- D. Implement general plan policies which encourage the preservation and enhancement of the unique character and assets of the City.

#### **17.140.020 – Applicability.**

The City's comprehensive design guidelines shall be applied whenever City approval is required for the following:

- A. Any new residential, commercial, office, industrial building or any other building or structure that requires issuance of a building permit and/or requires Planning Division review;
- B. The expansion of an existing structure;
- C. Conversion of a building from one use to any other use;
- D. Any change in building occupancy; and
- E. Any facade renovation or exterior improvement that is visible from the street.

#### **17.140.030 – General Procedures.**

Applications for comprehensive design review shall be made on the appropriate form to the Planning Division. The Community Development Director shall determine the minimum filing procedures, content and form of materials which must be submitted before the City can review an application based on the comprehensive design guidelines. The filing procedures and applications shall be published and made available to the public. No petition shall be received

unless it complies with all City filing requirements. The City Planning Commission or City Council, on appeal, may at its discretion request additional information before rendering a decision.

**17.140.040 – Comprehensive Design Guidelines.**

The City's Comprehensive Design Guidelines of 2012 as referenced herein shall be adopted, and from time to time modified and amended by resolution of the City Council. The approved guidelines shall be a public record of the City and the most current iteration of the City's Compliance Design Guidelines shall be available for inspection by members of the public on the City's website and in the Planning Division.

## DIVISION 15 – DEFINITIONS

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### **CHAPTER 17.150 – USE DEFINITIONS**

- 17.150.010 – Purpose.
- 17.150.020 – Land Uses.
- 17.150.030 – Residential – Main Uses.
- 17.150.040 – Residential – Ancillary and Other Uses.
- 17.150.050 – Community Care Uses.
- 17.150.060 – Public and Quasi-Public Uses.
- 17.150.070 – Assembly and Entertainment Uses.
- 17.150.080 – Retail and Office Uses.
- 17.150.090 – Service Uses.
- 17.150.100 – Industrial and Transportation Uses.

#### **17.150.010 – Purpose.**

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.**

**“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:

**“Mixed-use 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.

**“Mixed-use 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.**

**“Affordable housing in commercial areas”** means a type of affordable multifamily residential project with five (5) or more units, as outlined per Assembly Bill No. 2011 (July 1, 2023, Wicks, also known as the Affordable Housing and High Road Jobs Act of 2022) and Sections 65912.100 through 65912.140 of the California Government Code.

**“Corridor housing”** means a type of multifamily residential project with two (2) or more units, as outlined per Senate Bill No. 6 (July 1, 2023, Caballero, also known as “Local planning: housing: commercial zones”) and Sections 65852.24 and 65913.4 of the California Government Code.

**“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 (PRD)”** means a type of multifamily 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 single-family residential dwelling on a property or a single urban dwelling unit. 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,” “dwelling unit” or “housing 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 Mixed/Multiuse (M/MU). Units can be attached or detached. However, for Section 17.110.030 (Standards for Specific Residential Uses – Accessory Dwelling Units (ADUs and Junior ADUs) of this Title, multifamily means two (2) or more attached dwelling units on a lot that is zoned residential or M/MU.

**“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 (SRO) facility” 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 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 or along a significant 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.**

**“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 shall not be used for habitation unless it is an Accessory Dwelling Unit (ADU), as permitted in Section 17.110.030 (Standards for Specific Residential Uses – Accessory Dwelling Units (ADUs) and Junior ADUs) of this Title.

**“Accessory dwelling unit (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 (ADU), 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 business”** means an activity for compensation carried on in a residential use 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 (except through the internet, facsimile, mail and/or delivery), no person employed upon the premises and no mechanical equipment used except such as is necessary or customary for housekeeping purposes. This definition does not include garage sales or people telecommuting as an employee for an offsite business.

**“Outdoor sporting field or court, private”** means an outdoor area on private residentially 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.

**“Transitional parking”** means a parking lot on a residentially zoned property that abuts a property that is zoned Commercial (C-1, C-2, C-3) or M/MU 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.**

**“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.

**“Childcare facility”** or **“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 daycare 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 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) to 12 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.**

**“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.**

**“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 (GFA) (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 sub rent a sleeping room for a period of less than ten (10) hours.

**“Adult motion picture theatre”** 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 theatre”** means a theatre, 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 theatre, comedy or music venues, karaoke and movie theatres.

**“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, typically for a fee. This definition includes uses such as billiard 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 GFA 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, typically 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, 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.**

**“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 GFA, 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 in GFA.

**“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 theatres, 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 **“ice cream parlor”** means an establishment that sells specialty coffee, espresso drinks, teas, boba, assorted pastries, ice cream, gelato, frozen yogurt, frozen custard and/or other food items. A maximum 30 percent of the GFA 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/dining”** 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 GFA shall be designed, equipped and used exclusively for the storage and preparation of food and beverages;
- ii. A minimum 50 percent of the GFA 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 GFA 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. If alcoholic beverages are sold, they shall be incidental to that of food.
- vi. For restaurants limited to take-out only, a minimum 70 percent of the GFA shall be designed, equipped and used exclusively to (i) above and a maximum 30 percent of the GFA may be devoted to (iii) above.

**“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 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 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:

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

**“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 GFA shall be classified as a retail use.

**“Retail sales, neighborhood serving”** means a low intensity retail use that offers basic services and frequently purchased goods to the immediate surrounding residential area (i.e. a majority of sales come from the surrounding neighborhood).

