CITY OF SOUTH EL MONTE
REGULAR MEETING OF THE SOUTH EL MONTE PLANNING COMMISSION

*****SPECIAL NOTICE REGARDING COVID-19*****
On March 17, 2020, Governor Newsom issued Executive Order N-29-20 in response to the COVID-19 pandemic, which authorizes the Local Legislative body to hold public meetings via teleconferencing and waives all requirements of the Brown Act requiring the physical presence of Planning Commissioners, staff, or the public as a condition of participation in or quorum for a public meeting.

THIS IS A PLANNING COMMISSION MEETING BY TELECONFERENCE ONLY. Members of the public will have access to listen to and participate in the meeting by calling-in at the information below. Teleconference participation shall be available to the public at the following USA Toll-Free number, 888-204-5987, Access Code: 9671457

Members of the public wishing to submit a general comment or a comment on an agenda item, can email ahernandez@soelmonte.org or call (626) 579-6540 to leave a voicemail message. All comments received by 5:00 p.m. on Tuesday, December 15, 2020 will be added to the Planning Commission agenda as part of the public comment.

DECEMBER 15, 2020, 6:00 P.M.

CITY HALL CHAMBERS
1415 SANTA ANITA AVENUE
SOUTH EL MONTE, CA 91733

RUDY BOJORQUEZ, CHAIRPERSON
LARRY RODRIGUEZ, VICE-CHAIRPERSON
LEO BARRERA, COMMISSIONER
RUBY YEPEZ, COMMISSIONER
JEFF ORTIZ, COMMISSIONER

COLBY CATALDI, DIRECTOR OF COMMUNITY DEVELOPMENT AND PUBLIC WORKS
ANGIE HERNANDEZ, COMMISSION SECRETARY
CHRISTY MARIE LOPEZ, ASSISTANT CITY ATTORNEY

1. **CALL TO ORDER**

2. **ROLL CALL**
   Commissioners: Bojorquez, Barrera, Yepez, Ortiz and Rodriguez

3. **FLAG SALUTE**

4. **APPROVAL OF AGENDA**
   This is the time for the commission to remove any items from the agenda, continue, add items, to make a motion to rearrange the order of this agenda, or accept Agenda "as-is".

5. **PUBLIC COMMENT**

   Any person wishing to address the Planning Commission on any items not on the agenda, or any other matter, is invited to do so at this time. Pursuant to the Brown Act, the Commission cannot discuss or take action on items not on the agenda. Matters brought before the Commission that are not on the agenda may be, at the Commissions' discretion, be referred to staff or placed on the next agenda.

6. **CONSENT CALENDAR**

   6.a. **Minutes for November 17, 2020**

   RECOMMENDATION: THEREFORE, STAFF RECOMMENDS that the Planning Commission approve the above reference minutes.

7. **GENERAL BUSINESS**

   7.a. *Item continued from the November 17, 2020 meeting*

   Adoption of Resolution No. 20-10 approving a Conditional Use Permit (CUP) (No. 20-10), which would allow for the operation of a used semi-truck sales office and lot located at 1225 Durfee Avenue, South El Monte CA 91733

   RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 20-10, approving Conditional Use Permit (No. 20-10), as conditioned.

   Public Notice was sent on 11/5/2020

   7.b. **Adoption of Resolution No. 19-06 approving a Subdivision (LS NO. 19-02) for the creation of fourteen lots (Tentative Tract Map No. 82461) for property located at 9822-9865 Alpaca Street, South El Monte CA 91733**

   RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution No. 19-06, approving Subdivision (LS No. 19-02) Tentative Tract Map No. 82461), as conditioned.

Public Notice was sent on 12/3/2020

7.c. <u>Review of Tacos El Chaparrito and Conditions of Approval for Conditional Use Permit No. 20-03 located at 9611 Garvey Ave #105, South El Monte CA 91733</u>

RECOMMENDED ACTION: Staff recommends that the Planning Commission review staff's report and schedule a new hearing six months from now to evaluate how the business has operated once they receive their Type 41 license.

7.d. <u>Review of Krudos and Conditions of Approval for Conditional Use Permit No. 19-26 located at 1725 Durfee Avenue, South El Monte CA 91733</u>

RECOMMENDED ACTION: Staff recommends that the Planning Commission receive and file staff's report on whether the business is operating in compliance with the CUP.

8. DIRECTOR UPDATE

9. COMMISSIONER COMMENTS

10. ADJOURNMENT

January 19, 2021 at 6:00 p.m.

CITY OF SOUTH EL MONTE
PLANNING COMMISSION - MINUTES
Tuesday, November 17, 2020, 6:00 P.M.

THE PLANNING COMMISSION CONDUCTED THIS MEETING BY TELECONFERENCE IN ACCORDANCE WITH CALIFORNIA GOVERNOR NEWSOM'S EXECUTIVE ORDERS N-29-20 AND COVID-19 PANDEMIC PROTOCOLS

1. CALL TO ORDER

Chairperson Bojorquez called the meeting to order at 6:03 p.m.

2. ROLL CALL

PRESENT Commissioners: Leo Barrera, Jeff Ortiz, Larry Rodriguez, Ruby Rose Yepez, and Chairperson Rudy Bojorquez.

Present via teleconference: Christy Marie Lopez, Assistant City Attorney; Colby Cataldi Public Works Director; Ian McAleese, Assistant Planner; and Angie Hernandez, Planning Commission Secretary.

3. PLEDGE OF ALLEGIANCE

Commissioner Rodriguez led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

A motion was made by Ortiz, seconded by Rodriguez and carried 5-0, to approve the agenda.

Vote: 5-0
Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yepez, and Chairperson Bojorquez
Nays: None

5. PUBLIC COMMENT

Chairperson Bojorquez, opened the public comment.
With no public comments, Chairperson Bojorquez closed public comment.

6. CONSENT CALENDAR

6.a. Minutes for October 20, 2020

A motion was made by Rodriguez, seconded by Yepez and carried 5-0 to approve Consent Calendar.

Vote: 5-0
Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yepez, and Chairperson Bojorquez
Nays: None

7. GENERAL BUSINESS

7.a. Adoption of Resolution No. 20-10 approving a Conditional Use Permit (CUP) (No. 20-10), which would allow for the operation of a used semi-truck sales office and lot located at 1225 Durfee Avenue, South El Monte CA 91733

Assistant Planner McAleese presented the staff report providing an overview of the report, conditions of approval for CUP 20-10 were listed. He presented the validity of the zoning for this type of business; he included a short history on the previous tenants of this specific location.

Discussion ensued by the Planning Commission with concerns related to the location and previous business types at this site. Concerns about the applicants' financial statements were brought up and requested. Commissioners have also requested that they visit the site, the applicant provide business financials, and return to the Planning Commission next month after the previous items have been completed.

Chairperson Bojorquez opened public comment and requested the applicant address the commission with any additional comments. Scott Zeppenfeldt, the applicant representative introduced himself to the commission, stated he will forward his financials to city staff, and will make himself available for site visits.

Chairperson Bojorquez opened public comment, after determining there was no one else wishing to speak, Chairperson Bojorquez left public comment open until the next Planning Commission meeting scheduled for December 15, 2020.

A motion was made by Barrera, seconded by Rodriguez and carried 5-0 with direction to staff to have the applicant return to the commission at the December 15, 2020 Planning Commission Meeting.

Vote: 5 - 0
Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Chairperson Bojorquez and Yepez
Nays: none

8. DIRECTOR UPDATE – Director advised the commission that the General Plan Update will be forthcoming.

9. COMMISSIONERS' COMMENTS

Chairperson Bojorquez – Participated in the Halloween Drive Thru event.
Commissioner Rodriguez – Nothing to report.
Commissioner Ortiz – Nothing to report.
Commissioner Barrera – Nothing to report.
Commissioner Yepez – Nothing to report.

10. ADJOURNMENT

A motion was made by Barrera, seconded by Rodriguez and carried 5-0, to adjourn the meeting at 6:33 p.m.

Vote: 5-0
Ayes: Commissioners: Barrera, Ortiz, Rodriguez, Yepez, and Chairperson Bojorquez
Nays: None

Planning Commission Agenda Report

Agenda Item No. 7.a.

DATE: December 15, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Colby Cataldi, Community Development Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Adoption of Resolution No. 20-10 approving a Conditional Use Permit (CUP) (No. 20-10), which would allow for the operation of a semi-truck sales office and lot.

PUBLIC NOTICE: Notice was posted and mailed on November 5, 2020 for a Public Hearing before the Planning Commission.

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Section 15301 Class 1 – Existing Facilities.

PROJECT LOCATION:

Address:	1225 Durfee Avenue
Project Applicant:	Crystal Cardona
Property Owner:	MS & NC Investments LLC
Zone:	"C" (Commercial)
Lot Size:	24,356 square feet (0.57 acres)

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	None	None	State Route 60
South	"C" (Commercial)	Commercial	Motel
East	"C" (Commercial)	Commercial	Motel
West	"C" (Commercial)	Commercial	Gas Station

BACKGROUND: The applicant, Crystal Cardona ("Applicant"), is applying to operate a used semi-truck sales business ("Project") at 1225 Durfee Avenue, South El Monte, California 91733 ("Property"). The Property consists of one parcel having an area of approximately 24,356 square feet (0.56 acres) and one existing building measuring approximately 2,121 square feet. The Property is located on the north side of Durfee Avenue, east of Peck Road. The site has laid vacant for over twenty years, with the last use being a restaurant operating in 1998.

This Project originally went before Planning Commission on November 17, 2020 and was continued to allow for the Commission to conduct a site visit as well as review financials of the Applicant's other truck sales business.

RECOMMENDATION: Staff RECOMMENDS that the Planning Commission adopt Resolution No. 20-10, approving Conditional Use Permit (No. 20-10), as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as "Commercial" in the City of South El Monte's ("City") General Plan and is zoned "C" (Commercial) in the City's Zoning Code. The proposed use falls within the scope of the General Plan's "Commercial" land use designation and is also a conditionally permitted use in the "C" Zone. The Project will help further the City's goals and objectives found in the General Plan and satisfy all development requirements within the Zoning Code.

Land Use Element

Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the establishment of a used semi-truck sales lot in an area not served by these types of uses.

Policy 1.4: *Create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base* by creating a retail truck sales lot that will serve truck drivers in the region.

Goal 2: *Focus new revenue-generating development in those areas of the City with high visibility* by allowing for the establishment of used truck sales at a location highly visible to the Pomona Freeway.

Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties* through the complete renovation of the building and parking lot area for use by the Project.

Economic Development Element

Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the sales of semi-trucks which is not a use that currently exists within the City.

The establishment of a used semi-truck sales lot and office will make the business a viable commercial asset to the City's economy. The Project will also promote a balanced and dynamic economic growth of the area; and the City by providing semi-truck sales that can serve residents as well as businesses within and around the City. Considering all of the above, the Project is consistent with both the General Plan and the Zoning Code.

Conditional Use Permit (CUP)

The proposed project is required to obtain a CUP to operate as a result of section 17.14.040 of the South El Monte Municipal ("SEMMC"). This section provides all _automobile sales within 500 feet of State Route 60 must obtain a CUP.

In order to grant a CUP, the Commission must make the following findings pursuant to SEMMC") Section 17.68.040:

> The commission shall find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general.

The parcels surrounding the Property to the south and east are developed as a motel use, with the property to the west being developed as a gas station. North of the Property is State Route 60, creating a physical barrier between the single-family residential uses that are located north of the Property. Staff believes the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general because of the conditions that are included in the resolution, as well as most of the surrounding parcels being utilized as commercial uses.

Proposed Project

The proposed Project consists of rehabilitating the vacant restaurant building to utilize as a sales office and repave the parking lot to display used semi-trucks for sale. A total of seventeen trucks will be on display for sale on the site, situated towards the north end of the property. Customer parking will be available on the southern end of the property near the sales office. Vehicles for sale will be kept on site and will not be parked on the street so as to not impact the businesses in the area. The hours of operation will be Monday through Friday 8:00 a.m. to 5:00 p.m. and Saturday 9:00 a.m. to 2:00 p.m.

Off-Street Parking and Landscaping

The proposed use requires one parking stall per every 750 square feet of building area and one space per 2,500 square feet of display area per SEMMC Section 17.60.020. The total number of parking stalls required for the Project is eight, and fourteen parking stalls are available on-site with the truck sales lot having a total of seventeen spaces available for display.

A total of 5% of the parking lot area is required to be landscaped per SEMMC Section 17.14.180, which totals 823 square feet. The Applicant is proposing a total of 2,361 square feet, or 14.4%, of landscaping in both the customer and display lots.

Outdoor Vehicle Storage and Maintenance

One of the concerns with used vehicle sales lots is the storage of vehicles. To ensure that vehicle storage does not become a problem, conditions of approval have been added requiring that the business will not be allowed to store or park any vehicles on City streets. Additionally, a condition has been added limiting the number of trucks for sale it will be allowed to store on the property to 17. These two conditions will prevent vehicle storage from becoming a nuisance to the public or nearby properties.

Under SEMMC Chapter 9.16, businesses are required to maintain their property free from any litter and graffiti. This helps ensure that the property maintains a clean and well-kept appearance and prevents the property from becoming a visual blight in the City. It is in the best interest of the property owner to have the business owner maintain the property to keep up the appearance of the property, which in turn keeps up the value of the property. A condition has been added to ensure that the property stays free of litter and graffiti.

ENVIRONMENTAL REVIEW: This proposed Project is categorically exempt from environmental review pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) Guidelines. The proposed Project satisfies the criteria for the Class 1 categorical exemption for existing facilities. The criteria is the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project falls within the criteria of operation of an existing building.

CONCLUSION: Staff has reviewed the Applicant's request and has determined that the proposed Project meets all of the development standards as set forth in SEMMC Chapters 17.14 (Commercial Zone). Approval of the Conditional Use Permit, as conditioned, will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. Additionally, Staff finds that the semi-truck sales facility is consistent with the City's General Plan and Zoning Ordinance, and the Project complies with the development standards imposed on such uses. Staff recommends the Planning Commission adopt Resolution 20-10 to approve Conditional Use Permit No. 20-10 for the proposed semi-truck sales office and lot at 1225 Durfee Avenue.

ATTACHMENTS:

A – Draft Resolution No. 20-10
B – Relevant Code Sections
C – Location Maps and Site Aerials
D – Truck Sales Metrics
E – Project Plans

Attachment A

PLANNING COMMISSION

RESOLUTION NO. 20-10

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 20-10) ALLOWING FOR THE OPERATION OF A USED SEMI-TRUCK SALES OFFICE AND LOT AT 1225 DURFEE AVENUE

WHEREAS, Crystal Cardona ("Applicant"), filed an application for a Conditional Use Permit ("CUP") to operate a used semi-truck sales business ("Project") at 1225 Durfee Avenue, South El Monte, California 91733 ("Property");

WHEREAS, pursuant to SEMMC Section 17.14.040, the Project requires Planning Commission review and approval because the Project consists of automobile sales within 500 feet of State-Route 60 ("SR-60");

WHEREAS, a public hearing was held before the Planning Commission on November 17, 2020, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination; and

WHEREAS, this item was continued from the November 17, 2020 meeting to December 15, 2020 so that the Planning Commissions could have an opportunity to conduct a site inspection and review financial information related to the Applicants similar business. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: This proposed Project is categorically exempt from environmental review pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) Guidelines. The proposed Project satisfies the criteria for the Class 1 categorical exemption for existing facilities. The criteria is the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project falls within the criteria of operation of an existing building. The Planning Commission finds that the Project is exempt from the provisions of CEQA. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A public hearing was held before the Planning Commission on November 17, 2020 and continued to December 15, 2020, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

SECTION 3: The City's staff report and record of the public hearing indicates the following:

A. With regard to the application for a CUP, SEMMC Section 17.68.040 requires that the Planning Commission find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

B. The General Plan Land Use designation for the Property is "Commercial." The Zoning Code designation is "C" (Commercial).

C. The proposed Project promotes the City's goals and objectives stated in the General Plan. No goal or policy will be impaired.

D. Outdoor vehicle storage will be prohibited by the conditions of approval to prevent vehicle storage from becoming a nuisance to the public or nearby properties.

SECTION 4: Based on the record of the hearing, including all information presented at the hearing, including the Staff Reports dated November 17, 2020 and December 15, 2020, which is hereby incorporated into this Resolution 20-10 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.14, and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas. This is because the project is compatible with the surrounding uses and there have been conditions of approval added to ensure proper maintenance of the property.

B. Pursuant to SEMMC Section 17.68.040, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is because the Project is consistent with neighboring uses since it is surrounded by commercial uses, will be prohibited from storing vehicles in the public right-of-way and required to properly maintain the property.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial uses, the surrounding area, and the goals of the City. The Project will contribute to the general well-being of the city in that the Project benefits neighboring uses and will be an asset to the surrounding area, as well as to the City as a whole. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the Project is consistent with the City's General Plan. The Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

(1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the establishment of a used semi-truck sales lot in an area not served by these types of uses;

(2) Policy 1.4: *Create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base* by creating a retail truck sales lot that will serve truck drivers in the region; and

(3) Goal 2: *Focus new revenue-generating development in those areas of the City with high visibility* by allowing for the establishment of used truck sales at a location highly visible to the Pomona Freeway (State Route 60); and

(4) Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties* through the complete renovation of the building and parking lot area for use by the Project; and

Economic Development Element

(5) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the sales of semi-trucks which is not a use that currently exists within the City.

SECTION 5: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No 20-10) to operate a used semi-truck sales business, subject to the following conditions:

General Conditions

1. The Applicant shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages or attorney's fees in any such lawsuit or action.

2. The Applicant shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.

3. The approval shall lapse and become void if the privilege authorized herein is not utilized or construction work initialized pursuant to a valid building permit has not commenced within one year from the date of this approval.

4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions.

Planning Conditions

5. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large discarded items that may have collected in the Property's parking area and/or public right-of-way in front of Property.

6. Noise levels measured at the property line shall not exceed the levels prescribed by the City's noise regulations as set forth in SEMMC 8.20.

7. The Applicant and all operators shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the Property.

8. The Applicant shall maintain all required permits and licenses in good standing.

9. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or notice from the City.

10. A copy of the approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License, Code Enforcement, Public Safety Officer, or Community Development Staff person.

11. The Applicant understands that any violation of these conditions shall be grounds for the modification, suspension or revocation of the Conditional Use Permit.

12. The operations of the proposed Project shall be limited to the hours between 8:00 a.m. to 5:00 p.m., Monday through Friday 9:00 a.m. to 2:00 p.m. Saturdays.

13. All signage for the proposed Project shall be approved separately by the Planning Division under a separate sign and building permit.

14. The Applicant shall repave and restripe the parking area consistent with the City approved parking plan. The parking area shall be restriped to show required handicap accessible parking spaces (pursuant to Americans with Disabilities Act requirements) and general parking spaces. The Applicant shall properly maintain the parking area and any other impermeable surface free of grease and oil.

15. The Applicant shall provide the required 8 parking spaces for the proposed Project at all times.

16. The Applicant shall obtain a City business license and occupancy permit prior to the commencement of any of the proposed Project's operations.

17. All vehicles shall be stored on the Property, and a maximum of 17 trucks shall be stored on site at a time. No vehicles shall be stored on the public right-of-way.

18. The Applicant shall clean up and maintain overgrown foliage on the perimeter of the property at all times.

19. The Applicant shall develop the property in conformance with the proposed and City approved plan. Deviations or exceptions shall not be permitted except when approved by the Community Development director or their designee.

Building Conditions

20. The second sheet of the building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

21. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.

22. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.

23. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.

24. A geotechnical and soils investigation report is required to evaluate the condition of the existing pavement at areas used for regular vehicle parking including drive aisles and to determine the adequacy of using such areas for displaying trucks.

25. Should any of the existing pavements be removed and replaced as required by the project geotechnical engineer, a grading and drainage plan shall be submitted to Building Department for plan review.

26. Should any of the existing pavements be removed and replaced as required by the project geotechnical engineer, Engineering Department LID review shall be completed and approved first prior to submitting grading plans Building Department.

27. Should the proposed alteration of the existing pavements as required by the project geotechnical engineer affect the use of the existing 10-foot wide drainage easement in any way, a notarized letter shall be obtained from the current easement holder(s) prior to the issuance of building permit.

28. A grading and drainage plan if required shall be approved by Public Works Department Engineering Division prior to issuance of the building permit. The grading and drainage plan

shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.

29. All State of California disability access regulations for accessibility and adaptability shall be complied with.

30. Additions, alterations, and repairs in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in Existing Building Code in effect.

31. Electrical plan check is required.

32. Mechanical plan check is required.

33. Plumbing plan check is required.

34. Project shall comply with the CalGreen Non-Residential mandatory requirements.

35. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.

Engineering Conditions

36. The second sheet of the building plans, grading plans and/or offsite improvement plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.

37. Plans shall be submitted electronically for review.

38. Engineering Department approval is required prior to Building Permit issuance.

39. Reconstruct the driveway approach located in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee.

40. Remove and replace broken and off grade sidewalk in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.

41. Remove and replace broken and off grade curb and gutter in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

42. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of any permits. Any mitigation measures shown on the traffic study, if any, shall be made at the sole cost to the property owner/developer.

43. No Traffic Study will be required. This project is also exempt from a VMT Analysis and is considered a LOW VMT use.

44. Truck Turning Templates for the size of truck to be sold on site should be shown entering and exiting the driveway and the route around the drive aisles to make sure a truck can navigate entering/exiting the driveway and the internal route. The size of the truck used in the turning templates should also be shown on the plan.

45. Dimensions of parking spaces length and width should be shown on the plan.

46. Submit a description of the project in respect to where employees and customers will park on site.

Fire Department Conditions

47. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required for this project prior to building permit issuance. Please contact the Fire Prevention Engineering Section at 323 890-4125 for additional information and submittals.

SECTION 6: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

ADOPTED this 15th day of December, 2020.

_____
Chairman, Rudy Bojorquez

ATTEST:

_____
Secretary, Angie Hernandez

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH EL MONTE)

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 20-10 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 15th day of December 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Secretary, Angie Hernandez

Attachment B

Chapter 17.14 - COMMERCIAL ZONE (C)

17.14.010 - Intent and purpose.

The intent and purpose of the commercial zone (C) is to provide areas throughout the city in which commercial facilities designed to serve a broad area with a wide range of commercial services may be located. Such zone districts will generally be located along arterial and collector streets and will buffer residential areas from traffic, noise and pollutants. It is the objective of this chapter to achieve development which will be compatible with surrounding uses.

(Ord. 822 §1(part), 1989)

17.14.020 - Permitted uses.

No building or structure shall be erected, reconstructed, structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as provided in this chapter. The following uses shall be permitted in the commercial zone (C).

(Ord. 822 §1(part), 1989)

17.14.030 - Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses which require operations outside of a building, the following are primary uses permitted within the commercial zone (C). Any permitted use which is located adjacent to, or directly across a public or private street from a residential zone district shall be subject to the development standards contained in Chapters 17.24 through 17.58 of these regulations:

A. Automobile service stations (minor repairs only) located in excess of five hundred feet of SR-60;
B. Auto upholstery and auto glass installation located in excess of five hundred feet of SR-60; provided that all activities are to take place within a completely enclosed building with no openings other than required emergency fire exits, facing or adjacent to any residentially zoned property. Such enclosed building shall be of masonry or concrete construction with a ceiling of sound attenuating material installed where such building is located within two hundred feet of any residential zone district;
C. Health clubs, spas or commercial athletic recreation facilities (handball, racquetball). No alcoholic beverages may be sold or consumed on the premises;
D. Automotive sales, leasing or rental located in excess of five hundred feet of SR-60;
E. Carwashes (automatic or manually operated) and auto detail shops located in excess of five hundred feet of SR-60;
F. Public utility facilities;
G. Retail businesses;
H. Business and professional offices;
I. Business services, including, but not limited to, blueprinting, photostating, stationery stores, office supplies and equipment, janitorial services and commercial printing and duplicating;
J. Personal services, including, but not limited to, barber and beauty shops, shoe repair, laundry and dry-cleaning pickup points, tailor shops and clothing alterations, radio and TV sales, service and repair;

K. Banks, savings and loans and other similar financial institutions, including check cashing services;

L. Retail bakeries, all goods sold at retail, on-site;

M. Restaurants, cafes, cafeterias, and similar eating establishments;

N. Medical and dental clinics and offices and medical and dental laboratories and associated uses such as ambulance services and pharmacies;

O. Fortunetelling;

P. On-site advertising in accordance with Chapter 17.62 of these regulations;

Q. Accessory buildings and uses normally associated with any permitted use;

R. Adult businesses pursuant to the provisions of Chapter 5.25 of the South El Monte Municipal Code.

(Ord. 1012 §4, 1999; Ord. 963 §3, 1995: Ord. 822 §1(part), 1989)

(Ord. No. 1152, § 1, 3-22-2011; Ord. No. 1239 , § 4, 12-3-2019)

17.14.035 - Residential uses.

A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the commercial zone.

B. Residential uses and structures as set forth in this Chapter are defined herein as single-family residential dwellings, two-family dwellings, three-family dwellings, multiple-family dwellings, and mobile homes or trailers designed and used for residential occupancy located within a mobile home park legally established prior to January 1, 1980. Each such mobile home park legally established prior to January 1, 1980, shall comply with the provisions of Chapter 17.42.

C. The development standards set forth in Chapter 17.08 of this code shall apply to each single-family residential dwelling permitted by this section.

D. The development standards set forth in Chapter 17.10 of this code shall apply to each two-family dwelling and three-family dwelling permitted by this section.

E. The development standards set forth in the applicable sections of Chapter 17.12 pertaining to multiple-family dwellings shall apply to all multiple-family dwellings permitted by this section, except townhouses and condominiums.

F. The development standards set forth in Chapter 17.44 of this code shall apply to each townhouse and condominium permitted by this section.

G. The development standards set forth in the applicable sections of Chapter 17.42 that are applicable to mobile home sites and structures shall apply to each mobile home and trailer permitted by this section.

(Ord. 984 §2, 1996)

17.14.040 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with Chapter 17.68 of these regulations:

A. Bars, taverns, nightclubs (including entertainment) and off-sale of alcoholic beverages;

B. Billiard halls, pool halls, amusement arcades, bowling establishments, miniature golf courses, indoor theaters

and similar uses;

C. Hotels and motels;

D. Massage establishment;

E. On-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and similar eating establishments;

F. Beverage lounge as defined in these regulations;

G. Entertainment, live;

H. Certain commercial activity in conjunction with, or on the site of an automobile service station, subject to the provisions of Chapter 17.30;

I. Off-sale of beer and wine on the site of an automobile service station, subject to the provisions of Chapter 17.52;

J. Automotive repair facilities, including body and fender shops, auto paint shops, engine rebuild, overhaul or repair. Automobile service stations (minor repair only), auto upholstery and auto glass installation, carwashes, auto detailing, automotive sales, leasing, and rental located within five hundred feet of SR-60;

K. Any use proposed for any property that is one acre or larger in size;

L. Any use proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger;

M. Any proposed use or resumption, reestablishment, reopening, or replacement of a use that is proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger where the building or structure has been vacant for more than ninety days, or the use has been abandoned or discontinued for more than ninety days;

N. Any other use not specifically permitted or prohibited, which is determined to be compatible with the permitted uses of the commercial zone.

(Ord. 1012 §5, 1999; Ord. 1010 §6, 1999; Ord. 1009 §§9, 10, 1999; Ord. 985 §2, 1997; Ord. 963 §5, 1995: Ord. 918 §§2 and 5, 1992; Ord. 822 §1(part), 1989)

(Ord. No. 1151, § 1, 3-22-2011; Ord. No. 1152, § 2, 3-22-2011; Ord. No. 1195, § 10, 2-24-2015; Ord. No. 1239 , § 5, 12-3-2019)

17.14.045 - Secondary uses.

The following secondary uses are permitted within the commercial zone:

A. Gateway signs, subject to the provisions of Section 17.62.130(A)(6).

(Ord. 940 §2, 1993)

17.14.050 - Prohibited uses.

The following are prohibited uses in the commercial zone:

A. Residential uses and structures except as specifically permitted by Section 17.14.035;

B. Wholesale businesses, including warehousing and distribution;

C. Manufacturing uses, except where manufacturing occupies less than five percent of the gross floor area and

all goods manufactured are sold at retail, on-site;

D. Any use when such use is determined to be hazardous in nature, either by virtue of activity or product, or through the emission of noise, pollutants or hazardous effluent;

E. Agricultural uses including, but not limited to, kennels, catteries, stables and aviaries;

F. The following uses when adjacent to or across a public or private street from a residential zone district:

1. Ambulance services,

2. Any use listed as a conditional use in Section 17.14.040, except that hotels, public utility facilities and on-sale of alcoholic beverages in association with restaurants, cafes, cafeterias, and similar eating establishments shall be permitted with a conditional use permit;

G. Off-sale of alcoholic beverages other than beer or wine within five hundred linear feet of any church, school, or park;

H. Metal buildings as defined in Chapter 17.56 of these regulations.

(Ord. 984 §3, 1996; Ord. 822 §1(part), 1989)

17.14.060 - Property development standards.

The following standards shall apply to uses within the commercial zone (C) provided that automobile service stations, public utility facilities, public and quasi-public buildings and facilities and drive-through and walkup restaurants, and buildings constructed adjacent to or directly across a public or private street from a residentially zoned district shall be subject to development standards contained in Chapters 17.24 through 17.58 of these regulations; and provided further, that any lot or parcel which is substandard in width, depth, or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the commercial zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.14.035 shall be subject to development standards contained therein.

(Ord. 984 §4, 1996: Ord. 822 §1(part), 1989)

17.14.070 - Minimum lot area.

There are no minimum lot area requirements.

(Ord. 822 §1(part), 1989)

17.14.080 - Maximum building coverage.

Refer to Figure 17.14.080 to determine allowable building coverages.

(Ord. 963 §5, 1995; Ord. 822 §1(part), 1989)

17.14.090 - Minimum lot width.

There are no minimum lot width requirements.

(Ord. 822 §1(part), 1989)

17.14.100 - Minimum lot depth.

There are no minimum lot depth requirements.

(Ord. 822 §1(part), 1989)

17.14.110 - Maximum building height.

There are no maximum building height requirements except that any building constructed adjacent to a residentially zoned property shall have a maximum allowable height of twenty-eight feet.

(Ord. 822 §1(part), 1989)

17.14.120 - Minimum yard requirements.

A. Front Yard. No requirements except that a ten-foot front yard shall be required when a C zoned lot is abutting or directly across from a residentially zoned property.
B. Side Yard.
    1. Interior or Key Lot. None required except that a ten-foot side yard shall be required when a C zoned lot is abutting or directly across from a residentially zoned property.
    2. Corner or Reversed Corner Lot. None required except that a ten-foot side yard shall be required when a C zoned lot abuts a residentially zoned property.
C. Rear Yard. None required except that a ten-foot rear yard shall be required when a C zoned lot abuts a residentially zoned property.
D. Through Lot. A through lot shall maintain the required front yard setback on each frontage required by the zone in which the lot is located.

(Ord. 822 §1(part), 1989)

17.14.130 - Accessory buildings and structures.

Accessory buildings and structures shall conform to the standards contained in Chapters 17.24 through 17.58.

(Ord. 822 §1(part), 1989)

17.14.140 - Access.

No building permit shall be issued for any lot or parcel of land unless said lot or parcel has frontage on a dedicated and improved public street or on a private street conforming to street standards established by the city.

(Ord. 822 §1(part), 1989)

17.14.150 - Off-street parking and loading.

A. Off-street parking and loading shall be provided in accordance with Chapter 17.60.
B. No parking, whether the provision of required parking spaces or other parking, including the storage of trucks or other similar types of equipment shall be permitted on unpaved areas.

(Ord. 822 §1(part), 1989)

17.14.160 - Loading docks and truck maneuvering.

A. All loading docks and doors facing a public or private street shall be located in such a manner that all truck maneuvering shall take place on-site whenever possible.

B. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street whenever possible.

(Ord. 822 §1(part), 1989)

17.14.170 - Vehicle maintenance or repair.

No vehicle maintenance or repair, other than that permitted by Section 17.14.040 shall take place on any lot in the commercial zone (C).

(Ord. 822 §1(part), 1989)

17.14.180 - Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as all other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, ground cover, or other plant materials and shall include an accepted automatic irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs not over fifty feet from any portion of a planted area and all landscaping shall be contained within six-inch concrete or eight-inch masonry curbing. Provision of landscaping within parking areas shall be in accordance with Chapter 17.60.

(Ord. 822 §1(part), 1989)

17.14.190 - Fences and walls.

A. A solid masonry wall eight feet in height shall be constructed and maintained along any side or rear property line which adjoins a residential zone, school, church or park, except that the wall shall not exceed forty-two inches in height when it adjoins the front setback of the adjacent residential property, except that the fence may be increased to a height of six feet if the increase in height consists of wrought iron, chain link or other "see-through" material and the design is approved by the director of planning and community development.

B. Any fence or wall located in the front of any building must be located to the rear of the required setback. No fence or wall in the front of any building may exceed forty-two inches in height if constructed of solid or sight obscuring materials, but may be increased to a total height of six feet if wrought iron, chain link or other "see-through" materials are used and the design is approved by the director of planning and community development.

C. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

(Ord. 822 §1(part), 1989)

17.14.200 - Outdoor storage and operations.

Except as permitted by Section 17.14.205, all business operations in the commercial zone must be conducted entirely within a completely enclosed building. However, automobile and light truck sales, automobile service stations, outdoor dining, and other businesses which, by their nature, require operations outside of a building may be conducted outside of a building. Also, certain ancillary operations, such as the immediate loading and unloading of merchandise and supplies, routine property and building maintenance and permitted advertising may be conducted out of doors. Non-spoilable trash and/or recyclable material may be temporarily stored in approved and permitted trash enclosure area(s) for not more than seven days.

(Ord. 1057 §1, 2004; Ord. 822 §1(part), 1989)

17.14.205 - Outdoor display of merchandise for sale.

Businesses selling merchandise at retail may display sale or promotional items outdoors subject to the following regulations:

A. The merchandise must be displayed on the same lot as the principal location of the business;
B. The area occupied by the outside display of merchandise shall not exceed an area greater than the gross square footage of the principal building on the lot multiplied by a factor of .025. The maximum permissible area occupied by outdoor display of merchandise shall be five hundred square feet;
C. The displayed merchandise must be grouped into a single area and visible from the public street. The displayed merchandise shall not block, or diminish the public view of, or physical access to, any other business or use.
D. The merchandise may not be displayed on, or over, any public right-of-way and may not be located within ten linear feet of any public right-of-way.
E. The displayed merchandise may not be located in, or encroach into, any required yard or setback, or unpaved area.
F. The displayed merchandise must not be located in, or encroach into, any designated driveway, required parking space, or designated fire lane.
G. The displayed merchandise may not block any doorway, designated private pedestrian walkway or access for the handicapped.
H. The merchandise may not be displayed on top of any portion of any building, hung from, or affixed to building walls, rafters or eaves. Nor may any merchandise be hung from, or affixed to, any fence or wall or inflatable device.
I. The outdoor display of merchandise shall be subject to all applicable health, safety and fire codes.
J. The outdoor display of merchandise for sale, is in and of itself, a form of advertising and no additional

signage shall be permitted for the displayed merchandise except price signs measuring no larger than three inches by five inches may be affixed to the items displayed for sale.

K. The outdoor display of merchandise shall be subject to an outdoor display site plan review and approval by the planning commission and said approval shall be subject to conditions, if any, that may be imposed by the planning commission as needed to mitigate any potential negative effects created by the proposed outdoor display, and the planning commission shall deny the application if the planning commission finds that the outdoor display would be detrimental to persons or properties in the immediate vicinity of the subject property or to the city in general. The planning commission may revoke any approval for cause.

L. Application for an outdoor display site plan approval shall be made on application forms supplied by the city and pursuant to the instructions provided by the city. At the time of submittal, applicant shall pay an application fee in the same amount as the application fees established for development site plan review.

(Ord. 1057 §2, 2004)

17.14.210 - Exterior lighting facilities.

Exterior lighting facilities shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties.

(Ord. 822 §1(part), 1989)

17.14.220 - Refuse enclosures.

There shall be sufficient refuse enclosures provided to serve each development. Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be constructed of wood, masonry, block, or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the proposed development.

(Ord. 822 §1(part), 1989)

Figure 17.14.080

FORMULA FOR COMPUTING ALLOWABLE BUILDING AREA

$$\text{Building Area} = \frac{A}{B} = C \times D = \text{Building Area (E)}$$

$$\text{Parking Area} = \frac{E}{F} = G \times H = \text{Parking Area (I)}$$

A = Building lot area (less required setbacks)

B = SF of building per parking space + SF parking space (405 SF) + SF interior landscaping (20 SF per space)

C = Building units (Divide "A" by "B")

D = SF of building area per parking space (based on parking code requirements)

E = Building area

F = SF of building area per parking space (based on parking code requirement)

G = Parking spaces required

H = SF of parking space (405 SF) + interior landscaping (20 SF per space)

SUMMARY C ZONE

1. For property development standards, see Chs. 17.24-17.58 of this title.
2. Building, height limitations, see above illustration.
3. Parking requirements, see Ch. 17.60 of this title.
4. Yard, requirements, see Ch. 17.14 of this title. Required only for abutting a residential zone.

Chapter 17.60 - OFF-STREET PARKING AND LOADING

17.60.010 - General provisions.

A. Off-street vehicle parking spaces shall be provided at the time of the use of the land, or at the time of the erection of the building or use of the land or building or structure is altered, enlarged converted or increased in capacity by the addition of uses, floor area, dwelling units guest rooms, beds or seats; provided however, that additional parking spaces shall not be required at the time of the erection of an addition to a single-family residence if the director of community development shall find all of the following:

1. The proposed addition is otherwise in conformity with the provisions of the zoning regulations;
2. The provision of additional off-street parking of the lot is impossible or impractical because of the size or configuration of the lot and improvement; and
3. The public safety and welfare will not be unreasonably jeopardized by waiving the requirements of

additional off-street parking.

B. All off-street parking spaces and areas required by these regulations, or otherwise provided, shall comply with all of the conditions, improvements and landscaping requirements set forth in these regulations, and shall be maintained as much as such thereafter in a reasonable and acceptable manner or condition.

C. All vehicle parking spaces and areas required or otherwise provided shall comply with the following conditions:

1. The number of spaces shall be determined by the amount of use of land, dwelling units, floor area guest rooms, beds, or seats provided, and such parking spaces and areas shall be maintained thereafter without reduction in the number of spaces required in connection with such buildings, structures and uses of land.
2. Each parking space shall be developed in accordance with standards established by written resolutions of the planning commission and Section 17.60.030.
3. Adequate driveways and aisles shall be provided as set forth in these regulations and in any standards adopted by the planning commission.
4. All vehicle parking spaces shall be on the same lot with the land use, building or structure except as otherwise provided in Section 17.60.040.
5. Any carport or private garage which fronts upon a private street shall be located so as to provide for a minimum automobile ingress or egress of not less than twenty feet between the property line and the entrance to the garage or carport.
6. No vehicle parking spaces shall occupy or be designed in a required front yard, or in a side yard on a side street, except as specifically provided in these regulations or in the zone district regulations for the zone in which the property is located.
7. No parking spaces or areas shall be so designed as to require vehicles to back into a street except for single-family or duplex buildings.
8. No more than twenty feet of the width of the front yard in residential zones may be used or improved by paving or otherwise vehicle access. This area may be increased to a maximum of thirty feet if three covered spaces are provided in a single structure.

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

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

F. Whenever a nonresidential structure is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading area required, additional spaces shall be provided. Furthermore, for all existing uses or structures, including residential, hereafter expanded by fifty percent or more of the existing gross floor area, the required off-street parking for the entire property or development shall conform to the most current parking standards.

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

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

I. Requirements for uses not specifically listed herein shall be determined by the community development director, based upon the requirements for comparable uses and upon particular characteristics of the use. Additional parking over and above that required herein may be required upon determination of the planning commission that the specific type of business or user generates a greater demand for more parking than the requirement herein.

J. No tandem parking shall be allowed within private residential areas anywhere in the city, it would adversely impact the aesthetic appeal and character of the city.

(Ord. 1120 § 2, 2008: Ord. 822 § 1(part), 1989)

17.60.020 - Parking requirements.

Required vehicle parking shall be provided in accordance with the following schedule. Except that in cases of development for which no specific parking requirements have been established, the planning commission shall establish and approve parking requirements.

Land Use	Required Parking
Residential:	
Single-family dwelling	Two standard spaces within a garage.
Duplex (two-family) or triplex (three-family) dwelling	Two standard spaces per dwelling unit within a garage.
Multiple dwelling	Two standard spaces per dwelling unit with a garage, plus one guest parking for every four units.

Mobile home park	Two standard spaces for each mobile home site or space. The parking may be tandem. One additional space per each five mobile home sites or spaces shall be provided for guests.
Senior housing and very low/low income	0.5 spaces per unit.

Land Use	Required Parking
Commercial:	
General retail or services	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
General professional offices	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Restaurants, cafes and similar establishments dispensing food and beverages (including drive-ins, drive-through and take out establishments with designated seating areas	One space for each four fixed seats or for each four persons of occupant load in the dining area. There shall also be provided additional ten percent of the required parking with parking to be designated for use by employees. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Drive-in, drive-through and take out business with no designated interior or exterior seating areas (including automobile service stations)	One space for each two hundred fifty feet of gross floor area provided, a minimum of five spaces shall be provided. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Hotels, motels, boardinghouses, clubs, and lodges	One space for each guest room, suite or dwelling unit, and two spaces for any dwelling unit used by a residential manager. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Assemblies such as theaters, auditoriums, arenas, stadiums and similar places of assembly including churches and private schools	One space for each three permanent seats, or if movable or temporary seats are used, one space for each three persons of occupant load. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Land Use	Required Parking
Industrial:*	
General manufacturing	One space for each seven hundred fifty square feet of gross floor area up to ten thousand square feet and one for each seven hundred fifty square feet of gross floor area over ten thousand square feet plus one loading area for each five thousand square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Research and scientific manufacturing	One space per seven hundred fifty square feet of gross floor area plus one space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Warehousing	One space per thousand square feet of gross floor area plus one space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Office	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Self-storage	Parking shall be provided along thirty-foot wide parking/driving lanes adjacent to the storage buildings and a minimum of ten spaces adjacent to the leasing office.
Vehicle related use:	
Auto repair	One space per three hundred square feet of gross floor area.
Auto sales/leasing	One space per seven hundred fifty square feet of lot size plus one space per two thousand five hundred square feet of outdoor display and storage area.
RVs and related	One space per seven hundred fifty square feet of gross floor area plus one space per two thousand five hundred square feet of outdoor display and storage area.

(Ord. 1120 § 3, 2008: Ord. 822 § 1(part), 1989)

17.60.030 - Development standards.

A. Paving. All parking spaces, maneuvering, turnaround areas, and any driveways shall be paved with asphalt or concrete to city standards.

B. Marking of Parking Spaces. All parking spaces, except those within private garages or carport, shall be marked with distinguishable materials. Handicapped spaces shall be clearly identified to preclude their use by unauthorized vehicles.

C. Bumper Guards or Wheel Stops. Bumper guards or wheel stops shall be provided as necessary to protect any

buildings, structures, landscaping or other vehicles.