**“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:

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|-----------------------------------------------------------|------------------------------------|
| • Appliance stores                                        | • Garden center or nursery         |
| • Art galleries                                           | • Gift and souvenir stores         |
| • Artists’ supply stores                                  | • Hardware stores                  |
| • Antique stores                                          | • Hobby stores                     |
| • Bicycle stores                                          | • Jewelry stores                   |
| • Bookstores                                              | • Luggage and leather goods stores |
| • Camera and photographic supply stores                   | • Mattress sales                   |
| • Clothing and apparel shops                              | • Meat markets                     |
| • Collectibles stores (e.g. cards, coins, comics, stamps) | • Musical instruments stores       |
| • Confectionery stores                                    | • Orthopedic supply stores         |
| • Consumer electronics stores                             | • Paint supply stores              |
| • Department store                                        | • Pet stores                       |
|                                                           | • Religious goods stores           |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Discount stores</li> <li>• Drug stores</li> <li>• Dry goods</li> <li>• Eyewear stores</li> <li>• Fabric and sewing supplies</li> <li>• Florists and houseplant stores</li> <li>• Flooring and tile</li> <li>• Fruit and vegetable stores (less than 5,000 square feet in area)</li> <li>• Furniture store</li> </ul> | <ul style="list-style-type: none"> <li>• Shoe stores</li> <li>• Small ware stores</li> <li>• Specialty shops</li> <li>• Sporting goods and equipment stores</li> <li>• Stationery stores</li> <li>• Toy and game stores</li> <li>• Upholstery stores</li> <li>• Variety stores</li> <li>• Vitamin and nutrition stores</li> <li>• Window stores</li> </ul> |
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**“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. The use may also include a donation center for the collection of used goods and merchandise. 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 net floor area (NFA) 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. If the floor area is below 25 percent, it shall be considered ancillary to a primary use. 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 seasonal sales events (i.e. Christmas tree lots), special events (e.g. arts and crafts exhibits) and temporary structures.

**“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. This use shall be defined as a vehicle service use if any installation or repair work is included.

**“Vehicle sale and lease, limited”** means the sales and leasing of automobiles, motorcycles and/or trucks (up to 14,000 pounds or Class 3) within an enclosed structure without any incidental maintenance or repair work permitted. Vehicles shall not be displayed or stored outdoors.

**“Vehicle sale and lease, general”** means the sale, or leasing of automobiles, motorcycles and/or trucks (up to 16,000 pounds or Class 4). 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 may be permitted.



**“Vehicle sale and lease, major”** in addition to vehicle sales, general, means the sale, or leasing of trucks (up to 26,000 pounds or Class 6), recreational vehicles, campers, trailers (travel, utility and other), tractors, boats, mobile home units, construction equipment and similar items. Ancillary uses such as maintenance or repair work and vehicle washing shall be permitted.

**“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.**

**“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 permitted.

**“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 – vehicle 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 vehicle 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. Characterized 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 and spiritual specialty shops. Excludes fitness and training facilities

greater than 3,500 square feet in GFA, 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 or medical clinic”** 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 and/or minimum Level 3 electric vehicle (EV) charging for a fee. 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/or trucks (up to 10,000 pounds or up to Class 2). Excludes the maintenance and repair of larger vehicles, 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, limited”** means the service of automobiles, motorcycles and/or trucks (up to 14,000 pounds or up to Class 3). Services include auto glass, tinted windows, stereo systems, alarm systems and upholstery. All work shall be conducted within a fully enclosed building.

**“Vehicle repair, minor”** means the service of automobiles, motorcycles, trucks (up to 16,000 pounds or Class 4), and/or recreational vehicles. Services include all items listed under limited vehicle repair, as well as mechanical repair, brakes and tires. All work shall be conducted within a fully enclosed building.

**“Vehicle repair, major”** means the repair of automobiles, motorcycles, trucks (up to 26,000 pounds or Class 6), recreational vehicles, boats and/or other large vehicles. Services include all items listed under limited and minor vehicle repair, as well as body

and fender repair, spray booths, tire retreading and tire recapping. Excludes vehicle dismantling or salvage. All work shall be conducted within a fully enclosed building.

**“Vehicle rental, automobile”** means a place of business used for the storage and display of complete and operative automobiles and/or motorcycles (up to 10,000 pounds or Class 2) 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/or trucks (up to 16,000 pounds or Class 4) typically used for moving purposes. In addition, this definition may include buses and recreation vehicles (RV) used for touring and leisure. Excludes larger trailers or trucks (greater than 16,000 pounds or Class 5 and above).

**“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.**

**“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:

**“Commercial fulfillment center”** or **“commercial logistics center”** means a third-party center that has the same characteristics of a fulfillment center but is also a point of sales (POS) for eligible product/customer orders that are processed and/or delivered.

**“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 or 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 eight (8) persons at any time and the area it occupies shall not exceed 30 percent of the GFA of the business. Such operation or production shall not generate objectionable noise, odor, dust, smoke, vibration or similar negative impact.

**“Commercial manufacturing”** means a use involving light manufacturing where there are retail, wholesale or showroom sales of the finished goods processed, manufactured and/or distributed at the facility. The retail or wholesale sales area shall be a maximum 25 percent of the GFA of the business in manufacturing zoning districts and a minimum 25 percent of the GFA of the business in commercial zoning districts (when permitted). Such operation or production shall not generate objectionable



noise, odors, dust, smoke, vibration or similar negative impact in commercial zoning districts.

**“Light manufacturing”** means a use involving the basic processing and/or manufacture 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 pickles, sauerkraut, fish 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 processing and/or manufacture 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 United States 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 pickles, sauerkraut, fish and hot sauce)</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 vehicle washing.

**“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.

**“Transportation use”** means a public facility that is primarily used for the ground transport of people and/or goods. This may include bus, light rail, commuter rail and freight rail. The use may include the infrastructure, stations and/or other ancillary uses and structures.

**“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 vehicle washing. 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.