D. Illumination. All parking areas must be illuminated; lights shall be arranged so that there is no direct reflection of light toward any adjoining premises, public street, private street or alley.

E. Parking Area. Any parking area, other than that used for single-family or two-family dwellings (duplex), shall be separated from any adjoining residential zone, church, school, or park by a masonry wall six feet in height, except within a required front setback or front yard on the site of adjoining property, in which case the solid wall shall not exceed forty-two inches in height, but may be increased to a total height of six feet if wrought iron, chain link, or other "see through" materials are used and the design is approved by the director of community development.

F. Driveways and Aisles. The minimum driveway and aisle widths necessary for adequate ingress and egress shall be provided and maintained free and clear of all obstruction as follows:

1. Minimum one-way driveway widths:
    a. Single-family or duplex dwellings, ten feet,
    b. Multiple dwellings, twelve feet,
    c. All other uses, ten feet;
2. Driveways affording ingress and egress to a parking area with twenty or more spaces shall be designed for one-way circulation or a double driveway system;
3. Aisle widths for parking areas shall be in accordance with parking standards adopted by the planning commission.

G. Landscaping. All parking areas required, or otherwise provided, except for residential zones, shall be landscaped as follows:

1. A minimum planter strip, as required by regulations of the zone district in which site is located, shall be provided on peripheral sides bounded by a public or private street, except for those areas devoted to crosswalks and traversing driveways.
2. A minimum of five percent of the total parking area must be landscaped; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
3. Any unused space resulting from the design of parking may be used for planting purposes; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
4. In complying with the five percent landscaping requirements, the landscaping shall be distributed throughout the parking area as evenly as possible. When parking areas are not visible from the public right-of-way, the director of community development shall have the option of incorporating the required parking area landscaping into other areas of the site including, but not limited to, the landscape front setback.
5. Planter curbing shall be used for landscaping containment. The height of such curbing shall be not less than six inches of concrete or eight inches in masonry.
6. All landscaping areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs located within fifty feet of all parts of a planted area, and the system shall be shown on the plot plan or on a separate drawing.

(Ord. 1120 § 4, 2008: Ord. 822 § 1(part), 1989)

17.60.040 - Remote parking.

Remote parking (parking located on a site other than that on which the use is located) may be utilized for multiple dwellings and commercial and industrial facilities under the following conditions:

A. That the lot or parcel to be utilized for remote parking adjoins the lot or parcel it is to serve; or

B. That the lot or parcel to be utilized for remote parking is separated only by an alley from the lot or parcel it is to serve; and in both cases;

C. The lot or parcel utilized for remote parking is in the same ownership as the parcel being served or is held in a long-term (twenty-year) recorded lease providing that the owners or lessees and their heirs, assigns or successors in the interest shall maintain the parking facilities so long as the building or use they are intended to serve be maintained. The covenant shall be prepared for the benefit of and in a form acceptable to the city, shall be recorded with the county recorder of Los Angeles County, and shall provided that the covenant may not be revoked, cancelled or modified without the written consent of the city;

D. That the lot or parcel is located not more than one hundred fifty feet from the lot or parcel to be served, the requirement for a covenant running with the land as shown in subsection C of this section shall apply.

(Ord. 1120 § 5, 2008: Ord. 822 § 1(part), 1989)

17.60.050 - Loading facilities and truck maneuvering.

A. All loading docks or loading doors facing upon a public or private street shall be located in such a manner that all truck maneuvering shall take place on the site whenever possible.

B. All drive approaches shall be designed so as to preclude direct access to a loading dock or loading door from the street whenever possible.

C. All areas used for parking, maneuvering, or vehicle storage shall be paved with asphalt or concrete to city standards.

D. For every commercial or industrial building erected or established on a lot which abuts an alley, there shall be provided and maintained a twenty-five foot by ten foot by fourteen foot high loading space for each two thousand square feet of gross floor area. Each loading space shall be clearly marked and identified and shall be kept clear and unobstructed at all times.

(Ord. 822 § 1(part), 1989)

17.60.060 - Parking and loading facilities—Nonconforming.

Any use of property which, on the effective date of this section is nonconforming only as to the regulations in this chapter regulating off-street parking and loading facilities may be continued as if the off-street parking and loading facilities were conforming, provided that:

A. There shall be no further reduction of off-street parking and loading facilities that do not exist on the property as of the effective date of this section; and

B. The property complies with any applicable regulations requiring handicapped parking.

(Ord. 937 § 1, 1993)

17.60.070 - Maintenance of parking.

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

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

C. Any restriping or other changes made to a parking lot shall be reviewed and approved by the planning division prior to such work being commenced.

(Ord. 1120 § 6, 2008)

Figure 17.60--STANDARD SPACES

N	P	S	A	C	P'	S'
0°	28'	9'	10'	24'	–	–
30°	45'-6"	16'-9"	12'	17'-9"	–	–
40°	49'-10"	18'-5"	13'	14'	–	–
45°	52'	19'	14'	12'-9"	45'-8"	15'-10"
50°	53'	19'-6"	16'	11'-10"	–	–
60°	60'-4"	20'	20'	9'-10"	–	–
70°	63'-4"	20'-2"	23'	9'-9"	–	–
80°	62'-8"	19'-4"	24'	9'-3"	–	–
90°	62'	18'	26'	9'	–	–

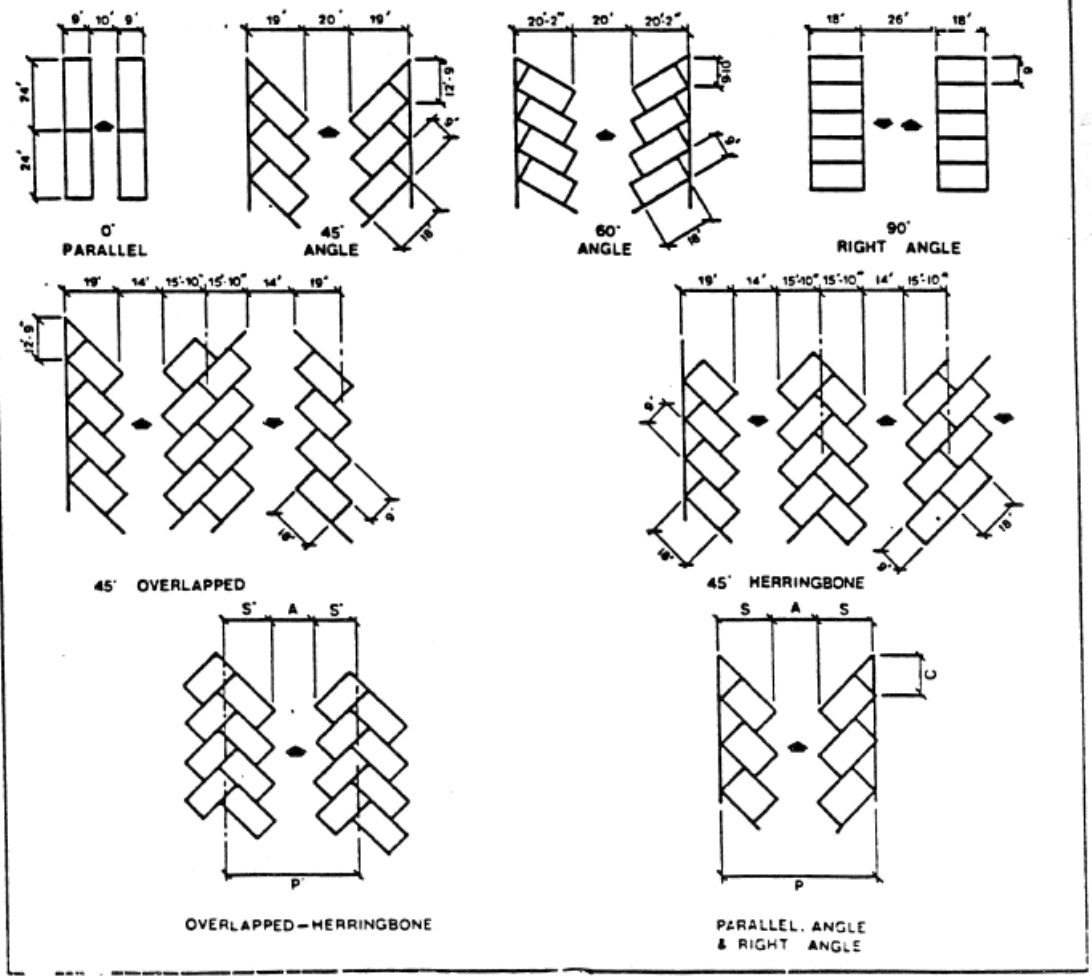
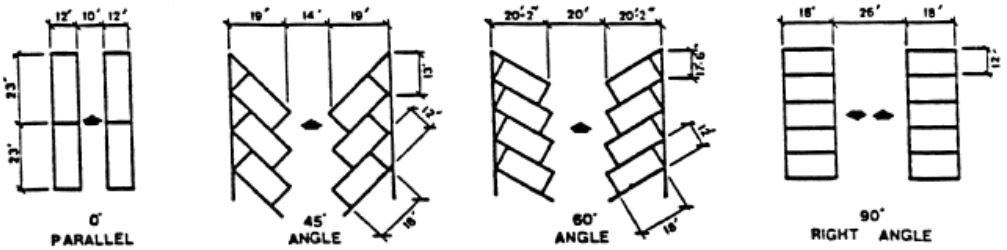
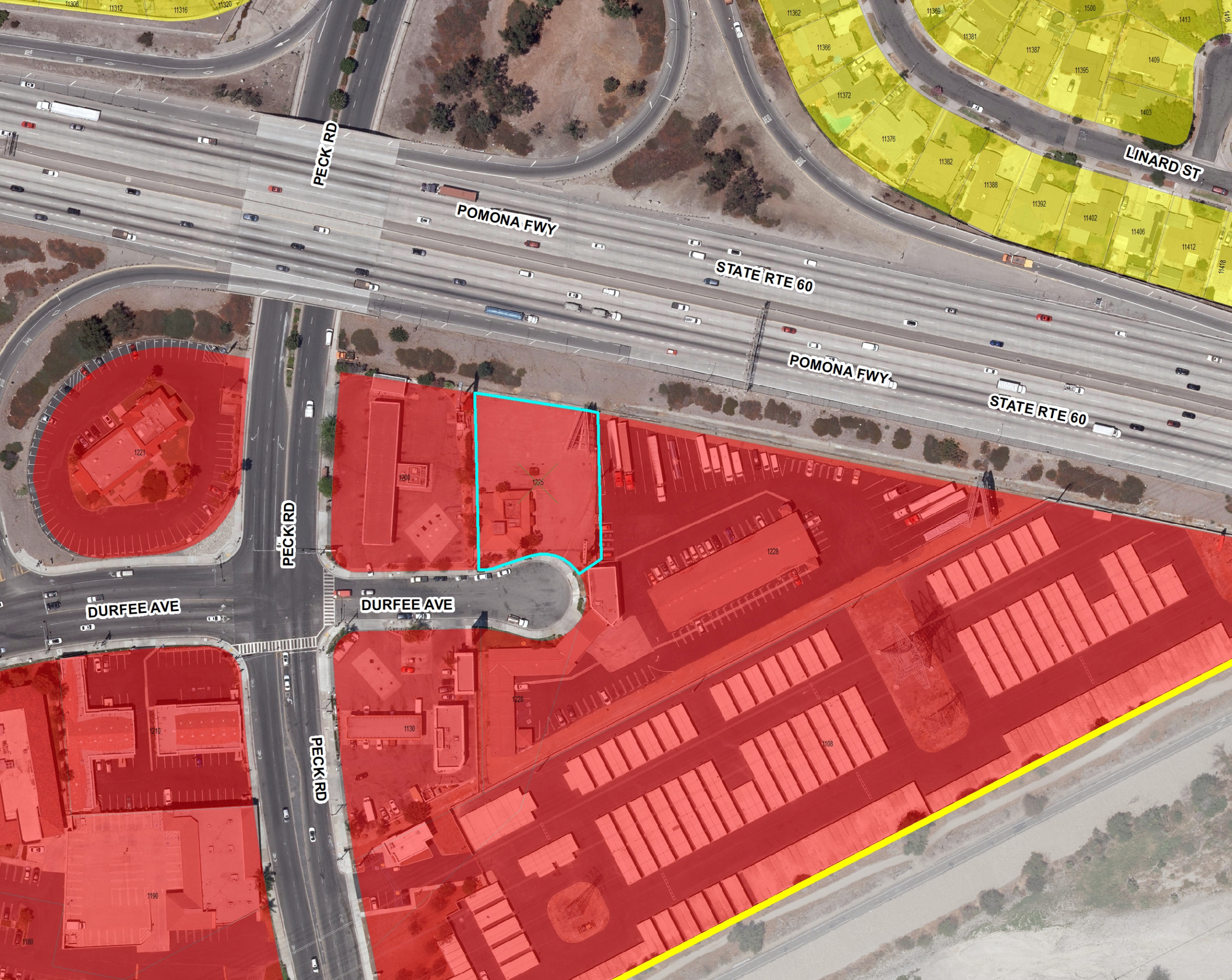


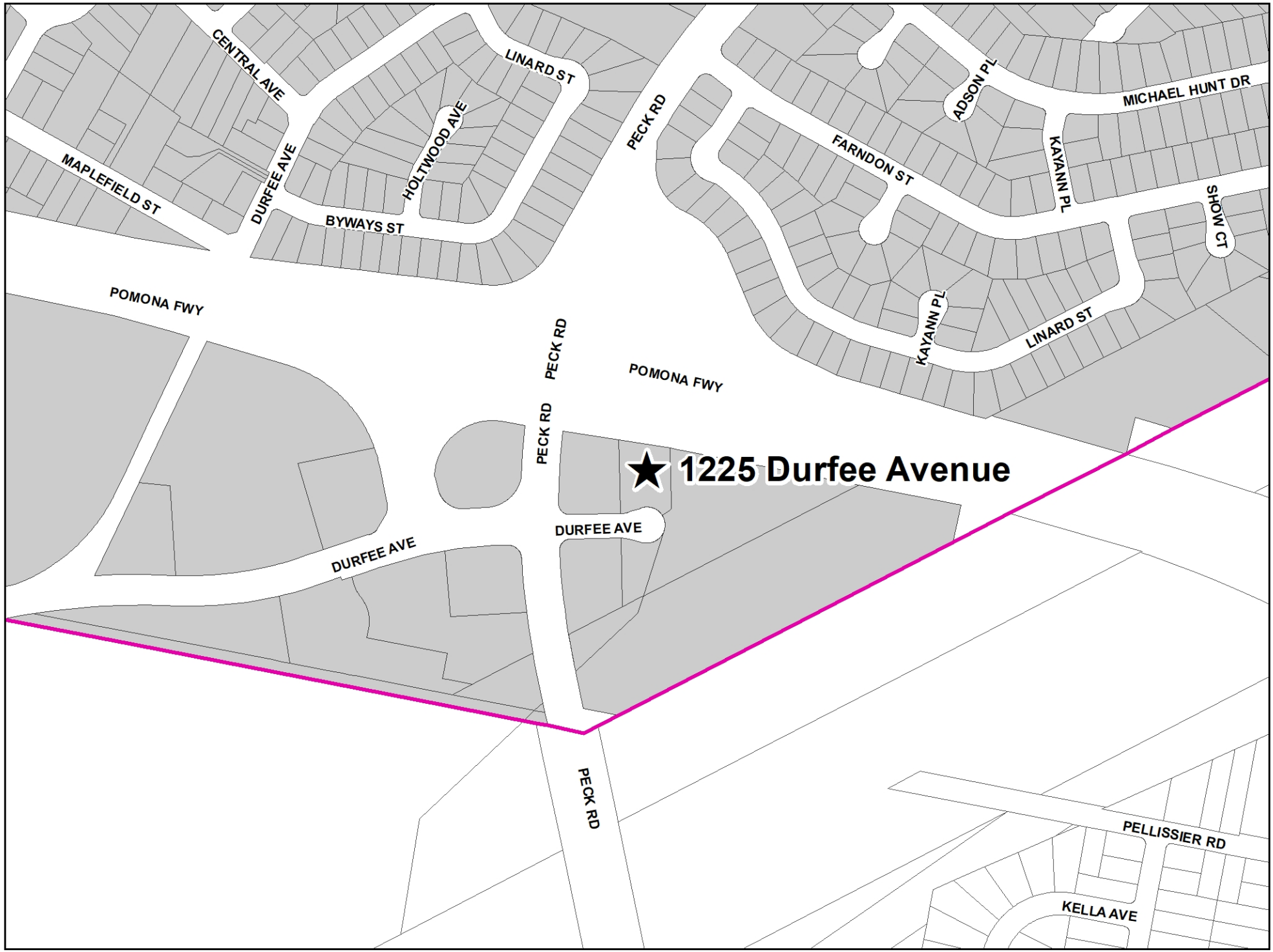
Figure 17.60--HANDICAPPED SPACES

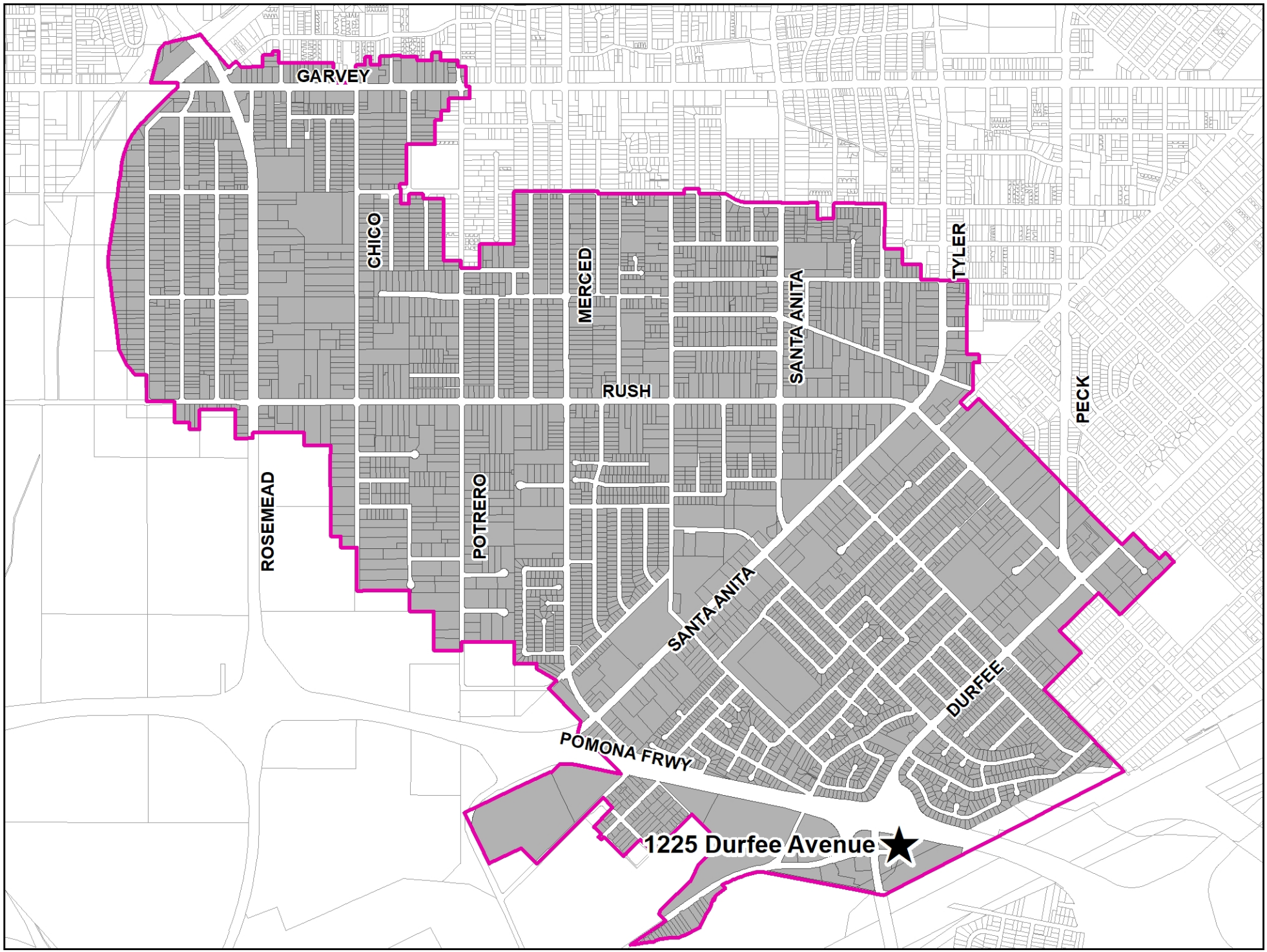
N	P	S	A	C
0°	34'	12'	10'	24'
45°	52'	19'	14'	13'
60°	60'-4"	20'-2"	20'	17'-6"
90°	70'	18'	26'	12'



Attachment C


PECK RD
POMONA FWY
STATE RTE 60
LINARD ST
DURFEE AVE
11306
11312
11316
11320
11362
11366
11369
11372
11376
11381
11382
11387
11388
11392
11395
11402
11406
11409
11412
1403
1413
1415
1418
1500
1221
1200
1225
1228
1130
1108
1210
1190
1180


CENTRAL AVE
LINARD ST
HOLTWOOD AVE
MAPLEFIELD ST
DURFEE AVE
BYWAYS ST
PECK RD
ADSON PL
MICHAEL HUNT DR
FARNDON ST
KAYANN PL
SHOW CT
KAYANN PL
LINARD ST
POMONA FWY
PECK RD
POMONA FWY
PECK RD
1225 Durfee Avenue
DURFEE AVE
DURFEE AVE
PECK RD
PELLISSIER RD
KELLA AVE


GARVEY
CHICO
MERCED
RUSH
SANTA ANITA
TYLER
PECK
ROSEMEAD
POTRERO
SANTA ANITA
DURFEE
POMONA FRWY
1225 Durfee Avenue

Attachment D

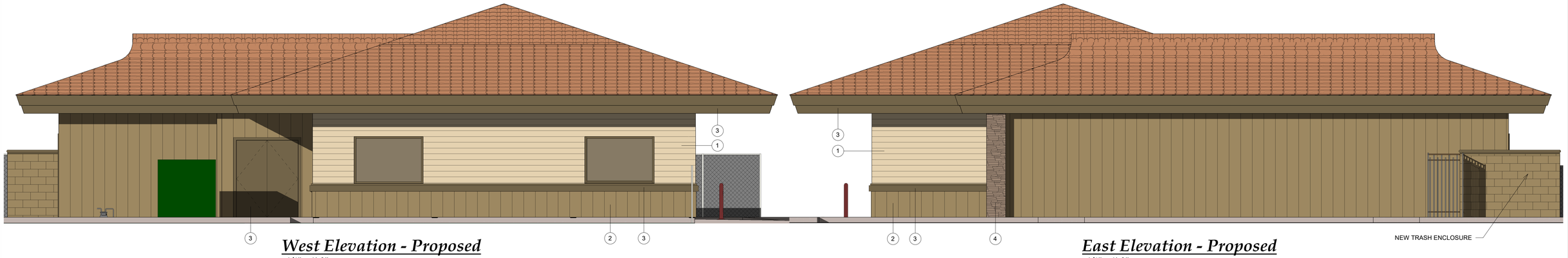
VELOCITY TRUCK CENTERS

Used Truck Metrics

	2019												Grand Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Units	6	19	8	14	6	11	15	11	13	7	6	9	279
Sales	$327,336	$944,523	$444,843	$544,326	$396,475	$563,432	$841,260	$698,454	$620,730	$320,041	$411,589	$528,629	$15,084,220

	2020												Grand Total
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Units	8	8	10	10	10	16	28	23	15	24	2	n/a	154
Sales	$484,643	$547,743	$393,291	$569,423	$518,871	$820,085	$1,549,845	$1,240,204	$811,249	$1,376,716	$130,514	n/a	$8,442,583

Attachment E



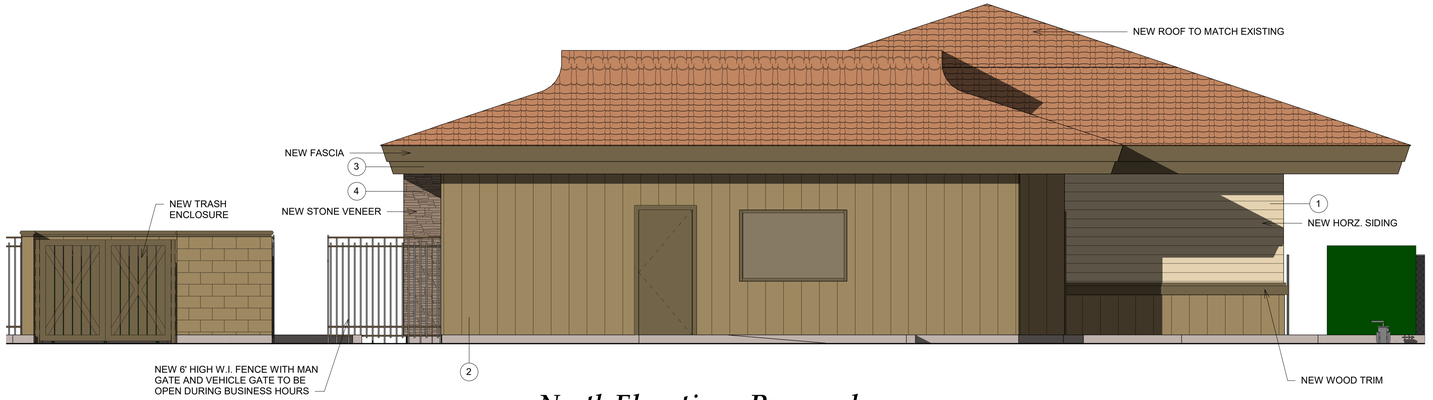
West Elevation - Proposed

1/4" = 1'-0"

East Elevation - Proposed

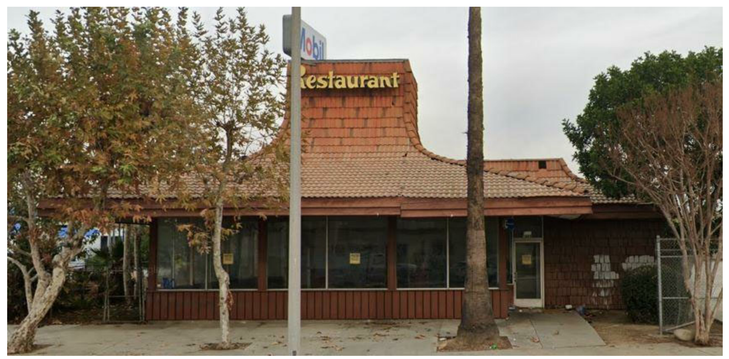
1/4" = 1'-0"

Existing North Elevation

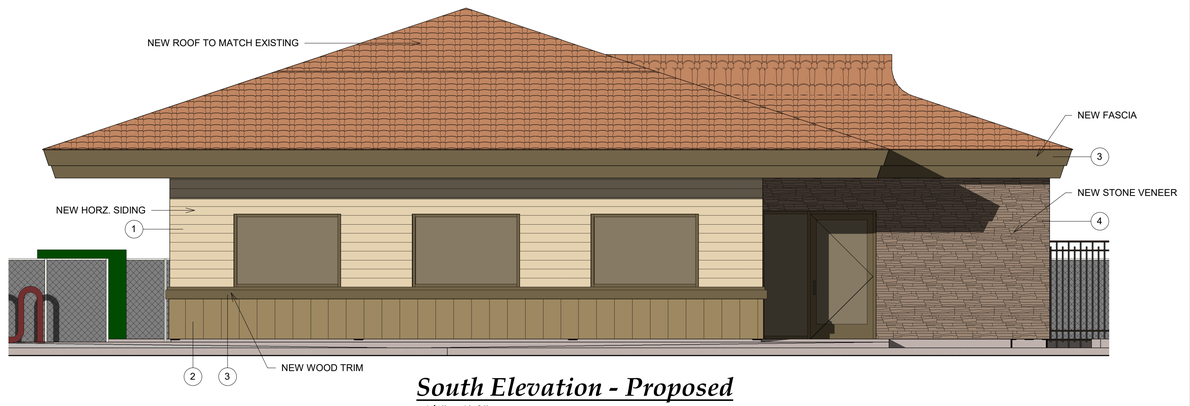


North Elevation - Proposed

1/4" = 1'-0"



Existing South Elevation



South Elevation - Proposed

1/4" = 1'-0"

Material Legend	
Mark	*Material*
1	DUNN EDWARDS PAINTS – BISQUE TAN – DE6157
2	DUNN EDWARDS PAINTS – RIDGECREST – DE6174
3	DUNN EDWARDS PAINTS - COVERED WAGON - DE6196
4	BORAL "ASPEN" - COUNTRY LEDGESTONE PROFILE

DUNN EDWARDS PAINTS
BISQUE TAN – DE6157

DUNN EDWARDS PAINTS
RIDGECREST – DE6174

DUNN EDWARDS PAINTS
COVERED WAGON - DE6196

BORAL "ASPEN"
COUNTRY LEDGESTONE PROFILE

ANDRESEN ARCHITECTURE INC.
17087 ORANGE WAY, FONTANA, CA 92335 (909) 355-6688

Proposed Truck Sales Facility For:

El Monte Truck Sales

1225 Durfee Avenue, South El Monte, CA 91733

8 Jul. 2020

20-3718

LICENSED ARCHITECT
Douglas Andresen
C-14504
12-31-21
RENEWAL DATE
STATE OF CALIFORNIA

Color Elevations

CE

Proposed Truck Sales Facility For:

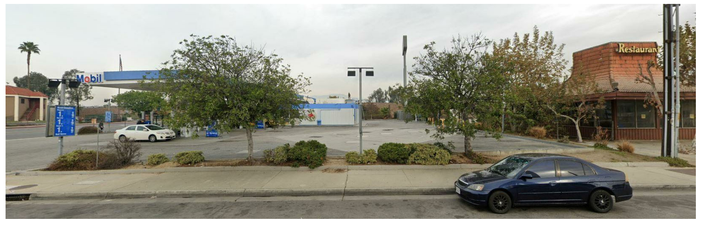
El Monte Truck Sales

1225 Durfee Avenue, South El Monte, CA 91733

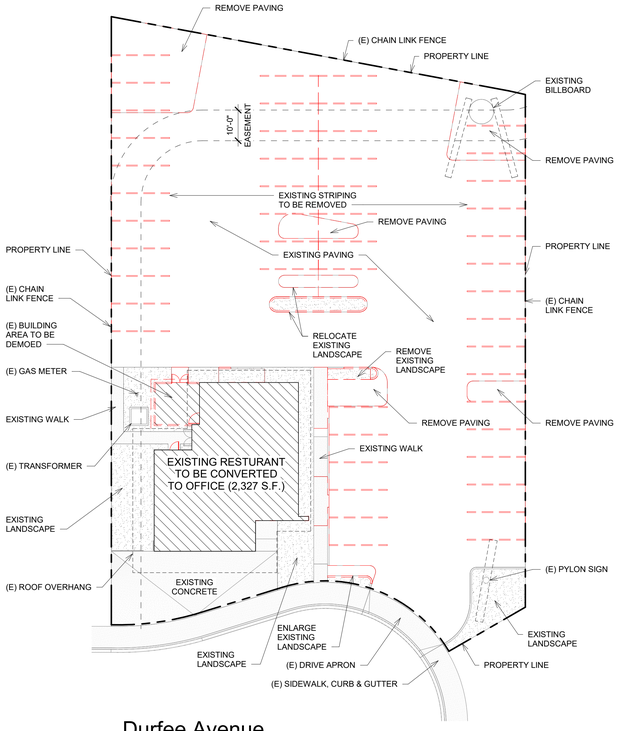
Front View

Street View at Motel 6

Street View at Existing Restaurant

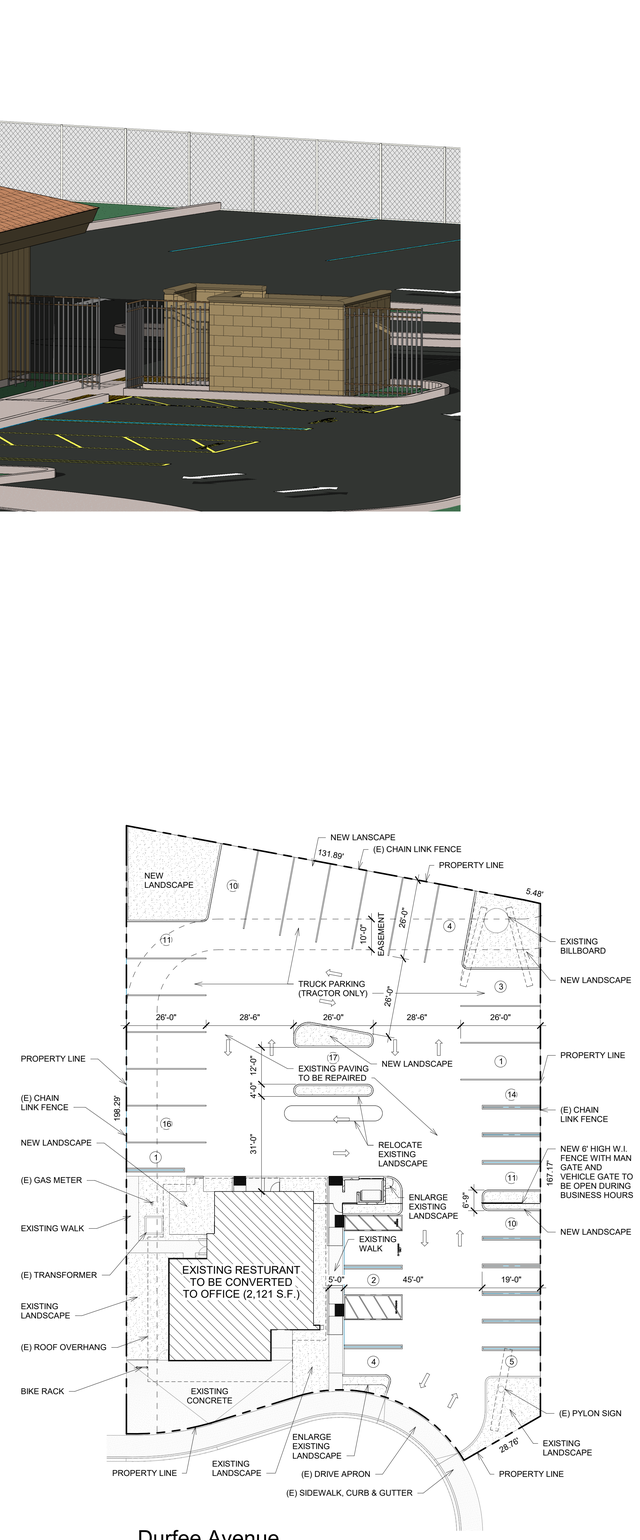


Street View at Mobil Gas Station



Site Plan - Existing/Demo

1" = 20'-0"



Site Plan - Proposed

1" = 20'-0"

ANDRESEN ARCHITECTURE INC.

17087 ORANGE WAY, FONTANA, CA 92335 (909) 355-6688

OWNER:	VELOCITY TRUCK CENTERS 2429 S. PECK ROAD WHITTIER, CA 90601
CONTACT:	WARREN AUWAE (559) 264-3210 wauwae@live.com
PROJECT ADDRESS:	1225 DURFEE AVENUE SOUTH EL MONTE, CA 91733
ARCHITECT:	ANDRESEN ARCHITECTURE INC. 17087 ORANGE WAY FONTANA, CA 92335
CONTACT:	(909) 355-6688 doug.andresen@aaifirm.com
APN:	**8119008040**
ZONING:	COMMERCIAL
OCCUPANCY:	GROUP B
CONSTRUCTION:	TYPE V-B
FIRE SPRINKLERS:	REQUIRED
PROJECT DESCRIPTION:	CHANGE EXISTING RESTAURANT PROPERTY TO TRUCK SALES FACILITY TO INCLUDE PARTICIAL BUILDING DEMOLITION, EXTERIOR AND INTERIOR BUILDING REMODEL AND SITE IMPROVEMENTS

LOT AREA :

LOT AREA	= 24,356 S.F.
BUILDING FOOTPRINT	= 2,121 S.F.
NET AREA	= 22,235 S.F.
PARKING AREA	= 16,451 S.F.
LANDSCAPING REQUIRED	= 823 S.F.(5%)
LANDSCAPING PROVIDED	= 2,361 S.F.

BUILDING AREA :

OFFICE AREA	= 2,121 S.F.

PARKING REQUIREMENT:

REQUIRED PARKING

RVs AND RELATED:	
OFFICE AREA (2,121 S.F. / 750 S.F.)	= 3 SPACES
DISPLAY AREA (11,462 S.F. / 2,500 S.F.)	= 5 SPACES
TOTAL REQUIRED	= 8 SPACES

PROVIDED PARKING

REGULAR SPACES	= 14 SPACES
(INCLUDING 1 HANDICAP ACCESSIBLE SPACES)	
TRUCK TRACTOR DISPLAY	= 17 SPACES
TOTAL PROVIDED	= 31 SPACES

CLEAN AIR / VANPOOL / EV:

REQUIRED:	2 SPACES
PROVIDED:	2 SPACES

(INCLUDING 1 EV VAN ACCESSIBLE, NOT INCLUDED IN COUNT)

EV CHARGING STATION: 0 REQUIRED

BIKE PARKING (5% OF TOTAL SPACES):

REQUIRED:	2 SPACES
BIKE RACK PROVIDED:	2 SPACES

Sequence of Drawings - CUP

No.	*Description*
PL1	Site Plans
PL2	Floor Plans
PL3	Exterior Elevations
PL4	Exterior Elevations

Proposed Truck Sales Facility For:

El Monte Truck Sales

1225 Durfee Avenue, South El Monte, CA 91733

8 Jul. 2020

20-3718

LICENSED ARCHITECT — Douglas Andresen — C-14504 — 12-31-21 RENEWAL DATE — STATE OF CALIFORNIA

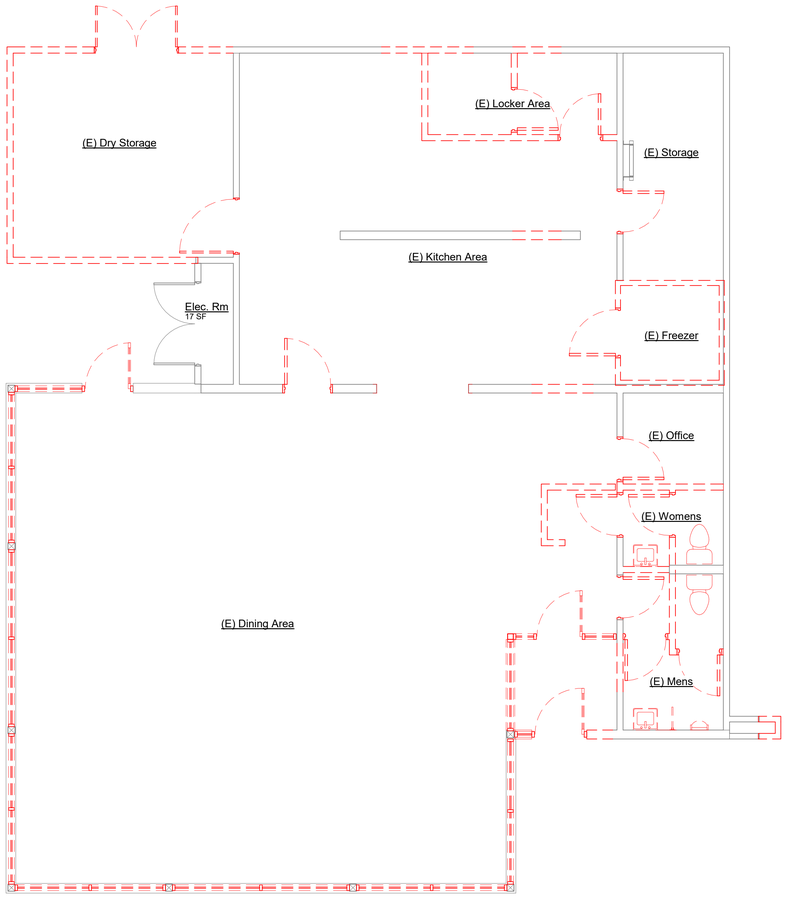
Site Plans

PL1

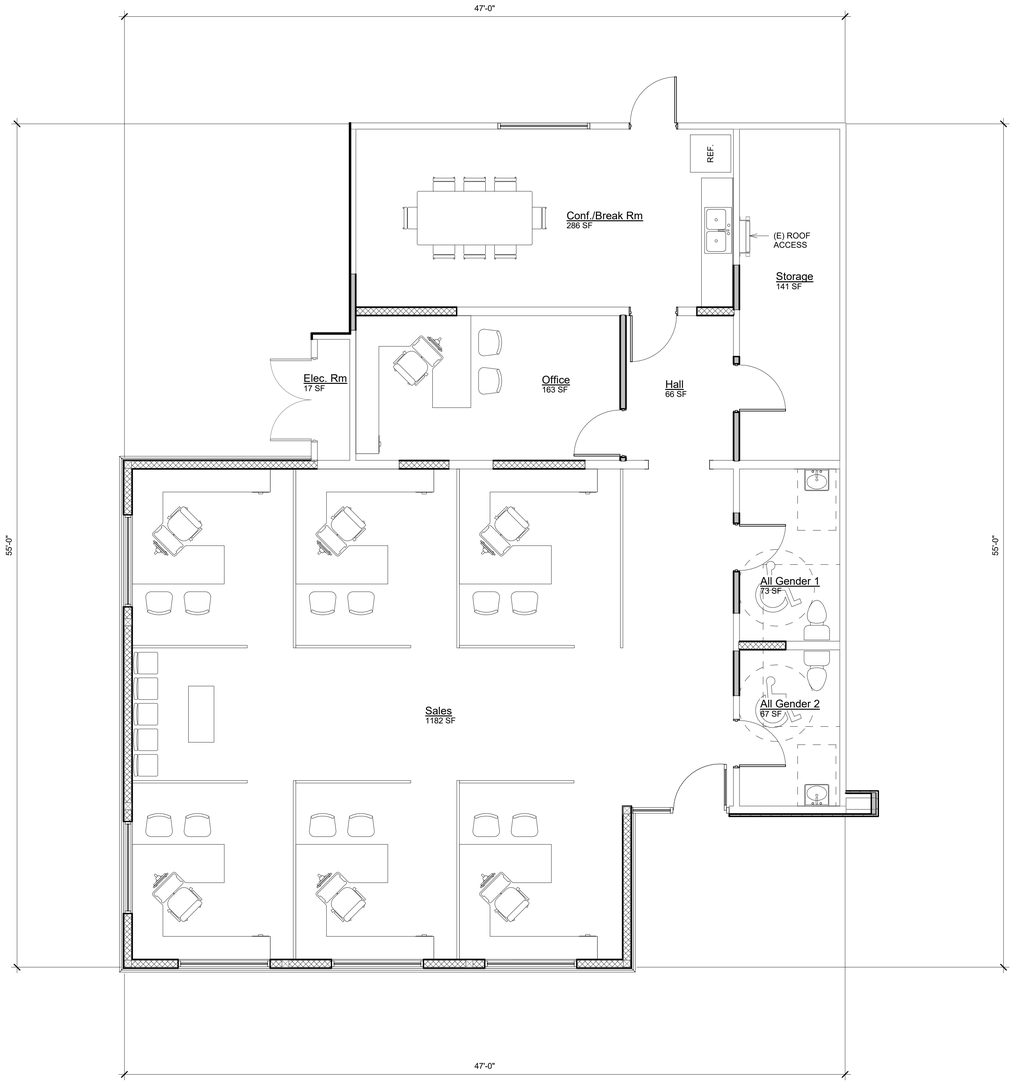
C:\Users\DavidMillett\Andresen Architecture Inc\AAI - Access\Projects\4_Projects 2020-2029\2020\20-3718 El Monte SIS\Revit\20-3718 El Monte SIS.rvt

7/8/2020 1:01:14 PM

ANDRESEN ARCHITECTURE INC.
17087 ORANGE WAY, FONTANA, CA 92335 (909) 355-6688



Floor Plan - Existing/Demo
1/4" = 1'-0"



Floor Plan - Proposed
1/4" = 1'-0"

Wall Legend
- EXISTING 2x WOOD STUD WALL TO REMAIN
- EXISTING 2x WOOD STUD WALL TO BE REMOVED
- 2 x 4 WOOD STUDS @ 16" O/C
- 2 x 6 WOOD STUDS @ 16" O/C

Proposed Truck Sales Facility For:
El Monte Truck Sales
1225 Durfee Avenue, South El Monte, CA 91733

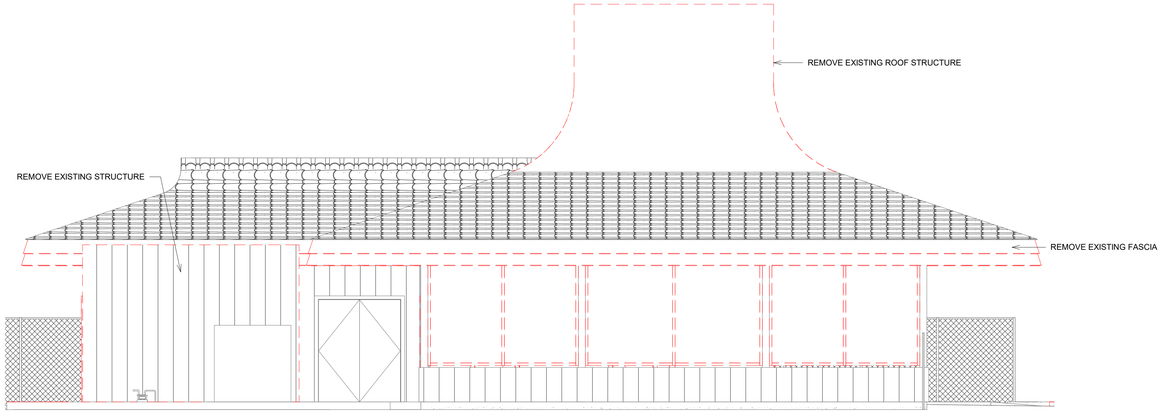
8 Jul. 2020
20-3718

LICENSED ARCHITECT Douglas Andresen C-14504 12-31-21 RENEWAL DATE STATE OF CALIFORNIA

Floor Plans

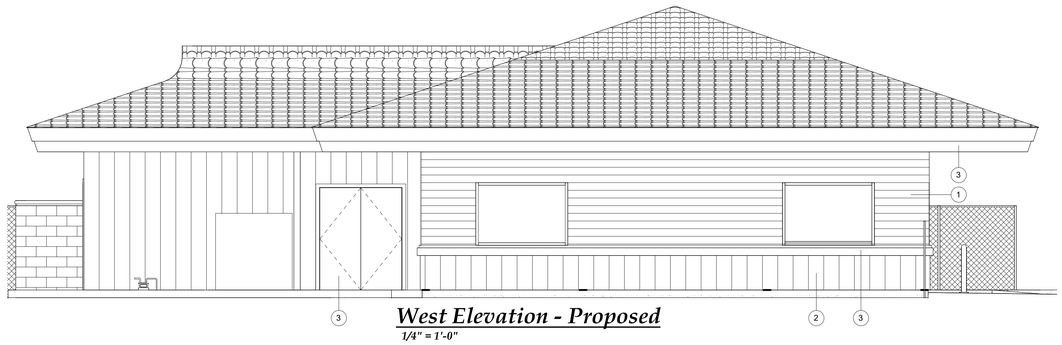
PL2

ANDRESEN ARCHITECTURE INC.
17087 ORANGE WAY, FONTANA, CA 92335 (909) 355-6688

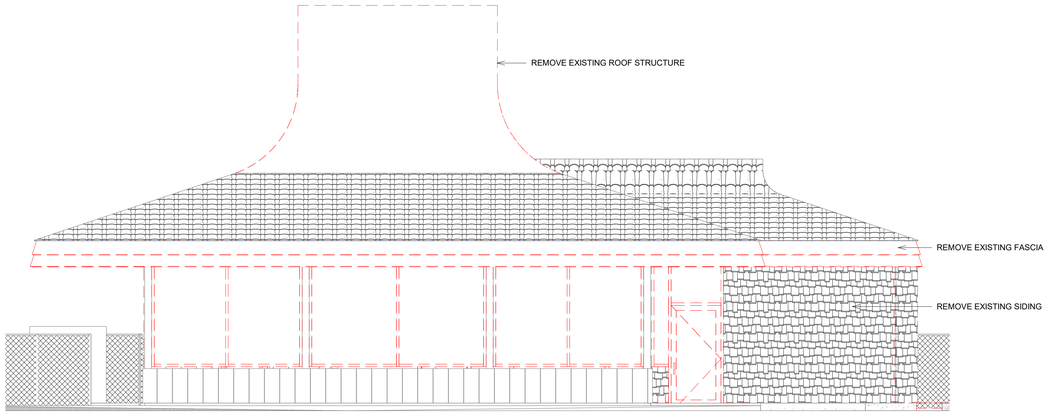


West Elevation - Existing/Demo
1/4" = 1'-0"

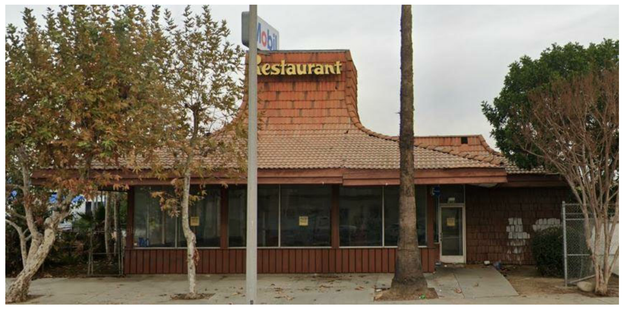
Existing West Elevation



West Elevation - Proposed
1/4" = 1'-0"

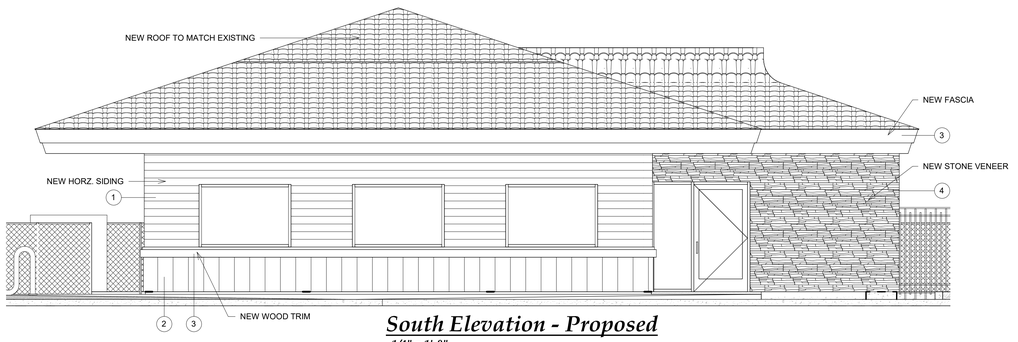


South Elevation - Existing/Demo
1/4" = 1'-0"



Existing South Elevation

Siding to be Removed



South Elevation - Proposed
1/4" = 1'-0"

Material Legend	
Mark	***Material***
1	DUNN EDWARDS PAINTS – BISQUE TAN – DE6157
2	DUNN EDWARDS PAINTS – RIDGECREST – DE6174
3	DUNN EDWARDS PAINTS – COVERED WAGON - DE6196
4	BORAL "ASPEN" - COUNTRY LEDGESTONE PROFILE

Proposed Truck Sales Facility For:
El Monte Truck Sales
1225 Durfee Avenue, South El Monte, CA 91733

8 Jul. 2020	
20-3718	

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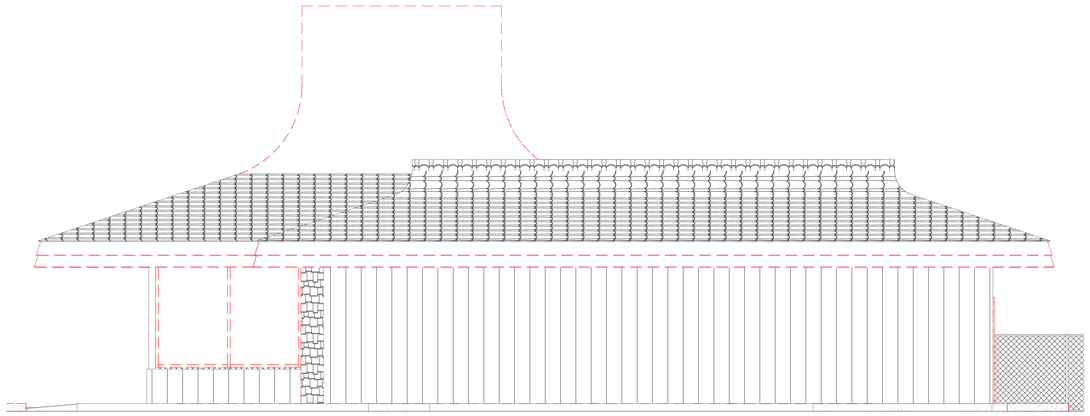
Exterior Elevations

PL3

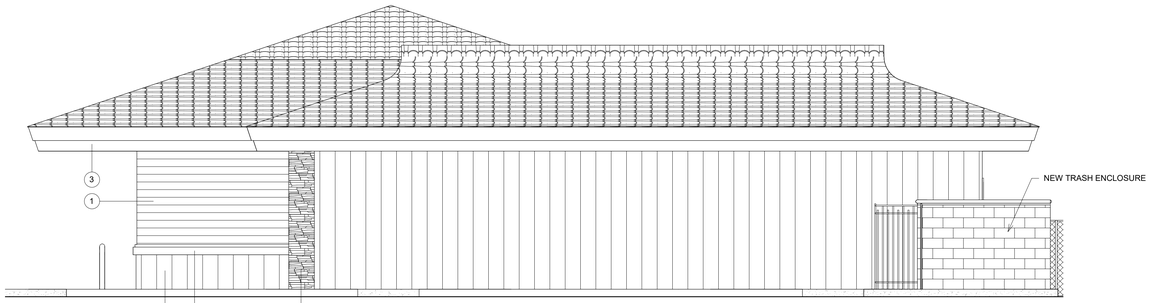
ANDRESEN ARCHITECTURE INC.
17087 ORANGE WAY, FONTANA, CA 92335 (909) 355-6688



East Elevation - Existing/Demo
1/4" = 1'-0"

Existing East Elevation

Structure to be Removed



East Elevation - Proposed
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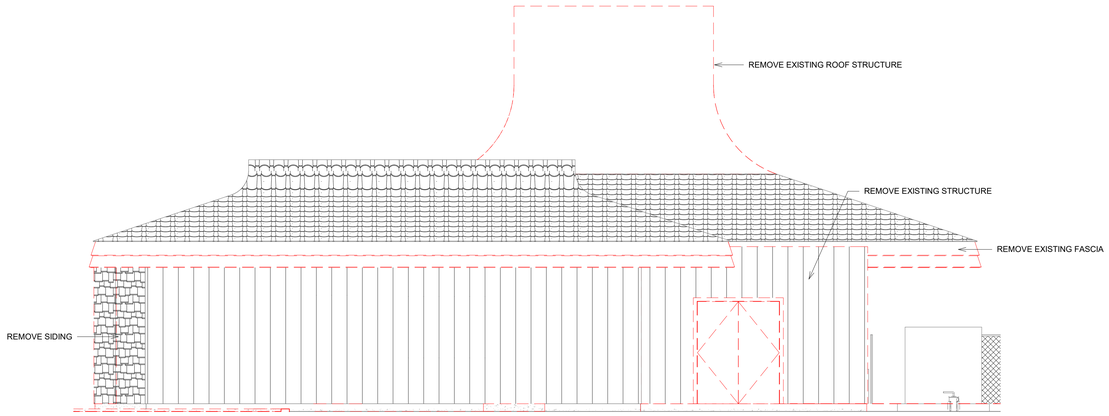
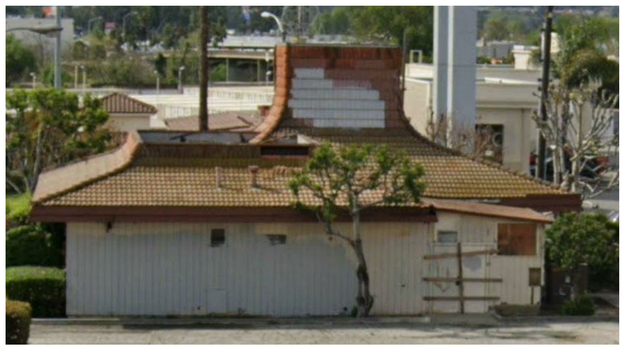
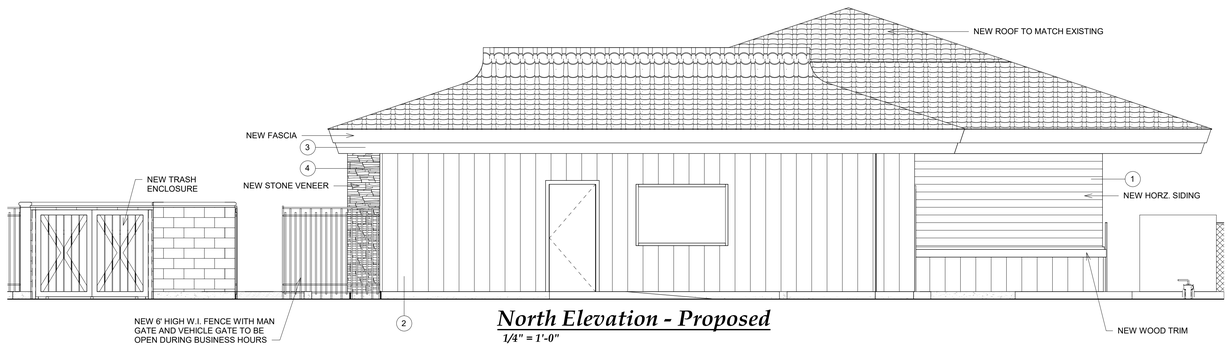


North Elevation - Existing/Demo
1/4" = 1'-0"



Existing North Elevation



North Elevation - Proposed
1/4" = 1'-0"

Material Legend

Mark	Material
1	DUNN EDWARDS PAINTS – BISQUE TAN – DE6157
2	DUNN EDWARDS PAINTS – RIDGECREST – DE6174
3	DUNN EDWARDS PAINTS - COVERED WAGON - DE6196
4	BORAL "ASPEN" - COUNTRY LEDGESTONE PROFILE

Proposed Truck Sales Facility For:
El Monte Truck Sales
1225 Durfee Avenue, South El Monte, CA 91733

8 Jul. 2020
20-3718

LICENSED ARCHITECT Douglas Andresen C-14504 12-31-21 RENEWAL DATE STATE OF CALIFORNIA

Exterior Elevations

PL4

Planning Commission Agenda Report

Agenda Item No. 7.b.

DATE: December 15, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Colby Cataldi, Community Development Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Adoption of Resolution No. 19-06 approving a Subdivision (LS No. 19-02) for the creation of fourteen lots (Tentative Tract Map No. 82461)

PUBLIC NOTICE: Notice was posted on December 3, 2020 for a Public Hearing before the Planning Commission.

ENVIRONMENTAL DETERMINATION: Categorical Exemption, Section 15301 Class 1 – Existing Facilities

---

PROJECT LOCATION:

Addresses:	9822-9865 Alpaca Street
Project Applicant:	Cal Land Engineering, Inc.
Property Owner:	JJ American Investment LLC
Zone:	"M" (Manufacturing)
Lot Size:	197,799.36 square feet (4.55 acres)

SURROUNDING ZONING AND LAND USE:

	Zone	General Plan	Land Use
North	"M" (Manufacturing)	Industrial	Wholesale
South	"M" (Manufacturing)	Industrial	Import/Export
East	"M" (Manufacturing)	Industrial	Garment Manufacturing
West	"M" (Manufacturing)	Industrial	Wholesale

BACKGROUND: The applicant, Cal Land Engineering ("Applicant"), is applying to create fourteen legal lots (Tentative Tract Map No. 82461) ("Project") at 9822-9865 Alpaca Street, South El Monte, California 91733 ("Properties"). The Properties are located on the private street of Alpaca Street, accessed east of Potrero Avenue and is zoned "M" (Manufacturing). The sites have a several uses ranging from repair services to warehousing and wholesale.

RECOMMENDATION: Staff RECOMMENDS that the Planning Commission adopt Resolution No. 19-06, approving Subdivision (LS No. 19-02) (Tentative Tract Map No. 82461), as conditioned.

ANALYSIS:

General Plan/Zoning Consistency

The Property is designated as "Industrial" in the City of South El Monte's ("City") General Plan and is zoned "M" (Manufacturing) in the City's Zoning Code. The proposed industrial lots fall within the scope of the General Plan's "Industrial" land use designation and are also a permitted use in the "M" Zone. The twelve existing deeded lots becoming legal lots conform to the minimum lot sizes of at least 10,000 square feet as detailed in South El Monte Municipal Code (SEMMC) Section 17.18.080, and the two most easterly lots will total 14,264.25 square feet. SEMMC Section 17.18.100 requires that each lot must be a minimum of 100 feet wide, twelve of the lots currently have a frontage of 61.33 and the two most easterly properties have a frontage of 62.02. Since these deeded lots are currently existing, they are considered legal nonconforming lots. The lots were previously created by a County approved Tract Map, and SEMMC Section 17.18.070 states that such lots may continue to exist despite conflicting with other requirements of the SEMMC, such as width. As such, they are considered legal non-conforming uses, and as the Project does not expand the use, they are not in violation of the General Plan or SEMMC. The minimum depth for a lot in the "M" zone according to SEMMC Section 17.18.110 is 100 feet, and all fourteen lots are 230 feet in depth.

Proposed Subdivision

The Properties currently consist of fifteen deeded parcels with twelve having an area of approximately 14,106 square feet (0.32 acres), two totaling 12,995 square feet (0.30 acres), and one totaling 1,111 square feet (0.03 acres). Each lot has an existing 4,000 square foot building, with one lot consisting of a 600 square foot accessory building, a second lot with a 1,800 square foot accessory building, and the small lot containing a 700 square foot building. The twelve 14,106 square foot parcels are not changing, and the two 12,995 square foot lots will split the 1,111 square foot lot to end up at approximately 14,264.25 square feet each, and the 1,111 square foot lot will no longer exist. The 700 square foot structure located on the removed parcel will be demolished. When the Final Map is recorded, a total of fourteen lots will exist.

Required Findings

Pursuant to SEMMC Section 16.16.025, the City cannot approve a Tentative Map where:

1. The proposed subdivision, including design and improvements, is not consistent with the General Plan or any applicable Specific or Precise Plan.

2. The site is not physically suitable for the type or proposed density of development.

3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.

4. The design of the subdivision or type of improvements is likely to cause serious public health problems.

5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The City may approve the subdivision if the city finds that the subdivider will

provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction.

6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.

7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer that the subdivider can correct such conditions.

8. The proposed subdivision is not consistent with all applicable provisions of the Municipal Code and the Subdivision Map Act.

State's Subdivision Map Act and City's Subdivision Ordinance Compliance

Tentative Tract Map ("TTM") No. 82461 and its proposed subdivision satisfy all provisions of the State's Subdivision Map Act and Title 16 (Subdivisions) of the Municipal Code. The City Engineer will also inspect the recorded documents and the property to ensure that everything complies with the proposed TTM.

ENVIRONMENTAL REVIEW: This proposed Project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Class 1 consists of projects characterized as the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project falls within the criteria of no expansion of an existing use.

CONCLUSION: Staff has reviewed the Applicant's request and has determined that the proposed Project meets all of the development standards as set forth in SEMMC Title 16 (Subdivisions). Of the findings required by SEMMC Section 16.16.025, findings identified at paragraphs 1, 3, 4, 5, 6, 7 are not applicable to this proposed tentative tract map.. For those findings at paragraph 2 and 8, the subdivision will create parcels which do not comply with the required width for parcels in the Manufacturing zone. As the parcels were created by previous action by the County, the width of these parcels constitutes a legal non-conforming use pursuant to SEMMC Chapter 17.18.070. As such, all of the findings required by SEMMC Section 16.16.025 can be made.

Approval of the Subdivision, as conditioned, will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. Additionally, Staff finds that the Project is consistent with the City's General Plan and Zoning Ordinance. Staff recommends the Planning Commission adopt Resolution 19-06 to approve Subdivision No. 19-04 for the proposed subdivision of fifteen deeded lots into fourteen lots at 9822 through 9865 Alpaca Street.

ATTACHMENTS:

A – Draft Resolution No. 19-06
B – Relevant Code Sections
C – Location Maps and Site Aerials
D – Project Plans

Attachment A

PLANNING COMMISSION

RESOLUTION NO. 19-06

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING A SUBDIVISION (TENTATIVE TRACT MAP NO. 82461) NO. 19-04 TO SUBDIVIDE FIFTEEN PARCELS INTO FOURTEEN PARCELS AT 9822-9865 ALPACA STREET

WHEREAS, Cal Land Engineering, Inc. ("Applicant"), filed an application for a Subdivision to subdivide fifteen deeded lots into fourteen legal lots ("Project" or "proposed Project") located at 9822-9865 Alpaca Street, South El Monte, CA 91733 ("Property" or "project site"); and

WHEREAS, a Tract Map was previously approved by the County for the Property, creating the parcels which will be modified by the Subdivision; and

WHEREAS, the parcels created by the previously approved Tract Map constitute legal non-conforming uses, but Project would not expand said use; and

WHEREAS, pursuant to South El Monte Municipal Code ("SEMMC") Section 16.04.015, the Project requires Planning Commission review and approval because the Project requires a Tentative Tract Map; and

WHEREAS, a public hearing was held before the Planning Commission on December 15, 2020, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: The Planning Commission hereby finds that the adoption of Resolution 19-06 is exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). Class 1 consists of projects characterized as the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project falls within the criteria of no expansion of an existing use. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A record of the public hearing indicates the following:

A. With regard to the application for a subdivision, SEMMC Section 16.16.025 provides that the Planning Commission shall not approve a tentative map where:

i. *The proposed subdivision, including design and improvements, is not consistent with the general plan or any applicable specific or precise plan*.

ii. *The site is not physically suitable for the type or proposed density of development*.

iii. *The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat*.

iv. *The design of the subdivision or type of improvements is likely to cause serious public health problems*.

v. *The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The city may approve the subdivision if the city finds that the subdivider will provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction*.

vi. *The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board*.

vii. *A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer that the subdivider can correct such conditions*.

viii. *The proposed subdivision is not consistent with all applicable provisions of the municipal code and the Subdivision Map Act*.

B. The proposed Project promotes the City's goals and objectives stated in the General Plan. No goal or policy will be impaired.

C. The subdivision of fifteen parcels into fourteen parcels should not become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated December 15, 2020, which is hereby incorporated into this Resolution 19-06 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC, including Title 16, and will not be detrimental to the public health, safety or welfare, nor will it adversely affect properties or the present or future development of the surrounding areas. The conditions that are included in this resolution, as well as the fact that all of the surrounding parcels are industrial, ensure that this will hold true in the future.

B. As conditioned, none of the findings required by SEMMC Section 16.16.025 apply to the Project.

C. Although some of the parcels affected by the Project do not comply with the minimum width requirements of SEMMC Section 17.18.100, said parcel constitute a legal non-conforming use pursuant to SEMMC Section 17.18.070. As conditioned, the Project does not expand said uses, and so does not create a violation of the SEMMC.

D. As conditioned, the proposed Project is consistent with the City's General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

(1) Policy 1.5: *Continue to provide opportunities for establishment and expansion of a broad range of industrial businesses within those areas of the City designated for industrial.* The Project will serve the area by allowing for the created parcels to be of sufficient size to properly support local businesses; and

(2) Goal 6.0: *Provide for the revitalization of deteriorating land uses and properties* by requiring replacement of broken sidewalk, asphalt, and curb and gutter to improve the area.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** the proposed Subdivision (No 19-06) to subdivide fifteen deeded parcels into fourteen legal lots, subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend, and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits, or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation, or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits, or actions, and any award of damages or attorney's fees in any such lawsuit or action.

2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.

3. The approval shall lapse and become void if the privilege authorized is not utilized or where Final Map has not commenced within two years from the date of this approval.

4. Applicant and its employees, agents and contractors shall comply with all Municipal Code

provisions.

Mandatory Conditions – Pursuant to South El Monte Municipal Code Section 16.16.030

5. Applicant will provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and electric, gas and communications services to adequately serve the subdivision, where necessary.

6. Applicant will mitigate or eliminate any environmental impacts identified through the environmental review process.

7. Applicant will comply with the requirements of Chapters 16.12 and 16.40 of the South El Monte Municipal Code.

8. Applicant will comply with all applicable provisions of Title 16 of the South El Monte Municipal Code, the zoning code, municipal code, department of public works standard conditions and the Map Act.

9. Obtain a certificate or conditional certificate of compliance pursuant to Chapters 16.28 of the South El Monte Municipal Code prior to the sale or subdivision of any designated remainder parcels.

Planning Conditions

10. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or notice from the City.

11. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the Property is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large discarded items that may have collected in the Property's parking area and public right-of-way.

12. The Applicant shall maintain all required permits and licenses in good standing.

13. The Applicant shall develop the Property in conformance with the proposed plan. Deviations or exceptions shall not be permitted except when approved by a Modification to the Tentative Map as required by the Subdivision Map Act and the Subdivision section of the Municipal Code.

Engineering Conditions

14. Reconstruct the driveway approach located at Alpaca Street (private) and Potrero Avenue in accordance with SPPWC Standard Plan 110-2, and as directed by the City Engineer or his/her designee. Relocate existing signs, utilities, infrastructure, etc. to facilitate a clear ADA bypass/sidewalk adjacent to the driveway approach.

15. Remove and replace broken and off grade sidewalk on both Alpaca Street (private) and Potrero Avenue in accordance with SPPWC standard plan 113-2, and as directed by the City Engineer or his/her designee.

16. Remove and replace broken and off grade curb and gutter on both Alpaca Street (private) and Potrero Avenue in accordance with SPPWC Standard Plan 120-2, and as directed by the City Engineer or his/her designee.

17. Grind existing pavement to a depth of 2" and overlay new asphalt concrete along the length of the Property frontage to the centerline of Potrero Avenue as directed by the City Engineer or his/her designee.

18. Grind existing pavement to a depth of 2" and overlay new asphalt concrete along the length of the Property frontage for entire width of Alpaca Street (private) as directed by the City Engineer or his/her designee. Remove and replace PCC ribbon gutter for entire length of Alpaca Street (private)

19. Underground all utility services to the Property.

20. A final tract map prepared by or under the direction of a registered civil engineer or licensed land surveyor shall be submitted to and approved by the City prior to being filed with the Los Angeles County Recorder.

21. A soils report is required if any construction proposed.

22. A preliminary tract map guarantee shall be provided which indicates all trust deeds (to include the name of the trustee), all easement holders, all fee interest holders, and all interest holders whose interest could result in a fee. The account for this title report shall remain open until the final tract map is filed with the Los Angeles County Recorder.

23. Easements shall not be granted or recorded within any area proposed to be dedicated, offered for dedication, or granted for use as a public street, alley, highway, right of access, building restriction, or other easements until after the final tract map is approved by the City and filed with the Los Angeles County Recorder; unless such easement is subordinated to the proposed dedication or grant. If easements are granted after the date of tentative approval, a subordination shall be executed by the easement holder prior to the filing of the final tract map.

24. Monumentation of tract map boundaries, street centerlines, and lot boundaries is required if the map is based on a field survey.

25. All conditions from City Departments and Divisions shall be incorporated into the tract map prior to submitting the tract map for review.

26. In accordance with California Government Code Sections 66442 and/or 66450, documentation shall be provided indicating the mathematical accuracy and survey analysis of the tract map and the correctness of all certificates. Proof of ownership and proof of

original signatures shall also be provided.

27. Proof of Tax clearance shall be provided at the time of tract map review submittal.

28. Upon submittal of the parcel map for review by the City, a letter signed by both the subdivider and the engineer shall be provided which indicates that these individuals agree to submit one (1) blueprints and one sepia mylar and pdf copy on a CD or thumb drive of the recorded map to the City Engineering/Public Works Department.

29. A reciprocal easement for ingress and egress, sanitary sewer, utility, drainage, water shall be provided for each property that does not front on or have direct access to the public way. Said utility services to each property shall be underground and shall be located in a trench within this easement.

SECTION 5: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

[SIGNATURES ON FOLLOWING PAGE]

ADOPTED this 15th day of December, 2020.

_____
Chairman, Rudy Bojorquez

ATTEST:

_____
Secretary, Angie Hernandez

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH EL MONTE)

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 19-06 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 15th day of December 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Secretary, Angie Hernandez

Attachment B

Title 16 - SUBDIVISIONS

This title is intended for those provisions of the code which relate to the regulation of plats, subdivisions and dedications of land.

Chapters:

Chapter 16.04 - APPLICABILITY AND ADMINISTRATION OF SUBDIVISION REGULATIONS

Sections:

16.04.005 - Definitions.

A. Subdivision Map Act Definitions Incorporated by Reference. The definitions contained in Government Code §§ 66414-66424 and 66424.5 of the Subdivision Map Act ("Map Act"), are incorporated by this reference unless otherwise indicated herein.

B. Parcel Map. Subdivision map required for subdivisions of four or fewer parcels.

C. Final Map; Tract Map. Subdivision map required for subdivisions of five or more parcels.

(Ord. 1121 § 1(part), 2008)

16.04.010 - Applicable law.

A. Subdivision Approval Required. No property in the city shall be subdivided unless the subdivider has complied with all applicable provisions of this title and the Map Act. In the event of any conflict between the provisions of this title, the Map Act, or other provisions of the municipal code, the most restrictive provisions shall control.

B. Compliance with other Regulations Required. City approval of a subdivision shall not authorize or be deemed to authorize: an exception or deviation from any zoning regulation; or development in violation of city ordinances or regulations.

(Ord. 1121 § 1(part), 2008)

16.04.015 - Administration and advisory agencies.

A. City Officials. The director of development services ("Director") and city engineer shall: administer and enforce the provisions of this title and applicable provisions of the Map Act; investigate and report on the design and improvement of proposed subdivisions; recommend the kinds, nature and extent of improvements required to be installed in subdivisions; and recommend the imposition of reasonable conditions upon subdivision applications.

B. Planning Commission. In addition to the determinations listed in Table 16.04.015-A, the planning commission shall: recommend to the council the approval, conditional approval, or disapproval of requests for modification of the design and improvement standards of this title pursuant to Section 16.04.025; recommend modifications of the requirements of this title; and perform additional duties in compliance with this title and applicable state law.

Table 16.04.015-A

Review Authority for Subdivision Determinations

Type of Decision	Role of Review Authority		
	City Engineer	Planning Commission	City Council
Acceptance of Property Dedications		Recommend	Decision

Certificate of Compliance	Decision		
Conditional Certificate of Compliance	Decision	Appeal	Appeal
Lot Line Adjustment	Decision		Appeal
Merger	Decision		Appeal
Parcel Map Waiver	Recommend	Decision	Appeal
Tract Map - Final	Recommend		Decision
Tract Map - Tentative	Recommend	Decision	Appeal
Tentative Map Time Extension	Recommend	Decision	Appeal
Parcel Map - Final	Decision		
Parcel Map - Final with Dedications	Recommend		Decision
Parcel Map - Tentative	Recommend	Decision	Appeal
Reversion to Acreage	Recommend		Decision
Exceptions	Recommend	Recommend	Decision

(Ord. 1121 § 1(part), 2008)

16.04.020 - Enforcement.

A. Notice of Violation. The city may take the actions described in Map Act Section 66499.36 if property has been divided in violation of this title or the Map Act.

B. Permit Issuance Prohibited. The city shall not issue any permit or certificate, or grant any approval to develop any property where the property was divided, or was created by a division, in violation of the provisions of this title or the Map Act.

(Ord. 1121 § 1(part), 2008)

Chapter 16.08 - SUBDIVISION MAP APPROVAL REQUIREMENTS

Sections:

16.08.005 - Subdivision approval required.

A. Parcel Map. Each subdivider proposing to subdivide property into four or less parcels shall apply for parcel map approval unless the property is exempt pursuant to Section 16.08.010 or the city has granted a waiver pursuant to Section 16.20.015.

B. Tentative Map and Final Map. Each subdivider proposing to subdivide property into five or more parcels shall apply for tentative map and final map approval, unless the property is exempt pursuant to Section 16.08.010.

(Ord. 1121 § 1(part), 2008)

16.08.010 - Exemptions.

No subdivision map is required for:

A. Agricultural Leases. Leases of agricultural land for the cultivation of food or fiber, or the grazing or pasturing of livestock.

B. Cellular Antenna Facilities. The leasing, licensing, granting of an easement or permit for a portion of a parcel, to a telephone corporation defined in Public Utilities Code Section 234, exclusively for the placement and operation of cellular radio transmission facilities and equipment incidental to such facilities.

C. Cemeteries. Land dedicated for cemetery purposes.

D. Commercial/Industrial Financing or Leases.

1. The financing or leasing of spaces within nonresidential buildings; existing separate nonresidential buildings on a single parcel.

2. The financing or leasing of any parcel or portion of a parcel, in conjunction with the construction of nonresidential buildings on the same site, if the zoning ordinance requires a use permit for the project.

E. Condominium Conversions. The conversion of: a community apartment project or a stock cooperative to condominiums, if the conversion satisfies the requirements of Map Act Sections 66412(g) or 66412(h); or certain mobile home parks to condominiums in compliance with Map Act Section 66428(1).

F. Lot Line Adjustments. A lot line adjustment processed in compliance with Chapter 16.28.

G. Mineral Leases. Mineral, oil or gas leases.

H. Public Agency or Utility Conveyances. Any conveyance of land, including a fee interest, an easement, or a license, to a governmental agency, public entity, public utility or a subsidiary of a public utility for rights-of-way.

I. Rail Right-of-Way Leases. Short-term leases (terminable by either party on not more than thirty days' notice in writing) of a portion of the operating right-of-way of a railroad corporation as defined by Public Utilities Code Section 230, unless the city engineer determines, based on substantial evidence, that public policy necessitates a map.

J. Residential Financing or Leases. The financing or leasing of apartments, or similar spaces within apartment buildings, mobile home parks or trailer parks; or residential second units compliance created pursuant to Government Code Sections 65852.150 and 65852.2.

K. Separate Assessments. Any separate assessment under Revenue and Taxation Code Section 2188.7.

(Ord. 1121 § 1(part), 2008)

16.08.015 - Applications deemed approved.

Any subdivision application deemed approved pursuant to Government Code Sections 65956 or 66452 et seq. shall be subject to all applicable provisions of this title, and no land use entitlement or building permit shall be issued until the subdivider satisfies all such regulations. Parcel or final maps filed for recordation after their tentative map is deemed approved shall remain subject to all the mandatory requirements of this title and the Map Act, including Map Act Sections 66473, 66473.5 and 66474.

(Ord. 1121 § 1(part), 2008)

Chapter 16.12 - DESIGN AND IMPROVEMENT REQUIREMENTS

Sections:

16.12.005 - Purpose of chapter.

This chapter establishes standards for the design and layout of subdivisions, and the design, construction or installation of public improvements therefor.

(Ord. 1121 § 1(part), 2008)

16.12.010 - Design and improvement standards.

A. Required Improvements. Subdividers shall provide all improvements required by this chapter and any additional improvements required by conditions of approval.

B. Applicable Design Standards; Timing of Installation. Subdividers shall construct all improvements according to standards approved by the city engineer. No final or parcel map shall be presented to the city for approval until the subdivider either completes the required improvements, or enters into an agreement with the city for the work.

C. Subdivision Improvement Standards; Conditions of Tentative Map Approval. The city shall list all improvement and dedication requirements as conditions of approval for each approved tentative map. The design, construction or installation of all subdivision improvements shall comply with the requirements of the city engineer.

D. Extent of Improvements Required, Four or Fewer Parcels. Improvements required for subdivisions of four or fewer parcels shall be limited to the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

E. Oversizing of Improvements. At the discretion of the city, improvements required to be installed by the subdivider for the benefit of the subdivision may also be required to provide supplemental size, capacity, number, or length for the benefit of property not within the subdivision, and may be required to be dedicated to the city, in compliance with the Map Act. Supplemental length may include minimum sized offsite sewer lines necessary to reach an existing sewer outlet. In the event that oversizing is required, the city shall comply with all applicable provisions of Map Act Sections 66485 et seq., including the reimbursement provisions of Map Act 66486.

F. Exceptions.

1. Processing of Application. A subdivider may seek an exception by submitting an application and filing fee established by resolution. The application shall include a description of each standard for which an exception is requested and the basis for the request. A request may be filed concurrently with the tentative map application, or after the map has been approved. The approval of an exception shall not constitute approval of the tentative map and shall not extend any time limits for the expiration of the map.

2. Council Action and Findings. The council may approve, conditionally approve or deny a request for an exception,

provided it makes all of the following findings:

a. The exception is not used to waive or modify any Map Act requirements;

b. There are exceptional or extraordinary circumstances or conditions, including size, shape, topography, location, or surroundings, that warrant the exception;

c. The exceptional or extraordinary circumstances or conditions are not due to any action of the subdivider;

d. The exception is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the vicinity and zoning district and denied to the proposed subdivision;

e. The exception will not be materially detrimental to the public welfare or injurious to surrounding property or improvements;

f. The exception will not render the subdivision inconsistent with the general plan or any applicable specific plan.

3. In granting an exception, the council shall secure substantially the same objectives of the regulations for which the exception is requested and shall impose whatever conditions it deems necessary to protect the public health, safety, general welfare and convenience, and to mitigate any environmental impacts in compliance with CEQA.

(Ord. 1121 § 1(part), 2008)

16.12.015 - Access, circulation, streets.

A. General Access and Circulation Requirements. Subdividers shall provide a comprehensive street system, designed and constructed to provide adequate access from each new parcel to a city street in compliance with the city's improvement standards, the zoning ordinance and the circulation element of the general plan.

1. Streets shall be designed for safe vehicular operation at a specified design speed.
2. Public streets shall be required if:
   a. The proposed street is shown as an arterial or collector street in the circulation element of the general plan or any specific or precise plan;
   b. The proposed street will be used by the general public as a through access route;
   c. Necessary for special needs including bus routes, public service access, bicycle routes and pedestrian access;
   d. Necessary to assure fire safety.
3. Private streets may be allowed pursuant to subsection F of this section.

B. Alternative Standards. The city may consider and approve proposed access and street design solutions that differ from the provisions of this section and the city's improvement standards where deemed necessary to properly address the characteristics of adjacent land uses and/or anticipated traffic volumes, or to maintain neighborhood character. The use of alternative standards may be authorized through the exception procedure in Section 16.12.010(F).

C. Access to Subdivision. The subdivider shall provide access to a city street in:

1. The area of the subdivision abutting a city street, where the length of the subdivision along the street, the street right-of-way, and the width of the right-of-way will accommodate the construction of all required road improvements; or
2. The area of the subdivision being connected to a city street by a nonexclusive right-of-way easement for street, utility, and appurtenant drainage facilities purposes, where the easement is:
   a. Offered for dedication;
   b. Unencumbered by any senior rights that might serve to restrict its proposed use; and
   c. Of a width and location to accommodate the construction of all improvements required by this section, the city's improvement standards and conditions of approval.

D. Access to New Parcels. Subdividers shall design a proposed subdivision as follows:

1. City Street Access. Each lot shall be located on an existing city street or a new city street designed and improved in compliance with subsection C of this section, or to a private street if allowed by subsection F of this section.
2. No Direct Access to State Highway or Major Arterial. There shall be no direct access to a state highway or a major

arterial. The subdivider shall dedicate reservation strips to the state or city, as appropriate, where required to control access over certain lot lines over the ends of street stubs.

3. Frontage Roads. The city may require the subdivider to dedicate and improve a service or frontage road separate from the arterial or highway for lots proposed to front on a major arterial or state highway.
4. Alleys. Proposed alleys shall be subject to the review and approval of the planning commission.

E. Design and Improvement of Proposed Streets. Proposed streets shall comply with the city's improvement standards and be located and designed as follows:

1. Alignment, Intersections, Curves. Streets shall be:
   a. Consistent with the circulation element of the general plan and the zoning code;
   b. Aligned with existing adjacent streets by continuation of their centerlines, or by adjustments by curves; and
   c. Located so that all streets intersect at an angle as near to ninety degrees as feasible. The centerline curve radii of all proposed streets shall be subject to approval by the city engineer.
2. Right-of-Way and Surfaced Width. The width of the right-of-way and improved surface of streets shall be as provided by the city engineer except where other standards are approved by the council.
3. Corners. All block corners and "T" alley intersections shall be rounded or cut off as approved by the city engineer.
4. Access to Unsubdivided Property. The city may require that proposed streets be extended to the boundary of abutting vacant land designated by the general plan for future subdivision and development to provide access to the future development.
5. Improvements to Existing Streets. The city may require dedication of additional right-of-way and/or improvements in and to existing streets that provide access to, pass through, or is contiguous with a proposed subdivision, city if it determines that the proposed subdivision will create the need for the improvements.
6. Curbs and Sidewalks. Subdividers shall construct concrete curbs and sidewalks upon all streets in compliance with the city's improvement standards and specifications unless specifically waived in the conditions of approval. The city has the discretion to designate the location of sidewalks.

F. Private Streets. The planning commission may approve private streets if it determines that a private street system will adequately serve the proposed subdivision, will not be a substantial detriment to adjoining properties and will not disrupt or prevent the establishment of an orderly circulation system in the vicinity of the subdivision. All private roads approved by the commission shall be shown on the subdivision map.

1. Maintenance Requirements. An owners association or other organization shall maintain and own all private roads and right-of-ways, through a recorded instrument satisfactory to the city engineer and city attorney.
2. Design and Improvement Standards. Subdividers shall design and improve private roads in compliance with subsections B and C of this section.
3. Security and Conditions. The city may require any guarantees and conditions it deems necessary to carry out the provisions of this title pertaining to private roads.
4. Offer of Dedication. The city may require that proposed private roads be subject to irrevocable offers of dedication to the city.

G. Alternative Circulation Systems. Subdividers shall provide rights-of-way for pedestrian paths, bikeways and multiple use trails consistent with the circulation element of the general plan, other applicable general plan provisions, or any specific or precise plan.

(Ord. 1121 § 1(part), 2008)

16.12.020 - Energy conservation.

The subdivider shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities pursuant to Map Act Section 66473.1.