**“Commercial parking”** means a parking lot for automobiles, motorcycles and/or trucks (up to 10,000 pounds or up to Class 2), where the primary use is the parking of vehicles for off-site uses, such as retail uses for a commercial district. The parking spaces may be covered (i.e. a parking structure) or uncovered (i.e. a paved surface lot). The operator typically charges a fee and sometimes includes attendant or valet parking. Vehicles may not park overnight.

**“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, fleet/ancillary”** means the ancillary parking of operative automobiles or trucks (up to 14,000 pounds or up to Class 3) used for the delivery of products or transport of service technicians. Excludes ambulance service, passenger transport service, towing facility and truck terminal uses.

**“Vehicle parking, limited”** means the storage of operative automobiles, motorcycles and/or trucks (up to 16,000 pounds or up to Class 4). The parking areas may be covered (i.e. a parking structure) or uncovered (i.e. a paved lot). Vehicles may park overnight.

**“Vehicle parking, general”** means the storage of operative automobiles, motorcycles, trucks (greater than 16,000 pounds or Class 5 and above), recreational vehicles, tractors, construction equipment and similar items. The parking areas may be covered (i.e. a parking structure) or uncovered (i.e. a paved lot). Vehicles and equipment may park overnight.

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## **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 – Housing.
- 17.152.050 – Landscaping and Water Efficiency Definitions.
- 17.152.060 – Public Utilities Definitions.
- 17.152.070 – Signage Definitions.
- 17.152.080 – 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: intentional (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.**

**“Abandoned”** or **“abandonment”** means a use is either vacated, the business license lapses, the lease is terminated and/or the utilities are terminated for a period greater than one (1) year.

**“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.

**“Abutting,” “adjoining”** or **“adjacent”** means having a common property or district line, or separated only by an alley, path, shared driveway, private street or easement.

**“Access easements”** means a real estate ownership right (an “encumbrance on the title”) granted to an individual or entity to make a limited, but typically indefinite, use of the land of another. It is not a right of occupancy as such or a right to profit from the land. An easement that benefits adjoining property, such as a driveway, is termed an “appurtenant easement.” An easement that does not benefit a particular tract of land, such as a utility easement, is termed an “easement in gross.” Access easements are recorded in a County Clerk’s office and run with the land.

**“Act of nature”** means an occurrence such as an earthquake, fire, flood, tidal wave, hurricane or tornado, which can cause substantial damage to buildings or property.

**“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, typically from the rear or side of the property. Alleys typically have a paved width of less than 35 feet.

**“Alteration”** means any change, addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alterations include changes in exterior surfaces, changes in materials, additions, remodels, demolitions and relocation of buildings or structures. However, it shall exclude ordinary maintenance and repairs.

**“Ambient noise”** means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location and within a certain time period.

**“Amortization period”** means the process by which nonconforming uses or structures must be eliminated or made to conform to requirements of the current zoning regulations at the end of a certain period of time. The period time, called an amortization period, allows the property owner a return on their investment on the 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.

**“Balcony”** means a platform on an upper floor of a building which projects more than two (2) feet from the building surface and is accessible from the building’s interior, is not accessible from the ground and is not fully enclosed.

**“Bathroom”** means a room containing a sink and toilet. It may also include a shower and/or a bathtub.

**“Bay window”** means an angular or curved window that projects from the building surface. Bay windows can be in residential and nonresidential buildings and can be on the ground level or an upper level of the building.

**“Bedroom”** means a space in a dwelling unit, Accessory Dwelling Unit (ADU) or Junior ADU other than a kitchen or living room that is intended for or capable of being used for sleeping.

**“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.

**“Bicycle parking”** means a covered or uncovered area equipped with a rack or other device designed and used for the secure, temporary storage of bicycles. Bicycle parking includes short-term (for customers, guests and other visitors who generally stay for a period for less than two (2) hours) and long-term (for employees, students, residents and commuters who generally stay for a period greater than two (2) hours).

**“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.

**“Building Official”** means the Chief Building Official of the City of El Monte, or his or her designee, charged with the administration and enforcement of Title 15 (Buildings and Construction) of the EMMC.

**“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 Occupancy Permit (BOP)” is required, including, but not limited to, any for-profit commercial retail business or enterprise.

**“Business Occupancy Permit (BOP)”** means a type of permit reviewed by the Planning Division to ensure the proposed use is permitted in the underlying zoning district, either by-right or conditionally. Development standards such as parking, landscaping, outdoor storage and access may also be reviewed.

**“California Department of Alcoholic Beverage Control (ABC)”** means the California State agency that regulates the permitting of alcoholic beverage sales, including the sale of beer, wine and distilled spirits.

**“California Environmental Quality Act (CEQA)”** means Section 21000 et seq. of the California Public Resources Code or any successor statute and associated guidelines (Section 15000 et seq. of the California Code of Regulations) that require public agencies to document and consider the environmental effects of a proposed action before a decision.

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



**“Canopy”** means a roofed shelter projecting over a sidewalk, driveway, entry or similar area that may be wholly supported by a building or may be wholly or partially supported by columns extended from the ground.

**“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 Attorney”** means the El Monte City Attorney organized under Chapter 2.16 (City Attorney) of the EMMC. The City Attorney may also include the “Assistant City Attorney” and the “Deputy City Attorney.”

**“City Council”** means the El Monte City Council organized under Chapter 2.04 (City Council) of the EMMC. The City Council shall also include the separately elected “Mayor” organized under Chapter 2.08 (Mayor) of the EMMC.

**“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 his or her designee.

**“Commercial corridor”** means a highway, as defined in Section 360 of the California Vehicle Code, that is not a freeway, as defined by Section 332 of the California Vehicle Code, and that has a right-of-way, as defined in Section 525 of the California Vehicle Code, with a minimum 70 feet and maximum 150 feet.