(Ord. 1121 § 1(part), 2008)

16.12.025 - Fire hydrants.

The subdivider shall install fire hydrants at locations approved by the Los Angeles county fire department with applicable standards.

(Ord. 1121 § 1(part), 2008)

16.12.030 - Grading, erosion and sediment control.

Subdividers shall incorporate appropriate erosion and sediment control measures as required by the city engineer.

(Ord. 1121 § 1(part), 2008)

16.12.035 - Landscaping.

A. Landscaping Requirements. Landscaping shall comply with the zoning code and these requirements.

B. Deferral of Landscape Installation. The installation of required landscaping may be deferred until the development of the subdivided lots through the provisions of Section 16.12.020, provided that interim erosion and sediment control measures are installed in compliance with Section 16.12.030.

(Ord. 1121 § 1(part), 2008)

16.12.040 - Monuments.

The subdivider shall install monuments in compliance with Chapter 16.44.

(Ord. 1121 § 1(part), 2008)

16.12.045 - Parcel design.

The size, shape and configuration of proposed parcels shall comply with this section, the zoning code, any applicable specific or precise plan requirement, and any other municipal code provision applicable to the proposed subdivision.

A. Parcel Area. The minimum area for proposed parcels shall be as required by the zoning code, except as otherwise provided by this section.

B. Minimum Lot Area Requirements for Common Interest Projects. The minimum lot area requirements of the zoning code shall not apply to the individual units in condominium developments, condominium conversions, planned developments, townhouses or zero lot-line projects, but shall apply to the creation of the original parcel or parcels that are the location of the common interest development.

C. Dimensions. The dimensions of proposed parcels shall comply with the applicable provisions of the zoning code and to accommodate driveways designed in compliance with the zoning code.

(Ord. 1121 § 1(part), 2008)

16.12.050 - Public utilities and utility easements.

Public utility connections, including electricity, gas, water, sewer, storm drain, and telecommunications services shall be designed and installed for each parcel.

A. Underground Utilities Required.

1. Required Undergrounding. All utility distribution facilities (including electric, telecommunications and cable television lines) designed to serve a subdivision shall be installed underground. Equipment appurtenant to underground facilities, including transformers, terminal boxes, meter cabinets and concealed ducts, shall also be underground, unless the city engineer approves an aboveground location. The subdivider is responsible for complying with the

requirements of this section and shall make the necessary arrangements with the affected utility companies for facility installation. The city may waive the requirements of this section if topographical, soil, or other conditions make underground installation infeasible.

2. Location of Installation. Underground utility lines may be installed within street rights-of-way or on a lot line. The city engineer may determine the location and method of installation of lines installed within street rights-of-way.

B. Utility Easements.

1. Minimum Width. The city engineer shall determine the minimum width of easements for public or private utilities, sanitary sewers, or water distribution systems. The city engineer may consider the recommendation of the applicable utility company for its utilities.

2. Overhead Lines. If the city approves overhead utility lines, easements shall be located at the rear of the lot, or, where necessary, on or adjacent to the property line of the lot. Where practical, the poles supporting overhead lines shall not be installed within any street, alley, or easement designated for drainage purposes.

C. Timing of Installation. The subdivider shall install underground utilities, water lines, sanitary sewers, and storm drains proposed to be located in the street before the street is surfaced. Connections to all underground utilities, water lines, and sanitary sewers shall be laid to sufficient lengths to avoid disturbing street improvements when service is connected.

(Ord. 1121 § 1(part), 2008)

16.12.055 - Sewage disposal.

The subdivider shall provide a connection from each parcel to the Los Angeles county sanitation district's sewage collection, treatment, and disposal system, in compliance with the district's improvement standards and specifications.

(Ord. 1121 § 1(part), 2008)

16.12.060 - Street lighting.

The subdivider shall provide street lighting facilities designed and constructed in compliance with the city's improvement standards and specifications.

(Ord. 1121 § 1(part), 2008)

16.12.065 - Street names and signs.

A. Street Name Requirements. The city shall name all streets within a proposed subdivision. Existing street names within the same area shall not be duplicated unless the proposed street is an extension of that street.

B. Street Name Signs. The subdivider shall provide a minimum of two street name signs in compliance with the city's improvement standards and specifications at each street intersection. The signs shall be located on the diagonally opposite sides of the intersection. One street name sign shall be provided at each "T" intersection.

(Ord. 1121 § 1(part), 2008)

16.12.070 - Storm drainage.

A. Approved Storm Drain System. The subdivider shall design and install an approved storm drain system to collect and convey all storm water run-off from the subdivision. The system shall be designed with adequate capacity to accommodate ultimate development of the drainage area. The system shall provide for the protection of surrounding properties that would be adversely affected by any increase in runoff attributed to the development; the city may require off-site storm drain improvements to satisfy this requirement. Any easement for drainage or flood control shall be improved as specified by the city engineer.

B. Compliance with Regional Water Quality Control Board Requirements. Discharges into any groundwater or waterways

(whether direct or indirect), public or private sewer or sewage disposal system, or into the ground, shall conform with the requirements of the Regional Water Quality Control Board, the California Department of Fish and Game, the California Department of Public Health, or such other relevant governmental agency, and in addition to any other applicable provisions of the municipal code.

C. City Engineer Approval Required. All storm drainage facilities shall be constructed in compliance with plans approved by the city engineer.

(Ord. 1121 § 1(part), 2008)

16.12.075 - Water supply.

Each parcel shall be served by the city's water system.

(Ord. 1121 § 1(part), 2008)

Chapter 16.16 - TENTATIVE MAP FILING AND PROCESSING

Sections:

16.16.005 - Tentative parcel map and tentative tract map filing; initial processing.

A. General Filing and Processing Requirements. A tentative map shall be filed for each subdivision. Subdividers shall submit tentative map applications and all information and other materials required by the city engineer to the city engineer for processing. The city engineer shall review the application for completeness and accuracy in compliance with the California Environmental Quality Act (CEQA), this title, the zoning code and applicable provisions of the Map Act.

B. Referral to Affected Agencies. Within five days of the city's determination that the application is complete, the city engineer shall refer the proposed map to:

1. Any city department, county, state or federal agency, and other entity affected by the subdivision.
2. The following agencies, in the event such agency has filed a territorial map with the city pursuant to the Map Act:
    a. California Department of Transportation (CalTrans). For any subdivision located within the area shown on the territorial map filed by CalTrans.
    b. Adjacent Local Agencies. For any subdivision that is located within the area shown on the territorial map filed by that local agency.
3. Public Utilities. Public utility companies and other service agencies, including providers of gas, electrical, telephone, and cable television services, which may provide "will serve" letters to the proposed subdivision.
4. School Districts. The governing board of any elementary, high school, or unified school district within which the proposed subdivision is located.
5. State Department of Education. For any proposed subdivision that includes a proposed public school site.

The city shall consider any recommendations submitted by agencies within fifteen days of the agency's receipt of the map.

(Ord. 1121 § 1(part), 2008)

16.16.010 - Evaluation of application.

After the city deems the application complete, the director and city engineer shall:

A. Analyze whether the subdivision is consistent with applicable provisions of this code, the general plan, any applicable specific plan, and the Map Act;

B. Analyze whether the proposed subdivision satisfies the findings in Section 16.16.035; and

C. Prepare a staff report analyzing the application, and recommending approval, conditional approval, or denial of the

proposed subdivision.

(Ord. 1121 § 1(part), 2008)

16.16.015 - Public hearing.

The planning commission shall conduct a duly noticed public hearing on a proposed subdivision.

(Ord. 1121 § 1(part), 2008)

16.16.020 - Applicable law.

In determining whether to approve a tentative map, the city shall apply only those ordinances, policies, and standards in effect at the date the application was determined complete, except:

A. Where the city has initiated general plan, specific plan or subdivision or zoning code changes and provided public notice as required by Map Act Section 66474.2, in which case the city shall apply those ordinances, policies, and standards in effect at the date it acts on the map; or

B. Where the applicant has requested changes to ordinances, policies, and standards in connection with its map application in which case the city shall apply those ordinances, policies, and standards adopted pursuant to the applicant's request.

(Ord. 1121 § 1(part), 2008)

16.16.025 - Required findings.

A. The city shall not approve a tentative map where:
   1. The proposed subdivision, including design and improvements, is not consistent with the general plan or any applicable specific or precise plan.
   2. The site is not physically suitable for the type or proposed density of development.
   3. The design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or injure fish or wildlife or their habitat.
   4. The design of the subdivision or type of improvements is likely to cause serious public health problems.
   5. The design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of, property within the proposed subdivision. The city may approve the subdivision if the city finds that the subdivider will provide alternate easements for access or use that are substantially equivalent to the easements previously acquired by the public. This subsection shall apply only to easements of record, or to easements established by judgment of a court of competent jurisdiction.
   6. The discharge of sewage from the proposed subdivision into the community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board.
   7. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions and the subdivider has failed to provide sufficient information to the satisfaction of the city engineer that the subdivider can correct such conditions.
   8. The proposed subdivision is not consistent with all applicable provisions of the municipal code and the Subdivision Map Act.

B. Additional Required Findings. The code sections addressing condominiums, dedications and exactions, and parcel map waiver contain additional required findings.

C. Timing of Construction of Improvements. The city may require construction of public improvements within a specified time after recordation of the map if it finds: it is in the interest of the public health and safety; or it is necessary as a prerequisite to the orderly development of the surrounding area.

(Ord. 1121 § 1(part), 2008)

16.16.030 - Conditions of approval.

A. Mandatory Conditions. The city shall require the subdivider to:
   1. Provide parcels, easements or rights-of-way for streets, water supply and distribution systems, sewage disposal systems, storm drainage facilities, solid waste disposal, and electric, gas and communications services to adequately serve the subdivision.
   2. Mitigate or eliminate environmental impacts identified through the environmental review process.
   3. Comply with the requirements of Chapters 16.12 and 16.40.
   4. Comply with all applicable provisions of this title, the zoning code, municipal code, department of public works standard conditions and the Map Act.
   5. Obtain a certificate or conditional certificate of compliance pursuant to Chapter 16.28 prior to the sale or subdivision of any designated remainder parcels.

B. Discretionary Conditions. The city may require the subdivider to:
   1. Waive direct access rights to any existing or proposed streets;
   2. Reserve sites for public facilities, including schools, park and recreation facilities, fire stations, libraries, and other public uses in compliance with Map Act Section 66479;
   3. Adhere to time limits or phasing schedules for the completion of conditions of approval, where deemed appropriate;
   4. Dedicate land for bicycle paths, local transit facilities (including bus turnouts, benches, shelters, etc.), sunlight easements, and school sites, in compliance with Map Act Chapter 4, Article 3;
   5. Construct public improvements within a specified time after recordation of the map;
   6. Comply with any other conditions deemed necessary by the city to achieve compatibility between the proposed subdivision, its immediate surroundings, and the community, or to achieve consistency with city ordinances or applicable state law.

(Ord. 1121 § 1(part), 2008)

16.16.035 - Effective date of tentative map approval.

The date of the resolution approving the tentative map is the effective date of the tentative map.

(Ord. 1121 § 1(part), 2008)

16.16.040 - Changes to approved tentative map or conditions.

A. Minor Changes. A subdivider may request the following minor changes to an approved tentative map or its conditions prior to recordation of a parcel or final map: minor adjustments to the location of proposed lot lines and improvements; reductions in the number of approved lots; and modifications to the conditions of approval, consistent with the findings required by subsection D of this section.

B. Application for Changes. The subdivider shall file an application and filing fee with the city engineer, using the forms furnished by the city engineer, containing the following information:
   1. The tentative map number;
   2. The changes requested;
   3. Any facts supporting the changes; and
   4. Any information deemed appropriate by the city engineer.

C. Processing. Proposed changes to a tentative map or conditions of approval shall be processed in the same manner as the original tentative map, except as otherwise provided by this section.

D. Findings for Approval of Minor Changes. The city shall not modify the approved tentative map or conditions of approval unless it finds the change is necessary because of one or more of the following circumstances, and that all of the applicable

findings for approval can still be made:

1. There was a material mistake of fact in the deliberations leading to the original approval;
2. There has been a change of circumstances; and
3. A serious and unforeseen hardship has occurred, not due to any action of the applicant.

E. Effect of Changes on Time Limits. City approval of changes to a tentative map or conditions of approval does not constitute an approval of a new tentative map, and shall not extend any time limits.

(Ord. 1121 § 1(part), 2008)

16.16.045 - Compliance with conditions of approval.

Prior to submitting a final map, the subdivider shall fulfill the conditions of approval including any time limits specified in the resolution and, where applicable, comply with the provisions of Chapter 16.40.

(Ord. 1121 § 1(part), 2008)

16.16.050 - Vesting tentative maps.

A. Processing of a Vesting Tentative Map. Pursuant to Sections 66498.1 et seq. of the Map Act, a subdivider may file a vesting tentative map. An application for a vesting tentative map shall be in the same form, have the same contents and accompanying data and reports and shall be processed in the same manner as a tentative map. In addition, the application shall include:
   1. The words "Vesting Tentative Map" printed conspicuously on the face of the map;
   2. Accurately drawn, preliminary floor plans and architectural elevations for all buildings and structures proposed to be constructed on the property after subdivision;
   3. Plans prepared by a registered civil engineer showing all off-site improvements necessary to carry out the design and improvement requirements of Chapter 16.12.
B. Findings for Approval. The city shall not approve a vesting tentative map unless the city: determines the proposed development of the subdivision is consistent with the zoning regulations applicable to the property at the time of filing; and makes the findings required for tentative map approval set forth in this chapter.
C. Expiration of Vesting Tentative Map. An approved vesting tentative map shall be subject to the time limits set forth in this chapter.
D. Amendment to Vesting Tentative Map.
   1. A subdivider may apply for an amendment to the map or conditions of approval prior to the expiration of the vesting tentative map. An amendment request shall be processed as a new application, unless the subdivider is requesting minor changes as defined in Section 16.16.040.
   2. Pursuant to Map Act Section 66498.2, a subdivider may apply for an amendment prior to the expiration of the vesting tentative map to secure a vested right if city ordinances, policies or standards have changed subsequent to the approval of the vesting tentative map.
E. Development Rights Vested.
   1. The approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards (excluding fees) in effect at the time the city has determined that the application is complete.
   2. If Map Act Section 66474.2 is repealed, approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards in effect at the time the city approves or conditionally approves the map.
   3. Subsequent land use permits, building permits, extensions of time or other entitlements filed on parcels created by the subdivision may be conditioned or denied only if the city determines that:

a. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dan health or safety, or both; or

b. The condition or denial is required in order to comply with state or federal law.

4. Fees charged for building or land use permits, including but not limited to sewer/water hookup fees and traffic mitigation fees, filed after the approval of a vesting tentative map, shall be as required at the time the subsequent permit applications are filed. Application contents shall be as required by ordinance requirements in effect at the time the subsequent application is filed.

F. Duration of Vested Rights. The development rights vested by this section shall expire if a parcel map or final map is not approved before the expiration of the vesting tentative map pursuant to Section 16.16.065 et seq. If the parcel or final map is approved and recorded, the development rights shall be vested for the following periods of time:

1. An initial time period of twenty-four months from the date of recordation of the parcel or final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

2. The initial twenty-four months shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if processing exceeds thirty days from the date the application is accepted for processing as complete.

3. The subdivider may apply for a one year extension at any time before the initial twenty-four months expires by submitting an application to the city engineer with all required fees. The planning commission shall approve or deny any request for extension. The subdivider may appeal a denial within fifteen days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections (F)(1) and (F)(2) above, the vested rights shall continue until the expiration of the building permit, or any extension of that permit.

(Ord. 1121 § 1(part), 2008)

16.16.055 - Expiration of approved map.

An approved map is valid for twenty-four months after its effective date, except as otherwise provided by Map Act Sections 66452.6, 66452.11, 66452.13, or 66463.5. At the end of twenty-four months, the approval shall expire, and the city will terminate processing, unless:

A. A parcel or final map for the subject subdivision, and related bonds and improvement agreements, have been filed with the city engineer; or

B. An extension of time has been granted pursuant to this chapter.

(Ord. 1121 § 1(part), 2008)

16.16.060 - Extensions of time for maps.

A subdivider may apply for a time extension by filing a written application and required filing fee with the city engineer on or before the date of expiration of the approval or previous extension.

A. Findings for Extensions. The planning commission may grant extensions to the initial time limit up to a maximum total of six years, if there have been no changes:

1. To the general plan, any applicable specific or precise plan, or this title applicable to the subdivision since the approval of the map;

2. In the character of the site or its surroundings that adversely affect the policies of the general plan, any applicable specific or precise plan, or applicable standards of this title; and

3. To the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools so there is insufficient capacity to serve the subdivision.

B. Tentative Maps with Multiple Final Maps. Where a subdivider is required to expend an amount more than one hundred sev thousand dollars, or as specified in Map Act Section 66452.6, on improvements and multiple final maps are filed covering p single approved tentative map, each filing of a final map shall extend the expiration of the tentative map by an additional th months from the date of its expiration, or the date of the previously filed final map, whichever is later. The total of all exten not extend the approval of the tentative map more than ten years from its approval.

(Ord. 1121 § 1(part), 2008)

16.16.065 - Map waiver for mobilehome parks.

The planning commission shall waive a map where owners of mobile homes have submitted a waiver application that fully complies with Map Act Section 66428.1, unless the city makes one or more of the findings set forth in Map Act Section 66428.1.

(Ord. 1121 § 1(part), 2008)

Chapter 16.20 - PARCEL MAPS AND FINAL MAPS

Sections:

16.20.005 - Parcel map required.

A parcel map shall be filed for each subdivision of four or fewer parcels, except when the requirement for a parcel map is waived as set forth in Section 16.20.010.

(Ord. 1121 § 1(part), 2008)

16.20.010 - Waiver of parcel map.

A. When Waiver is Allowed. The planning commission may waive a parcel map where the following circumstances exist, and the boundaries of the original parcel have been previously surveyed and a map recorded, and are certain as to location.
   1. The land being subdivided is solely for the creation of an environmental subdivision in compliance with Government Code Section 66418.2.
   2. The subdivision or interests in the subdivision have been created by probate, eminent domain procedures, partition, or other civil judgments or decrees.
   3. The subdivision results from the conveyance of land or interest to or from the city, public entity or public utility for a public purpose, such as school sites, public building sites, or rights-of-way or easements for streets, sewers, utilities, drainage, or other public improvements.

B. Application Processing and Approval. A request for waiver of parcel map shall be submitted with the tentative map application with the required filing fee. The waiver request shall be processed and acted upon concurrently with the tentative map application. The commission may grant a requested waiver if:
   1. The proposed tentative map satisfies all findings required for approval by Chapter 16.16; and
   2. The proposed subdivision complies with all applicable requirements of the Map Act and this title as to lot area, improvement and design, drainage, flood control, appropriate improved public roads, sanitary disposal facilities, water supply availability, and environmental protection.

C. Expiration of Waiver. A waiver of parcel map shall be subject to the same time limits and opportunities for extension of time as the accompanying tentative map.

D. Completion of Subdivision. Upon the subdivider satisfying all tentative map conditions of approval, the city engineer shall file with the county recorder a certificate of compliance for the land to be divided and a plat map showing the division.

(Ord. 1121 § 1(part), 2008)

16.20.015 - Parcel map form and content.

A parcel map shall be prepared by or under the direction of a qualified, registered civil engineer or licensed land surveyor, registered or licensed by the state of California. Parcel map submittal shall include all information and other materials required by the city engineer and Section 66444 et seq. of the Map Act.

(Ord. 1121 § 1(part), 2008)

16.20.020 - Filing and processing of parcel maps.

A. Filing with the City Engineer. The subdivider shall submit the parcel map and all data, information and materials required by Section 16.20.015 to the city engineer. The application shall be deemed complete on the date the city engineer determines that it complies with all applicable provisions of this title and the Map Act.

B. Review of Parcel Map. If the city engineer has determined that the tentative map has not expired, the city engineer shall:

1. Determine whether the subdivider has complied with all applicable provisions of this title and the Map Act and satisfied all conditions of tentative map approval; and
2. Verify that the parcel map is technically correct and conforms to the approved tentative map.

If the city engineer cannot make such determination or verification, the city shall notify the subdivider and provide it an opportunity to make necessary changes and resubmit the parcel map with all required data.

(Ord. 1121 § 1(part), 2008)

16.20.025 - Parcel map approval.

A. Map Without Dedications. After determining that the parcel map conforms to the approved tentative parcel map, is technically correct in compliance with this title, and the subdivider has satisfied all conditions of approval, the city engineer shall approve the parcel map and execute the city engineer's certificate. The city engineer shall then transmit the map to the county recorder for filing in compliance with Section 66450 of the Map Act.

If the city engineer cannot make such determination or verification, the city shall notify the subdivider and provide it an opportunity to make necessary changes and resubmit the parcel map with all required data.

B. Map with Dedications. After determining that the parcel map conforms to the approved tentative parcel map, is technically correct in compliance with this title, and the subdivider has satisfied all other conditions of approval, the city engineer shall refer the map to the city council to accept or reject offers of dedications. The council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, concurrently with its approval of the map. Following council action, the city engineer shall execute the city engineer's certificate. The map shall then be transmitted by the city engineer to the county recorder for filing in compliance with Map Act Section 66450.

(Ord. 1121 § 1(part), 2008)

16.20.030 - Final map required.

A final map shall be filed for each subdivision of five or greater parcels.

(Ord. 1121 § 1(part), 2008)

16.20.035 - Final map form and content.

A final tract map shall be prepared by or under the direction of a qualified registered civil engineer or licensed land surveyor, registered or licensed by the state of California. Final tract map submittal shall include all information and materials required by Section 66433 et seq. of the Map Act. A final tract map submittal shall also include a digital copy of the final tract map, prepared using computer software and standards specified by the city engineer.

(Ord. 1121 § 1(part), 2008)

16.20.040 - Filing and processing of final maps.

A. Filing with City Engineer. The subdivider shall submit the final map, together with all data, information and materials required by Section 16.20.035, to the city engineer. The application shall be deemed complete on the date the city engineer determines that it complies with all applicable provisions of this title and the Map Act.

B. Review of Final Tract Map. If the city engineer has determined that the tentative map has not expired, the city engineer shall:

1. Determine whether the subdivider has complied with all applicable provisions of this title and the Map Act and satisfied all conditions of tentative map approval; and
2. Verify that the tract map is technically correct and conforms to the approved tentative map.

If the city engineer cannot make such determination or verification, the city shall notify the subdivider and provide it an opportunity to make necessary changes and resubmit the map with all required data.

C. Multiple Final Maps. The subdivider may file multiple final maps as to the approved subdivision if the subdivider either included a statement of intention with the tentative map or, if after the filing of the tentative map, the subdivider has obtained the city engineer's approval of multiple maps submission.

(Ord. 1121 § 1(part), 2008)

16.20.045 - Final map approval.

After determining that the final map conforms to the approved tentative tract map, is technically correct in compliance with this title, and the subdivider has satisfied all conditions of approval, the city engineer shall execute the city engineer's certificate on the map in compliance with Map Act Section 66442, and forward the final tract map to the council for action, as follows:

A. Council Review. The council shall approve or disapprove the final tract map at the council meeting it receives the map or at its next regular meeting.

1. Criteria for Approval. The council shall approve the final tract map if it conforms to all the requirements of the Map Act and this title applicable at the time of tentative map approval, and is in substantial compliance with the approved tentative map.
2. Waiver of Errors. The council may approve a final tract map that fails to meet one or more of the requirements of the Map Act and this title applicable at the time of tentative map approval, if the council finds a technical or inadvertent error that does not materially affect the validity of the map.
3. Approval by Inaction. If the council does not approve or disapprove the map within the prescribed time or any authorized extension, and the map conforms to all applicable requirements and rulings, it shall be deemed approved, and the city clerk shall certify its approval on the map.

B. Map with Dedications. The council shall accept, accept subject to improvement, or reject with or without prejudice any or all offers of dedication, concurrently with its approval of the final tract map.

C. Map with Incomplete Improvements. If improvements required by the city have not been completed at the time of approval of the final map, the subdivider shall execute a completion agreement pursuant to Section 16.40.020, as a condition precedent to the approval of the final map.

D. Transmittal to Recorder. After action by the city council, and after the required signatures and seals have been affixed, the city clerk shall transmit the final map to the county recorder for recordation, in compliance with Section 16.20.060.

(Ord. 1121 § 1(part), 2008)

16.20.050 - Subsequent acceptance of offer of dedication.

If the city council rejects a subdivider's offer of dedication, the city may accept the offer after its approval of the final or tract map pursuant to Map Act Section 66477.2.

(Ord. 1121 § 1(part), 2008)

16.20.055 - Supplemental information sheets.

In addition to the information previously required by this chapter, the city may require the recordation of additional information as follows:

A. Preparation and Form. The additional information required by this section shall be presented in the form of additional map sheets, unless the city engineer prefers a report or other document. Unless otherwise directed by the city engineer, the additional map sheet or sheets shall be prepared in the same manner and in substantially the same form as required for parcel maps by Section 16.20.015.

B. Content of Information Sheets. Supplemental information sheets shall contain the following information:

1. Title. The words "Supplemental Information Sheet" and the number assigned to the accompanying parcel or final map;
2. Explanatory Statement. Statements that the supplemental information sheet is recorded with the subject parcel or final map, and that the additional information is for informational purposes, describing conditions as of the date of filing, and is not intended to affect record interest;
3. Location Map. A location map, at a scale not to exceed one inch equals two thousand feet. The map shall indicate the location of the subdivision within the city;
4. Areas Subject to Flooding. Identification of all lands within the subdivision subject to periodic inundation by water;
5. Soils or Geologic Hazards Reports. When a soils report or geological hazard report has been prepared, the information sheet shall note the report, its date and the name of the author; and
6. Information Required by Conditions of Approval. Any information required by the approval body to be included on the supplemental information sheet(s) because of its importance to potential successors-in-interest to the property, including any other easements or dedications.

(Ord. 1121 § 1(part), 2008)

16.20.060 - Recordation of maps.

The subdivider shall comply with Map Act Section 66465 at the time of filing the map with the county recorder.

(Ord. 1121 § 1(part), 2008)

16.20.065 - Amendments to recorded maps.

A recorded parcel or final map may be modified only as forth in this section.

A. Corrections. A recorded final map or parcel may be amended or corrected pursuant to Article 7, Chapter 3 of the Map Act (Section 66469 et seq.).

B. Changes to Approved Subdivision. A subdivider must submit a new subdivision application and obtain city approval for all changes or amendments to recorded maps not governed by subsection A of this section.

(Ord. 1121 § 1(part), 2008)

Chapter 16.24 - RESIDENTIAL CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

Sections:

16.24.005 - Condominium project constitutes a subdivision.

Map Act Section 66424 provides that "subdivision" includes common interest development such as: a condominium project as defined in Civil Code Section 1351(f); a community apartment project as defined in Civil Code Section 1351(d); and the conversion of five or more existing dwelling units into a stock cooperative as defined in Civil Code Section 1351(m).

(Ord. 1121 § 1(part), 2008)

16.24.010 - Subdivision map required for residential condominiums.

An applicant proposing to develop a residential common interest development as defined in Civil Code Section 1351(c) (condominium project; community apartment project; stock cooperative; planned development) must file an application for tentative map approval in accordance with, and such application shall be processed pursuant to, the tentative map filing and processing provisions of this title. Either a parcel map or final map is required pursuant to the requirements of this title.

(Ord. 1121 § 1(part), 2008)

16.24.015 - Subdivision map required for residential condominium conversions.

A. Conversion Defined. A condominium conversion is the conversion of real property to a common interest development.

B. Application Filing and Processing. An applicant proposing to convert real property to a residential common interest development conversion must file an application for tentative map approval in accordance with, and such application shall be processed pursuant to, the tentative map filing and processing provisions of this title and the Map Act. Either a parcel map or final map is required pursuant to the requirements of this title.

C. Additional Requirements. In addition to satisfying the requirements in Chapter 16.16, an application for a condominium conversion shall include:

1. Illustration of Airspace Division. An illustration of airspace division to verify legal descriptions on deeds for the transfer of ownership of units.
2. Verification of Stock Cooperative Vote. Verification of the vote required by Map Act Section 66452.10 for a conversion from a stock cooperative.
3. Relocation Assistance Program. A program proposed by the applicant that will assist tenants displaced through the conversion in relocating to equivalent or better housing.
4. Mobile Home Park Conversion Impact Report. Where the conversion would displace mobile home park residents, the report required by Map Act Section 66427.4.

D. Early Distribution of Staff Report. The city shall provide the staff report for the condominium conversion to the subdivider and each tenant at least three days before any public hearing on the tentative map.

E. Public Notice.

1. Tenant Notice. The subdivider shall give notice to all existing or prospective tenants as set forth in Map Act Sections 66452.8 and 66452.9, and shall provide the director satisfactory proof that the notice was given.
2. Public Hearing Notice. The city shall provide notice of the public hearing on the tentative map in accordance with Map Act Section 66451.3.

F. Approval of Conversion, Required Findings.

1. Time Limit, Stock Cooperatives. The approval or disapproval of the conversion of an existing building to a stock cooperative shall occur within one hundred twenty days of the application being found complete in compliance with Chapter 16.16. The one hundred twenty-day time limit may be extended by mutual consent of the subdivider and the city.
2. Conversion Findings, Residential Projects. The city shall not approve a tentative or final map for the conversion of residential real property into a condominium project, community apartment project or stock cooperative unless it makes the findings set forth in Map Act Section 66427.1.

(Ord. 1121 § 1(part), 2008)

Chapter 16.28 - LOT LINE ADJUSTMENTS, MERGERS, CERTIFICATES OF COMPLIANCE AND REVERSIONS TO ACREAGE

Sections:

16.28.005 - Lot line adjustments.

A. No Map Required. Pursuant to Map Act Section 66412(d), lot lines between four or fewer existing adjacent parcels may be adjusted, where land taken from one parcel is added to an adjacent parcel and where no more parcels are created than originally existed. For the purposes of this section, an "adjacent parcel" directly touches at least one of the other parcels involved in the adjustment. Parcels containing structures encroaching across original parcel lines shall be considered a single parcel for purposes of an adjustment.

B. Application and Processing. An applicant shall submit a lot line adjustment application to the city engineer, with all information and other materials required by the city engineer. No environmental review shall be required.

C. Approval or Denial. The director and city engineer shall determine whether the parcels resulting from the adjustment will conform with the applicable provisions of this title, the general plan, the zoning code, any other applicable provisions of the municipal code, and the Map Act. The city engineer may approve, conditionally approve, or deny the lot line adjustment.

1. Required Findings. A proposed lot line adjustment shall be denied if the city engineer finds any of the following:
    a. The adjustment will have the effect of creating a greater number of parcels than exist before adjustment;
    b. Any parcel resulting from the adjustment will conflict with any applicable regulations of this title, the general plan, the zoning code any other applicable provisions of the municipal code, and the Subdivision Map Act; or
    c. The adjustment will result in an increase in the number of nonconforming parcels.
2. Conditions of Approval. In approving a lot line adjustment, the city engineer shall impose conditions only as necessary to conform the adjustment and proposed parcels to the requirements of this title; the zoning code; the building code and the general plan, or to facilitate the relocation of existing utilities, infrastructure, or easements.

D. Completion of Adjustment.

1. Completion by Deed. A lot line adjustment shall not be effective or finally completed until recordation of a grant deed or deeds signed by the record owners. The applicant shall submit deeds to the city engineer for review and approval in compliance with subsection (D)(2) of this section, before recordation of the grant deed. A qualified registered civil engineer or a licensed land surveyor licensed or registered in the state shall prepare the legal descriptions provided in the deeds.
2. Review and Approval by City Engineer. The city engineer shall:
    a. Examine the deeds to ensure that all record owners and lien holders have consented to the adjustment;
    b. Verify that all conditions of approval have been satisfactorily completed and that the deeds are in substantial compliance with the lot line adjustment as approved by the city;
    c. Verify that the property owners have either obtained partial reconveyances from any mortgagor or other lien holder for any portion of a parcel being transferred to an adjacent parcel, and that any liens covering the adjacent property have been modified to cover the newly created larger parcel;
3. If satisfied that the deeds comply with the above requirements, place an endorsed approval upon the deeds; and
4. After approval of the legal descriptions, assemble the deeds and return them to the applicant for recordation.

E. Expiration. The approval of a lot line adjustment shall expire and become void if the adjustment has not been completed as required by this section within twelve months of approval.

(Ord. 1121 § 1(part), 2008)

16.28.010 - Parcel mergers.

A. Processing of Requested Merger. Upon request of the legal owner of contiguous parcels, the city may approve the merger of the property in compliance with Map Act Section 66499.203/4. The request shall be in writing and shall be accompanied by data and documents as required by the city engineer.
   1. City Review. The city engineer shall have the authority to review and approve proposed parcel mergers, except that council review and approval shall be required for a proposed merger associated with a project that has not been previously considered by the commission.
   2. Conditions of Approval. In approving a merger, the city engineer may impose reasonable conditions, including a condition that the adjusted lot line(s) shall be monumented. The applicant may appeal to the council any conditions by filing written notice within ten days of the decision.
   3. Completion of Merger. Upon approval, a notice of lot merger shall be filed with the county recorder. The form and content of the notice shall be as required by the city engineer.

(Ord. 1121 § 1(part), 2008)

16.28.015 - Certificates of compliance.

A. Application. A property owner or a purchaser of the property may apply for a certificate of compliance certifying that the subject parcel is a legal lot of record.

B. Application Contents. An application shall include the form provided by the city engineer, the required filing fee and a chain of title, consisting of copies of all deeds beginning before the division and thereafter, unless the parcels were created through a recorded subdivision map.

C. City Engineer Review. The city engineer shall review all available information and determine whether the property was divided in compliance with the Map Act and this title. Upon determining the property complies with the Map Act and this title, the city engineer shall cause a certificate of compliance to be filed with the county recorder. If the city engineer determines that the property does not comply with the Map Act and this title, the city shall process the application as a conditional certificate of compliance pursuant to Section 16.28.020.

D. Form of Certificate. The certificate of compliance shall: identify the property, state that the division complies with the provisions of the Map Act and this title; and include all information required by Map Act Section 66499.35.

E. Effective Date of Certificate. A certificate of compliance becomes final upon recordation by the county recorder.

(Ord. 1121 § 1(part), 2008)

16.28.020 - Conditional certificates of compliance.

A. Application. An application for a conditional certificate of compliance shall contain the materials required by Section 16.28.015.

B. Review and Approval. Upon determining that the property does not comply with the provisions of the Map Act or this title, the city engineer shall grant a conditional certificate of compliance, imposing conditions as provided by subsection C of this section.

C. Conditions of Approval. The city engineer may impose any conditions allowed by the Map Act and this title if the applicant had a legal interest in the property at the time of the initial violation of the Map Act or this title. In all other cases, the city engineer may impose only conditions that would have been applicable at the time the applicant acquired in interest in the property.

D. Appeal. The property owner may appeal a conditional certificate of compliance or the conditions imposed to the planning commission.

E. Completion of Process. Following expiration of the ten-day appeal period after the determination and imposition of conditions by the city engineer, the city engineer shall file a conditional certificate of compliance with the county recorder. The certificate shall identify the property, and serve as notice to the property owner or purchaser who applied for the

certificate, a grantee of the owner, or any subsequent transferee or assignee of the property that the fulfillment and implementation of the conditions shall be required before subsequent issuance of a permit or other approval for the development of the property.

F. Effective Date of Certificate. A conditional certificate of compliance becomes final upon recordation by the county recorder.

(Ord. 1121 § 1(part), 2008)

16.28.025 - Reversions to acreage.

A. Initiation of Reversion, Application Requirements.
   1. Initiation by Owner. The record owner of the property may apply to revert subdivided property to acreage by filing with the city engineer an application in a form prescribed by the city engineer, all information and materials required by the city engineer and the required processing fee established pursuant to Map Act Section 66499.14.
   2. Initiation by Council. The city council may initiate proceedings to revert property to acreage at the request of any person or on its own motion. The council shall direct the city engineer to obtain the necessary information to initiate and conduct the proceedings.
   3. Application Requirements. The application shall include:
      a. Evidence of title to the real property;
      b. Evidence of consent by all record owners in the property;
      c. Evidence that none of the improvements required to be made have been made within two years from the date the final or parcel map was filed for recordation, or within the time allowed by an agreement for completion of the improvements, whichever is later;
      d. Evidence that no lots shown on the final or parcel map have been sold within five years from the date the final or parcel map was filed for recordation;
      e. A tentative map in the form prescribed by Chapter 16.16;
      f. A final or parcel map in the form prescribed by Sections 16.16.015 and 16.20.040, respectively, which delineates dedications that will not be vacated and dedications required as a condition of reversion. The final or parcel map shall be conspicuously designated with the title, "The Purpose of This Map is a Reversion to Acreage."

B. Recommendation to Council. Upon finding that the proposed reversion meets with all the requirements of this title and the Map Act, the city engineer shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage to the council for its consideration.

C. Notice and Hearing. The council shall hold a public hearing on an application for reversion to acreage after providing notice in compliance with applicable law.

D. Findings for Approval. The council may approve a reversion to acreage only if it finds and records by resolution that dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and either:
   1. All owners of an interest in the real property within the subdivision have consented to reversion; or
   2. None of the improvements required to be made have been made within two years from the date final or parcel map was filed for recordation, or within the time allowed by agreement for completion of the improvements whichever is later; or
   3. No lots shown on the final or parcel map have been sold within five years from the date the final or parcel map was filed for recordation.

E. Conditions of Approval. The council may require as condition of the reversion:
   1. The owners dedicate or offer to dedicate streets, public rights-of-way or easements; and
   2. The retention of all or a portion of previously paid subdivision fees, deposits or improvement securities if the same are necessary to accomplish any of the provisions of this title.

F. Completion of Process. Upon city council approval of the reversion to acreage, the city engineer will transmit the final or

parcel map, together with the council resolution approving the reversion, to the county recorder for recordation.

Reversion shall be effective upon the map being filed for recordation by the county recorder. Upon filing, all dedications and offers of dedication not shown on the final or parcel map for reversion shall be of no further force and effect.

(Ord. 1121 § 1(part), 2008)

Chapter 16.32 - BLOCK STRUCTURE

Sections:

16.32.010 - Block design standards and guidelines.

Blocks within proposed subdivisions shall be designed in compliance with the following standards, except where different requirements are established for a particular area within the city by an adopted planned unit development, precise plan, or specific plan.

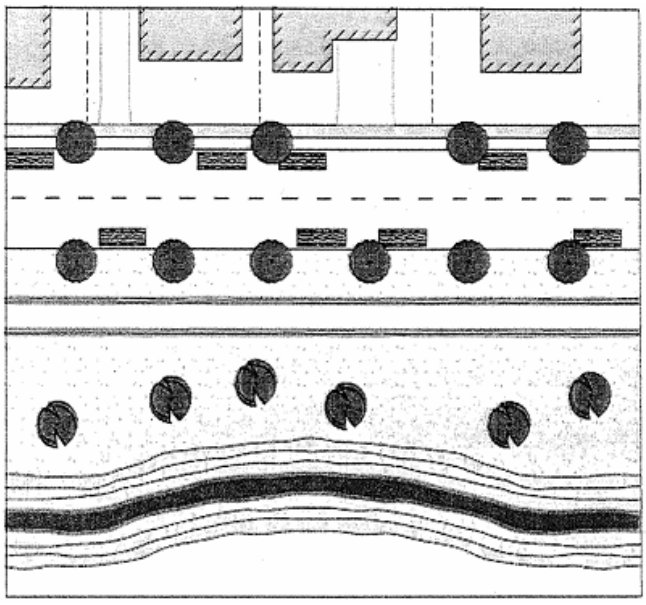
A. Street Layout. Streets within new subdivisions shall align with and connect to those of adjacent subdivisions.

B. Cul-de-sac Streets. The city may approve cul-de-sac streets where the location or configuration of the parcel to be subdivided will not permit a through street to be used, or a significant natural or cultural feature can be more effectively preserved through the use of a cul-de-sac. Where a cul-de-sac street is approved, the city shall require pedestrian connections from the cul-de-sac bulb to the next adjacent through street wherever feasible. The length of a cul-de-sac street shall not exceed five hundred feet.

C. Block Length. The block dimension between intersecting public streets should normally not exceed three hundred feet, or be less than two hundred feet.

D. Edge Blocks. Subdivisions proposed on sites with significant natural features (for example, creeks, wetlands, or natural open space) shall be designed to provide a single-loaded "frontage road" adjacent to the natural feature, rather than "backing-up" development to the feature. Proposed subdivisions that are located adjacent to the city's corporate boundary should also be designed to provide the single-loaded frontage road at the edge. See Figure 16.32.010.A: Edge Block Treatment.

Figure 16.32.010.A
Edge Block Treatment



E. Alleys. The city may approve alleys in order to provide access to units and parking and loading facilities and to improve

the pedestrian orientation of primary streets by reducing or eliminating curb cuts.

F. Natural Features. Wetlands, existing healthy mature trees, and other obvious natural features existing on a site proposed for subdivision, should be preserved and incorporated into the project and its landscaping elements to the greatest extent feasible.

G. Parks and Neighborhood Open Space. Residential subdivisions shall provide dedicated parkland or in-lieu fees as provided in Section 16.36.015.

(Ord. 1121 § 1(part), 2008)

16.32.015 - Lot sizes.

Proposed subdivisions shall be designed to provide parcels that comply with the minimum area and dimensional requirements set forth in the zoning code.

(Ord. 1121 § 1(part), 2008)

Chapter 16.36 - DEDICATIONS AND EXACTIONS

Sections:

16.36.010 - Dedications.

The city may require dedications through conditions of approval if it:

A. Identifies the purpose for the dedication; and

B. Demonstrates there is a reasonable relationship between the need for the dedication and the impacts arising from the subdivision.

(Ord. 1121 § 1(part), 2008)

16.36.015 - Park land dedications and fees.

Every person who constructs or causes to be constructed a dwelling unit or dwelling units or who subdivides land for residential purposes shall dedicate a portion of such land, pay a fee, or do both, as set forth in this section for the purpose of developing new or rehabilitating existing park or recreational facilities to serve future residents of the subdivision or development. Land dedications pursuant to this section shall be conveyed directly to the city, and fees shall be deposited with the city, prior to or at the time of the recording of the final or parcel map, unless, as a condition of approval of a tentative map or parcel map, dedication or payment is authorized at the time of issuance of a building permit. For development not involving a subdivision, the land dedication and/or fee payment shall take place prior to the approval of a site plan and prior to the issuance of a building permit.

A. Amount of Land Required for Dedications. The amount of land required to be dedicated shall equal the product of the following:

1. The number of dwelling units indicated on the tentative or parcel map or site plan, multiplied by

2. The population density for each type of dwelling unit. Population density for the purpose of this section shall be determined in accordance with the most recent available census data and established by city council resolution, multiplied by

3. The parkland standard of .0005 acres of parkland per person, except as otherwise provided in Section 16.48.060.

B. Amount of Fee in Lieu of Land Dedication. Where a fee is paid in lieu of land dedication, the amount of such fee shall be a sum equivalent to the fair market value of the amount of parkland which would otherwise be required to be dedicated pursuant to subsection A of this section.