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

**“Conditionally permitted” or “conditional use”** means a use subject to the approval of a Minor Use Permit (MUP) or a Conditional Use Permit (CUP).

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

**“Covenants, Conditions and Restrictions (CC&Rs)”** means a set of rules used in many common interest developments, including condominiums and co-ops (residential and nonresidential), to regulate the use, appearance and maintenance of a property or series of properties. CC&Rs are between private properties rather than between a governmental entity and a homeowner. However, governments can require CC&Rs for developments and often review their contents. The final CC&Rs are recorded in a County Clerk’s office and run with the land. They are most commonly drafted and enforced through homeowners’ associations (HOAs). If a property owner violates the CC&Rs, the enforcer may impose penalties. While CC&Rs may be stricter than government regulations, they cannot directly conflict with federal, state or local laws (or court rulings). In most examples, the CC&Rs require the enforcer’s approval to change the exterior of a building. In other cases, the CC&Rs regulate the use of refuse containers, prohibit the hanging of laundry outdoors, set minimum landscaping maintenance standards and manage parking.

**“Cul-de-sac”** means a street which terminates in a permanent turn-around and which, by design, is not intended to continue beyond its terminal point. This is different from a “dead-end street,” which terminates abruptly at a property line with the intention to extend the street at a later date.

**“Curb cut” or “approach”** means a break in a curb allowing vehicle access from a roadway to a legal parking or access area within the property.

**“Deck”** means a platform, either freestanding or attached to a building, which is used for outdoor space. It typically extends from the façade of a building and is supported by pillars or posts but may be located on a flat portion of a building, such as a roof or setback. It is distinct from a “balcony” and “patio.”

**“Demolition”** means the destruction, dismantling or removal of a building or structure, or substantial portion of a building or structure so that it constitutes a demolition pursuant to the provisions of this Title.

**“Developer”** means a person who has a legal or equitable interest in the real property which is the subject of a development agreement.

**“Development”** means any manmade change to improved or unimproved real estate including, but not limited to, the division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, expansion, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

**“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).

**“Discretionary action”** means an entitlement requiring the review authority to exercise judgement prior to a final decision. Depending on the specifics of a given application and its accompanying circumstances, discretionary permits may be approved, conditionally approved or denied. Examples include Design Reviews (DRs), Conditional and Minor Use Permits (CUPs and MUPs), Variances and Minor Variances (Vs and MVs) and Planned Residential Developments (PRDs).

**“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. Driveways can be for residential and nonresidential uses.

**“Driveway, shared”** means when land uses on two (2) or more lots or parcels share one (1) driveway. The driveway can be established through an easement or common interest property. Shared driveway can be for residential and nonresidential.

**“Dwelling”** means a building or portion thereof designed for residential purposes, 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.

**“Effective date”** means the date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

**“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.

**“Electric vehicle (EV) capable space”** means a vehicle space which is provided with a branch circuit, any necessary raceways, both underground and/or surface mounted, to accommodate EV charging, terminating in a receptacle or a charger.

**“Electric vehicle charging station (EVCS)”** means a public or private parking space that is installed with electrical vehicle supply equipment (EVSE) that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle. Charging equipment is commonly categorized into three (3) different types:

- i. Level 1 (L1) equipment provides charging through a 120-volt (V) alternating current (AC) plug, is standard on vehicles, can be portable and does not require the installation of charging equipment. L1 charging generally takes eight (8) to 12

hours to completely charge a fully depleted battery. L1 charging is typically used in residential settings.

- ii. Level 2 (L2) equipment provides charging through a 240-V AC plug and requires installation of charging equipment. L2 charging equipment is compatible with all electric vehicles and plug-in electric hybrid vehicles. L2 charging generally takes four (4) to six (6) hours to completely charge a fully depleted battery. L2 charging is commonly found in residential settings, parking areas, places of employment and commercial settings.
- iii. Level 3 (L3) or direct current fast charging (DCFC) equipment is not compatible with all vehicles, and the charge itself is not accepted by all vehicles. L3 charging can provide half-a-charge in approximately 20 minutes. They are typically used in commercial settings, and providers often charge a fee.

**“Entitlement permit”** means the formal permission of the Planning Division to use or develop land. An individual entitlement may be sufficient for a project to proceed or may need to be used in conjunction with another entitlement. Entitlements may include ministerial actions and discretionary actions.

**“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 (1) or more persons, related or unrelated, living together as a single household in a dwelling unit.

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

**“Fee”** means a payment to the City for the processing of a permit, license or appeal application by a City Department or Division.

**“Fence” or “wall”** means an artificially-constructed barrier of any material or combination of materials erected to enclose or screen an area of land.

**“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.

**“Footprint”** means the horizontal area, as seen in plain view, of a building or structure, measured from the outside of exterior walls and supporting columns and excluding eaves.

**“Fraction”** means the definition outlined in Subsection 17.12.060(D) (Measurements and Calculations – Fractions) 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.

**“Glare”** means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort or loss of visual performance and ability, and which may also cause damage to property.

**“Grade”** means one of the following:

**“Average grade”** means a horizontal line approximating the ground elevation through each building on site used for calculating the exterior volume of a building. Average grade is calculated separately for each building.

**“Existing grade”** means the elevation of the ground at any point on a parcel as shown on the required survey submitted in conjunction with an application for a building permit or grading permit. Existing grade may also be referred to as natural graded.

**“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.

**“Height”** means the definition outlined in Subsection 17.12.060(E) (Measurements and Calculations – Height) of this Title.

**“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.

**“Household”** means one (1) or more persons living together in a single dwelling unit, with common access to and use of all living and eating areas and facilities for the preparation and storage of food. Expenses for rent or mortgage, food and utilities are shared. In addition, the dwelling unit maintains a single mortgage, lease or rental agreement for all members of the household.

**“Kitchen”** means a room or space within a building with appliances used for cooking or preparing food.

**“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.

**“Legislative action”** means the act of the City Council to formulate and adopt rules and policies that may apply to existing and future projects, applications and maps. Examples include General Plan Amendments (GPA), Specific Plans (SPs), Zoning Map Amendments (ZCs) and Zoning Code Amendments (Cas).

**“Light reflective value (LVR)”** means the amount of visible and usable light that reflects from, or absorbs into, a surface (i.e. the percentage of light a color reflects from a surface). LVR is measured on a scale that ranges from zero (0) percent (absolute black, absorbs all light and heat) to 100 percent (pure white, reflects all light).

**“Lot,” “parcel” or “property”** means an area of land whose boundaries have been established by legal instrument such as a deed or map recorded with Los Angeles County, and which is recognized as a separate legal entity for purposes of transfer or title, except public easements or rights-of-way. Types of lots include the following:

**“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 residential lot in the approximate configuration of a flag pole or sign post, with the pole or post portion functioning primarily as an access way to the main body of the lot from the street of access. The pole or post portion shall be less than 40 feet wide. New structures shall be limited to a garage and/or Accessory Dwelling Unit (ADU).

**“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 parcel line separating a parcel from a street right-of-way. In the case of a corner parcel, the line separating the narrowest street frontage of the parcel from the street shall be considered the front. For lots that have identical or near identical street frontage dimensions, the Community Development Director may determine which is the front. The lot frontage shall mean the horizontal distance between the side lot lines measured along the front lot line.

**“Lot line, rear”** means the parcel line opposite and most distant from the front parcel line. In the case of a triangular or otherwise irregularly shaped parcel, means a line ten (10) feet in length entirely within the parcel, parallel to, and at a maximum distance from the front parcel line.

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

**“Lot line, street side”** means a side lot line of a corner that is adjacent to a street.

**“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.

**“Ministerial action”** means an entitlement that is a ministerial act involving the use of fixed standards or objective measurements, with the decision authority exercising minimal personal judgement. Examples include Administrative Permit (APs), Density Bonuses (DBs), Sign Permits (SPs), Wireless Permits (WPs) and Zoning Clearances (ZCLs).

**“Mural”** means a piece of graphic artwork that is painted or applied directly to a wall, floor, ceiling or other permanent substrate (i.e. the underlying substance or layer). Mural techniques include fresco (painted directly on the substrate), mosaic (small pieces of stone, glass or ceramic placed on the substrate) and marouflage (canvas affixed to the substrate). A trompe-l'œil is a type of painted mural that uses realistic imagery to create the optical illusion that the depicted objects exist in three dimensions. The image shall not pertain to the business, product or service provided on the premises, or otherwise be defined as signage.

**“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.

**“National Pollutant Discharge Elimination System (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. Open space for multiple-family development may include one of the following:

**“Open space, common”** means usable open space that is designed and intended for the common use and enjoyment of the residents and guests of the residential project.

**“Open space, private”** means usable open space that is designed and intended for outdoor living and recreation that are adjacent and directly accessible to an individual dwelling unit, reserved for the exclusive use of residents and their guests of that individual dwelling unit.



**“Open space, usable”** means open space that meets the minimum qualifications of this Title to be used as common or private open space.

**“Parapet wall”** means a low wall extending above the roof and along its perimeter. It can be used to provide architectural features, screen roof mounted equipment, provide a safety barrier for people on the roof, reduce wind loads on the roof and prevent the spread of fires.

**“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.

**“Parcel”** means the same as the definition of “lot.”

**“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.

**“Parking space, off-street”** means an area, covered or uncovered, designed and usable for the temporary storage of a vehicle, which is paved and accessible by a vehicle without permanent obstruction.

**“Parking credit”** means an entitlement to use a publicly available parking space toward meeting the parking requirements of this Title. Those properties or businesses that receive parking credits shall not have any special priority to use specific spaces. Parking credits are limited to properties within the Downtown Specific Plan.

**“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.

**“Patio”** means an outdoor area, often paved, adjoining a building that is used for outdoor open space. It is unenclosed and is typically located at grade or supported by minimal footings.

**“Paving”** means a type of material used over areas of a parcel such as driveways, parking areas, pathways, patios and walkways, for access by vehicles and/or pedestrians.

**“Peak period commute periods, morning and afternoon”** means the morning period between 7:00 a.m. and 9:00 a.m. and afternoon period between 4:00 p.m. and 7:00 p.m. Mondays through Fridays, excluding federal holidays, which coincides with the highest measured volume of vehicular traffic or transit usage. The City Engineer may alter the hours to analyze traffic as deemed necessary.

**“Permit”** means an authorizing document issued by local agencies for demolition and construction (including some hardscaping and landscaping work) or for land uses.

**“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 El Monte Planning Commission organized under Chapter 2.24 (City Planning Commission) of the EMMC.

**“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.

**“Preconstruction meeting”** means a meeting between the construction team of a project and City staff from the Building Division, Planning Division, Public Works Department and other included staff. This meeting provides an opportunity for the City to communicate the requirements and expectations of a construction project to the project manager and contractor hired to complete the work. Meeting prior to the start of construction can avoid or reduce possible conflicts and delays in completing the work.

**“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.

**“Project”** means any proposal for a new or changed use or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this Title. Project also includes, but is not limited to, any action that qualifies as a “project” as defined by the California Environmental Quality Act (CEQA).