1. The fair market value shall be determined by the city council.

2. If the developer objects to the value determined by the city council, the developer shall deposit with the city an amount cover the cost of an appraisal by a licensed appraiser of the city's choice. The appraisal shall be completed prior to appr tentative or parcel map by the city, or for developments not involving a subdivision, prior to the approval of a site plan a issuance of a building permit.
3. If the developer objects to the values established by the first appraisal, the developer shall deposit with the city an amount sufficient to cover the cost of preparing a second appraisal. The city shall then select a second licensed appraiser to conduct the appraisal. If the second appraisal is conducted, the values established by the two appraisals shall be averaged and that amount shall be the value used for determining the in-lieu fee.
4. The cost of the appraisals is in addition to, and shall not be deducted from, the amount of in-lieu fees due pursuant to this section. The developer's payment for the cost of appraisals does not affect the city's discretion to choose whether the developer should dedicate land, pay an in-lieu fee, or both.

C. Combination of Park Land and Fees. When a combination of land dedication and in-lieu fees are required as a condition of approval, the sum of the in-lieu fees and the fair market value of the land to be dedicated shall be equal to the amount that would otherwise be required if the developer paid only an in-lieu fee pursuant to subsection B of this section.

D. Choice of Land or Fee. The procedure for determining whether the developer is to dedicate land, pay a fee, or both shall be as follows:

1. At the time of the filing of a tentative or parcel map or site plan for approval, the developer shall, as part of such filing, propose dedication of land, paying a fee in lieu thereof, or a combination of dedication and fees. If the developer proposes dedication, the tentative or parcel map or site plan should indicate the proposed location of the parkland. The subdivider shall: (a) centrally locate park facilities; (b) incorporate natural features; and (c) integrate proposed parks with existing and proposed parks and existing and proposed trails.
2. At the time of the tentative or parcel map or other discretionary approval, the planning commission shall determine whether the developer shall dedicate land, pay a fee in lieu thereof, or a combination of both. If no hearings are required before the planning commission for any development approvals, then the developer shall pay the in-lieu fee,
3. Whether the city accepts the dedication of land, or payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the compatibility of the dedication with the city's general plan; topography, geology, access and location of land in the development available for dedication; and the size and shape of the development and land available for dedication.
4. Only the payment of fees shall be permitted for subdivisions containing fifty parcels or less, except that when a condominium project, stock cooperative, or community apartment project exceeds fifty dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty.

E. Time of Commencement. Before the final or parcel map or site plan is approved, the planning commission shall designate how, when and where the development of new or the rehabilitation of existing park or recreational facilities shall be commenced. If no hearings are required before the planning commission for any development approvals, then the director of community development shall make the designation. If a fee has been collected under the provisions of this chapter, said commencement time shall be within five years after the payment of such fee, the issuance of building permits on one-half of the lots created by the subdivision, or the construction of one-half of the dwelling units of the development for developments not involving subdivisions, whichever occurs later. If such fees are not committed, they, without any deductions, shall be distributed and paid to the then record owners of the properties in the same proportion that the size of their lot bears to the total area of all lots within the development.

F. Use of Land and Fees. The land, fees, or combination thereof, received by the city pursuant to this chapter, shall be used only for the purpose of developing new or rehabilitating existing park or recreational facilities, and the location of the land and amount of fees shall bear a reasonable relationship to the use of the park or recreational facilities by the future inhabitants of the development.

G. Credit for Improvements to the Dedicated Land. Where the developer provides park and recreational improvements to the land, the value of the improvements, together with any equipment located thereon, shall be a credit against the payment o dedication of land required by this chapter.

H. Credit for Private Open Space. Where private open space usable for active recreational purposes is provided in a proposed development, such open space shall be eligible to receive a credit, not to exceed fifty percent, as determined by the planning commission, against the payment of fees or dedication of land required by this chapter. Yards, court areas, setbacks and other open areas required to be maintained by the zoning and building provisions of this code shall not be included in the computation of such private open space. The planning commission shall determine whether to grant a credit based upon whether the commission finds it is in the public interest to do so. If no hearings are required before the planning commission for any development approvals, then the director of community development shall make the determinations required by this section. In order to receive a credit, the development must meet all of the following requirements:

1. Use of private open space must be restricted for park and recreational purposes by a recorded covenant that: (a) runs with the land in favor of the future owners of the property; (b) cannot be defeated or eliminated without the consent of the city or its successors; (c) is submitted to the city prior to the approval of the parcel or final map; and (d) is recorded contemporaneously with the parcel or final map, or for developments not involving a subdivision, prior to approval of the site plan and issuance of building permits; and
2. The private open space must be reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location; and
3. The maintenance of the open space must be adequately provided for by written agreement; and
4. Facilities proposed for the open space must be in substantial accordance with the provisions of the resources element of the general plan for the city and must be approved by the planning commission, or for developments for which no hearings are required before the planning commission, by the director; and
5. The open space must provide a minimum of four of the features listed below, or a combination of such, and other recreational improvements that will meet the specific recreation park needs of the future residents of the area:
    a. Children's play apparatus,
    b. Family barbecue/picnic area,
    c. Game court area,
    d. Play field,
    e. Swimming pool with adjacent deck and ancillary facilities, and
    f. Recreation building;
6. The developer requesting consideration for private open space credit shall, as part of the submittal filing, include:
    a. Written request for such consideration, and
    b. Detailed plans and specifications for areas and improvements within such proposed private open space.

I. Reduced Parkland Standard for Senior Housing. Where a proposed development qualifies as a senior citizen housing development as defined in Section 51.3 of the Civil Code, the amount of land, in-lieu fees, or combination thereof required under Section 16.48.010 shall be calculated using a parkland standard of 0.00025 acres of parkland per person, for each dwelling unit restricted to senior citizens, qualified permanent residents, permitted health care residents, and other authorized occupants pursuant to Section 51.3 of the Civil Code.

J. Exceptions.

1. The provisions of this section shall not apply to condominium projects or stock cooperatives that consist of the subdivision of airspace in an existing apartment building that is more than five years old, when no new dwelling units are added.
2. The provisions of this section shall not apply to subdivisions of less than five parcels that are not used for residential purposes. However, in that event, the city may impose a condition on the approval of a parcel map requiring that if a

building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years, the city may require the owner of each parcel to pay the fee as a condition of the issuance of the permit.

3. In the event that a developer pays a fee or dedicates land pursuant to this section for a multifamily rental housing development, and the developer or his successors subdivides the development to create condominiums or stock cooperatives within ten years, the developer or his successors shall not be required to pay the fee or dedicate land for the subdivision.
4. The provisions of this section shall not apply to any subdivisions or developments exempted from dedication requirements pursuant to state law.

(Ord. 1121 § 1(part), 2008)

16.36.020 - Reservations of land.

The city may require the subdivider to reserve sites appropriate in area and location for parks, recreational facilities, fire stations, libraries or other public uses, as follows:

A. Standards for Reservation of Land.
   1. Location of Land. Where a park, recreational facilities, fire station, library, or other public use is shown in the general plan or applicable specific or precise plan, the subdivider may be required by the city to reserve sites as determined by the city in compliance with the standards in the applicable plan.
   2. Configuration. The reserved area shall be of a size and shape that will permit the balance of the property to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically infeasible. The land to be reserved shall be in multiples of streets and parcels that will permit an efficient division of the reserved area if it is not acquired within the period determined by subsection B of this section.

B. Procedure for Reservation of Land. The public agency for whose benefit an area has been reserved shall at the time of approval of the parcel or final map enter into a binding agreement with the subdivider to acquire the reserved area within two years after the completion and acceptance of all improvements, unless a longer time is authorized by mutual agreement.

C. Purchase Price of Reserved Land. The purchase price shall be the market value of the land at the time the tentative map is filed, plus the property taxes against the reserved area from the date of the reservation, and any other costs incurred by the subdivider in maintaining the reserved area, including interest costs incurred on any loan covering the reserved area.

D. Termination of Reservation. If the public agency for whose benefit an area has been reserved does not enter into a binding agreement as described in subsection B above, the reservation shall automatically terminate.

(Ord. 1121 § 1(part), 2008)

16.36.025 - Right-of-way dedications.

A. Offers of Dedication Required. As a condition of tentative map approval, the subdivider shall dedicate or make an irrevocable offer of dedication in fee simple of all land within the subdivision that is determined by the city to be needed for public and private streets and alleys, including access rights and abutters' rights; drainage; public and private greenways; scenic easements, public utility easements; and any other necessary public and private easements.

B. Improvements. The subdivider shall construct or agree to construct all improvements approved or required for the subdivision, including access rights and abutters' rights, in compliance with the city's improvement standards.

C. Rights-of-Way, Generally. Rights-of-way shall be of sufficient size to accommodate the required improvements. In addition, where parcels front on a city-maintained road of insufficient width as determined by the city engineer, or when the existing right-of-way is not deeded, the subdivider shall dedicate right-of-way sufficient for the ultimate facility.

D. Bicycle Paths. Any subdivider who is required to dedicate roadways to the public, may be required to dedicate additional land f bicycle paths for the use and safety of the residents of the subdivision, if necessary to offset impacts otherwise associated with subdivision.

E. Transit Facilities. Dedications in fee simple or irrevocable offers of dedication of land within the subdivision will be required for local transit facilities including bus turnouts, benches, shelters, landing paths and similar items that directly benefit the residents of the subdivision if:

1. The subdivision as shown on the tentative map has the potential for two hundred dwelling units or more if developed to the maximum density shown in the general plan; and
2. The city finds that transit services are or will, within a reasonable time period, be available to the subdivision.

F. Alternative Transportation Systems. Whenever the subdivision falls within an area designated for the development of bikeways or other alternative transportation systems in the general plan, applicable specific or precise plan, or implementing legislation, the subdivider shall dedicate land as is necessary to provide for these alternative transportation systems.

(Ord. 1121 § 1(part), 2008)

16.36.030 - School site dedications.

A. Dedication Requirement. In compliance with Map Act Section 66478, a subdivider may be required to dedicate land as the city determines to be necessary for adequate elementary school facilities for the residents of the subdivision. Dedication may be required only if the subdivider and/or successors in interest to the property:

1. Have owned the land being subdivided for less than ten years before filing the tentative map; and
2. Develop, or complete the development, of a subdivision of more than four hundred dwelling units within a single school district, within a period of three years or less.

B. Tentative Map Approval. If the school district responds to the referral of the tentative map application pursuant to Section 16.16.005 with a report to the city describing the land the district deems necessary and suitable to provide adequate elementary school service to residents of the proposed subdivision, the city shall require the dedication of land as a condition of approval of the tentative map. As required by Map Act Section 66478, the dedication requirement shall not make development of the remaining land held by the subdivider economically infeasible, or exceed the amount of land ordinarily allowed under the procedures of the State Allocation Board.

C. Timing of Dedication. The required dedication may occur before, concurrently with, or up to sixty days after the recordation of a final map on any portion of the subdivision. If the school district accepts the dedication, the district shall pay the subdivider the amounts required by Map Act Section 66478, and shall record the certificate required by Map Act Section 66478.

D. Termination of Dedication Requirement. The requirement of dedication shall automatically terminate unless, within thirty days after the city imposes the requirement, the school district makes a binding commitment to the subdivider agreeing to accept the dedication at any time before the construction of the first four hundred dwelling units. Upon acceptance of the dedication, the school district shall repay to the subdivider and/or successors the costs specified in Government Code Section 66478.

E. Reversion of Land, Repurchase. Should the school district find itself unable to accept the dedication for reasons other than specified in the commitment with the subdivider, the dedicated land shall revert to the subdivider. If the dedication is accepted and the school district within ten years from the date of acceptance offers the property or any substantial part thereof for public sale, the subdivider shall have the first option to repurchase the property for the price paid by the district, plus a sum equal to the amount of property taxes which would have been paid during the period of public ownership.

(Ord. 1121 § 1(part), 2008)

Chapter 16.40 - IMPROVEMENT PLANS AND AGREEMENTS

Sections:

16.40.010 - Improvement plans.

After the approval of a tentative map, the subdivider shall diligently proceed to complete any improvements necessary to fulfill the conditions of approval. Improvement shall be defined as any infrastructure including streets, storm drains, sewers, water facilities, utilities, site grading and similar items. Before the construction of any improvements, the subdivider shall submit plans to the city engineer as follows:

A. Preparation and Content. Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include the following information:
   1. Any drawings, specifications, calculations, design reports and other information required by the city engineer;
   2. Grading, drainage, erosion and sediment control;
   3. The improvement plan checking fees as set forth in the master fee schedule;
   4. The final map of the subdivision.

B. Submittal of Plans. The subdivider shall submit improvement plans to the city engineer and other reviewing agencies for review and action. Upon the approval of improvement plans in compliance with subsection C below, the subdivider shall also submit to the city engineer a detailed cost estimate of all improvements, based on guidelines provided by the city engineer.

C. Review and Action. The city engineer shall review and act on improvement plans within the time limits provided by Map Act Section 66456.2.

D. Effect of Approval. The subdivider shall obtain final approval of improvement plans before obtaining city approval of the parcel or final map. The approval of improvement plans shall not bind the city to accept the improvements nor waive any defects in the improvements as installed.

(Ord. 1121 § 1(part), 2008)

16.40.015 - Installation of improvements.

A. Timing of Improvements. The subdivider shall construct or install improvements only after obtaining city approval of improvement plans in compliance with Section 16.40.010(C) above, and before the approval of a parcel or final map except where:
   1. Improvements are deferred in compliance with Section 16.40.020; or
   2. Improvements are required as conditions of the approval of a subdivision of four or fewer lots, in which case construction of the improvements shall be required:
      a. Only when a permit for development of an affected parcel is issued by the director, or
      b. At the time the construction of the improvements is required in compliance with an agreement between the subdivider and the city, as set forth in Section 16.40.020, or
      c. At the time set forth in a condition of approval, when the city finds that fulfillment of the construction requirements by that time is necessary for public health and safety, or because the required construction is a necessary prerequisite to the orderly development of the surrounding area.

B. Inspection of Improvements. The construction and installation of required subdivision improvements shall occur as follows:
   1. Supervision. Before starting any work, the contractor engaged by the subdivider shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the city. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the city engineer shall be made for any emergency work that may be required.
   2. Inspection Procedures.

a. Inspections Required. The city engineer shall make any inspections as deemed necessary to ensure that all construction complies with the approved improvement plans. The developer shall pay the full cost of any contract inspection services determined to be necessary by the city engineer. The city shall collect an initial deposit and invoice the developer for inspection services at appropriate times during the period of construction of the improvements.

b. Access to Site and Materials. The city engineer shall have access to the work site at all times during construction, and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in compliance with the approved improvement plans.

c. Authority for Approval. The work done and all materials furnished shall be subject to the inspection and approval of the city engineer. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.

d. Improper Work or Materials. Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the city engineer. In the event that the city engineer determines that subdivision improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this title.

3. Notification. The subdivider shall notify the city engineer upon the completion of each stage of construction as outlined in this chapter, and shall not proceed with further construction until authorized by the city engineer.

(Ord. 1121 § 1(part), 2008)

16.40.020 - Improvement agreements and security.

A subdivider may file a parcel or final map before completion of all the improvements required by this title and conditions of approval of the tentative map, only when the subdivider first obtains council approval of a subdivision improvement agreement executed and submitted for council review by the subdivider and provides the city performance security as required by this section. Improvement agreements and required security shall also comply with Chapter 5 of the Map Act.

A. Contents of Improvement Agreement. A subdivision improvement agreement shall be submitted on a form provided by the city engineer and approved by the city attorney and shall include the following provisions:

1. Description of Improvements. A description of all improvements to be completed by the subdivider, with reference to the approved subdivision improvement plans.

2. Time Limit for Construction. A deadline within which all required improvements will be completed to the satisfaction of the city engineer.

3. Completion by City Option. A provision that if the subdivider fails to complete all required improvements within the specified time, the city may elect to complete the improvements and recover the full cost and expenses thereof from the subdivider or the surety, including any attorney and legal fees associated with enforcement of the agreement.

4. Surety Requirement. The requirement that the subdivider furnish security to insure full and faithful performance and to insure payment to laborers and material suppliers, as specified in subsection B of this section. The amount of surety shall be based on an engineer's cost estimate submitted by the subdivider as provided by Section 16.40.020. The total cost of improvements to be guaranteed shall be as provided in the approved engineer's cost estimate.

5. Phased Construction. Provisions for the construction of improvements in units, at the option of the subdivider, if applicable.

6. Time Extensions. Provisions for an extension of time under conditions specified therein, at the option of the subdivider, consistent with the requirements of subsection C of this section.

B. Security Required to Guarantee Improvements. A subdivision improvement agreement or a subdivision road maintenance and repair agreement shall be secured by adequate surety in a form approved as to form and sufficiency

by the city attorney, as follows:

1. Type of Security. Subdivision improvement agreements shall be secured by all of the following:
    a. A guarantee for "Faithful Performance" in the amount of one hundred percent of the engineer's estimate;
    b. A guarantee for "Materials and Labor" in the amount of one hundred percent of the engineer's estimate;
    c. A one-year guarantee and warranty for work in the amount of ten percent of the engineer's estimate.
2. Form of Security. The required surety shall consist of one or more of the following forms selected by the city engineer for the full amounts specified in subsection (B)(1) above.
    a. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for securing deposits of public moneys.
    b. A bond or bonds executed by one or more duly authorized corporate sureties;
    c. An instrument of credit from an agency of the state, federal, or local government when any said agency provides at least twenty percent of the financing for the act or agreement requiring security or from one or more financial institutions subject to regulation by the state or federal government pledging that funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or a letter of credit issued by such a financial institution;
    d. A lien upon the property to be divided, created by contract between the owner and the city, where the city finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map; or
    e. Any form of security, including security interests in real property, which is acceptable to the city.

C. Time Extensions. An extension of time for completion of improvements under a subdivision improvement agreement shall be granted by the council only as follows:
1. Public Works Report. The city engineer notifies the council that either the subdivider is proceeding to do the work required with reasonable diligence or is not yet ready to develop the subdivision, and has given satisfactory evidence of being able and willing to complete all required work within the time of the requested extension.
2. Agreement by Sureties. The sureties agree in writing to extend for the additional period of time at the original amount of the bond or other surety, or if recommended by the city engineer, at an increased amount.
3. Conditions of Approval. As a condition of granting a time extension, the council may impose whatever additional requirements the council deems reasonable to protect the public interest.

D. Acceptance of Improvements. Before acceptance for maintenance or final approval by the council of subdivision improvements, the city engineer shall verify that the improvement work has been completed in substantial compliance with the approved plans and specifications.

(Ord. 1121 § 1(part), 2008)

16.40.025 - Soils reports.

Soils reports shall be provided by the subdivider as required by this section.

A. Preliminary Soils Report Required. Concurrently with submitting its improvement plans, the subdivider shall submit to the city engineer and building official a preliminary soils report prepared by a registered civil engineer and based upon adequate test borings.
1. Form of Report. The preliminary soils report shall include a complete description of the site based on a field investigation of soils matters. The soils matters reviewed shall include stability, erosion, settlement, feasibility of construction of the proposed improvements, description of soils related hazards and problems and proposed methods of eliminating or reducing these hazards and problems.

The investigation and report shall include field investigation and laboratory tests with detailed information and recommendations relative to all aspects of grading, filling and other earthwork, foundation design, pavement design and subsurface drainage.

The report shall also recommend any required corrective action for the purpose of preventing structural damages to the subdivision improvements and the structures to be constructed on the lots. The report shall also recommend any special precautions required for erosion control, and the prevention of sedimentation or damage to off-site property.

If the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, would lead to structural defects, or environmental impacts, the city engineer may require the subdivider to submit a subsequent soils investigation of each parcel in the subdivision prior to approval of a parcel or final map.

2. Preliminary Soils Report Waiver. The preliminary soils report may be waived if the city engineer and the building official determine that existing available information on the qualities of the soils of the subdivision makes no preliminary analysis necessary.

B. Final Soils Report. The subdivider shall submit a final soils report prepared by a registered civil engineer.
   1. The report shall contain sufficient information to ensure compliance with all recommendations of the preliminary soils report and the specifications for the project.
   2. The report shall also contain information relative to soils conditions encountered which differed from that described in the preliminary soils reports, along with any corrections, additions or modifications not shown on the approved plans.

C. Geologic Investigation and Report. If the city engineer or building official determines that conditions warrant, a geologic investigation and report may also be required.

(Ord. 1121 § 1(part), 2008)

Chapter 16.44 - SURVEYS AND MONUMENTS

Sections:

The procedure and practice of all survey work done on any subdivision, whether for preparation of a final map or parcel map shall conform to the standard practices and principles of land surveying, the California Land Surveyor's Act, and the provisions of this chapter. All related documents shall be executed by a California-registered civil engineer authorized to do land surveying or licensed land surveyor. Whenever the city engineer has established a system of coordinates and/or monuments, which is within a reasonable distance of the subdivision boundary, as determined by the city engineer, the field survey, shall be tied into the system.

(Ord. 1121 § 1(part), 2008)

16.44.015 - Monuments.

In surveying a subdivision, the engineer or surveyor shall set sufficient permanent monuments so that any part of the survey may be readily retraced. Survey monuments shall be set by the engineer or surveyor for all new subdivisions requiring a parcel map or final map, unless waived by the city engineer, in compliance with this section.

A. Boundary Monuments.
   1. Boundary monuments shall be set on the exterior boundary of the subdivision at all corners, angle points, beginnings and ends of curves and at intermediate points approximately one thousand feet apart. The locations of inaccessible points may be established by ties and shall be so noted on the final map or parcel map.
   2. All exterior boundary monuments shall be set prior to recordation of the final map or parcel map or as certified on

the final map.

B. Interior Monuments. Whenever interior monuments are required, the monuments shall be set at:
   1. All block and lot corners and angle points;
   2. The beginnings and ends of curves;
   3. Points of intersection with centerlines of other existing and proposed streets and alleys; and
   4. The points of intersection with the exterior boundary lines.

C. Monument Type and Positioning. All monuments set in the course of the survey shall be as specified by the city engineer and shall be set to the depth and in the manner prescribed by the city engineer.

D. Identification Marks. All monuments shall be permanently and visibly marked or tagged with the registration or license number of the engineer or surveyor who signs the engineer's or surveyor's certificate and under whose supervision the survey is made.

E. Replacement of Destroyed Monuments. Any monument which is disturbed or destroyed before acceptance of all improvements by the city shall be replaced by the subdivider.

F. Timing of Monument Installation. The exterior boundary of the subdivision shall be completely monumented or referenced before the final map or parcel map is submitted to the city engineer for filing. Interior monuments need not be set at the time the final map or parcel map is filed if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes the city a bond, instrument of credit, or cash deposit in a sufficient amount to guarantee payment of the cost of setting the monuments in compliance with Map Act Section 66496.

G. Notice of Completion. Within five days after all monuments have been set, the engineer or surveyor shall give written notice to the subdivider and the city engineer that the final monuments have been set. Verification of payment to the engineer or surveyor shall be filed as required by Chapter 4, Article 9 of the Map Act. The cost of setting monuments shall be included in the engineer's estimate for improvements in compliance with Section 16.40.020. If requested, this amount of the bond may be released upon verification of the setting of the monuments by the city engineer.

H. Inspection and Approval. All monuments shall be subject to the inspection and approval of the city engineer.

(Ord. 1121 § 1(part), 2008)

16.44.020 - Survey information on final or parcel map.

The subdivider shall show the following survey information on each final map or parcel map for which a field survey was made in compliance with this title.

A. Stakes, monuments (together with their precise position) or other evidence found on the ground, to determine the boundaries of the subdivision;

B. Corners of all adjoining properties identified by lot and block numbers, subdivision names, numbers and pages of record, or by section, township and range, or other proper designation;

C. All information and data necessary to locate and retrace any point or line without unreasonable difficulty;

D. The location and description of any required monuments to be set after recordation of the final map, and the statement that they are "to be set";

E. Bearing and length of each lot line, block line and boundary line and each required bearing and distance;

F. Length, radius and angle of each curve and the bearing of each radial line to each lot corner on each curve;

G. The centerlines of any street or alley in or adjoining the subdivision which have been established by the city engineer, together with reference to a map showing the centerline and the monuments which determine its position. If determined by ties, that fact shall be so stated;

H. Any other survey data or information as may be required to be shown by the city engineer or by the provisions of this chapter.

(Ord. 1121 § 1(part), 2008)

Title 17 - ZONING

This title is intended for those provisions of the code which relate to the regulation of land use.

Chapter 17.01 - GENERAL PROVISIONS

17.01.010 - Title and short title.

This title shall also be known by its short title "the zoning ordinance."

(Ord. 822 § 1(part), 1989)

17.01.020 - Purpose.

The purpose of these regulations is to serve the public health, safety and general welfare by establishing zone districts designed to obtain the economic and social advantages resulting from the planned use of land, and by establishing those regulations of the use of land and improvements within the various districts which are deemed necessary to ensure that the growth and development of the city shall be orderly and proper for the maximum benefit of its citizens.

(Ord. 822 §1(part), 1989)

17.01.030 - Interpretation of title provisions.

A. When there is any question regarding the interpretation of the provisions of the zoning ordinance codified in this title, or its application to any specific case or situation, the planning commission shall have the authority to interpret the intent of the provisions of this title by written resolution, approved by a majority of its membership. Thereafter, such interpretation shall be followed in applying the provisions of this title unless the commission's interpretation is changed by the city council, on appeal.
B. An appeal of any planning commission interpretation must comply with the appeal procedures codified within this title. A majority vote of the whole council shall be required to change an interpretation made by the planning commission.

(Ord. 963 §1, 1995; Ord. 822 §1(part), 1989)

17.01.040 - Zone districts established.

In order to carry out the purpose and provisions of this title, the city is divided into the following zone districts:

Single-Family Residential Zone (R-1) (Ch. 17.08);

Multiple-Residential Zone (R-2) (Ch. 17.10);

Multiple-Residential Zone (R-3) (Ch. 17.12);

Commercial Zone (C) (Ch. 17.14);

Commercial-Manufacturing Zone (C-M) (Ch. 17.16);

Manufacturing Zone (M) (Ch. 17.18);

Public Facilities Zone (P-F) (Ch. 17.20).

(Ord. 822 §1(part), 1989)

17.01.050 - Official zoning map.

The location and boundaries of the zone districts established by Section 17.01.040 are set forth on the official zoning map of the city and which map, with all locations, references, and other information shown thereon is incorporated herein and set forth herein.

(Ord. 822 §1(part), 1989)

17.01.060 - Revision to, and amendment of the official zoning map.

All amendments and changes to the official zoning map adopted according to the provisions of this title shall be considered a part of these regulations and of the official zoning map at the time of the effective date of all changes and amendments. The city council may, from time to time, order revision of the official zoning map so as to include all changes to date. No changes shall be made to the map which have not been officially adopted according to the provisions of this title. The revised map shall become the official zoning map of the city and shall replace the preceding map.

(Ord. 822 §1(part), 1989)

17.01.070 - Interpretation of the official zoning map.

Where uncertainties exist as to the boundaries of any zone district indicated on the official zoning map, the following shall apply:

A. Street, alley, railroad right-of-way, water channel, or other right-of-way indicated on the official zoning map shall be included within the zone district of the adjoining property.
B. Where a street, alley, railroad right-of-way, water channel, or other right-of-way serves as a boundary between two or more zone districts, the centerline of the right-of-way or water channel shall be considered the zone district boundary.
C. Where uncertainty still exists, the planning commission shall, by written resolution, determine the location of the zone district boundary.
D. In the event that a vacated street, alley or other right-of-way has been the boundary between two or more zone districts prior to its vacation, the new zone district boundary shall be at the new property line. Where the vacation does not involve the establishment of a new property line, the new zone district boundary shall be fixed by written resolution of the planning commission.

(Ord. 822 §1(part), 1989)

17.01.080 - Repeal of Ordinance No. 182.

Ordinance Number 182, and all other ordinances amending said Ordinance No. 182, are hereby repealed. Subdivisions, plot plan conditional use permits, variances, and any other action approved by the city council and/or planning commission subject to the provisions of the Ordinance No. 182 and any amendments thereto, shall remain in full force and effect in accordance with the terms and conditions specified in the motions, resolutions or ordinances permitting them, except that uses made nonconforming by this title shall be subject to the provisions of Chapter 17.64.

(Ord. 822 §1(part), 1989)

17.01.090 - Severability of this title.

This title and the various sections, subsections, and clauses thereof, are declared to be severable. If any section, subsection, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the title shall not be affected thereby. The city council of the city hereby declares that it would have passed this title and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.

(Ord. 822 §1(part), 1989)

Chapter 17.04 - DEFINITIONS

17.04.010 - Generally.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended certain terms used herein are defined as follows:

A. Words used in the present tense include the future, the singular number includes the plural and the plural the singular.

B. The terms shall and will are imperative, the words can and may are permissive.

(Ord. 822 §1(part), 1989)

17.04.020 - Access.

"Access" means the place, or way, by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by zoning regulations.

(Ord. 822 §1(part), 1989)

17.04.030 - Accessory building.

An "accessory building" means a portion of the main building or a detached subordinate building located on the same lot, the use of which is customarily incident to that of the main building, or to the use of the land. Notwithstanding the foregoing, the term "accessory building" does not include second units. Where a substantial part of the wall of an accessory building is a part of the wall of the main building, or where the accessory building is attached to the main building in a substantial manner by a roof, such accessory building shall be considered as a part of the main building.

(Ord. 1051 §2, 2003: Ord. 822 §1(part), 1989)

17.04.040 - Accessory use.

An "accessory use" means a use incidental, appropriate, subordinate and devoted exclusively to the main use of the lot or building. Notwithstanding the foregoing, the use of a building as a second unit shall not constitute an "accessory use".

(Ord. 1051 §3, 2003: Ord. 822 §1(part), 1989)

17.04.050 - Adult.

"Adult" means persons eighteen years of age or older.

(Ord. 822 §1(part), 1989)

17.04.060 - Reserved.

(Ord. 1012 §1, 1999: Ord. 1010 §3, 1999: Ord. 822 §1(part), 1989)

17.04.070 - Alley.

An "alley" means a public way, other than a street or highway, permanently reserved as a primary or secondary means of vehicle access to adjoining property.

(Ord. 822 §1(part), 1989)

17.04.080 - Amendment.

"Amendment" means a change in the wording, content or substance of this title or an addition or deletion or a change in the zone boundaries or classifications upon the zoning map, when adopted by ordinance passed by the city council in the manner prescribed by law.

(Ord. 822 §1(part), 1989)

17.04.090 - Ancillary.

"Ancillary" shall mean the same as "accessory use."

(Ord. 822 §1(part), 1989)

17.04.100 - Apartment hotel.

An "apartment hotel" shall mean a building, or portion thereof, designed for or containing both individual guest rooms or suites of rooms and dwelling units.

(Ord. 822 §1(part), 1989)

17.04.110 - Apartment house.

An "apartment house" shall mean the same as "dwelling, multiple."

(Ord. 822 §1(part), 1989)

17.04.120 - Automobile dismantling yard.

"Automobile dismantling yard" means any lot or any portion of a lot used for the dismantling or wrecking of automobiles or other motor vehicles or trailers, or for the storage, sale, keeping for sale, or dumping of dismantled, partly dismantled, obsolete or wrecked motor vehicles or their parts, as a business, hobby or otherwise, other than the sale of used car parts within an enclosed building where no dumping is permitted. The presence on any lot or parcel of land of four or more motor vehicles which, for a period exceeding thirty days, have not been capable of being operated under their own power, and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence that such lot or portion thereof is an automobile dismantling yard.

(Ord. 822 §1(part), 1989)

17.04.130 - Automobile service station.

"Automobile service station" means any building or premises used primarily for the retail sale of gasoline and lubricants.

(Ord. 985 §1, 1997: Ord. 822 §1(part), 1989)

17.04.140 - Automobile and trailer sales lot.

"Automobile and trailer sales lot" means an open area used for the display, sales or rental of new or used automobiles and trailer coaches, but where no repair, repainting or remodeling is done.

(Ord. 822 §1(part), 1989)

17.04.150 - Automobile repair garage.

"Automobile repair garage" means a building, other than a private garage, used for the care, repair or equipment of automobiles or where such vehicles are parked or stored for remuneration, hire or sale.

(Ord. 822 §1(part), 1989)

17.04.160 - Automobile parking space.

"Automobile parking space" means an area, other than a street or an alley, reserved for the parking of an automobile.

(Ord. 822 §1(part), 1989)

17.04.170 - Automobile storage of nonoperating vehicles.

"Automobile storage of nonoperating vehicles" means the presence on any lot or parcel of land of one or more motor vehicles which for a period exceeding thirty days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of the storage of nonoperating motor vehicles. The storage of nonoperating motor vehicles shall not include automobile wrecking.

(Ord. 822 §1(part), 1989)

17.04.180 - Automobile trailer.

"Automobile trailer" means a vehicle with or without motive power, designed and constructed to travel on public thoroughfares or designed to be used for human habitation or for carrying persons or property or both including but not limited to trailer coaches, mobile homes, campers and similar vehicles.

(Ord. 822 §1(part), 1989)

17.04.190 - Automobile impound yard.

"Automobile impound yard" means any lot or parcel of land used for the storage of any motor vehicle which has been impounded under court order or any state law. An automobile impounding yard shall not include the dismantling, reuse or sale of motor vehicles or their parts.

(Ord. 822 §1(part), 1989)

17.04.200 - Authorized agent.

"Authorized agent" means anyone who has actual or ostensible authority to speak for or make presentations on behalf of the owner of any property. An authorized agent shall be responsible for any information or data which he presents to the city.

(Ord. 822 §1(part), 1989)

17.04.202 - Banners, advertising.

"Advertising banners" means advertising devices made from thin cloth, plastic, paper or other similar material which carry printed advertising copy used out of doors by commercial and industrial businesses, schools and churches to advertise special events and limited-time offers only.

(Ord. 1039 §1, 2002)

17.04.205 - Bar, beer.

"Beer bar" means any establishment which is regularly used and kept open for, and is in the business of serving, for monetary compensation, various alcoholic beverages, other than distilled spirits, to patrons comprised of the general public, and no food other than snack food such as peanuts, popcorn and pretzels are served. Live entertainment is not provided nor allowed.

(Ord. 1009 §1, 1999)

17.04.207 - Bar, full service.

"Full service bar" means any establishment which is regularly used and kept open for, and in the business of serving, for monetary compensation, alcoholic beverages, including distilled spirits, to patrons comprised of the general public, and no food other than snack food such as peanuts, popcorn and pretzels are served. Live entertainment is not provided nor allowed.

(Ord. 1009 §2, 1999)

17.04.210 - Basement.

A "basement" means one or more stories wholly or partly underground. A basement shall be counted as a story for the purpose of height measurement if:

A. Over five feet of its height is above the average level of the adjoining ground; or,

B. Uses conducted therein are chargeable for parking.

(Ord. 822 §1(part), 1989)

17.04.215 - Beverage lounge.

"Beverage lounge" means any establishment including, but not limited to, coffee houses, tea houses, juice bars and any similar establishment which, as its principal business, sells, offers for sale, or provides to patrons, nonalcoholic beverages for consumption on, or within the premises with or without live entertainment, and is not a donut shop, ice cream parlor, bakery, delicatessen, or full-service or fast-food restaurant or similar establishment.

(Ord. 918 §1, 1992)

17.04.220 - Billboard.

"Billboard" means the same as "off-site sign."

(Ord. 822 §1(part), 1989)

17.04.230 - Block.

"Block" means all property fronting upon one side of the street between intersecting and/or intercepting streets, or between a street and a right-of-way, waterway, dead-end of a street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

(Ord. 822 §1(part), 1989)

17.04.240 - Boarding home.

A "boarding home" means the same as a "foster home."

(Ord. 822 §1(part), 1989)

17.04.250 - Boarding or roominghouse.

A "boarding" or "roominghouse" means a building containing a single dwelling unit and not more than ten guest rooms where lodging is provided with or without meals, for compensation. A boarding or roominghouse shall not include rest homes, nursing homes, boarding homes, or homes for the aged.

(Ord. 822 §1(part), 1989)

17.04.260 - Building.

"Building" means a permanently located structure having a roof supported by walls or columns; provided, however, that no form of tent or vehicle shall be considered a building. Where this title requires that a use shall be entirely enclosed within a building, it must meet the qualifications of the definition of Section 17.04.280. The word "building" shall include the word "structure."

(Ord. 822 §1(part), 1989)

17.04.270 - Building code.

"Building code" means the building code of the city.

(Ord. 822 §1(part), 1989)

17.04.280 - Building, completely enclosed.

"Completely enclosed building" means a building enclosed by a permanent roof and on all sides by solid exterior walls pierced only by windows and customary entrance and exit doors.

(Ord. 822 §1(part), 1989)

17.04.290 - Building height.

"Building height" means the vertical distance measured from the adjoining curb level to the highest point of the building, exclusive of chimneys and ventilators and other exceptions to the building height permitted by these regulations; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

(Ord. 822 §1(part), 1989)

17.04.300 - Carport.

A "carport" means a permanently roofed structure with not more than two enclosed sides, used for automobile shelter and storage.

(Ord. 822 §1(part), 1989)

17.04.310 - City.

"City" means the city of South El Monte as the same now exists or may hereafter exist.

(Ord. 822 §1(part), 1989)

17.04.320 - City council.

"City council" means the city council of the city of South El Monte.

(Ord. 822 §1(part), 1989)

17.04.330 - Clinic, dental or medical.

"Dental or medical clinic" means a building or group of buildings which a group of physicians, and/or dentists and professional assistants allied therewith are associated for the purpose of carrying on their profession and providing group medical services. The clinic may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.

(Ord. 822 §1(part), 1989)

17.04.340 - Club house.

"Club house" means the building or group of buildings of an association of persons (whether or not incorporated) for the promotion of some nonprofit common interest and holding meetings or functions periodically which are limited to members and guests. It does not include groups organized primarily to render a service which is customarily carried on as a business.

(Ord. 822 §1(part), 1989)

17.04.350 - Conditional use.

"Conditional use" means a use of land for which a conditional use is required by this title.

(Ord. 822 §1(part), 1989)

17.04.360 - Contractor's equipment yard.

"Contractor's equipment yard" means any facility, building or premises used for the conduct of a business involved primarily with the rendition of contractor's services and the use or storage of trucks, trailers, semi-trailers, cranes, hoists, storage tanks, large timbers or beams, or similar equipment or the storage of construction or maintenance materials or supplies, but excluding any such equipment or materials when used as an incidental to a primary use lawfully conducted on the premises and stored thereon in accordance with all applicable provisions of this title.

(Ord. 822 §1(part), 1989)

17.04.370 - Convalescent home.

"Convalescent home" means the same as "rest home."

(Ord. 822 §1(part), 1989)

17.04.380 - County.

"County" means the county of Los Angeles.

(Ord. 822 §1(part), 1989)

17.04.385 - Dancing, public.

"Public dancing" means any occurrence of dancing or dance movements by persons other than professional or amateur performers when such dancing occurs in any bar, tavern, restaurant, or nightclub. Any occurrence of dancing or dance movements by professional or amateur performers for the entertainment of the patrons of any bar, tavern, restaurant, or nightclub as defined in this chapter shall be deemed "entertainment, live" as defined by Section 17.04.465 of these regulations. These regulations shall not apply to any duly licensed public or private school providing dance instruction to students.

(Ord. 1009 §7, 1999)

17.04.390 - Day care facility.

"Day care facility" means a location where children less than eighteen years of age are given care, protection and supervision in the care giver's home for periods of less than twenty-four hours per day, while the parents or guardians are away.

(Ord. 822 §1(part), 1989)

17.04.400 - Dormitory.

A "dormitory" means a building containing rooms designed, intended or occupied as sleeping quarters for two or more persons.

(Ord. 822 §1(part), 1989)

17.04.410 - Duplex.

A "duplex" means the same as "dwelling, two-family."

(Ord. 822 §1(part), 1989)

17.04.420 - Dwelling.

A "dwelling" means a building or portion thereof, designed exclusively for residential occupancy, including one family, two-family, and multiple dwellings, but not including hotels, boarding or rooming-houses, or dormitories.

(Ord. 822 §1(part), 1989)

17.04.430 - Dwelling, multiple.

A "multiple dwelling" means a detached building designed and used for occupancy by three or more families, each living independently of the others and each having separate kitchen facilities.

(Ord. 822 §1(part), 1989)

17.04.440 - Dwelling, single-family.

A "single-family dwelling" means a detached building designed or used exclusively for occupancy by one family and having a kitchen facility for only one family.

(Ord. 822 §1(part), 1989)

17.04.450 - Dwelling, two-family.

A "two-family dwelling" means a building designed or used exclusively for the occupancy by two families, living independently of each other and having separate kitchen facilities for each family. The term "two-family dwelling" shall include the term "duplex."

(Ord. 822 §1(part), 1929)

17.04.460 - Dwelling unit.

"Dwelling unit" means two or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living or sleeping purposes and having only one kitchen.

(Ord. 822 §1(part), 1989)

17.04.463 - Efficiency unit.

"Efficiency unit" means a separate living space with a minimum floor area of one hundred fifty square feet which contains partial kitchen or bathroom facilities.

(Ord. 1051 §4, 2003)

17.04.465 - Entertainment, live.

For purposes of Sections 17.14.040 and 17.16.040, "live entertainment" means any performance by any person or animal that takes place within or upon the premises of any business for the purpose of entertaining the patrons of said business.

(Ord. 918 §4, 1992)

17.04.470 - Family.

"Family" means a reasonable number of persons living together as a single housekeeping unit in a dwelling unit.

(Ord. 822 §1(part), 1989)

17.04.480 - Family care or community care facility.

A "family care or community care facility" means a facility which provides resident services in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision in accordance with their individual needs. This category includes foster or boarding homes for children, group homes, and family homes. "Family or community care facilities" shall be subject to the following conditions:

A. Such facilities shall be permitted only in dwelling units licensed by the state, county or other jurisdiction so authorized;
B. That there be no undue concentration of such facilities in any block or neighborhood when such concentration would become materially detrimental to the public health or safety or to the aims and goals of the program;
C. That the use be so operated as not to constitute a public nuisance.

(Ord. 822 §1(part), 1989)

17.04.485 - Flags, advertising.

"Advertising flags" means advertising devices made from thin cloth, plastic, paper or other similar material that do not carry printed advertising copy, but are used to attract the attention of potential customers to the specific location where the flags are displayed. The use of advertising flags shall be limited to businesses engaged in the outdoor sale of motor vehicles and watercraft.

(Ord. 1039 §2, 2002)

17.04.490 - Foster home (six or fewer children).

A "foster home (six or fewer children)" shall means a family size facility licensed by the county welfare agency to provide care and supervision of children in a family setting.

(Ord. 822 §1(part), 1989)

17.04.500 - Foster home (seven or more children).

A "foster home (seven or more children)" means a group care facility licensed by the county welfare agency or by the state of California to provide care and supervision of children in a group setting.

(Ord. 822 §1(part), 1989)

17.04.510 - Frontage.

"Frontage" means the distance measured along a front line adjoining a street or a side lot line on the street side of a corner lot.

(Ord. 822 §1(part), 1989)

17.04.520 - Garage, private.

"Private garage" means an accessory building or an accessory portion of a main building not including carports, designed or used only for the shelter or storage of operating motor vehicles owned or operated by the occupants of the main building.

(Ord. 822 §1(part), 1989)

17.04.530 - Garage, public.

"Public garage" means any garage other than a private garage used only for the shelter or storage of operating motor vehicles, and/or for the care, repair, equipping, hire or sale of such vehicles.

(Ord. 822 §1(part), 1989)

17.04.535 - Garage sale.

"Garage sale" means a garage, yard, patio or similar type sale held in a residential zone for the purpose of disposing of personal property.

(Ord. 889 §1, 1990)

17.04.540 - Grade.

"Grade" means the average of the finished ground level at the center of all exterior walls of a building. In case the walls are parallel to and within five feet of a sidewalk, the aboveground level shall be measured at the sidewalk.

(Ord. 822 §1(part), 1989)

17.04.550 - Hospital.

"Hospital" means any facility licensed by the State Department of Public Health specializing in providing clinical, temporary or emergency services of a medical or surgical nature to patients or injured persons.

(Ord. 822 §1(part), 1989)

17.04.560 - Hotel.

"Hotel" means an establishment containing a minimum of fifty guest rooms or suites, designed or used primarily for transient occupancy and for which no provision is made for cooking in any individual guest room or suite. A hotel usually provides meals for the public through an on-site restaurant and also provides for various personal services for the guests.

(Ord. 822 §1(part), 1989)

17.04.570 - Home occupation.

"Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof. A day care facility shall not be a home occupation for the purpose of this code.

(Ord. 822 §1(part), 1989)

17.04.575 - Inflatable device, advertising.

Inflatable advertising device" shall mean any device of any size and shape, inflated by air, hot air, gas or any other substance, and is attached to the ground or anything on the ground, and is used to advertise any event, product or service.

(Ord. 1039 §3, 2002)

17.04.580 - Junk.

"Junk" means any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some reuse. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new shall be considered junk.

(Ord. 822 §1(part), 1989)

17.04.590 - Junk yard.

"Junk yard" means any lot or the use of any portion of a lot where scrap, waste, discarded or salvage materials are bought, sold, exchanged, baled, packed, disassembled, handled or stored, including automobile wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvage house wrecking and structural steel materials and equipment. "Junk yard" does not include pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged material incidental to manufacturing operations conducted on the premises.

(Ord. 822 §1(part), 1989)

17.04.600 - Kennel.

"Kennel" means any lot, building, structure or premises upon or in which two or more dogs or cats over four months of age are kept for sale or for breeding purposes or are boarded or trained for hire, or where four or more weaned dogs or cats are kept, maintained or permitted for any reason or purpose, whether commercial, noncommercial or otherwise.

(Ord. 822 §1(part), 1989)

17.04.610 - Kitchen.

"Kitchen" means any room designed, used or maintained for cooking or preparation of food.

(Ord. 822 §1(part), 1989)

17.04.620 - Landscaping.

"Landscaping" means the planting and maintenance of some combination of trees, shrubs, vines, ground cover, flowers or lawn. In addition, the combination or design may include natural features such as rocks, and stone, and structural features including, but not limited to, fountains, reflecting pools, art works, screens, fences and benches.

(Ord. 822 §1(part), 1989)

17.04.630 - Loading space.

"Loading space" means an off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

(Ord. 822 §1(part), 1989)

17.04.640 - Lot.

"Lot" means a parcel of land occupied, or to be occupied, by a building or group of buildings and accessory buildings, together with such yards, open spaces, lot width, and lot area as required by the provisions of this title and having frontage upon a public street or a place approved by the commission. The word "lot" shall include the words parcel or plot.

(Ord. 822 §1(part), 1989)

17.04.650 - Lot area.

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

(Ord. 822 §1(part), 1989)

17.04.660 - Lot, corner.

A "corner lot" means a lot abutting upon two or more streets at their intersection or junction.

(Ord. 822 §1(part), 1989)

17.04.670 - Lot depth.

"Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

(Ord. 822 §1(part), 1989)

17.04.680 - Lot, interior.

An "interior lot" means a lot other than a corner, reversed corner or key lot.

(Ord. 822 §1(part), 1989)

17.04.690 - Lot, key.

A "key lot" means the first lot immediately to the rear of a reversed corner lot and not separated by an alley.

(Ord. 822 §1(part), 1989)

17.04.700 - Lot line, front.

A "front lot line" means the line separating the lot from the street, in the case of an interior lot, and the line separating the narrowest street frontage of the lot from the street in the case of a corner lot.

(Ord. 822 §1(part), 1989)

17.04.710 - Lot line, rear.

A "rear lot line" means the lot line which is opposite and most distant from the front lot line.

(Ord. 822 §1(part), 1989)

17.04.720 - Lot line, side.

A "side lot line" means any lot line not a front lot line or a rear lot line.

(Ord. 822 §1(part), 1989)

17.04.730 - Lot, reversed corner.

A "reversed corner lot" means a corner lot, the street side of which is substantially a continuation of the front lot line of the first interior lot to its rear.

(Ord. 822 §1(part), 1989)

17.04.740 - Lot, through.

A "through lot" means a lot having frontage on two parallel or approximately parallel streets.

(Ord. 822 §1(part), 1989)

17.04.750 - Lot width.

"Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(Ord. 822 §1(part), 1989)

17.04.760 - Manufacture.

"Manufacture" means to assemble, fabricate, compound, process, treat or remanufacture.

(Ord. 822 §1(part), 1989)

17.04.765 - Manufactured home.

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" shall also include any structure that meets all the requirements of this paragraph except the size requirements if the manufacturer of the structure complies with the statutory certification requirements for manufactured homes and the standards set forth for manufactured homes in the California Health and Safety Code.

(Ord. 1051 §5, 2003)

17.04.770 - Maintenance.

"Maintenance" means that work on equipment and vehicles necessary to keep it in normal operating condition. Maintenance includes such things as fueling, changing engine belts, replacement of worn or damaged tires, and minor tune-ups.

(Ord. 822 §1(part), 1989)

17.04.775 - Market, outdoor.

"Outdoor market" means any meeting or assembly where persons are permitted or invited to offer new or used merchandise, articles or things of value for sale or exchange on premises other than their own which are made available at certain times for such sales or exchanges. This definition shall not apply to occasional fundraising activities by public and private schools, churches and other not-for-profit charitable organizations.

(Ord. 978 §1, 1996)

17.04.777 - Massage establishment.

"Massage establishment" means any fixed or mobile location where massage is performed for compensation, including, but not limited to, those businesses that provide massage services accessory to their principal permitted use. Such a business includes but is not limited to an aromatherapist, acupuncturist, chiropractor, beauty salon, health club, beach club, skin care salon, and day spa. The term "massage establishment" or "establishment" includes a sole proprietor, an independent contractor, and any certified massage practitioner or therapist performing massage in the city without being employed by another massage establishment.

(Ord. No. 1195, § 6, 2-24-2015)

17.04.780 - Motel.

"Motel" means an establishment containing a maximum of forty-nine guest rooms or suites, designed or used primarily for transient occupancy and for which no provision is made for cooking in any individual guest room or suite. A motel usually provides meals for the public through an on-site restaurant and also provides for various personal services for the guests.

(Ord. 822 §1(part), 1989)

17.04.790 - Mobile home.

A "mobile home" means a manufactured home, as that term is defined in Section 17.04.765.

(Ord. 1051 §6, 2003: Ord. 822 §1(part), 1989)

17.04.795 - Nightclub.

"Nightclub" means any establishment, which is regularly used and kept open at any time of the day or night, for the business of serving for monetary compensation, alcoholic beverages to patrons comprised of the general public. Live entertainment is allowed by permit and may be provided. Food is not served to patrons.

(Ord. 1009 §3, 1999)

17.04.797 - Nightclub, private.

"Private nightclub" means any establishment, which is regularly used and kept open, at any time of the day or night, for the serving of alcoholic beverages and food. Live entertainment is allowed by permit and may be provided. Said establishment is maintained for the sole use and benefit of its members and guests of the members. The premises are not open to the general public.

(Ord. 1009 §4, 1999)

17.04.800 - Nonconforming building.

A "nonconforming building" means a building or structure lawfully existing on the effective date of the regulations codified in this title but which would be prohibited, regulated, or restricted under the terms of these regulations or future amendment.

(Ord. 822 §1(part), 1989)

17.04.810 - Nonconforming use.

A "nonconforming use" means a use which lawfully occupied a building or land on the effective date of the regulations codified in this title but which would be prohibited, regulated, or restricted under the term of these regulations or future amendment.

(Ord. 822 §1(part), 1989)

17.04.820 - Nonprofit social service organization.

A "nonprofit social service organization" means an organization which is incorporated under the laws of the state, has a nonpaid board of directors and which provides, on a nonresidence basis, social services to the general public on an ability to pay, or nonpayment basis. These services may include, but are not limited to, employment counseling, family counseling, recreation, employment training, retraining, youth activities, aid to disadvantaged or handicapped persons, emergency aid or disaster relief, drug abuse or alcohol addiction counseling, senior citizens' activities, and education and rehabilitation facilities.

(Ord. 822 §1(part), 1989)

17.04.830 - Nursery, child care.

"Child care nursery" means a building, facility or premises used for the supervision and care, for a consideration, of five or more children not related by blood or marriage to the person providing the care, and shall include nursery schools and day camps.

(Ord. 822 §1(part), 1989)

17.04.840 - Outdoor advertising structure.

"Outdoor advertising structure" shall mean the same as "sign structure."

(Ord. 822 §1(part), 1989)

17.04.850 - Parcel of land.

"Parcel of land" means any contiguous quantity of land, in the possession of, owned by, or recorded and assessed by the county assessor as the property of the same claimant or person.

(Ord. 822 §1(part), 1989)

17.04.860 - Parking space, automobile.

"Automobile parking space" shall mean a space within a building or on a lot for the parking or temporary storage of one automobile with adequate provision for ingress and egress by an automobile of standard size.

(Ord. 822 §1(part), 1989)

17.04.870 - Person.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(Ord. 822 §1(part), 1989)

17.04.880 - Porte cochere.

"Porte cochere" means a roof-like attachment to a building, used primarily for the protection and convenience of loading and unloading passengers or materials.

(Ord. 822 §1(part), 1989)

17.04.885 - Public convenience and necessity.

"Public convenience and necessity," when applied to the issuance of permits for the sale of alcoholic beverages pursuant to Section 23958.4(b)(2) of the Business and Professions Code, means that the issuance of the license for the off-sale of alcoholic beverages will allow the holder of that license to offer, or provide, a service or product to the general public that is not reasonably accessible, or sufficiently provided, within a specific geographic area of reasonable proportions.

(Ord. 1009 §8, 1999)

17.04.890 - Public utility facility.

A "public utility facility" means, but is not be limited to, an assembly of materials and equipment, including the buildings and structures necessary for the provision of electricity, telephone, cable television, water and gas for general consumer use.

(Ord. 822 §1(part), 1989)

17.04.900 - Quasi-public use.

"Quasi-public use" means a use conducted by a private nonprofit educational, religious, recreational, charitable or medical institution, the use having the purpose primarily of serving the general public, and including uses such as churches, private schools and universities, private hospitals, youth centers and similar uses.

(Ord. 822 §1(part), 1989)

17.04.910 - Restaurant, drive-in and walkup.

"Drive-in restaurant" and "walkup restaurant" mean an establishment which, on a regular basis, is open for the serving of meals to patrons for compensation, from a limited menu, at which orders and food are taken and provided at a counter serving primarily take out food or any full-service restaurant with a drive-in or walkup counter or window.

(Ord. 822 §1(part), 1989)

17.04.920 - Restaurant, full service.

"Full-service restaurant" means an establishment which, on a regular basis, is open for the serving of meals to patrons for compensation and which has adequate kitchen facilities suitable for the preparation of a variety of complete cooked meals, over and beyond such foods as sandwiches or salads and at which orders are taken and meals are served at the tables by employees of the restaurant.

(Ord. 822 §1(part), 1989)

17.04.925 - Restaurant with alcohol.

"Restaurant with alcohol" means any establishment, which is regularly used, kept open for, and in the business of, serving meals for monetary compensation to patrons comprised of the general public. Said premises shall have suitable kitchen facilities connected therewith for the preparation of a variety of complete cooked meals over and beyond such foods as sandwiches or salads. As an ancillary use to the serving of meals to patrons, alcoholic beverages of any type may be served and consumed on the premises, either at the tables with food or at a bar, or both. Live entertainment is allowed by permit and may be provided. Any facility which satisfies the forgoing criteria for a restaurant with alcohol, but which also has area(s) designated for use other than food preparation and consumption such as a bar/lounge area, billiards, pool tables, dart boards, etc. which total in excess of ten percent of the total gross floor area shall be deemed a tavern.

(Ord. 1009 §5, 1999)

17.04.930 - Rest home.

"Rest home" means a building or a group of buildings which provides nursing, dietary and/or other personal services rendered to convalescents, invalids or aged persons, but excludes cases of contagious, communicable diseases, and excluding surgery or primary treatment, such as are customarily provided in sanitariums, hospitals and mental institutions.

(Ord. 822 §1(part), 1989)

17.04.940 - Retail stores.

"Retail store" means a business selling goods, wares or merchandise directly to the ultimate consumer.

(Ord. 822 §1(part), 1989)

17.04.950 - Ringelmann chart.

"Ringelmann chart" means a chart which is described in the U.S. Bureau of Mines Information Circular 7718, and on which are illustrated graduated shades of grey for use in estimating the light-obscuring capacity of particular smoke.

(Ord. 822 §1(part), 1989)

17.04.960 - Roominghouse.

"Roominghouse" means the same as "boardinghouse."

(Ord. 822 §1(part), 1989)

17.04.970 - Salvage yard.

"Salvage yard" means any lot or the use of any portion of any lot where scrap, waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled or stored, including automobile wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations conducted on the premises.

(Ord. 822 §1(part), 1989)

17.04.975 - Second unit.

"Second unit" means an attached or a detached residential dwelling unit that 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 a single-family dwelling. "Second unit" also includes efficiency units and manufactured homes.

(Ord. 1051 §7, 2003)

17.04.980 - Section.

"Section" means any portion of this title immediately preceded by figures commencing with the number "17."

(Ord. 822 §1(part), 1989)

17.04.990 - Service stations.

"Service station" means the same as "automobile service station."

(Ord. 822 §1(part), 1989)

17.04.1000 - School.

A "school" means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the education code of the state. A school may be either publicly or privately operated.

(Ord. 822 §1(part), 1989)

17.04.1010 - School, trade or vocational.

A "trade or vocational school" means private schools offering preponderant instruction in the technical, commercial or trade skills, such as real estate schools, beauty colleges, business colleges, electronic schools and similar commercial establishments.

(Ord. 822 §1(part), 1989)

17.04.1020 - Sign.

The word "sign" means a name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects without lettering placed behind a store window are not signs or parts of signs for the purposes of these regulations.

(Ord. 822 §1(part), 1989)

17.04.1030 - Sign, flashing.

"Flashing sign" means any sign having an intermittent variation in the illumination of less than two hours duration.

(Ord. 822 §1(part), 1989)

17.04.1035 - Sign, gateway.

"Gateway sign" means a sign which announces or advertises the entrance to the city and is located on private property at, or near, one of several specified locations within the city. Such signs may also advertise businesses, goods and services located on the same property with the sign.

(Ord. 940 §1, 1993)

17.04.1040 - Sign, illuminated.

"Illuminated sign" means any sign designed to emit or brightly reflect artificial light.

(Ord. 822 §1(part), 1989)

17.04.1050 - Reserved.

(Ord. 1012 §2, 1999: Ord. 1010 §4, 1999: Ord. 822 §1(part), 1989)

17.04.1060 - Reserved.

(Ord. 1012 §3, 1999: Ord. 1010 §5, 1999: Ord. 822 §1(part), 1989)

17.04.1070 - Street.

"Street" means a public thoroughfare or right-of-way dedicated, deeded or condemned for public use and which affords the principal means of access to abutting property.

(Ord. 822 §1(part), 1989)

17.04.1080 - Storage yard.

"Storage yard" means any open space upon which is stored or placed for any length of time, as a primary use of the land, any goods, wares, merchandise, finished products, materials in process, equipment or supplies of any kind, but excluding the storage or placing of any of the foregoing items solely as a use secondary to a lawful primary use conducted on the property, provided that the storage or placement of such items complies with every applicable provision of the city code.

(Ord. 822 §1(part), 1989)

17.04.1090 - Story.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. That portion of a building between a floor and the floor above, more than fifty percent of the volume of which is below grade, shall not be considered a story unless chargeable for parking.

(Ord. 822 §1(part), 1989)

17.04.1100 - Structure.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

(Ord. 822 §1(part), 1989)

17.04.1110 - Structure, sign.

A "sign structure" means any structure which supports, or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

(Ord. 822 §1 (part), 1989)

17.04.1120 - Subsection.

"Subsection" means any division within any numbered section of this title.

(Ord. 822 §1(part), 1989)

17.04.1130 - Swap meet.

"Swap meet" means the same as "market, outdoor."

(Ord. 978 §2, 1996: Ord. 822 §1(part), 1989)

17.04.1140 - To place.

The verb "to place" and any of its variants, as applied to sign and sign structures means and include maintaining, erecting, constructing, posting, painting, printing, nailing, gluing, otherwise fastening, affixing, or making visible in any manner.

(Ord. 822 §1(part), 1989)

17.04.1150 - Trailer.

"Trailer" means the same as "automobile trailer."

(Ord. 822 §1(part), 1989)

17.04.1160 - Trailer park.

"Trailer park" means any area or tract of land intended, maintained, used or designed for the purpose of supplying a location or accommodation for two or more automobile trailers for human habitation, including all buildings used or intended for use as part of the equipment of such facility, whether or not a charge is made for such use, including "trailer camp," "trailer court," "mobile home park," and similar terms. (Ord 822 §1(part), 1989)

17.04.1170 - Truck terminal.

"Truck terminal" means any facility, building or premises used or improved for use for the storage, maintenance, repair or servicing of trucks, trailers, semi-trailers or similar transportation equipment or used primarily in connection with the transportation, transfer or storage of goods, wares or merchandise whether or not such use is conducted outside of or within an enclosed building, but excluding the storage, maintenance, repair or servicing of any such transportation equipment or the storage of goods, wares and merchandise solely as an incident to a conduct of a primary use permitted and lawfully conducted by the owner thereof on such premises.

(Ord. 822 §1(part), 1989)

17.04.1180 - Unimproved.

"Unimproved" means any lot or parcel of land recorded by the county assessor, not used, employed or legally built upon prior to July 30, 1958.

(Ord. 822 §1(part), 1989)

17.04.1190 - Usable open space.

"Usable open space" means any usable area designated for and to be used for outdoor living, recreation, or landscaping on the ground or unenclosed balcony, or approved roof deck, and may include patios and deck areas of swimming pools and rear yards. No portion of required front yards and side yards, off-street parking space or driveways shall constitute usable open space.

(Ord. 822 §1(part), 1989)

17.04.1200 - Use.

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

(Ord. 822 §1(part), 1989)

17.04.1210 - Variance.

"Variance" means a waiver of specific regulations of this title, granted by the city in accordance with the provisions set forth in this title, for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone.

(Ord. 822 §1(part), 1989)

17.04.1220 - Warehouse.

"Warehouse" means a building or portion of a building used for the deposit of personal property for storage, redistribution, or for sale at wholesale or at mail order and where no retail operation is conducted.

(Ord. 822 §1(part), 1989)

17.04.1230 - Wholesale.

"Wholesale" means sale or resale and not for direct consumption.

(Ord. 822 §1(part), 1989)

17.04.1240 - Wrecking yard.

"Wrecking yard" means the same as "automobile dismantling yard."

(Ord. 822 §1(part), 1989)

17.04.1250 - Yard.

"Yard" means an open space on a lot, unoccupied and unobstructed from the ground upward.

(Ord. 822 §1(part), 1989)

17.04.1260 - Yard, front.

A "front yard" means a yard 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 thereto on the lot located at the distance prescribed by the regulations of the zone district in which the property is located.

(Ord. 822 §1(part), 1989)

17.04.1270 - Yard, rear.

A "rear yard" means a yard 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 the main building toward the nearest point of the rear lot line.

(Ord. 822 §1(part), 1989)

17.04.1280 - Yard, side.

A "side yard" means a yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line toward the nearest point of the main building.

(Ord. 822 §1(part), 1989)

17.04.1290 - Zone.

"Zone" means an area of land shown on the official zoning map or described in this title within which uniform regulations for the uses and development of land are made applicable by this title and shall include "district," "zone district" and "zoning district."

(Ord. 822 §1(part), 1989)

17.04.1300 - Zone change.

"Zone change" means the legislative act of amending this title by removing an area of land from one zone district and placing it in another zone district on the official zoning map.

(Ord. 822 §1(part), 1989)

Chapter 17.08 - SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

17.08.010 - Intent and purpose.

The single-family residential zone (R-1) is designed to provide for conservation and development of stable, attractive single-family residential neighborhoods, protected from encroachment by uses which may be detrimental to the enjoyment of property rights.

(Ord. 822 §1(part), 1989)

17.08.020 - Permitted uses.

No building or structure shall be erected, reconstructed or structurally altered or enlarged nor shall any building, structure or land be used for any purpose except as allowed by this chapter.

(Ord. 822 §1(part), 1989)

17.08.030 - Principal permitted uses.

Principal permitted uses in the single-family residential zone are:

A. Single-family dwellings;

B. Accessory buildings and uses, including private garages, recreation rooms, patios, private swimming pools, vegetable and flower gardens, and ground-mounted satellite antennae. Accessory uses and buildings shall be subject to development standards contained in Chapters 17.24 through 17.58;

C. Community care facilities as defined in the health and safety code, which serve six persons or fewer;

D. Small day care facilities for not more than eight children;

E. Home occupation permits in accordance with the provisions of Chapter 17.76;

F. Each mobile home and trailer designed and used for residential occupancy located within a mobile home park legally established prior to January 1, 1980. The development standards set forth in the applicable sections of Chapter 17.42 that are applicable to mobile home sites and structures within mobile home parks shall apply to each mobile home and trailer permitted by this Section. Each such mobile home park legally established prior to January 1, 1980 shall comply with the provisions of Chapter 17.42;

G. Second units, pursuant to the requirements of Chapter 17.38;

H. One additional single-family dwelling provided that the lot contains a minimum of ten thousand square feet of lot area and provided that all setbacks, lot coverage limitations and parking requirements can be met.

I. Emergency, transitional and supportive housing.

(Ord. 1063 §1, 2004; Ord. 1051 §8, 2003; Ord. 984 §1, 1996; Ord. 822 §1(part), 1989)

(Ord. No. 1183, § 1.a., 5-13-2014)

17.08.040 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with Chapter 17.68:

Large day care facilities accommodating not more than fourteen children; provided, that the operator is licensed by the appropriate governmental agencies, and provided that such use is subject to location approval by the planning commission and to development standards contained in Chapters 17.24 through 17.58.

(Ord. 1063 §2, 2004: Ord. 1051 §9, 2003; Ord. 822 §1(part), 1989)

17.08.050 - Ancillary uses.

The following ancillary uses are allowed:

Household pets, provided that no combination of more than three adult dogs or cats, and their litter up to ten weeks of age may be maintained, and provided further that no animal generally regarded as obnoxious or dangerous may be maintained.

(Ord. No. 1081, § 1, 1-24-2006; Ord. 889 §2, 1990: Ord. 822 §1(part), 1989)

17.08.060 - Prohibited uses.

The following uses are prohibited in the single-family residential zone (R-1):

A. Two-family dwellings (duplexes) (except for single-family dwellings with attached second units meeting the requirements of Chapter 17.38) and three-family dwellings (triplexes);

B. Multiple dwellings (including mobile home parks);

C. Schools, public or private;

D. Churches;

E. Commercial uses except as permitted in Sections 17.08.030 and 17.08.040;

F. Agricultural uses including, but not limited to, commercial truck farming, stables, kennels, catteries and aviaries or the bree raising of any domestic farm animal including chickens, ducks or geese;

G. Industrial uses;

H. Conversion of garages to any other use than for vehicle parking unless a replacement garage is provided on the site;

I. Metal buildings as defined in Chapter 17.56 of these regulations;

J. Massage establishment.

(Ord. 1051 §10, 2003; Ord. 822 §1(part), 1989)

(Ord. No. 1195, § 7, 2-24-2015)

17.08.070 - Property development standards—Generally.

The following standards shall apply to uses within the R-1 zone; provided, that large day care facilities and second units shall be subject to the additional development standards contained in Chapters 17.24 through 17.58, and provided further that any lot or parcel which is substandard in width, depth or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the R-1 zone district regulations.

(Ord. 822 §1(part), 1989)

17.08.080 - Densities.

Densities are one to eight dwelling units per acre.

(Ord. 822 §1(part), 1989)

17.08.090 - Minimum lot area.

Minimum lot area is five thousand square feet.

(Ord. 822 §1(part), 1989)

17.08.100 - Minimum lot area per dwelling unit.

Minimum lot area per dwelling unit is five thousand square feet. For purposes of this section, a second unit shall not constitute a dwelling unit.

(Ord. 1051 §11, 2003: Ord. 822 §1(part), 1989)

17.08.110 - Minimum lot width.

Minimum lot width is fifty feet except on a cul-de-sac where the minimum lot width may be thirty feet at the front property line and fifty feet at the rear of the front setback.

(Ord. 822 §1(part), 1989)

17.08.120 - Maximum lot coverage.

Maximum lot coverage is fifty-two percent.

(Ord. 822 §1(part), 1989)

17.08.130 - Minimum lot depth.

There is no minimum lot depth.

(Ord. 822 §1(part), 1989)

17.08.140 - Maximum building height.

Maximum building height is two stories or twenty-eight feet, whichever is less.

(Ord. 822 §1(part), 1989)

17.08.150 - Minimum yard requirements.

A. Front yard: twenty feet.

B. Side Yard.

1. Interior or key lot: five feet on each side;
2. Corner or reversed corner lot: ten feet on the street side of the lot and five feet on the interior side.

C. Rear yard: fifteen feet.

D. Through Lot. A through lot shall have setbacks on each street frontage equal to the required front yard depth of the zone district in which the frontage is located.

E. Where a legally existing lot is substandard in width, or depth, side and rear yards of not less than ten percent and fifteen percent of the width or depth of the lot respectively, shall be maintained, but in no case shall a side yard less than three feet in width be provided.

(Ord. 822 §1(part), 1989)

17.08.160 - Minimum floor area per dwelling unit, exclusive of patios, garages or porches.

A. Single-family dwellings: nine hundred fifty square feet.

B. Detached second units: minimum of five hundred square feet and a maximum of six hundred forty square feet.

C. Attached second units: maximum of fifteen percent of gross floor area of residence to which attached.

(Ord. 822 §1(part), 1989)

17.08.170 - Access.

No building permit shall be issued for any lot or parcel of land unless said lot or parcel has frontage on a dedicated and improved public street or on a private street conforming to street standards established by the city.

(Ord. 822 §1(part), 1989)

17.08.180 - Off-street parking requirements.

Detailed parking standards are contained in Chapter 17.60 of these regulations. The following requirements are those related to uses permitted in the R-1 zone only.

A. For each single-family dwelling, there shall be provided two covered parking spaces located within an enclosed garage. Each parking space shall be a minimum of nine feet by eighteen feet.

B. Second units: see Chapter 17.38 of these regulations.

C. Large day care facilities: see Chapter 17.46 of these regulations.

D. Parking on unpaved areas: no parking, whether the provision of required spaces or other parking, shall be permitted on unpaved areas in the front setback or in the side yard of a corner or reversed corner lot except on an approved, paved driveway which leads to a garage, carport or approved parking area.

(Ord. 822 §1(part), 1989)

17.08.190 - Landscaping.

All areas not used for buildings, structures, patios, parking or pedestrian walks shall be landscaped with grass, ground cover or other plantings and shall be provided with an accepted irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs not over fifty feet from any portion of the planted area.

(Ord. 822 §1(part), 1989)

17.08.200 - Fences, walls and hedges.

A. Fences, walls and hedges shall be permitted in a required front yard setback provided that no sight obscuring fence (concrete, block, masonry or wood) shall exceed forty-two inches in height, except that the fence may be increased in height to six feet if the increase consists of wrought iron, chain link, or other "see through" materials and the design is approved by the director of planning and community development. Fences and walls located to the rear of the front setback and along the side and rear property line shall not exceed six feet in height, except that fences, hedges and walls located adjacent to a freeway right-of-way shall not exceed ten feet in height; provided, that any height increase exceeding six feet will require a building permit.

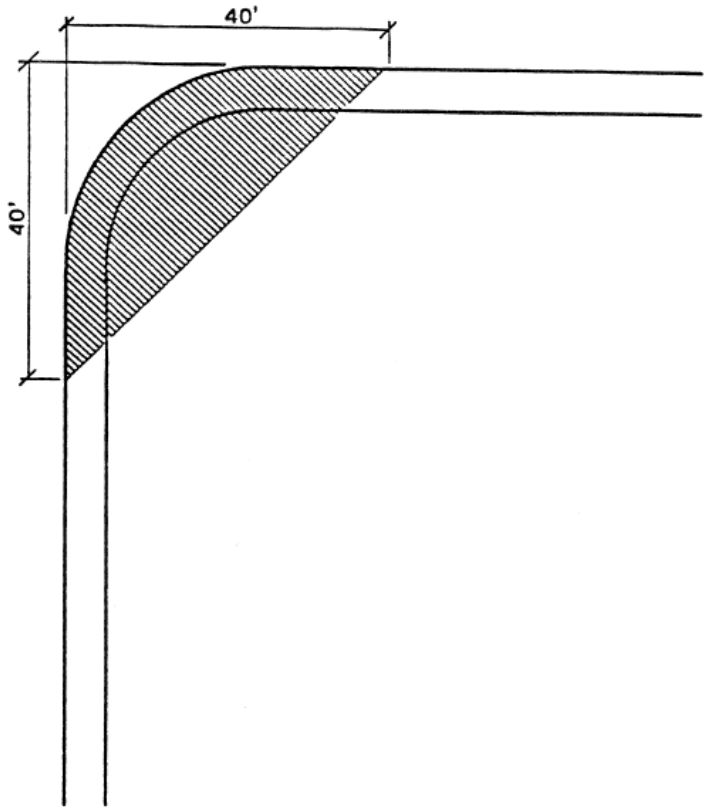
B. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

   1. The point of intersection with the prolongation of the curblines; or
   2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist. Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

(Ord. 822 §1(part), 1989)

Figure 17.08.200

Fences, Hedges and Walls; Corner or Reverse Corner Lot



17.08.210 - Plans required and site plan review.

A site plan shall be submitted to the community development department for all uses permitted by Sections 17.08.030 and 17.08.040. The site plan shall be submitted in sufficient detail to assure compliance with the intent and purpose of this part. The site plan shall include, but not be limited to, location and design of buildings and other structures, off-street parking, circulation and landscaping. Elevations of the proposed structures shall also be provided if required.

(Ord. 822 §1(part), 1989)

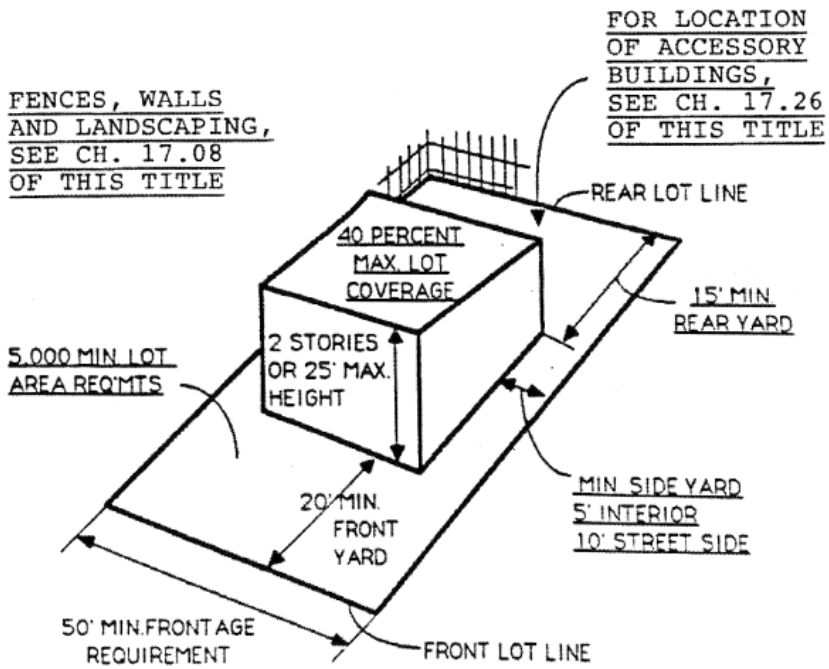
17.08.220 - Final review and certification of plans.

A building permit may not be issued unless and until the director of planning and community development, or his representative, certifies on such site plan that it complies with the conditions imposed by the planning commission and that it is consistent with the intent of the R-1 zone.

(Ord. 822 §1(part), 1989)

SUMMARY R-1 ZONE

1. For property development standards, see Chs. 17.14--17.58 of this title.
2. Two parking spaces for each dwelling unit. See Ch. 17.60 of this title for additional regulation.



Chapter 17.10 - MULTIPLE RESIDENTIAL ZONE (R-2)

17.10.010 - Intent and purpose.

The multiple residential zone (R-2) is designed to permit multiple development on existing smaller lots which are not suitable for more intensive multiple residential development. These regulations will permit better utilization of properties while retaining the low-density single-family appearance of the areas.

(Ord. 822 §1(part), 1989)

17.10.020 - Permitted uses.

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as allowed in this chapter.

(Ord. 822 §1(part), 1989)

17.10.030 - Principal permitted uses.

Principal permitted uses in the R-2 zone are:

A. Single-family dwellings;

B. Two-family dwellings (duplexes);

C. Three-family dwellings (triplexes);

D. Accessory buildings and uses, including private garages, recreation rooms, patios, private swimming pools, and on-site signs in accordance with provisions of Chapters 17.24 through 17.58 of these regulations;

E. Vegetable and flower gardens;

F. Community care facilities (as defined in the Health and Safety Code, which serve six persons or fewer);

G. Home occupations in accordance with the provisions of Chapter 17.76 of this title;

H. Second units, pursuant to the requirements of Chapter 17.38.

I. Emergency, transitional and supportive housing.

(Ord. 1051 §12, 2003; Ord. 822 §1(part), 1989)

(Ord. No. 1183, § 1.b., 5-13-2014)

17.10.040 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with the provisions of Chapter 17.68 of these regulations:

Senior citizens developments.

(Ord. 1051 §13, 2003; Ord. 822 §1(part), 1989)

17.10.050 - Ancillary uses.

The following ancillary uses are allowed:

Household pets, provided that no combination of more than three adult dogs or cats, and their litter up to ten weeks of age may be maintained, and provided further that no animal generally regarded as obnoxious or dangerous may be maintained.

(Ord. No. § 1081, § 1, 1-24-2006; Ord. 889 §3, 1990: Ord. 822 §1(part), 1989)

17.10.060 - Prohibited uses.

Prohibited uses in the R-2 zone are:

A. Multiple dwellings (four or more units);

B. Commercial uses except as permitted by Sections 17.10.030 and 17.10.040;

C. Industrial uses;

E. Off-site signs (billboards);

F. Agricultural uses, including, but not limited to, commercial truck farming, stables, kennels, aviaries, catteries or the breeding or raising of any domestic farm animal including chickens, ducks or geese;

G. Metal buildings as defined in Chapter 17.56 of these regulations;

H. Any other use, which by virtue of its size, scope, or operation, could infringe upon the enjoyment of the property rights of the residents of the R-2 zone;

I. Massage establishment.

(Ord. 822 §1(part), 1989)

(Ord. No. 1195, § 8, 2-24-2015)

17.10.070 - Property development standards—Generally.

The following standards shall apply to uses within the R-2 zone, except that single-family dwellings shall be subject to development standards of the R-1 zone, and provided further that any lot or parcel which is substandard in width, depth or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the R-2 zone district regulations.

(Ord. 822 §1(part), 1989)

17.10.080 - Densities.

A. Medium density: nine to twelve dwelling units per acre.

B. Low density: one to eight units per acre.

(Ord. 822 §1(part), 1989)

17.10.090 - Minimum lot area.

Minimum lot area is five thousand square feet.

(Ord. 822 §1(part), 1989)

17.10.100 - Minimum lot area per dwelling unit.

A. Single-family dwelling: five thousand square feet. For purposes of this section, a second unit shall not constitute a dwelling unit.

B. Two and three-family dwellings: three thousand five hundred square feet.

(Ord. 1051 §14, 2003; Ord. 822 §1(part), 1989)

17.10.110 - Maximum lot coverage.

The maximum permitted lot coverage shall not exceed sixty-one percent of the total lot area.

(Ord. 822 §1(part), 1989)

17.10.120 - Minimum lot width.

Minimum lot width is fifty feet, except on a cul-de-sac, where a minimum lot width shall be thirty feet at the front property line and fifty feet at the rear of the required front setback.

(Ord. 822 §1(part), 1989)

17.10.130 - Minimum lot depth.

Minimum lot depth is one hundred feet.

(Ord. 822 §1(part), 1989)

17.10.140 - Maximum building height.

Two stories or twenty-five feet, whichever is less.

(Ord. 1076 §1, 2005; Ord. 822 §1(part), 1989)

17.10.145 - Minimum distance between main buildings.

A minimum distance of fifteen feet shall be required between two main structures.

(Ord. 1076 §2, 2005)

17.10.150 - Minimum yard requirements.

A. Front yard: twenty feet measured from the front property line.

B. Side Yard.

1. Interior or key lot: five feet on each side.

2. Corner or reversed corner lot: ten feet on the street side of the lot and five feet on the interior side.

C. Rear yard: fifteen feet.

D. Through Lots. A through lot shall have setbacks on each street frontage equal to the front yard required by the zone district in which the frontage is located.

E. Where a legally existing lot is substandard in width or depth, side and rear yards of not less than ten or fifteen percent of the required width or depth, respectively, shall be maintained.

(Ord. 1076 §3, 2005; Ord. 822 §1(part), 1989)

17.10.160 - Floor area per dwelling unit, exclusive of patios, garages and porches.

A. Single-family dwellings, except for second units: minimum floor area: nine hundred fifty square feet.

B. Two- and three-family dwellings (duplexes and triplexes): minimum floor area: nine hundred fifty square feet.

C. Detached second units: minimum floor area: one hundred fifty square feet. Maximum floor area: six hundred forty square feet.

D. Attached second units: minimum floor area: one hundred fifty square feet. Maximum floor area: fifteen percent of the gross floor area of the existing living area in the primary dwelling unit. Notwithstanding the foregoing, if the gross floor area of the primary dwelling unit is less than one thousand three hundred thirty-five square feet, the maximum floor area of an attached second unit shall be two hundred square feet.

(Ord. 1051 §15, 2003: Ord. 822 §1(part), 1989)

17.10.170 - Access.

No building permit shall be issued for any lot or parcel of land unless the lot or parcel has frontage on a dedicated and improved public street or on a private street, conforming to street standards approved by the city.

(Ord. 822 §1(part), 1989)

17.10.180 - Off-street parking requirements.

For each single-family, duplex, or triplex dwelling unit, not including second units, there shall be provided two parking spaces contained within an enclosed garage. See Chapter 17.60 for parking standards. For second units, parking shall be provided in accordance with Section 17.38.060.

(Ord. 1051 §16, 2003: Ord. 822 §1(part), 1989)

17.10.190 - Parking on unpaved areas.

No parking, whether the provision of required spaces or other parking, shall be permitted on unpaved areas or in the front setback except on an approved paved driveway which leads to a garage or approved parking area.

(Ord. 822 §1(part), 1989)

17.10.200 - Landscaping.

All areas not used for buildings, structures, patios, parking or pedestrian walks shall be landscaped with grass, ground cover, or other plantings and shall be provided with an accepted irrigation system (sprinklers, bubblers or diffuser heads). Additionally, there shall be provided one hose bib for each three automobile parking spaces.

(Ord. 822 §1(part), 1989)

17.10.210 - Fences, hedges and walls.

A. Interior Lots. Fences, hedges and walls shall be permitted in a required front yard area, provided that no sight-obscuring fence (concrete, block, masonry or wood) shall exceed forty-two inches in height, except that the fence may be increased to an overall height of six feet if the increase consists of wrought iron, chain link, or other "see through" materials and the design approved by the director of planning and community development, and provided that no plants, vines or other material shall be planted in such a way as to limit visibility through the fence. Fences, hedges and walls located to the rear of the front setback and along the side and rear of the property shall not exceed six feet in height except that fences or walls located adjacent to a freeway right-of-way shall not exceed ten feet in height.

B. Corner or Reversed Corner Lots. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

(Ord. 822 §1(part), 1989)

17.10.220 - Drainage and grading.

Each site will be graded to ensure that runoff is properly removed from the site. Where necessary or required, underground drainage systems, including catch basins, will be employed.

(Ord. 822 §1(part), 1989)

17.10.230 - Refuse enclosures.

There shall be a refuse enclosure provided when two or more units are located on a site. This enclosure shall have minimum interior dimensions of five feet by seven feet and shall be completely enclosed, including gates, but excluding a roof. The placement and design of such enclosure shall be determined during review of the development.

(Ord. 822 §1(part), 1989)

17.10.240 - Population densities—Rental units.

No unit shall be leased or rented when the number of occupants will exceed 1.01 persons per room, excluding bathrooms, porches, halls, balconies, foyers and half rooms. These regulations are designed to avoid overcrowding of dwelling units in accordance with the general plan. Owners of rental property shall require written evidence that tenants are aware of the overcrowding possibilities and are subject to eviction should such conditions occur.

(Ord. 822 §1(part), 1989)

17.10.250 - Plans required and site plan review.

A site plan shall be submitted to the planning commission for all multiple development permitted by Section 17.10.030 of these regulations. The site plan shall include but not be limited to, location and design of buildings and other structures, circulation, landscaping, location of refuse enclosures and location and design of recreation areas. Included with the site plan shall be colored renderings of the elevations of the proposed buildings and examples of materials to be used on the exterior of the structures. The applicant for site plan review by the planning commission shall submit such application on forms prescribed by the planning commission and shall be accompanied by such fees as prescribed by written resolution of the city council. For other uses permitted by Section 17.10.030, plans shall be submitted to the department of planning and community development for review to ensure compliance with the zoning code and with the intent and purpose of these regulations.

(Ord. 822 §1(part), 1989)

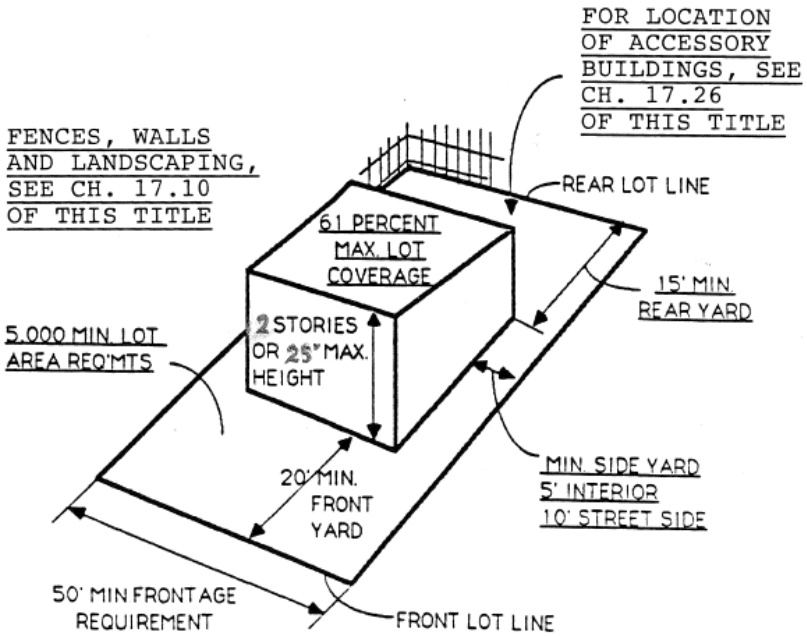
17.10.260 - Final review and certification of plans.