**“Property”** means the same as the definition of “lot.”

**“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 improvement”** means public thoroughfares, utilities and other facilities proposed or required to be improved or installed as part of a development. The improvements

**“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. In addition, public thoroughfare includes “major arterials,” “secondary arterials,” “collectors” and “local streets” as defined and described under the 2011 General Plan for the City of El Monte. It may also mean railroads, overpasses and underpasses.

**“Arterial, major”** means a type of public thoroughfare defined in the 2011 General Plan. These streets carry traffic from one part of the City to another and connect to

the highway system. Arterials carry the highest volumes of traffic at the highest speeds, with limited interference to traffic flow. Major arterials typically function as truck routes and emergency response routes. However, they are not exclusively auto dominated streets; they may serve as significant transit corridors and need to accommodate convenient and safe pedestrian travel.

**“Arterial, secondary”** means a type of public thoroughfare defined in the 2011 General Plan. Secondary arterials carry traffic from one part of the community to another and connect to major arterials. Secondary arterials typically carry lower volumes, principally local traffic, and are used for shorter trips to activity centers, jobs, residences, schools, and other local destinations. Secondary arterials are often used for transit, bicyclists, and pedestrians. Depending on the roadway width, trucks may have limited access to secondary arterials.

**“Collector”** means a type of public thoroughfare defined in the 2011 General Plan. Collector streets are intermediate routes; they connect residential neighborhoods to each another and neighborhoods to commercial and other districts in El Monte. They collect traffic from local streets in residential neighborhoods and channel it onto arterials. Collector streets may also carry local transit service. Finally, collectors often serve as the primary bicycle routes in the community and also accommodate pedestrian travel. Most collector streets have two (2) lanes.

**“Local street”** means a type of public thoroughfare defined in the 2011 General Plan. Local streets serve local land uses, typically residential neighborhoods, and provide direct access to individual parcels. Local streets typically carry the lowest volume of traffic, which is nearly exclusively local traffic. Local streets, being the primary means for residents to get around their neighborhood, should also accommodate bicycles and local pedestrian circulation. Speeds on local streets are relatively low, and on-street parking is often permitted. In some cases, however, local streets serve commercial and industrial uses.

**“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.

**“Residential density”** means the definition outlined in Subsection 17.12.060(I) (Measurements and Calculations – Residential Density) of this Title.

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

**“Roof”** means that portion of a building or structure above walls or columns that shelters the floor area of the structure below.

**“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.

**“Specific plan”** means a planning document that contains detailed development standards and implementation measures to which future projects located within a specific geographic area must achieve. The raison d'être of a Specific Plan is to implement the plans laid out in the General Plan. However, Specific Plans will focus on smaller geographic areas compared to the General Plan, such as a neighborhood, corridor or small number of properties. The Specific Plan will include policies (at a General Plan level) and regulations or standards (like a Zoning Ordinance). While a Zoning Ordinance focuses on land use, a Specific Plan will often incorporate additional topics such as design, mobility, infrastructure, financing and implementation.

**“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.

**“Staging area”** means a physical location used for the storage of equipment and vehicles, stockpiles, refuse bins and other construction-related material during the construction phase of a project. The staging area may include construction trailers and employee parking. The staging area may be within the construction boundary areas or may be located off-site, but in close proximity. The staging area should be clearly delineated. Larger projects may have multiple staging areas.

**“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 properties. “Street” includes avenue, place, way, drive, boulevard, highway, road, and any other thoroughfare, except an alley as defined herein.

**"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.

**"Street, private"** means any street, roadway, accessway or similar that functions as a public thoroughfare, but lies in whole or in part within a subdivision and is privately owned and maintained.

**"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, walls or inground swimming pools and spas.

**"Swimming pool" and "spa"** means a pool, pond or open tank capable of containing a large and deep enough body of water for people to use for swimming and/or recreation. They shall not be located within required street setbacks.

**"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.

**"Truck/traffic management plan"** means a construction phase related plan to help the project manager and contractor identify hazards and apply appropriate controls on the movement of trucks, other vehicles and pedestrians to and from the construction site and within the construction site.

**"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.

**"Variable height"** means the maximum height of a structure is increasingly reduced as it grows closer to a more restrictive zoning district (usually a residential zone). For example, if a building is a setback 20 feet to the property line its maximum height is a specified amount. As the building's setback is increased (to 30 feet or 40 feet), the maximum height is increased until it reaches the ultimate maximum height outlined in this Title.

**"Variance" and "minor variance"** means a type of discretionary permit that grants permission to deviate from the specific requirement of this Title that is warranted when, due to

special circumstances regarding the physical characteristics of the property, the strict application of the requirement would deprive the property of privileges available to other property in the same zoning district.

**“Vehicle”** means any motor vehicle as defined by the California Vehicle Code, including any automobile, trucks, motorcycles, recreational vehicles, boats and other similar conveyance. An inoperative vehicle is a motor vehicle that has been abandoned or cannot operate or be moved under its own power.

**“Vehicle class”** means the weight classes of vehicles as defined by the Federal Highway Administration (FHWA) or in the US Department of Transportation (USDOT).

**“Vehicle, recreational”** means a mobile, temporary lodging space, usually housed in a motor vehicle or trailer, generally for the purposes of travelling.

**“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 (ZC)”** means a ministerial action by the Planning Division prior to issuance of any building or zoning permit to ensure that the proposed improvement complies with all of the provisions of the zoning district in which it is located, as well as all other applicable provisions of this Title.

**“Zoning district”** means any residential, multiuse, commercial, manufacturing, public or quasi-public zoning areas established in Chapter 17.14 (Zoning Classifications and Map) of this Title, within which certain land uses are allowed or prohibited and certain site planning and development standards are established.