A building permit may not be issued unless and until the director of planning and community development or his representative, certifies on such site plan that it complies with the conditions imposed by the planning commission and that it is consistent with the intent of the R-2 zone.

(Ord. 822 §1(part), 1989)

SUMMARY R-2 ZONE

1. For property development standards, see Chs. 17.24--17.58 of this title.
2. Two parking spaces for each dwelling unit. See. Ch. 17.60 of this title for additional regulations.



Chapter 17.12 - MULTIPLE RESIDENTIAL ZONE (R-3)

17.12.010 - Intent and purpose.

The multiple-residential zone (R-3) is designed to provide areas throughout the city in which a range of multiple residential development can be located and protected from encroachment by incompatible uses.

(Ord. 822 §1(part), 1989)

17.12.020 - Permitted uses.

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as allowed by this chapter.

(Ord. 822 §1(part), 1989)

17.12.030 - Principal permitted uses.

Principal permitted uses in the R-3 zone are:

A. Single-family dwellings;
B. Two-family dwellings (duplexes);
C. Three-family dwellings (triplexes);
D. Multiple-family dwellings (four or more dwelling units on a single lot) including apartments, townhouses and condominiums, provided that townhouses and condominium units will be subject to development standards contained in Chapter 17.44;
E. Accessory buildings and uses, including private garages, recreation rooms, patios, private swimming pools, and on-site signs in accordance with and subject to development standards contained in Chapters 17.24 through 17.58 of these regulations;
F. Vegetable and flower gardens;
G. Community care facilities, as defined in the Health and Safety Code, which serve six persons or fewer;
H. Home occupations in accordance with the provisions of Section 17.76 of this title;
I. Second units, pursuant to the requirements of Chapter 17.38.
J. Emergency, transitional and supportive housing.

(Ord. 1051 §17, 2003; Ord. 822 §1(part), 1989)

(Ord. No. 1183, § 1.c., 5-13-2014)

17.12.040 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with the provisions of Chapter 17.68 of these regulations:

A. Boarding or roominghouses (ten or fewer guests);
B. Mobile home parks (see Chapter 17.42 for development standards);
C. Senior citizens' developments.

(Ord. 1051 §18, 2003; Ord. 822 §1(part), 1989)

17.12.050 - Ancillary uses.

The following ancillary uses are allowed:

Household pets, provided that no combination of more than three adult dogs or cats, and their litter up to ten weeks of age may be maintained, and provided further that no animal generally regarded as obnoxious or dangerous may be maintained.

(Ord. No. § 1081, § 1, 1-24-2006; Ord. 889 §4, 1990: Ord. 822 §1(part), 1989)

17.12.060 - Prohibited uses.

Prohibited uses in the multiple residential zone are:

A. Commercial uses except as permitted by Section 17.12.030 above;
B. Industrial uses;
C. Off-site signs (billboards);
D. Agricultural uses including, but not limited to, commercial truck farming, stables, kennels, aviaries, catteries or the breeding or raising of farm animals such as chickens, ducks, or geese;
E. Metal buildings as defined in Chapter 17.56 of these regulations;
F. Any other use which by, virtue of its size, scope or operation, could infringe upon the enjoyment of the property rights of the residents within the R-3 zone;
G. Massage establishment.

(Ord. 822 §1(part), 1989)

(Ord. No. 1195, § 9, 2-24-2015)

17.12.070 - Property development standards.

The following standards shall apply to uses within the R-3 zone, except that single-family dwellings shall be subject to standards of the R-1 zone and townhouses and condominiums to the provisions of Chapter 17.44 of these regulations, and provided further that any lot or parcel which is substandard in width, depth or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the R-3 zone district regulations.

(Ord. 822 §1(part), 1989)

17.12.080 - Densities.

A. Medium density: sixteen dwelling units per acre.
B. Low density (SF, duplex or triplex dwellings): one to twelve dwelling units per acre.

(Ord. 822 §1(part), 1989)

17.12.090 - Minimum lot area.

Minimum lot area is eleven thousand square feet.

(Ord. 822 §1(part), 1989)

17.12.100 - Minimum lot area per dwelling unit.

A. Single-family dwelling: five thousand square feet. For purposes of this section, a second unit shall not constitute a dwelling unit.
B. Two and three-family dwelling: three thousand five hundred square feet.
C. Multiple-family dwelling: two thousand seven hundred fifty square feet.

(Ord. 1051 §19, 2003; Ord. 822 §1(part), 1989)

17.12.110 - Maximum lot coverage.

The maximum permitted lot coverage shall not exceed sixty-one percent of the total lot area.

(Ord. 822 §1(part), 1989)

17.12.120 - Minimum lot width.

Minimum lot width is seventy-five feet, except on a cul-de-sac, where a minimum lot width shall be forty feet at the front property line and seventy-five feet at the rear of the required front setback.

(Ord. 822 §1(part), 1989)

17.12.130 - Minimum lot depth.

Minimum lot depth is one hundred feet.

(Ord. 822 §1(part), 1989)

17.12.140 - Maximum building height.

Two stories or twenty-five feet, whichever is less.

(Ord. 1076 §4, 2005; Ord. 822 §1(part), 1989)

17.12.145 - Minimum building separation.

A minimum distance of fifteen feet between main dwelling units.

(Ord. 1076 §5, 2005)

17.12.150 - Minimum yard requirements.

A. Front yard: twenty feet measured from the front property line.
B. Side Yard.
    1. Interior or key lot: five feet on each side.
    2. Corner or reversed corner lot: ten feet on the street side of the lot and five feet on the interior side.
C. Rear yard: fifteen feet.
D. Through Lots. A through lot shall have setbacks on each street frontage equal to the front yard required by the zone district in which the frontage is located.
E. Where a legally existing lot is substandard in width or depth, side and rear yards of not less than ten or fifteen percent of the required width or depth, respectively, shall be maintained.

(Ord. 1076 §6, 2005; Ord. 822 §1(part), 1989)

17.12.160 - Floor area per dwelling unit, exclusive of patios, garages and porches.

A. Single-family dwellings, except for second units: minimum floor area: nine hundred fifty square feet.
B. Two-family dwellings (duplexes): minimum floor area: nine hundred fifty square feet.
C. Three-family dwellings (triplexes): minimum floor area: nine hundred fifty square feet.
D. Detached second units: minimum floor area: one hundred fifty square feet. Maximum floor area: six hundred forty square feet.

E. Attached second units: minimum floor area: one hundred fifty square feet. Maximum floor area: fifteen percent of the gross flo of the existing living area in the primary dwelling unit. Notwithstanding the foregoing, if the gross floor area of the primary dwe unit is less than one thousand three hundred thirty-five square feet, the maximum floor area of an attached second unit shall b hundred square feet.

(Ord. 1051 §20, 2003: Ord. 822 §1(part), 1989)

17.12.170 - Access.

No building permit shall be issued for any lot or parcel of land unless the lot or parcel has frontage on a dedicated and improved public street or on a private street, conforming to street standards approved by the city.

(Ord. 822 §1(part), 1989)

17.12.180 - Pedestrian safety.

Each driveway serving a multiple dwelling building or complex shall contain not less than two strips of bulmanite or comparable material to provide warning of approaching or departing vehicles. The strips shall be a minimum of ten feet in depth and shall extend the full width of the driveway. One strip shall be located within six feet of the entry to the driveway, the second shall be located approximately midway in the drive. These strips shall be shown on the site plan for the development.

(Ord. 822 §1(part), 1989)

17.12.190 - Off-street parking requirements.

For each single-family, duplex, or triplex dwelling unit, not including second units, there shall be provided two covered parking spaces contained within an enclosed garage. For second units, parking shall be provided in accordance with Section 17.38.060.

(Ord. 1051 §21, 2003: Ord. 822 §1(part), 1989)

17.12.200 - Parking on unpaved areas.

No parking, whether the provision of required space or other parking, shall be permitted on unpaved areas or in the front setback except on an approved paved driveway which leads to a garage or approved parking area.

(Ord. 822 §1(part), 1989)

17.12.210 - Landscaping.

All areas not used for buildings, structures, patios, parking or pedestrian walks shall be landscaped with grass, ground cover, or other plantings and shall be provided with an accepted irrigation system (sprinklers, bubblers or diffuser heads). Additionally, there shall be provided one hose bib for each three automobile parking spaces.

(Ord. 822 §1(part), 1989)

17.12.220 - Fences, hedges and walls.

A. Interior Lots. Fences, hedges and walls shall be permitted in a required front yard area, provided that no sight-obscuring fence (concrete, block, masonry or wood) shall exceed forty-two inches in height, except that the fence may be increased to an overall height of six feet if the increase consists of wrought iron, chain link, or other see through materials and the design is approved by the director of planning and community development, and provided that no plants, vines or other material shall be planted in such a way as to limit visibility through the fence. Fences, hedges and walls located to the rear of the front setback and along the side and rear of the property shall not exceed six feet in height except that fences or walls located adjacent to a freeway right-of-way shall not exceed ten feet in height.

B. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct,

install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist. Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

(Ord. 822 §1(part), 1989)

17.12.230 - Electronic gates.

The provisions of Sections 17.12.200 notwithstanding, a minimum six foot high, decorative wrought iron fence shall be provided along the front of the property, to the rear of any required setback. Such fence shall incorporate a self-locking remote controlled vehicle and pedestrian entry/exit gate. The vehicle entry shall incorporate an electronically activated tenant marquee to permit notification of tenants in the event of visitors. Such marquee shall be five feet above finished grade.

(Ord. 822 §1(part), 1989)

17.12.240 - Open space requirements—Multiple dwellings.

A minimum of four hundred square feet of ground level common open space per dwelling unit shall be provided for all multiple dwellings. This required area may be incorporated in landscaping or recreation areas for use by all residents, except that any multiple residential development of five or more units shall include in its design a formal outdoor recreation area for residents which shall include not less than fifty percent of the required open space. The planning commission shall have the authority to modify the percentage of formal recreational space based on the quality of the design submitted and the amenities provided.

(Ord. 822 §1(part), 1989)

17.12.250 - Refuse enclosures.

There shall be sufficient refuse enclosures provided to serve each development. Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be completely enclosed, including gates, but excluding roofs. The enclosure shall be constructed of wood, masonry, block or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the development.

(Ord. 822 §1(part), 1989)

17.12.260 - Miscellaneous standards.

A. Lighting. Lighting designed to reduce hazards and to illuminate potentially unsafe areas such as walkways, passages between buildings, garage areas and parking areas and areas containing heavy or high foliage shall be installed. Consideration should be given to both elevated and ground level lighting and all lighting shall be designed to ensure that neighboring properties or public streets are protected from direct or hazardous glare. The location, foot candle power and type of light fixtures shall be shown on the site plan.
B. Household Appliances. Each apartment unit shall be provided with an automatic dishwasher, and a heavy duty garbage disposal unit. Electric and/or gas connections shall be provided for washers and dryers.
C. Bathrooms. Each apartment unit containing two or more bedrooms shall contain one and one-half bathrooms.
D. Telephone Jacks. Telephone jacks shall be installed in all living rooms, kitchens, bedrooms and bathrooms.
E. Interior Television Antennae. Interior television antennae shall be installed in each apartment unit or a central interior

antenna shall be installed in each apartment building. No exterior antenna or satellite dish antenna shall be permitted.

F. Drainage and Grading. Each site will be graded to ensure that runoff is properly removed from the site. Where necessary or required, underground drainage systems including catch basins, will be employed.

G. All utilities, including but not limited to, electrical CATV, and telephone lines on the site shall be underground.

H. Each dwelling unit shall be fully fire sprinklered and shall have smoke detectors installed in bedrooms.

I. Each multiple dwelling building or complex shall provide one hose bib for each three required parking spaces, and these hose bibs shall be located adjacent to the open parking areas.

(Ord. 822 §1(part), 1989)

17.12.270 - Overcrowding and security.

A. Overcrowding. In order to limit overcrowding conditions, occupants of any rental or lease dwelling unit shall be restricted to 1.01 persons per room, excluding bathrooms, porches, halls, balconies, foyers and half rooms. Owners of rental property shall require written evidence that tenants are aware of the overcrowding possibilities and that they are subject to eviction should such condition occur.

B. Security. Each multiple dwelling building or complex shall provide a resident manager on-site who shall maintain regularly posted hours to provide additional security for the building or complex.

(Ord. 822 §1(part), 1989)

17.12.280 - Plans required and site plan review.

A site plan shall be submitted to the planning commission for all multiple development permitted by Section 17.12.030 of these regulations. The site plan shall include but not be limited to, location and design of buildings and other structures, off-street parking, circulation, landscaping, location of refuse enclosures and location and design of recreation areas. Included with the site plan shall be colored renderings of the elevations of the proposed buildings and examples of materials to be used on the exterior of the structures. The applicant for site plan review by the planning commission shall submit such application on forms prescribed by the planning commission and shall be accompanied by such fees as prescribed by written resolution of the city council. For other uses permitted by Section 17.12.030, plans shall be submitted to the department of planning and community development for review to ensure compliance with the zoning code and with the intent and purpose of these regulations.

(Ord. 822 §1(part), 1989)

17.12.290 - Final review and certification of plans.

A building permit may not be issued unless and until the director of planning and community development, or his representative, certifies on such site plan that it complies with the conditions imposed by the planning commission and that it is consistent with the intent of the R-3 zone.

(Ord. 822 §1(part), 1989)

SUMMARY R-3 ZONE

1. For property development standards, see Chs. 17.24—17.58 of this title.
2. One and one-half parking spaces for each dwelling unit plus one space for each five units as guest parking. See Ch. 17.60, of this title for additional regulations.
3. Four hundred square feet of usable open space per unit, see Ch. 17.12 of this title.

Chapter 17.14 - COMMERCIAL ZONE (C)

17.14.010 - Intent and purpose.

The intent and purpose of the commercial zone (C) is to provide areas throughout the city in which commercial facilities designed to serve a broad area with a wide range of commercial services may be located. Such zone districts will generally be located along arterial and collector streets and will buffer residential areas from traffic, noise and pollutants. It is the objective of this chapter to achieve development which will be compatible with surrounding uses.

(Ord. 822 §1(part), 1989)

17.14.020 - Permitted uses.

No building or structure shall be erected, reconstructed, structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as provided in this chapter. The following uses shall be permitted in the commercial zone (C).

(Ord. 822 §1(part), 1989)

17.14.030 - Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses which require operations outside of a building, the following are primary uses permitted within the commercial zone (C). Any permitted use which is located adjacent to, or directly across a public or private street from a residential zone district shall be subject to the development standards contained in Chapters 17.24 through 17.58 of these regulations:

A. Automobile service stations (minor repairs only) located in excess of five hundred feet of SR-60;
B. Auto upholstery and auto glass installation located in excess of five hundred feet of SR-60; provided that all activities are to take place within a completely enclosed building with no openings other than required emergency fire exits, facing or adjacent to any residentially zoned property. Such enclosed building shall be of masonry or concrete construction with a ceiling of sound attenuating material installed where such building is located within two hundred feet of any residential zone district;
C. Health clubs, spas or commercial athletic recreation facilities (handball, racquetball). No alcoholic beverages may be sold or consumed on the premises;
D. Automotive sales, leasing or rental located in excess of five hundred feet of SR-60;
E. Carwashes (automatic or manually operated) and auto detail shops located in excess of five hundred feet of SR-60;
F. Public utility facilities;
G. Retail businesses;
H. Business and professional offices;
I. Business services, including, but not limited to, blueprinting, photostating, stationery stores, office supplies and equipment, janitorial services and commercial printing and duplicating;
J. Personal services, including, but not limited to, barber and beauty shops, shoe repair, laundry and dry-cleaning pickup points, tailor shops and clothing alterations, radio and TV sales, service and repair;
K. Banks, savings and loans and other similar financial institutions, including check cashing services;
L. Retail bakeries, all goods sold at retail, on-site;
M. Restaurants, cafes, cafeterias, and similar eating establishments;
N. Medical and dental clinics and offices and medical and dental laboratories and associated uses such as ambulance services and pharmacies;
O. Fortunetelling;
P. On-site advertising in accordance with Chapter 17.62 of these regulations;
Q. Accessory buildings and uses normally associated with any permitted use;
R. Adult businesses pursuant to the provisions of Chapter 5.25 of the South El Monte Municipal Code.

(Ord. 1012 §4, 1999; Ord. 963 §3, 1995: Ord. 822 §1(part), 1989)

(Ord. No. 1152, § 1, 3-22-2011; Ord. No. 1239 , § 4, 12-3-2019)

17.14.035 - Residential uses.

A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the commercial zone.

B. Residential uses and structures as set forth in this Chapter are defined herein as single-family residential dwellings, two-family dwellings, three-family dwellings, multiple-family dwellings, and mobile homes or trailers designed and used for residential occupancy located within a mobile home park legally established prior to January 1, 1980. Each such mobile home park legally established prior to January 1, 1980, shall comply with the provisions of Chapter 17.42.

C. The development standards set forth in Chapter 17.08 of this code shall apply to each single-family residential dwelling permitted by this section.

D. The development standards set forth in Chapter 17.10 of this code shall apply to each two-family dwelling and three-family dwelling permitted by this section.

E. The development standards set forth in the applicable sections of Chapter 17.12 pertaining to multiple-family dwellings shall apply to all multiple-family dwellings permitted by this section, except townhouses and condominiums.

F. The development standards set forth in Chapter 17.44 of this code shall apply to each townhouse and condominium permitted by this section.

G. The development standards set forth in the applicable sections of Chapter 17.42 that are applicable to mobile home sites and structures shall apply to each mobile home and trailer permitted by this section.

(Ord. 984 §2, 1996)

17.14.040 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with Chapter 17.68 of these regulations:

A. Bars, taverns, nightclubs (including entertainment) and off-sale of alcoholic beverages;

B. Billiard halls, pool halls, amusement arcades, bowling establishments, miniature golf courses, indoor theaters and similar uses;

C. Hotels and motels;

D. Massage establishment;

E. On-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and similar eating establishments;

F. Beverage lounge as defined in these regulations;

G. Entertainment, live;

H. Certain commercial activity in conjunction with, or on the site of an automobile service station, subject to the provisions of Chapter 17.30;

I. Off-sale of beer and wine on the site of an automobile service station, subject to the provisions of Chapter 17.52;

J. Automotive repair facilities, including body and fender shops, auto paint shops, engine rebuild, overhaul or repair. Automobile service stations (minor repair only), auto upholstery and auto glass installation, carwashes, auto detailing, automotive sales, leasing, and rental located within five hundred feet of SR-60;

K. Any use proposed for any property that is one acre or larger in size;

L. Any use proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger;

M. Any proposed use or resumption, reestablishment, reopening, or replacement of a use that is proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger where the building or structure has been vacant for more than ninety days, or the use has been abandoned or discontinued for more than ninety days;

N. Any other use not specifically permitted or prohibited, which is determined to be compatible with the permitted uses of the commercial zone.

(Ord. 1012 §5, 1999; Ord. 1010 §6, 1999; Ord. 1009 §§9, 10, 1999; Ord. 985 §2, 1997; Ord. 963 §5, 1995: Ord. 918 §§2 and 5, 1992; Ord. 822 §1(part), 1989)

(Ord. No. 1151, § 1, 3-22-2011; Ord. No. 1152, § 2, 3-22-2011; Ord. No. 1195, § 10, 2-24-2015; Ord. No. 1239 , § 5, 12-3-2019)

17.14.045 - Secondary uses.

The following secondary uses are permitted within the commercial zone:

A. Gateway signs, subject to the provisions of Section 17.62.130(A)(6).

(Ord. 940 §2, 1993)

17.14.050 - Prohibited uses.

The following are prohibited uses in the commercial zone:

A. Residential uses and structures except as specifically permitted by Section 17.14.035;
B. Wholesale businesses, including warehousing and distribution;
C. Manufacturing uses, except where manufacturing occupies less than five percent of the gross floor area and all goods manufactured are sold at retail, on-site;
D. Any use when such use is determined to be hazardous in nature, either by virtue of activity or product, or through the emission of noise, pollutants or hazardous effluent;
E. Agricultural uses including, but not limited to, kennels, catteries, stables and aviaries;
F. The following uses when adjacent to or across a public or private street from a residential zone district:
    1. Ambulance services,
    2. Any use listed as a conditional use in Section 17.14.040, except that hotels, public utility facilities and on-sale of alcoholic beverages in association with restaurants, cafes, cafeterias, and similar eating establishments shall be permitted with a conditional use permit;
G. Off-sale of alcoholic beverages other than beer or wine within five hundred linear feet of any church, school, or park;
H. Metal buildings as defined in Chapter 17.56 of these regulations.

(Ord. 984 §3, 1996; Ord. 822 §1(part), 1989)

17.14.060 - Property development standards.

The following standards shall apply to uses within the commercial zone (C) provided that automobile service stations, public utility facilities, public and quasi-public buildings and facilities and drive-through and walkup restaurants, and buildings constructed adjacent to or directly across a public or private street from a residentially zoned district shall be subject to development standards contained in Chapters 17.24 through 17.58 of these regulations; and provided further, that any lot or parcel which is substandard in width, depth, or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the commercial zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.14.035 shall be subject to development standards contained therein.

(Ord. 984 §4, 1996: Ord. 822 §1(part), 1989)

17.14.070 - Minimum lot area.

There are no minimum lot area requirements.

(Ord. 822 §1(part), 1989)

17.14.080 - Maximum building coverage.

Refer to Figure 17.14.080 to determine allowable building coverages.

(Ord. 963 §5, 1995; Ord. 822 §1(part), 1989)

17.14.090 - Minimum lot width.

There are no minimum lot width requirements.

(Ord. 822 §1(part), 1989)

17.14.100 - Minimum lot depth.

There are no minimum lot depth requirements.

(Ord. 822 §1(part), 1989)

17.14.110 - Maximum building height.

There are no maximum building height requirements except that any building constructed adjacent to a residentially zoned property shall have a maximum allowable height of twenty-eight feet.

(Ord. 822 §1(part), 1989)

17.14.120 - Minimum yard requirements.

A. Front Yard. No requirements except that a ten-foot front yard shall be required when a C zoned lot is abutting or directly across from a residentially zoned property.

B. Side Yard.

1. Interior or Key Lot. None required except that a ten-foot side yard shall be required when a C zoned lot is abutting or directly across from a residentially zoned property.
2. Corner or Reversed Corner Lot. None required except that a ten-foot side yard shall be required when a C zoned lot abuts a residentially zoned property.

C. Rear Yard. None required except that a ten-foot rear yard shall be required when a C zoned lot abuts a residentially zoned property.

D. Through Lot. A through lot shall maintain the required front yard setback on each frontage required by the zone in which the lot is located.

(Ord. 822 §1(part), 1989)

17.14.130 - Accessory buildings and structures.

Accessory buildings and structures shall conform to the standards contained in Chapters 17.24 through 17.58.

(Ord. 822 §1(part), 1989)

17.14.140 - Access.

No building permit shall be issued for any lot or parcel of land unless said lot or parcel has frontage on a dedicated and improved public street or on a private street conforming to street standards established by the city.

(Ord. 822 §1(part), 1989)

17.14.150 - Off-street parking and loading.

A. Off-street parking and loading shall be provided in accordance with Chapter 17.60.

B. No parking, whether the provision of required parking spaces or other parking, including the storage of trucks or other similar types of equipment shall be permitted on unpaved areas.

(Ord. 822 §1(part), 1989)

17.14.160 - Loading docks and truck maneuvering.

A. All loading docks and doors facing a public or private street shall be located in such a manner that all truck maneuvering shall take place on-site whenever possible.

B. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street whenever possible.

(Ord. 822 §1(part), 1989)

17.14.170 - Vehicle maintenance or repair.

No vehicle maintenance or repair, other than that permitted by Section 17.14.040 shall take place on any lot in the commercial zone (C).

(Ord. 822 §1(part), 1989)

17.14.180 - Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as all other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, ground cover, or other plant materials and shall include an accepted automatic irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs not over fifty feet from any portion of a planted area and all landscaping shall be contained within six-inch concrete or eight-inch masonry curbing. Provision of landscaping within parking areas shall be in accordance with Chapter 17.60.

(Ord. 822 §1(part), 1989)

17.14.190 - Fences and walls.

A. A solid masonry wall eight feet in height shall be constructed and maintained along any side or rear property line which adjoins a residential zone, school, church or park, except that the wall shall not exceed forty-two inches in height when it adjoins the front setback of the adjacent residential property, except that the fence may be increased to a height of six feet if the increase in height consists of wrought iron, chain link or other "see-through" material and the design is approved by the director of planning and community development.

B. Any fence or wall located in the front of any building must be located to the rear of the required setback. No fence or wall in the front of any building may exceed forty-two inches in height if constructed of solid or sight obscuring materials, but may be increased to a total height of six feet if wrought iron, chain link or other "see-through" materials are used and the design is approved by the director of planning and community development.

C. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

(Ord. 822 §1(part), 1989)

17.14.200 - Outdoor storage and operations.

Except as permitted by Section 17.14.205, all business operations in the commercial zone must be conducted entirely within a completely enclosed building. However, automobile and light truck sales, automobile service stations, outdoor dining, and other businesses which, by their nature, require operations outside of a building may be conducted outside of a building. Also, certain ancillary operations, such as the immediate loading and unloading of merchandise and supplies, routine property and building maintenance and permitted advertising may be conducted out of doors. Non-spoilable trash and/or recyclable material may be temporarily stored in approved and permitted trash enclosure area(s) for not more than seven days.

(Ord. 1057 §1, 2004; Ord. 822 §1(part), 1989)

17.14.205 - Outdoor display of merchandise for sale.

Businesses selling merchandise at retail may display sale or promotional items outdoors subject to the following regulations:

A. The merchandise must be displayed on the same lot as the principal location of the business;
B. The area occupied by the outside display of merchandise shall not exceed an area greater than the gross square footage of the principal building on the lot multiplied by a factor of .025. The maximum permissible area occupied by outdoor display of merchandise shall be five hundred square feet;
C. The displayed merchandise must be grouped into a single area and visible from the public street. The displayed merchandise shall not block, or diminish the public view of, or physical access to, any other business or use.
D. The merchandise may not be displayed on, or over, any public right-of-way and may not be located within ten linear feet of any public right-of-way.
E. The displayed merchandise may not be located in, or encroach into, any required yard or setback, or unpaved area.
F. The displayed merchandise must not be located in, or encroach into, any designated driveway, required parking space, or designated fire lane.
G. The displayed merchandise may not block any doorway, designated private pedestrian walkway or access for the handicapped.
H. The merchandise may not be displayed on top of any portion of any building, hung from, or affixed to building walls, rafters or eaves. Nor may any merchandise be hung from, or affixed to, any fence or wall or inflatable device.
I. The outdoor display of merchandise shall be subject to all applicable health, safety and fire codes.
J. The outdoor display of merchandise for sale, is in and of itself, a form of advertising and no additional signage shall be permitted for the displayed merchandise except price signs measuring no larger than three inches by five inches may be affixed to the items displayed for sale.
K. The outdoor display of merchandise shall be subject to an outdoor display site plan review and approval by the planning commission and said approval shall be subject to conditions, if any, that may be imposed by the planning commission as needed to mitigate any potential negative effects created by the proposed outdoor display, and the planning commission shall deny the application if the planning commission finds that the outdoor display would be detrimental to persons or properties in the immediate vicinity of the subject property or to the city in general. The planning commission may revoke any approval for cause.
L. Application for an outdoor display site plan approval shall be made on application forms supplied by the city and pursuant to the instructions provided by the city. At the time of submittal, applicant shall pay an application fee in the

same amount as the application fees established for development site plan review.

(Ord. 1057 §2, 2004)

17.14.210 - Exterior lighting facilities.

Exterior lighting facilities shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties.

(Ord. 822 §1(part), 1989)

17.14.220 - Refuse enclosures.

There shall be sufficient refuse enclosures provided to serve each development. Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be constructed of wood, masonry, block, or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the proposed development.

(Ord. 822 §1(part), 1989)

Figure 17.14.080

FORMULA FOR COMPUTING ALLOWABLE BUILDING AREA

$$\text{Building Area } \frac{A}{B} = C \times D = \text{Building Area (E)}$$

$$\text{Parking Area } - \frac{E}{F} = G \times H = \text{Parking Area (I)}$$

A = Building lot area (less required setbacks)

B = SF of building per parking space + SF parking space (405 SF) + SF interior landscaping (20 SF per space)

C = Building units (Divide "A" by "B")

D = SF of building area per parking space (based on parking code requirements)

E = Building area

F = SF of building area per parking space (based on parking code requirement)

G = Parking spaces required

H = SF of parking space (405 SF) + interior landscaping (20 SF per space)

SUMMARY C ZONE

1. For property development standards, see Chs. 17.24-17.58 of this title.
2. Building, height limitations, see above illustration.
3. Parking requirements, see Ch. 17.60 of this title.
4. Yard, requirements, see Ch. 17.14 of this title. Required only for abutting a residential zone.

Chapter 17.15 - COMMERCIAL-RESIDENTIAL (C-R)

17.15.010 - Applicability.

The commercial-residential zoning district is applied to areas appropriate for a mix of commercial and residential activities in conformance with the general plan. This district allows for a mix of commercial and residential uses, or just commercial, or just residential land uses.

(Ord. No. 1161, § 1, 3-13-2012)

17.15.020 - Permit requirements.

A. Permitted Primary Uses and Structures. No building, structure or land shall be used and no building, structure or use in the commercial-residential zone shall be erected, structurally altered, enlarged or established except the following permitted uses, buildings and structures identified with a "P" in Table 17.15-A.

B. Conditional Uses and Structures. The following uses and structures identified with a "C" in Table 17.15-A may be permitted in the commercial-residential zone subject to approval of a conditional use permit.

C. Temporary Uses. Temporary uses identified with as "T" in Table 17.15-A shall be allowed subject to approval and compliance with all applicable provisions of this zoning code.

D. Prohibited Uses. Prohibited uses are identified with no entry in the second column.

Key to Permit Requirements:

Permitted Use - P

Conditional Use—Conditional Use Permit Required - C

Temporary Use - T

Table 17.15-A

Land Uses	C-R
Accessory Uses and Structures	
Accessory uses, buildings and structures, including gazebos, greenhouses, non-commercial workshops, cabanas, dressing rooms, recreational buildings and restrooms	P
Antennas (pole type) and flagpoles	P
Dish antennas	C
Home occupations subject to the approval of a home occupation permit	P
Incidental outdoor storage shall be permitted provided such storage is conducted wholly within an area completely enclosed by a masonry wall not less than five and one-half feet in height, with all entrances and exits enclosed with opaque gates equal in height of the wall. No outdoor storage shall be permitted to project above the height of the masonry wall	P
Swimming pools, spas and saunas	P
Tennis, paddleball, badminton, volleyball and similar recreational courts	P

Solar energy equipment	P
Education, Public Assembly, Recreation	
Commercial court game facilities, including but not limited to racquetball, tennis, paddleball, badminton and volleyball courts	C
Gymnasiums and health clubs including diet centers and tanning salons	C
Places of amusement (bowling alleys, ice skating, roller rinks)	C
Places of worship	P
Private educational institutions (not allowed on the first floor)	C
Theaters	C
Residential Uses	
Live/work units provided that the commercial portion is an office, retail or service use that is permitted in the C-R zone	C
Mixed-use development with a residential component	P
Multiple residential dwelling units, including senior and affordable housing developments	C
Single-family with a minimum density of 30 units per acre. The minimum number of units on each lot is 16 units per lot	P
Multiple-family residential, affordable housing and single room occupancy (SRO) with a minimum density of 30 units per acre	P
Retail Uses	
Alcoholic beverage sales, serving or consumption within any use permitted in the C-R zone	C
Art stores or galleries	P
Audio and visual products	P
Bakery shops, including baking of products sold on the premises only; baking for off-site sales prohibited	P
Bicycle, sales and service	P

Camera stores	P
China and glassware stores	P
Christmas tree sales lots, when maintained between November 1 and December 31	T
Clothing and apparel stores	P
Delicatessens	P
Drapery stores	P
Drugstores	P
Florist and plant shops	P
Food stores and markets	P
Furniture stores	P
Gift shops	P
Hardware stores	P
Hobby shops	P
Household appliance and repair shops	P
Ice cream parlors	P
Interior decorator shops	P
Jewelry stores (including incidental fabrication)	P
Lighting stores	P
Liquor stores	C
Lock and key services	P
Mail order houses, retail	P
Music stores	P
Nurseries and garden supplies	P
Office uses	P

Paint and wallpaper stores	P
Pet shops	P
Pumpkin sales lots, when maintained between October 15 and November 1	T
Radio, television and similar electronic component stores	P
Restaurants, fast food	P
Restaurants, full service	P
Shoe stores	P
Sporting goods stores	P
Stamp and coin shops	P
Stationary stores	P
Supermarkets	P
Taverns	C
Tobacco shops	P
Toy stores	P
Typewriter and office machine sales and service	P
Service Uses	
Answering services	P
Automobile service stations	C
Banks, savings and loans, and finance services	P
Beauty shops	P
Car washes (full or self-service)	C
Carpet cleaning services	P
Copying services, including but not limited to photo stating and blueprinting	P
Data processing services	P

Day care centers	C
Diet centers	P
Domestic pet grooming shops; provided that no animals shall be kept on the premise overnight	P
Dry cleaning and laundry establishments (non-industrial)	P
Electrical appliance repair shops	P
Employment agencies	P
Hotel and extended stay uses	C
Hospitals	P
Laundry operated exclusively as a retail-business with laundry machines that are the automatic type and capable of being operated by the public. Such use shall not include machines ordinarily found in industrial type uses	P
Linen supply services	P
Massage establishment	C
Medical and dental laboratories above the first level only	P
Nightclubs	C
Parcel delivery and pick up services	P
Pawnshops	C
Photocopying and blueprinting services	P
Photo developing stores	P
Portrait studios	P
Printing, other than publishing services	P
Shoe repair	P
Tailor, custom alteration shops	P
Tanning salons	P

Tire stores	P
Tire stores within 500 feet of SR 60	C
Tools sharpening and repair services	P
Travel agencies	P
Vehicle repair garages	
Veterinary offices, including hospitalization services	P
Water softener services	P
Transportation and Communication Uses	
Parking lot/structure facilities	C
Privately operated public utility uses, structures or transmission facilities	C
Publicly operated public utility uses	P
Wireless telecommunication facilities integrated into a building façade or structure or located behind a roof parapet; and located at least 300 feet from any residential zone, measured as the shortest distance, without regard to intervening buildings, from the nearest point of the proposed wireless telecommunication facility to the nearest point of the zone district boundary	C

(Ord. No. 1161, § 1, 3-13-2012; Ord. No. 1195, § 11, 2-24-2015; Ord. No. 1217, § 5, 10-24-17; Ord. No. 1228, § 5, 7-10-2018; Ord. No. 1239 , § 6, 12-3-2019)

17.15.030 - General development standards.

Table 17.15-B
Commercial-Residential District General
Development Standards

Development Feature	C-R
Minimum Lot Size	Minimum lot area and width required for new parcels
Area	15,000 square feet
Width	100 feet

Maximum Residential Density	35 dwelling units per acre when abutting a single-family zone; 87 dwelling units per acre when abutting a multifamily zone; 100 dwelling units per acre when not abutting any residential zone
Minimum Residential Density	For developments comprised solely as residential, 20 dwelling units per acre
Front and Side Yard Setbacks	None For residential development only, 10 feet shall be required
Interior Setback Abutting a Residential Zone	5 feet for one story, 15 feet for two story and 25 feet for three to five stories. Setbacks are measured from the residential property line
Exceptions to Setbacks Requirements	See Section 17.15.050 for setback exceptions
Distance Between Dwellings	N/A
Maximum Height Limits	Maximum building height is five stories or 65 feet for commercial, commercial/residential and residential developments
Accessory Structures	N/A
Landscaping	Minimum 10 percent of lot area
Fences and Walls	See Section 17.14.190 for commercial uses and Section 17.12.220 for residential uses only
Rooftop Equipment	Must be screened from public view
Lighting	Photometric plan is required
Trash Collection Areas	Min. dim. 8' × 10' interior must be enclosed and screened from public view with a decorative structure
Parking and Loading	Parking demand study required

1. Minimum Lot Size for Multi-Family Development. The minimum lot size in the C-R zoning district shall be fifteen thousand square feet for new multifamily housing development.
2. No Setback Requirements for the First Two Floors from the Garvey or Santa Anita Avenue Property Lines. Above the second

story, the setback from the Garvey or Santa Anita Avenue property lines shall be a minimum of five feet. All residential units developed at ground level along Garvey or Santa Anita Avenue shall be required to maintain a ten-foot setback from the front street property line.

3. Minimum Setbacks. No setbacks required from the street property line, except as required for corner cutoffs at intersections and residential development. If setbacks are provided, these areas shall only be used for landscaping and active pedestrian areas (e.g., plazas, outdoor dining). All street adjacent parking shall be set back a minimum of five feet and the setback area shall be fully landscaped.
4. Corner Cutoff at Intersection. In order to maintain visibility at intersections and to provide architectural interest for buildings at corner locations, buildings shall provide a ten-foot minimum corner cutoff and shall have an entrance to the building from this area. The minimum cutoff area shall be a triangular area that is determined by measuring ten feet back from the corner along both street property lines and drawing a line between the two points.
5. Landscaped Buffer Within Setback Area. Landscaped buffer required. A minimum five-foot wide landscaped buffer shall be provided on the subject property adjacent to any residentially zoned property or intervening alley regardless of the actual building setback that is provided. A landscaped buffer is not required adjacent to an alley at areas where direct vehicular access is provided to the subject property.

(Ord. No. 1161, § 1, 3-13-2012; Ord. No. 1240 , § 5, 1-14-2020)

17.15.040 - Additional development standards.

A. Limitations and Exceptions to Permitted Uses and Structures. Notwithstanding any other provisions of this chapter, the following limitations shall apply to the conduct of any use permitted in C-R zone as applicable:
   1. All uses except outdoor eating areas, parking, growing plants, cut flowers, Christmas tree lots, pumpkin sales lots and provision and storage of shopping carts shall be subject to specific standards contained within this chapter; additionally in the C-R zone, car washes, incidental or temporary uses, service stations, storage yards, vehicle storage or display, tire store uses, and vending machines (vending machines shall not include coin operated amusement devices, rides, scales, or similar devices) shall be conducted entirely within a completely enclosed building which is attached to a permanent foundation. There shall be no outside storage of tools, equipment, supplies or materials.
   2. No wholesaling of goods and materials shall be permitted in the C-R zone; retail sales to the general public only shall be permitted.
   3. Shopping cart storage shall be located on-site adjacent to the entry of a building and shall be screened with a minimum three-foot, six-inch high solid wall/fence or combination of fence and landscaping to obscure the visibility of shopping carts from the adjacent public rights-of-way. Where the director of the community development department, in his/her discretion, determines that screening interferes with the cart removal/retrieval "opening" given the unique location of the building (e.g. corner structure where cart storage may be visible from two or more intersecting public rights of way), the director of the community development department shall exempt the "opening" from the screening requirement and shall determine the orientation, location, size and configuration of the unscreened "opening." Shopping cart storage shall not intrude into any required pedestrian passageway or public right of way.
   4. All shopping carts shall be contained or controlled within the boundaries of store premises, in accordance with the standards set forth in the Municipal Code Title 8, Chapter 8.26.

B. Performance Standards. In accordance with the goals and precepts of the comprehensive general plan of the city environmental performance standards are hereby established to protect the community from hazards, nuisances and other negative factors; to ensure that land uses are not operated in such a manner as to cause a detrimental effect on adjacent land uses or the community environment; and to preserve and enhance the lifestyle of South El Monte residents through the protection of the public health, safety and general welfare. In the C-R zone, the following guidelines shall be evaluated on the basis of whether or not the activity is obnoxious to a person of normal sensitivity.
   1. General Provisions. No land, building or structure shall be used or occupied in any manner so as to create or maintain any dangerous, injurious, noxious or otherwise objectionable condition caused by fire, explosion or other hazards; noise

or vibration; smoke, dust or other form of air pollution; liquid or solid refuse or waste; or any other substance, condition or element used in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.

2. Air Quality. Any activity, operation, or device which causes or tends to cause the release of air contaminants into the atmosphere shall comply with the rules and regulations of the South Coast Air Quality Management District and with the following:
   a. Visible Emissions. No visible emissions of air contaminants or particulate matter shall be discharge into the atmosphere. No combustible refuse incineration shall be permitted
   b. Dust. Windborne dusts and debris across lot lines shall be prevented by planting, wetting, compacting, paving or other suitable treatment of land surface; storing, treating or enclosing materials; controlling sources of dust and debris by cleaning; or, such other measures as may be required.
   c. Odors. No odorous material shall be permitted so as to be obnoxious to persons of normal sensitivity as readily detectible at the property line or at any point off-site where the odor is greater.
3. Vibration. No activities shall be permitted which cause objectionable vibration to adjoining property except for construction activities in connection with an effective building permit.
4. Noise. No noise shall be generated which causes the maximum sound level to exceed the noise levels specified in the Municipal Code Title 8, Chapter 8.20. Further, in a mixed use project, no increase in the ambient noise base level for non-residential uses shall be permitted. Such noise measurements shall be taken at the residential zone property line, or at any point within an abutting residential zone, or at a point within the residential portion of the mixed use project, where the noise level from the non-residential use is greater. No steady impulsive noise (such as hammering or riveting) or steady audible tone components (such as whines, screeches or hums) shall be detectible from any residential use which is part or adjacent to the mixed use project.

C. Dwelling Unit Size. The gross floor area of any dwelling unit in the C-R zone shall be not less than provided herein. For the purpose of this section, dens, studies or other similar rooms which may be used as bedrooms shall be considered bedrooms. Living rooms, dining rooms, kitchens or bathrooms shall not be considered bedrooms, except that separate dining rooms in efficiency units or rooms that could be converted into additional bedrooms shall be considered bedrooms.

Table 17.15-C

Unit Type	Minimum Size Requirements
Efficiency and one bedroom units	750 square feet for the residential development
Two bedrooms units	900 square feet for the residential development
Three or more bedroom units	1,100 square feet for the residential development
Senior affordable units	540 square feet

D. Outdoor Space. A minimum outdoor space of one hundred forty square feet shall be provided per dwelling unit. Outdoor space may be provided as common or private space. Any common outdoor space shall have a minimum level surface dimension of twenty feet and a minimum area of four hundred square feet.

E. Distance Between Dwellings. A minimum distance of ten feet shall separate exterior walls of separate buildings containing dwelling units on the same lot. The windows or window/door or any one dwelling unit may not face the windows or window/door of any other dwelling unit unless separated by a distance of ten or more feet except where the angle between the wall of the separate dwellings units is ninety degrees or more. Walls parallel to each other shall be considered to be at a zero degree angle.

F. Access to Dwelling Units. An elevator shall be provided to serve all stories in a building containing more than three dwelling units where the floor area of any dwelling units is located only on the third story and other dwelling units are located on the first and second stories.