**“Zoning overlay”** means a zoning designation specifically delineated on the zoning map establishing land use requirements that govern in addition to the standards set forth in the underlying zoning district.

**“Zoning map”** means the officially adopted map of the City of El Monte showing zoning designations for all parcels of land.

**“Zoning Review Committee (ZRC)”** means the Zoning Review Committee of the City of El Monte.

#### **17.152.030 – Adult Entertainment Establishment Definitions.**

**“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 – Housing.**

**“Affordable housing unit”** or **“affordable unit”** means a housing unit that will be offered for sale or rent for households that are equal to or below certain affordable household income limits. Refer to the definition of affordable household income for a description of the various housing income limits.

**“Affordable rent”** means a reasonable utility allowance and shall not exceed the following:

- i. For very low-income households, one twelfth (1/12) of the product of 30 percent times 50 percent of the area median income adjusted for assumed household size.
- ii. For lower-income households whose gross incomes exceed the maximum income for very low-income households, one twelfth (1/12) of the product of 30 percent times 60 percent of the area median income adjusted for assumed household size.
- iii. For moderate-income households, one twelfth (1/12) of the product of 30 percent times 110 percent of the area median income adjusted for assumed household size.
- iv. For a project where 100 percent of the units, including bonus units and excluding a manager’s unit, are for lower-income households (except that 20 percent of the units may be for moderate-income households), rents for at least 20 percent of the units must be set at affordable rent as defined above, and the rents for the remainder of the units cannot exceed those for lower-income households as set by the California Tax Credit Allocation Committee.

**“Affordable housing cost”** means the maximum purchase price where monthly payments, after a reasonable down payment, and including interest, principal, mortgage insurance, property taxes, homeowner’s insurance, homeowner’s association fees, space rent (if any), a reasonable utility allowance, and a reasonable allowance for property maintenance and repairs, do not exceed the following:

- i. For very low-income households, one twelfth (1/12) of the product of 30 percent times 50 percent of the area median income adjusted for assumed household size.
- ii. For lower-income households whose gross incomes exceed the maximum income for very low-income households, one twelfth (1/12) of the product of 30 percent times 70 percent of the area median income adjusted for assumed household size.
- iii. For moderate-income households, one twelfth (1/12) of the product of 35 percent times 110 percent of area median income adjusted for assumed household size.  
(§ 65915(c)(2)(A)(i); Health & Safety Code Section 50052.5; 25 CCR § 6920.)

**“Area median income”** means the median family income in Los Angeles County, adjusted for household size, as published annually in Section 6932 of the California Code of Regulations, or successor provision, by the California Department of Housing and Community Development.

**“Base density,” “base units”** or **“maximum allowable residential density”** means the maximum allowable gross residential density permitted in this Title and under the Land Use Element of the 2011 General Plan or any specific applicable to the proposed development. If the

underlying zoning district is inconsistent with the base density allowed under the General Plan, the greater shall prevail.

**“Concession”** or **“incentive”** means one (1) of the following for a housing development project with a density bonus:

- i. A waiver or modification of a site development standard of this Title that results in an identifiable, financially sufficient and actual cost reduction of the housing development;
- ii. Approval of mixed-use zoning in conjunction with the housing development if the nonresidential land uses will reduce the cost of the housing development, the nonresidential uses are compatible with the housing development and existing or planned projects in the surrounding area; or
- iii. Other regulatory concessions or incentives proposed by the City or applicant that will result in an identifiable, financially sufficient and actual cost reduction of the housing development.

**“Density bonus”** or **“density bonus units”** means an increase in density above the otherwise maximum allowable residential density permitted under this Title. The amount of the density bonus varies depending on the percentage of units proposed to be affordable, and on the proposed level of affordability. An applicant shall not seek a density bonus greater than that provided in Chapter 17.100 (Density Bonus Provisions) of this Title.

**“Disabled veteran”** means any veteran who is currently declared by the United States Veterans Administration to be ten (10) percent or more disabled as a result of service in the armed forces.

**“Homeless person”** means an individual who lacks a fixed nighttime residence and whose primary nighttime residence is a supervised temporary shelter, institution or place not ordinarily used for sleeping. Does not include people living in correctional facilities.

**“Household income, affordable”** means a household whose gross income is equal or less than a specified percentage of median income for Los Angeles County (i.e. the Area Median Income (AMI) for El Monte), as determined by the United States Department of Housing and Urban Development. The figures are updated annually and adjusted for household size. The levels of affordability, as defined in Section 50093 of the California Health and Safety Code and Section 65915(b)(1) of the California Health and Safety Code, include the following:

**“Moderate income household”** means a household whose gross income is equal to 120 percent or less of the AMI.

**“Lower income household”** means a household whose gross income is equal to 80 percent or less of the AMI.

**“Very low-income household”** means a household whose gross income is equal to 50 percent or less of the AMI. Very low-income household shall also include extremely low and acutely low-income households.

**“Extremely low-income household”** means a household whose gross income is equal to 30 percent or less of the AMI.

**“Acutely low-income household”** means a household whose gross income is equal to 15 percent or less of the AMI.

**“Housing cost, affordable”** means a lower income household paying no more than 30 percent of its gross household income towards housing costs. Housing costs commonly include rent or mortgage payments, property taxes and insurance (for ownership units), association fees (for multiple-family ownership) and utilities (gas, electricity, water, sewer, refuse collection).

**“Housing development project”** means a residential only project or mixed-use project consisting of residential and nonresidential uses with at least two-thirds (2/3) of the square footage is designated for residential use or transitional or supportive housing.

**“Inclusionary Housing Agreement”** means a legally binding agreement between an applicant and the City, in a form and substance satisfactory to the City Manager and City Attorney, containing those provisions necessary to ensure that the requirements of the City’s inclusionary housing requirements, whether through the provision of inclusionary units or through alternative compliance, are satisfied.

**“Inclusionary Housing Plan”** means the plan which identifies the manner in which the City’s inclusionary housing requirements will be implemented for a particular residential project.

**“Inclusionary Housing Trust Fund”** means the fund in which all inclusionary housing in-lieu fees are deposited. Use of funds shall be limited as outlined in the City’s Inclusionary Housing Ordinance. The Finance Director shall administer the fund and provide an annual report of revenues and expenditures.

**“Inclusionary housing unit” or “inclusionary unit”** means an affordable unit that is included in a residential project to comply with the City’s inclusionary Housing Ordinance.

**“Market rate unit”** means a housing unit that is not offered as an affordable unit.

**“Shared housing building”** means a residential or mixed-use structure, with five (5) or more shared housing units and one (1) or more common kitchen and dining area designed for permanent residence of more than 30 days by its tenants. The kitchen and dining area shall be able to adequately accommodate all residents. A shared housing building may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building.

**“Shared housing unit”** means one (1) or more habitable room, not within another dwelling unit, that includes a bathroom, sink, refrigerator and microwave, is used as a permanent residence that meets the “minimum room area” specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of “guestroom” in Section R202 of the California Residential Code.

**“Student housing development”** mean a development containing a bedroom with two (2) or more bed spaces with a shared or private kitchen, living room, laundry facility and bathroom

for undergraduate, graduate or professional student enrolled currently or in the past six (6) months at an institution of higher learning.

**“Student, low income”** means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in Section 69432.7 of the California Education Code. The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

**“Total units”** or **“total dwelling units”** means the base units and density bonus units awarded pursuant to this Title or any local law granting a greater density.

**“Transitional foster youth”** means a person in California whose dependency was established and continued by a court of competent jurisdiction, including a tribal court, on or after the youth’s 13th birthday and who is no older than 25 years of age at the commencement of the academic year, or as otherwise defined in Section 66025.9 of the California Education Code.

**“Very low vehicle travel area”** means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita, as defined in Section 65915(o)(9) of the California Government Code.

**“Waiver”** means a reduction of a development standard that would have the effect of physically precluding the construction of a development eligible for a density bonus at the density or with the incentives permitted by Section 65915(E)(1) of the California Government Code.

#### **17.152.050 – Landscaping and Water Efficiency Definitions.**

**“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 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.

#### **17.152.060 – Public Utilities Definitions.**

**“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."

### **17.152.070 – Signage Definitions.**

**“A-frame sign” or portable sign** means a sign not permanently affixed to a building, structure or the ground to advertise a service or product of the most adjacent business. It is typically made of a lightweight and rigid materials with the capability to stand on its own support(s) and being portable and movable.

**“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.

**“Animated sign”** means an animated, flashing, blinking, reflecting, revolving or other similar sign. Animated signs include, but are not limited to, flashing, blinking and scintillating signs. However, animated signs shall not include permitted changeable copy or electronic signs.

**“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.

**“Building identification sign” or “major tenant sign”** means a wall sign on a multistory building which is limited to the name of the building, the address of the building or the main tenant of the building. The sign is typically placed above the second story floor line.

**“Can sign,” “box sign” or “cabinet 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 manual changing of copy.

**“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 identifying a proposed development project or one under construction, which is located on the site of the project. It may indicate the type of project, name of individuals or firms having a role or interest in such project and other project related information.

**“Digital billboard”** means 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.

**“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 wall sign which vertically lists the names of all business tenants in a multitenant building.

**“Eave sign” or “overhang sign”** means a sign applied to the face of a building façade eave or overhang, parallel to the subject façade 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 copy sign” or “automatic readerboard”** means a sign typically comprising a liquid crystal diode (LCD), light-emitting diode (LED), plasma or other digital illuminated display that contains messages, graphics or photographs.

**“Façade”** means a face of a building that is visible and given architectural treatment. Types of façades include the following:

**“Primary façade”** means an elevation that faces a street, on-site driveway or on-site parking area.

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

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

**“Fence sign”** means a sign which is mounted on a fence or wall other than a building wall.

**“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.

**“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 and pylon 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, public school signs, hospital signs and historic site signs;
- 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;
- iii. Any legal or official notice used by a court, public body, person or office in the performance of a public duty, utility or other quasi-public agency;
- iv. Temporary or permanent signs erected and maintained by or required by the federal, state or local government; and
- v. 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 program”** means a coordinated program of signage for new or existing commercial, office or industrial centers, complexes or parks which contain three (3) or more business establishments or tenants, or a specifically identified use that requires a master sign program per Section 17.80.050 (Signage Regulations – General Procedures) of this Title.

**“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 façade.

**“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.

**“Projecting sign”** means a sign which is attached to and projects from, a structure or building façade, with the display surface of the sign possessing a plane not parallel to the building façade or structure to which it is attached.

**“Public carrier signs”** means graphic images mounted on carrier vehicles such as buses and taxicabs that legally pass through the City.

**“Real estate signs”** means signs which identify a property or property improvement for sale, lease or rent, which are posted on the subject property, subject to the requirements of Section 713 of the California Civil Code.

**“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.

**“Security or privacy signs”** means signs on property which convey messages such as “No Trespassing” or “No Soliciting.”

**“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.

**“Windblown device”** means an air-borne flotation device (e.g. wind dancers), which is tethered to the ground or to a building or other structure and directs attention to a business, commodity, service, entertainment sold or offered or special event or sale. This includes those that are attached to buildings, fixed on posts and freestanding.

**“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.

#### **17.152.080 – Wireless Definitions.**

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) façade 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.

**“CPUC”** 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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