G. Laundry Facilities. Laundry facilities shall be provided to serve all residential dwelling units on a lot. Such laundry facilities, constituting washer and dryer appliances connected utilities, shall be provided in the individual dwelling units where there are three or less dwelling units on a lot. Where there are more than three dwelling units on a lot, laundry facilities shall either be provided in the individual dwelling units or in a common laundry room. A common laundry room shall be in an accessible location and shall have at least one washer and one dryer for each five welling units. A minimum of two washers and dryers shall be provided at all times. The washer and dryers shall be maintained in operable condition and accessible to all tenants daily between the hours of seven a.m. to ten p.m.

H. Storage Space—Private. A minimum of ninety cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit unless a private attached garage, serving only the dwelling unit, is provided. Such private storage space shall have a minimum horizontal surface area of twenty-four square feet and shall be fully enclosed and lockable.

(Ord. No. 1161, § 1, 3-13-2012)

17.15.050 - Setback requirements and exceptions.

A. Street Front and Street Side Setback. In the C-R zone, no person shall construct, locate or maintain within the space between a street and a setback line established by ordinance or by this title, any building, wall, fence or structure except:

1. General Exceptions.
    a. Driveway and walks, provided that a driveway shall be limited to that area reasonably necessary to provide safe and efficient ingress to and egress from off-street parking spaces located behind a set-back area.
    b. Eaves may project into a required setback area for a distance not to exceed thirty inches.
    c. Flagpoles limited to one per site.
    d. Footings and public utility vaults if fully subterranean.
    e. Landscape accent lighting not to exceed eighteen inches in height.
    f. Necessary railings adjacent to stairways.
    g. Retaining walls, planters or curbs which are not more than eighteen inches in height above the ground surface existing at the time of construction.
    h. Subterranean parking garages may extend to the street property line including equipment, service, utility and storage areas provided such areas do not have any door, window or other opening to the outside along the street property line.
    i. Uncovered steps or landings not over four feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback area to the property line.
2. Storage of Material Prohibited. No person shall store materials or equipment within the space between a street and a setback line established by ordinance or by this chapter, except temporarily during construction on the same premises.

B. Interior Setback (Exceptions). In the C-R zone, no person shall construct, locate or maintain within the space between a property line and an interior setback line established by ordinance or by this title, any building, wall, fence or structure except:

1. General Exceptions.
    a. Boundary line walls.
    b. Eaves may project into a required setback area for a distance not to exceed thirty inches, provided they do not project closer than thirty inches to an interior property line.
    c. Footings and public utility vaults if fully subterranean.

d. Driveways, walks and parking areas including lighting pursuant to the provisions of Chapter 17.60.

e. Railings adjacent to stairways.

f. Subterranean and semi-subterranean parking garages may extend to the interior property line including equipment, service, utility and storage areas provided such areas do not have any door, window or other opening to the outside along the interior property line.

g. Uncovered steps or landings not over four feet high as measured parallel to the natural or finish ground level at the location of the construction may project into the required setback are four feet for a length of fourteen feet measured parallel to the building.

2. Storage Prohibited. No required interior setback area shall be used to store any motor vehicle, trailer, camper, boat or parts thereof, equipment or any type of antenna except as provided for in this title.

(Ord. No. 1161, § 1, 3-13-2012)

Chapter 17.16 - COMMERCIAL MANUFACTURING ZONE (C-M)

17.16.010 - Intent and purpose.

The purpose of the commercial manufacturing zone, C-M, is to provide areas within the city in which general commercial and limited manufacturing uses can be co-located. Development standards are imposed in order to control the type and intensity of uses and to ensure quality of design which will enhance the area in which the use is located and which will protect adjacent and neighboring properties.

(Ord. 822 §1(part), 1989)

17.16.020 - Permitted uses.

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as provided in this chapter.

(Ord. 822 §1(part), 1989)

17.16.030 - Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses which, by their nature, require operations outside of a building, the following are primary uses permitted within the commercial manufacturing zone (C-M). Any permitted use which is located adjacent to, or directly across a public or private street from a residential zone district shall be subject to the development standards contained in Chapters 17.24 through 17.58 of these regulations:

A. Any use listed as a principal permitted use in the commercial zone (C) when not prohibited by Section 17.16.060;

B. Catering houses;

C. Wholesale and distribution businesses, providing that no trucks shall be based on the premises other than those owned, operated by, and servicing only the use on the site;

D. Manufacturing, processing, packaging, treatment, fabrication or assembly when not specified as a conditional use in the M zone or prohibited by Section 17.16.060;

E. Adult businesses pursuant to the provisions of Chapter 5.25 of the South El Monte Municipal Code.

(Ord. 1012 §6, 1999; Ord. 963 §7, 1995: Ord. 822 §1(part), 1989)

17.16.035 - Residential uses.

A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the commercial-manufacturing

zone.

B. Residential uses and structures as set forth in this chapter are defined herein as single-family residential dwellings, two-family dwellings, three-family dwellings, multiple-family dwellings, and mobile homes or trailers designed and used for residential occupancy located within a mobile home park legally established prior to January 1, 1980. Each such mobile home park legally established prior to January 1, 1980, shall comply with the provisions of Chapter 17.42.

C. The development standards set forth in Chapter 17.08 of this code shall apply to each single-family residential dwelling permitted by this section.

D. The development standards set forth in Chapter 17.10 of this code shall apply to each two-family dwelling and three-family dwelling permitted by this section.

E. The development standards set forth in the applicable sections of Chapter 17.12 pertaining to multiple-family dwellings shall apply to all multiple-family dwellings permitted by this section, except townhouses and condominiums.

F. The development standards set forth in Chapter 17.44 of this code shall apply to each townhouse and condominium permitted by this section.

G. The development standards set forth in the applicable sections of Chapter 17.42 that are applicable to mobile home sites and structures shall apply to each mobile home and trailer permitted by this section.

(Ord. 984 §5, 1996)

17.16.040 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with Chapter 17.68 of these regulations:

A. Any use listed as a conditionally permitted use in the commercial zone (C) when not prohibited by Section 17.16.060;

B. Any use not specifically permitted or prohibited which is determined to be compatible with the permitted uses of the commercial manufacturing zone (C-M);

C. Trade schools;

D. Massage establishment.

(Ord. 1087 §1, 2006; Ord. 963 §8, 1995: Ord. 918 §§3 and 6, 1992; Ord. 822 §1(part), 1989)

(Ord. No. 1195, § 12, 2-24-2015)

17.16.050 - Secondary uses.

The following uses are allowed when incidental to a permitted use:

A. Accessory buildings and uses customarily associated with any permitted use (see Chapters 17.24 through 17.58 for development standards);

B. Outdoor storage, as determined by the director of planning and community development or his representative, provided that the only materials and products or equipment stored are necessary to the operation of a use being conducted on the site. The height of the storage shall not exceed the height of any fence or wall required or permitted by these regulations, and storage shall not be permitted in any required front or side yard or in any area designated for required parking if such storage would eliminate necessary employee parking or force employees to park on the public street;

C. Gateway signs, subject to the provisions of Section 17.62.130(A)(6).

(Ord. 940 §3, 1993; Ord. 822 §1(part), 1989)

17.16.060 - Prohibited uses.

The following are prohibited uses in the commercial manufacturing zone:

A. Residential uses and structures except as specifically permitted by Section 17.16.035;

B. Hotels and motels;

C. Any uses listed as conditional uses in the manufacturing zone (M) unless specifically permitted by this chapter;

D. Churches and schools (both public and private);

E. The slaughter, dressing, butchering or similar operations involving animals, seafood, poultry, or fowl or the tanning or other treatment of hides, skins, or the like;

F. Any use when such use is determined to be hazardous in nature, either by virtue of activity or product, or through the emission of noise, pollutants, or hazardous effluents;

G. Uses prohibited on property located adjacent to or across a public or private street from a residential zone:

1. Ambulance services,
2. Any use which involves the mixing or handling of hazardous or toxic chemicals or products or requires the construction of any H-1 or H-2 structure,
3. Any use which involves heavy truck uses. Heavy truck uses meaning any use in which the movement of goods by truck on a regular basis is a major or principal part of the daily operation such as, but not limited to, distribution centers, moving and storage firms, steel distribution or any firm engaged primarily in transshipment of goods,
4. Machine shops employing such operations as deburring, the use of high speed drilling, sawing or cutting of metals; the use of any punch press over twenty tons capacity, and the use of brakes or other equipment capable of producing excessive noise or vibration,
5. Any use which involves the use of cyclones or other similar methods of moving materials which could create excessive or irritating noise,
6. Any use listed as a conditional use in the manufacturing zone (M) except that on-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and similar establishments may be permitted with a conditional use permit;

H. Off-sale of alcoholic beverages other than beer and wine within five hundred linear feet of any church, school, or park;

I. Metal buildings as defined in Chapter 17.56 of these regulations.

(Ord. 984 §6, 1996; Ord. 963 §9, 1995; Ord. 822 §1(part), 1989)

17.16.070 - Property development standards—Generally.

The following standards shall apply to uses within the commercial manufacturing zone (C-M), provided that automobile service stations, drive through and walkup restaurants, and buildings constructed adjacent to or directly across a public or private street from a residentially zoned district shall be subject to development standards contained in Chapter 17.48, provided further, that any lot or parcel which is substandard in width, depth, or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the commercial-manufacturing zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.16.035 shall be subject to development standards contained therein.

(Ord. 984 §7, 1996: Ord. 822 §1(part), 1989)

17.16.080 - Minimum lot area.

Minimum lot area is seven thousand five hundred square feet.

(Ord. 822 §1(part), 1989)

17.16.090 - Maximum building coverage.

See Figure 17.14.080 for allowable building coverage.

(Ord. 963 §10, 1995: Ord. 822 §1(part), 1989)

17.16.100 Minimum lot width. Minimum lot width is fifty feet.

(Ord. 822 §1(part), 1989)

17.16.110 - Minimum lot depth.

There are no minimum lot depth regulations.

(Ord. 822 §1(part), 1989)

17.16.120 - Maximum building height.

No requirement except that any building constructed adjacent to a residentially zoned lot shall have a maximum allowable height of twenty-eight feet.

(Ord. 822 §1(part), 1989)

17.16.130 - Minimum yard requirements.

A. Front Yard. Five feet, measured from the front property line, which shall be landscaped.

B. Side yard: none required.

1. Interior or key lot: none required.
2. Corner or reversed corner lot: five feet measured from the property line, which shall be landscaped.

C. Rear yard: none required.

(Ord. 822 §1(part), 1989)

17.16.140 - Accessory buildings.

Accessory buildings and structures shall conform to the standards contained in Chapters 17.24 through 17.58 of these regulations.

(Ord. 822 §1(part), 1989)

17.16.150 - Off-street parking and loading.

A. Off-street parking and loading shall be provided in accordance with Chapter 17.60.

B. No parking, whether the provision of required parking spaces or other parking, shall be permitted on unpaved areas, including the storage of trucks or other similar types of equipment.

(Ord. 822 §1(part), 1989)

17.16.160 - Loading docks and truck maneuvering.

A. All loading docks and doors facing a public or private street shall be located in such a way that all truck maneuvering shall take place onsite whenever possible.

B. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street whenever possible.

(Ord. 822 §1(part), 1989)

17.16.170 - Vehicle maintenance and repair.

Vehicle maintenance and repair must take place within a solid masonry structure enclosed on at least three sides with any openings, other than windows or fire exits, facing away from any public or private street.

(Ord. 822 §1(part), 1989)

17.16.180 - Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, groundcover, or other plant material and shall include an accepted automatic irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs not over fifty feet from any portion of a planted area and all landscaping shall be contained within six-inch concrete or eight-inch masonry curbing. Provision of landscaping within parking areas shall be in accordance with Chapter 17.60.

(Ord. 822 §1(part), 1989)

17.16.190 - Fences and walls.

A. A solid masonry wall eight feet in height shall be constructed and maintained along any side or rear property line which adjoins a residential zone, school, church or park, except that the wall shall not exceed forty-two inches in height when it adjoins the front setback of the adjacent residential property, except that the fence may be increased to a height of eight feet if the increase in height consists of wrought iron, chain link or other "see-through" material and the design is approved by the director of planning and community development. On property which is located in a block which is entirely zoned CM or M and developed in permitted manufacturing uses, fences or walls shall not exceed eight feet in height on sides front or rear, provided that any wall located in the front or on the side in the case of a corner or reversed corner lot shall be constructed to the rear of the required setback. If outdoor storage is conducted on the property, all fences must be sight obscuring.

B. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher forty inches above the reference point located at either:

   1. The point of intersection with the prolongation of the curblines; or
   2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200).

C. When parking is so located that vehicles are facing a public or private street, a forty-two inch high decorative block wall shall be installed to the rear of the required setback.

(Ord. 822 §1(part), 1989)

17.16.200 - Outdoor storage and operations.

Except as permitted by Section 17.14.205, all business operations in the commercial-manufacturing zone must be conducted entirely within a completely enclosed building. However, automobile and light truck sales, automobile service stations, outdoor dining, and other businesses which, by their nature, require operations outside of a building may be conducted outside of a building. Also, certain ancillary operations, such as the immediate loading and unloading of merchandise and supplies, routine property and building maintenance and permitted advertising may be conducted out of doors. Non-spoilable trash and/or recyclable material may be temporarily stored in approved and permitted trash enclosure area(s) for not more than seven days.

(Ord. 1057 §3, 2004; Ord. 822 §1(part), 1989)

17.16.205 - Outdoor display of merchandise for sale.

Businesses selling merchandise at retail in the commercial-manufacturing zone may display sale or promotional items outdoors subject to the following regulations:

A. The merchandise must be displayed on the same lot as the principal location of the business;

B. The area occupied by the outside display of merchandise shall not exceed an area greater than the gross square footage of the principal building on the lot multiplied by a factor of .025. The maximum permissible area occupied by outdoor display of merchandise shall be five hundred square feet;

C. The displayed merchandise must be grouped into a single area and visible from the public street. The displayed merchandise shall not block, or diminish the public view of, or physical access to, any other business or use.

D. The merchandise may not be displayed on, or over, any public right-of-way and may not be located within ten linear feet of any public right-of-way.

E. The displayed merchandise may not be located in, or encroach into, any required yard or setback, or unpaved area.

F. The displayed merchandise must not be located in, or encroach into, any designated driveway, required parking space, or designated fire lane.

G. The displayed merchandise may not block any doorway, designated private pedestrian walkway or access for the handicapped.

H. The merchandise may not be displayed on top of any portion of any building, hung from, or affixed to building walls, rafters or eaves. Nor may any merchandise be hung from, or affixed to, any fence or wall or inflatable device.

I. The outdoor display of merchandise shall be subject to all applicable health, safety and fire codes.

J. The outdoor display of merchandise for sale, is in and of itself, a form of advertising and no additional signage shall be permitted for the displayed merchandise except price signs measuring no larger than three inches by five inches may be affixed to the items displayed for sale.

K. The outdoor display of merchandise shall be subject to an outdoor display site plan review and approval by the planning commission and said approval shall be subject to conditions, if any, that may be imposed by the planning commission as needed to mitigate any potential negative effects created by the proposed outdoor display, and the planning commission shall deny the application if the planning commission finds that the outdoor display would be detrimental to persons or properties in the immediate vicinity of the subject property or to the city in general. The planning commission may revoke any approval for cause.

L. Application for an outdoor display site plan approval shall be made on application forms supplied by the city and pursuant to the instructions provided by the city. At the time of submittal, applicant shall pay an application fee in the same amount as the application fees established for development site plan review.

(Ord. 1057 § 4, 2004)

17.16.210 - Exterior lighting facilities.

Exterior lighting fixtures shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties.

(Ord. 822 § 1(part), 1989)

17.16.220 - Refuse enclosures.

There shall be sufficient refuse enclosures provided to serve each development. Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be constructed of wood, masonry, block, or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the proposed development.

(Ord. 822 § 1(part), 1989)

Chapter 17.17 - SENIOR HOUSING

17.17.010 - Purpose and intent.

The purposes of this chapter are to:

A. Facilitate the development of quality affordable and market rate housing for seniors;

B. Enhance the appearance and value of property in the city;

C. Provide various incentives to developers consistent with the state density bonus;

D. Ensure that affordable housing is provided to very low, low and moderate income seniors consistent with the State Regional Housing Needs Assessment (RHNA);

E. Ensure that senior housing developments are compatible with the surrounding community and complementary to the surrounding land uses.

(Ord. 1096 § 1(part), 2007)

17.17.020 - Target population.

All residents of senior housing shall be fifty-five years or older except that one member of a married couple or registered domestic partnership may be younger than fifty-five years old.

(Ord. 1096 § 1(part), 2007)

17.17.030 - Permitted zones.

Subject to the terms of this chapter, senior housing may be permitted with a conditional use permit in the residential, commercial and commercial industrial zones. In addition, site plan review is required for any property located in the improvement district.

(Ord. 1096 § 1(part), 2007)

17.17.040 - Site character.

The developer for senior housing shall:

A. Preserve and incorporate in the project's design unique existing amenities (e.g., views, mature trees, etc.) if feasible;

B. Preserve and incorporate in the project's design historic or distinctive structures of features as determined by the planning commission or the city council due to age, cultural significance, or unique architectural style;

C. Provide appropriate connective elements (e.g., walkways) to adjoining residential and commercial uses.

(Ord. 1096 § 1(part), 2007)

17.17.050 - Development standards.

A. Building Setbacks.

1. Property line adjacent to the frontage: twenty feet.

2. All other property lines: one-half the height of the building wall adjacent to that property line.

3. Mixed-use developments that include senior housing: as required by the setback requirements for the underlying zone.

B. Unit Size. The minimum unit size shall be as follows:

1. Studios	475 square feet
2. One-bedroom	525 square feet

3. Two or more bedrooms	700 square feet

C. Minimum Dwelling Amenities. At a minimum each unit shall have the following:
   1. Central heating and air conditioning;
   2. Washer and dryer electrical and gas hook ups for standard washer and dryer appliances; a bachelor/studio unit may provide facilities for stackable washer/dryer appliances.

D. Laundry facilities shall be provided on each building floor if washer and dryers are not provided in each of the proposed units. One washer and dryer shall be provided for every twenty units.

E. Trash enclosure should be fully enclosed with a masonry wall with, wood or metal gate and trellis roof. The enclosures shall be finished with colors and materials that are consistent with the rest of the structures. Enclosures should be screened with landscaping on their most visible sides.

(Ord. 1096 § 1(part), 2007)

17.17.060 - Parking requirements.

The developer shall comply with the city's standard parking requirements. Notwithstanding such requirement, senior projects that provide affordable housing pursuant to the following state regulations may provide parking as follows:

Affordability	Density	Parking Requirements
Consistent with the most recently adopted percentage of the RHNA for low income persons	40 units per acre	.7 parking space per dwelling unit +1 guest parking for every 10 units
In compliance with the State Density Bonus project requirements	50 units per acre	.5 parking spaces per dwelling unit +1 guest space for every 10 units

(Ord. 1096 § 1(part), 2007)

17.17.070 - Landscaping.

Landscaping should serve to frame, soften and embellish the quality of the environment; buffer units from noise or undesirable view; visually reduce or break up building mass, break up large expanses of parking and hardscape and provide shading and climate cooling of adjacent units.

A. All areas not covered by structures, drive aisles, parking or hardscape should be landscaped to the satisfaction of the director. B. Landscape planter's minimum fifteen feet in width shall be provided between the parking lot area or building and the public right-of-way. Said planter shall consist of the following:
   1. Turf, shrubs and mature trees (thirty-six inches box or larger) planted twenty foot on center;

2. Accent landscaping at the driveway entries;
3. Corner lots shall include accent landscaping and focal point such as waterfalls or other hardscape and perennials within the subject landscape area.

(Ord. 1096 § 1(part), 2007)

17.17.080 - Utility and mechanical equipment.

A. All mechanical equipment (e.g., compressors, air conditioner, heating and ventilating equipment, chillers, stand pipes, solar collectors, etc.) shall be concealed from view. Screening devices shall be compatible with the architecture and structure of the adjacent buildings.
B. Mechanical equipment shall not be located on the roof unless screened by building elements designed for screening that are an integral part of the building design.
C. Utility equipment (e.g., electric and gas meters, electrical panels, and junction boxes) shall be located in utility rooms within the structure or utility cabinets with exterior access.

(Ord. 1096 § 1(part), 2007)

17.17.090 - Recreational facilities.

Recreational facilities shall be provided throughout the facility. The recreational facilities shall consist of open and enclosed areas for residents of the facilities to congregate, for recreation and leisure. The following standards shall be utilized for recreational facilities:

A. The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent street or other incompatible uses.
B. Each recreational facility shall have a focal point. The focal point may consist of, but not limited to, water fountains, landscape planters, monuments, waterways, ponds, artwork, trellises or gazebos. Each focal point shall compliment other focal points by maintaining a common theme, consistent furnishing and signage.
C. Recreational facilities shall be categorized as either "major recreational facilities" or "minor recreational facilities." Major and minor recreational facilities shall be designed to complement one another and be physically linked to one another by pedestrian walkways and directional signage. Major and minor recreational facilities shall be provided as follows in the following table:

	0—80 Units	80—150 Units	150—200 Units	200—250 Units	250+ Units
Major Recreational Facilities					

Major Recreational Facilities: intended to be a significant recreational node or focal point for resident, and may include recreational buildings, swimming pools, tennis courts, spas, saunas and other amenities requiring significant investment and appropriate to serve residents, as determined by the city. The total minimum area shall be 2,000 square feet.	1	2	3	3	4 + 1 for every 100 units
Minor Recreational Facilities					

Minor Recreational Facilities: intended to augment major recreational facilities, and may include rest areas, picnic and barbecue areas, gazebos and other such amenities requiring a less significant investment than a major facilities and appropriate to serve residents. The total minimum area shall be 625 square feet.	1	1	2	2	3 + 1 for every 100 units

(Ord. 1096 § 1(part), 2007)

17.17.110 - Exterior lighting.

Lighting should provide illumination for the security and safety of on-site areas, such as parking, recreational facilities, building entries, and pathways. The following standards shall be utilized:

A. The design of light fixtures and their structural support should be architecturally compatible with the main structures on the site. Light fixtures should be architecturally integrated into the design of a structure.

B. The location of the light fixtures should correspond to anticipated use. Lighting of pedestrian ways illuminates changes in grade, path intersections, staging areas, and any other uses along the movement path that, if left unlighted would

create an unsafe situation.

C. All lighting fixtures must be shielded to confine light spread on-site.

D. Night lighting of building is encouraged, but should be accomplished in a selective manner, avoiding overall building illumination that produces an undesirable look. Night lighting of building features, emphasize repeated or decorative features, and use the juxtaposition light and shadow to articulate the building facade.

(Ord. 1096 § 1(part), 2007)

17.17.120 - Architectural design.

The developer shall consider a variety of different architectural features to add to the city's overall image, provided the architecture is consistent with surrounding structures and uses. No specific architectural style or design is required. The developer should consider the following design issues:

A. Design Consistency.

1. Building design should demonstrate a consistent use of colors, materials, and detailing throughout all elevations of the building. Piecemeal embellishment should be avoided.
2. Elevations that do not directly face a street should be appropriately landscaped.

B. Form and Mass. Designs should be provided a sense of human scale and proportion. Structures should be designed to avoid a "box-like," impersonal appearance by use of the following techniques:

1. Facade and Roof Articulation. Separations, changes in plane and height, and the inclusion of elements like balconies, porches, arcades, dormers and cross gables mitigate the barracks-like quality of flat wall and roof of excessive length. Secondary hipped or gabled roofs covering the entire mass of a building are preferable to flat roofs, or pitched roof segments applied on only some portions of the building.
2. Balconies, porches and recess patios for both practical and aesthetic values. The elements should be integrated into the structures to break-up large wall masses by offset building setbacks, using awnings/canopies.
3. Architectural detail through the use of columns, three-dimensional decorative cornice bands, recess entries and windows and awnings and canopies.
4. Full roofs with substantial overhangs.
5. Decorative parapets where roof overhangs are not provided.

C. Materials. Exterior materials should be very durable and require low maintenance. Piecemeal embellishment and frequent changes in materials should be avoided.

D. Building Colors. Exterior wall colors should harmonize with the site and surrounding buildings.

1. Facade colors should be neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
2. Building trim and accent areas may feature brighter colors, including primary colors.
3. The transition between base and accent colors should relate to changes in building materials or the changes in building surface planes. Colors should not meet or change without some physical change or definition of the surface plane.
4. The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up lines of a building.

(Ord. 1096 § 1(part), 2007)

17.17.130 - Security consideration.

The developer shall:

A. Provide clear, unobstructed sightlines from entries to the street or parking lots.

B. Provide clear sightlines to outdoor open areas from doorways and windows.

C. Illuminate exterior spaces and internal common spaces with energy-efficient, vandal-proof lamps and fixtures. Warm light shall be used to provide visibility, a noninstitutional feel and increase the feeling of ownership.

D. Locate laundry facilities where they can be observed and where access can be effectively restricted.

E. Create privacy for the ground level units by using landscaping and fencing to buffer the units from the street or parking. Do not place landscaping too close to windows.

F. Make paths to the entry, parking and the trash deposit area well-defined, well-lit, and free from dense shrubs.

G. Eliminate hidden recess in hallways, entryways, and stairways. Ensure that there are not entrapment areas between buildings.

H. Design common spaces to encourage a sense of belonging. Design common open space to relate to a discrete number of units so that the spaces become "their" recreational area.

I. Define the transition from the public street to the building so that the yard next to the building appears to belong to the building. Landscaped gardens and see-through fences create the sense of ownership and boundaries without compromising visibility.

J. Provide peepholes, strike plates and deadbolts in unit doors.

(Ord. 1096 § 1(part), 2007)

17.17.140 - Maintenance.

A. Continued good appearance depends on the extent and quality of maintenance. Materials and finishes shall be selected for their durability and wear, as well as for their beauty. Proper measures shall be taken for protection against weather, neglect, damage and abuse.

B. Provision for washing and cleaning buildings and structures, and control of dirt and refuse, shall be included in the design. Configurations that tend to catch and accumulate leaves, dirt and trash shall be avoided.

(Ord. 1096 § 1(part), 2007)

17.17.150 - Affordability.

A. At least twenty-five percent of the dwelling units developed shall be available at affordable housing cost to persons and families of very-low and low income.

B. At least forty percent of the twenty-five percent described above shall be available at affordable housing cost to very low-income households.

C. The restriction must remain available for the longer of fifty-five years of the period of land use controls established in the redevelopment plan for the project area. The city or the South El Monte Improvement District shall be identified in the covenants, conditions, and restrictions (CC&Rs) as having the right to enforce affordability restrictions.

D. The city reserves the right to require more stringent low-moderate income requirements where the city or the improvement district has participated in financially assisting the development.

(Ord. 1096 § 1(part), 2007)

Chapter 17.18 - MANUFACTURING ZONE (M)

17.18.010 - Intent and purpose.

The purpose of the manufacturing zone (M) is to provide for and encourage the development of industrial uses in suitable areas throughout the city, and to promote a desirable and attractive working environment with a minimum of detriment to surrounding properties and a maximum of protection for the permitted uses through the prohibition of incompatible uses.

(Ord. 822 § 1(part), 1989)

17.18.020 - Permitted uses.

No building or structure shall be erected, reconstructed or structurally altered or enlarged, nor shall any building, structure or land be used for any purpose except as provided in this chapter.

(Ord. 822 § 1(part), 1989)

17.18.030 - Principal permitted uses.

When conducted entirely within an enclosed building(s), except for businesses that, by their nature, require operations outside of a building, the following are primary uses permitted within the manufacturing zone (M). Any permitted use which is located adjacent to, or directly across a public or private street from a residential zone district shall be subject to the development standards contained in Chapters 17.24 through 17.58 of these regulations:

A. Manufacturing, repair, maintenance, preparation, compounding, processing, packaging, treatment, fabrication or assembly when not specified as a conditional use in the zone or prohibited by Section 17.18.060;
B. Warehousing and bulk storage;
C. Wholesaling;
D. Laboratories, commercial testing, experimental research or similar operations, except that any experimental or research use of animals shall be prohibited;
E. Offices related to, or supportive of, uses permitted in the manufacturing zone (M);
F. On-site advertising in accordance with the provisions of Chapter 17.62 of these regulations;
G. The manufacture of metal alloys, asphalt or asphalt products, cement, lime gypsum or plaster of Paris, coal, coke, charcoal, fuel briquettes and similar products, gas, rubber (natural or synthetic), soap, tallow, grease, lard and similar products, paints and paint products, acetylene, chemicals and chemical products, cellulose and cellophane, and plastics;
H. Manufacture or processing of perfumes, vinegar, yeast, sauerkraut, and similar highly aromatic products provided that no odors are allowed to emanate from the building(s) in which the operations occur or from the property in general;
I. Heavy metal works including drop forges, drop hammers, punch presses, forges and forging works;
J. The refining or rerefining of petroleum or petroleum products;
K. Radio, television or cellular telephone transmission towers or telephone switching and relay facilities, in accordance with Chapter 17.33 of these regulations;
L. Water pumping and treatment plants, reservoirs, wells and appurtenant facilities;
M. Public utility facilities;
N. Catering housing;
O. Medical marijuana dispensaries in accordance with Chapter 17.31 of these regulations.

(Ord. 1095 § 1, 2007; Ord. 963 § 12, 1995: Ord. 822 § 1(part), 1989)

(Ord. No. 1131, § 2, 1-26-2010)

17.18.035 - Residential uses.

A. Each residential use and structure legally existing as of January 1, 1980, is a permitted use in the manufacturing zone.
B. Residential uses and structures as set forth in this chapter are defined herein as single-family residential dwellings, two-family dwellings, three-family dwellings, multiple-family dwellings, and mobile homes or trailers designed and used for residential occupancy located within a mobile home park legally established prior to January 1, 1980. Each such mobile home park legally established prior to January 1, 1980, shall comply with the provisions of Chapter 17.42.

C. The development standards set forth in Chapter 17.08 of this code shall apply to each single-family residential dwelling permitt this section.

D. The development standards set forth in Chapter 17.10 of this code shall apply to each two-family dwelling and three-family dwelling permitted by this section.

E. The development standards set forth in the applicable sections of Chapter 17.12 pertaining to multiple-family dwellings shall apply to all multiple-family dwellings permitted by this section, except townhouses and condominiums.

F. The development standards set forth in Chapter 17.44 of this code shall apply to each townhouse and condominium permitted by this section.

G. The development standards set forth in the applicable sections of Chapter 17.42 that are applicable to mobile home sites and structures shall apply to each mobile home and trailer permitted by this section.

(Ord. 984 § 8, 1996)

17.18.040 - Secondary uses.

The following are secondary uses permitted within the manufacturing zone:

A. Existing single-family residence when such residence is occupied either by the owner of the property or the owner of a business when such is located on the site. The residence shall comply with regulations of the R-1 zone district and when any such structure is no longer occupied in accordance with the provisions of this chapter, it shall be removed within sixty days of notification that it is in violation of these regulations.

B. Accessory buildings and uses normally associated with any permitted use (see Chapters 17.24 through 17.58 for development standards).

C. Open storage, provided that the only materials, products, or equipment stored are necessary to the operation of the use being conducted on the site, that all storage is located within a fence, screened area, that storage does not exceed the height of any fence or wall permitted or required, and that storage is not placed within any required yard or parking area.

D. Living quarters for switchboard or security personnel subject to planning commission approval.

E. Personal and business services serving the building or complex in which they are located. Such services may include cafeterias, barber and beauty shops, travel services and similar businesses.

F. Retail sales associated with the principal use in a building or complex in which they are located. Such uses shall not exceed twenty-five percent of the gross floor area occupied by the principal use and shall be subject to approval by the director of planning and community development.

G. Gateway signs, subject to the provisions of Section 17.62.130 (A)(6).

(Ord. 940 §4, 1993; Ord. 822 §1(part), 1989)

17.18.050 - Conditional uses.

The following uses are permitted subject to obtaining a conditional use permit in accordance with the provisions of Chapter 17.68 of these regulations:

A. The manufacturing of explosives;

B. Support services such as: truck and automobile sales, leasing or rental and appurtenant facilities; restaurants; banks and other financial institutions, excluding check cashing services; business, trade and technical schools; labor or trade organizations and business offices; child care centers, when related to the industrial community; industrial medical clinics; and automobile service stations (minor repair only);

C. Drive-in movie theaters;

D. Outdoor market when conducted on a single site having an area of five acres or more in addition to the required parking area;

E. On-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and other similar eating establishments;

F. Automotive repair facilities, including body and fender shops, auto paint shops, engine rebuild, overhaul or repair;

G. Massage establishment;

H. Recreational facilities including, but not limited to, soccer facilities, basketball courts, and water polo facilities;

I. Any use proposed for any property that is one acre or larger in size;

J. Any use proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger;

K. Any proposed use or resumption, reestablishment, reopening, or replacement of a use that is proposed for any building or structure that is twenty-five thousand square feet of gross floor area or larger where the building or structure has been vacant for more than ninety days, or the use has been abandoned or discontinued for more than ninety days;

L. Any other use not specifically permitted or prohibited, which is determined to be compatible with the permitted uses of the manufacturing zone.

(Ord. 978 §3, 1996; Ord. 963 §13, 1995: Ord. 822 §1(part), 1989)

(Ord. No. 1151, § 2, 3-22-2011; Ord. No. 1152, § 3, 3-22-2011; Ord. No. 1195, § 13, 2-24-2015; Ord. No. 1237 , § 5, 7-23-2019)

17.18.060 - Prohibited uses.

The following are prohibited uses in the manufacturing zone:

A. Residential uses and structures except as specifically permitted by either Section 17.18.035 or Section 17.18.040;

B. Commercial uses except as specifically permitted by Sections 17.18.030, 17.18.040 and 17.18.050;

C. Churches and schools (public and private);

D. Industrial uses when such uses are determined to be hazardous in nature, either by virtue of process or product or through the emission of hazardous effluents, offensive odors or pollutants;

E. The slaughter, dressing, butchering or similar operations involving animals, seafood, poultry or fowl, or the tanning or other treatment of hides, skins, or the like;

F. Mini-warehouses or mini-storage facilities;

G. Trucking, transit and transportation terminals and related repair and storage facilities;

H. Junk yards, salvage yards, contractors' equipment yards, building material yards, machinery and equipment storage yards;

I. Uses prohibited on property located adjacent to or across a public or private street from a residential zone:

1. Ambulance services,

2. Any use which involves the mixing or handling of hazardous or toxic chemicals or products or requires the construction of any H-1 or H-2 structure,

3. Any use which would involve heavy truck uses. Heavy truck uses meaning any use in which the movement of goods by truck on a regular basis is a major or principal part of the daily operation such as, but not limited to, distribution centers, moving and storage firms, steel distribution or any firm engaged primarily in transshipment of goods,

4. Machine shops employing such operations as deburring, the use of high speed drilling, sawing or cutting of metals; the use of any punch press over twenty tons capacity, and the use of brakes or other equipment capable of producing excessive noise or vibration, including drop hammers,

5. Any use which involves the use of cyclones or other similar methods of moving materials which would create excessive or irritating noise,

6. Any use listed as a conditional use in this section, except that swap meets, drive-in movie theaters, public utility facilities and on-sale of alcoholic beverages in association with restaurants, cafes, cafeterias and similar eating establishments may be permitted with a conditional use permit;

J. Off-site advertising signs and sign structures;

K. Reserved;

L. Any use not specifically permitted by these regulations unless determined by the planning commission to be the same as, or

similar to, a permitted use;

M. Metal buildings as defined and regulated by Chapter 17.56.

(Ord. 984 § 9, 1996; Ord. 822 §1(part), 1989)

17.18.070 - Property development standards.

The following standards shall apply to uses within the manufacturing zone (M) provided that automobile service stations, day care centers and any use located adjacent to or directly across a public or private street from a residentially zoned district shall be subject to development standards contained in Chapter 17.48, and provided further, that any lot or parcel which is substandard in width, depth, or area and was legally recorded as a separate lot as of July 1, 1988, may be used for any use permitted by the manufacturing zone district regulations. Notwithstanding the above, residential uses and structures permitted by Section 17.18.035 shall be subject to development standards contained therein.

(Ord. 984 § 10, 1996: Ord. 822 §1(part), 1989)

17.18.080 - Minimum lot area.

Minimum lot area is ten thousand square feet.

(Ord. 822 §1(part), 1989)

17.18.090 - Maximum building coverage.

See Figure 17.14.080 for allowable building coverages.

(Ord. 963 §14, 1995: Ord. 822 §1(part), 1989)

17.18.100 - Minimum lot width.

Minimum lot width is one hundred feet.

(Ord. 822 §1(part), 1989)

17.18.110 - Minimum lot depth.

Minimum lot depth is one hundred feet.

(Ord. 822 §1(part), 1989)

17.18.120 - Maximum building height.

No requirement except that any building constructed adjacent to a residentially zoned lot shall have a maximum allowable height of twenty-eight feet when located within fifty feet of the zone district boundary.

(Ord. 822 §1(part), 1989)

17.18.130 - Minimum yard requirements.

A. Front yard: five feet, measured from the front property line. This setback area shall be landscaped.

B. Side Yard.

1. Interior or key lot: none required;

2. Corner or reversed corner lot: five feet, measured from the front property line. This setback area shall be landscaped;

C. Rear yard: none required.

(Ord. 822 §1(part), 1989)

17.18.140 - Accessory buildings.

Accessory buildings and structures shall conform to the standards contained in Chapters 17.24 through 17.58 of these regulations.

(Ord. 822 §1(part), 1989)

17.18.150 - Off-street parking and loading.

A. Off- street parking and loading shall be provided in accordance with Chapter 17.60.

B. No parking, whether the provision of parking spaces, or other parking, shall be permitted on unpaved areas, including the storage of trucks or other types of equipment.

(Ord. 822 §1(part), 1989)

17.18.160 - Loading docks and truck maneuvering.

A. All loading docks and doors facing a public or private street shall be located in such a way that all truck maneuvering shall take place on site whenever possible.

B. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street wherever possible.

(Ord. 822 §1 (part), 1989)

17.18.170 - Vehicle maintenance and repair.

Must take place within a solid masonry structure enclosed on at least three sides with any openings, other than windows or fire exits, facing away from any public or private street.

(Ord. 822 §1(part), 1989)

17.18.180 - Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, groundcover, or other plant material and shall include an accepted automatic irrigation system (sprinklers, bubblers or diffuser heads) or hose bibs not over fifty feet from any portion of a planted area and all landscaping shall be contained within six-inch concrete or eight-inch masonry curbing. Provision of landscaping within parking areas shall be in accordance with Section 17.16.020.

A. A solid masonry wall, eight feet in height, shall be constructed and maintained along any side or rear property line which adjoins a residential zone, school, church or park, except that the wall shall not exceed forty-two inches in height when it adjoins the front setback of the adjacent residential property, except that the fence may be increased to a height of eight feet if the increase in height consists of wrought iron, chain link or other "see-through" material and the design is approved by the director of planning and community development.

B. On property which is located in a block which is entirely zoned C-M or M and developed in permitted manufacturing uses, fences or walls shall not exceed eight feet in height on sides, front or rear, provided that any wall located in the front or on the side, in the case of a corner or reversed corner lot, shall be constructed to the rear of the required setback. If outdoor storage is conducted on the property, all fences must be sight-obscuring.

C. Corner or Reversed Corner Lot. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point located at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08.200);

D. When parking is so located that vehicles are facing a public or private street, a forty-two inch high decorative block wall shall be installed to the rear of the required setback.

(Ord. 822 §1(part), 1989)

17.18.190 - Outdoor storage and operations.

Except as permitted by Section 17.14.205, all business operations in the manufacturing zone must be conducted entirely within a completely enclosed building. However, automobile and light truck sales, automobile service stations, outdoor dining, and other businesses which, by their nature, require operations outside of a building may be conducted outside of a building. Also, certain ancillary operations, such as the immediate loading and unloading of merchandise and supplies, routine property and building maintenance and permitted advertising may be conducted out of doors. Non-spoilable trash and/or recyclable material may be temporarily stored in approved and permitted trash enclosure area(s) for not more than seven days.

(Ord. 1057 §5, 2004; Ord. 822 §1(part), 1989)

17.18.195 - Outdoor display of merchandise for sale.

Businesses selling merchandise at retail in the manufacturing zone may display sale or promotional items outdoors subject to the following regulations:

A. The merchandise must be displayed on the same lot as the principal location of the business;

B. The area occupied by the outside display of merchandise shall not exceed an area greater than the gross square footage of the principal building on the lot multiplied by a factor of .025. The maximum permissible area occupied by outdoor display of merchandise shall be five hundred square feet;

C. The displayed merchandise must be grouped into a single area and visible from the public street. The displayed merchandise shall not block, or diminish the public view of, or physical access to, any other business or use.

D. The merchandise may not be displayed on, or over, any public right-of-way and may not be located within ten linear feet of any public right-of-way.

E. The displayed merchandise may not be located in, or encroach into, any required yard or setback, or unpaved area.

F. The displayed merchandise must not be located in, or encroach into, any designated driveway, required parking space, or designated fire lane.

G. The displayed merchandise may not block any doorway, designated private pedestrian walkway or access for the handicapped.

H. The merchandise may not be displayed on top of any portion of any building, hung from, or affixed to building walls, rafters or eaves. Nor may any merchandise be hung from, or affixed to, any fence or wall or inflatable device.

I. The outdoor display of merchandise shall be subject to all applicable health, safety and fire codes.

J. The outdoor display of merchandise for sale, is in and of itself, a form of advertising and no additional signage shall be permitted for the displayed merchandise except price signs measuring no larger than three inches by five inches may be affixed to the items displayed for sale.

K. The outdoor display of merchandise shall be subject to an outdoor display site plan review and approval by the planning commission and said approval shall be subject to conditions, if any, that may be imposed by the planning commission as needed to mitigate any potential negative effects created by the proposed outdoor display, and the planning

commission shall deny the application if the planning commission finds that the outdoor display would be detrimental to persons or properties in the immediate vicinity of the subject property or to the city in general. The planning commission may revoke any approval for cause.

L. Application for an outdoor display site plan approval shall be made on application forms supplied by the city and pursuant to the instructions provided by the city. At the time of submittal, applicant shall pay an application fee in the same amount as the application fees established for development site plan review.

(Ord. 1057 §6, 2004)

17.18.200 - Exterior lighting facilities.

Shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties.

(Ord. 822 §1(part), 1989)

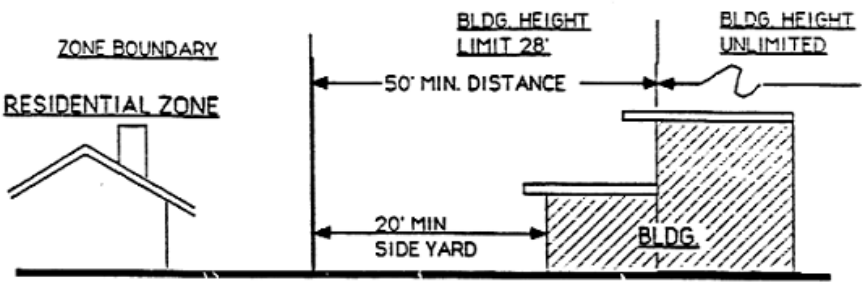
17.18.210 - Refuse enclosures.

There shall be sufficient refuse enclosures provided to serve each development.

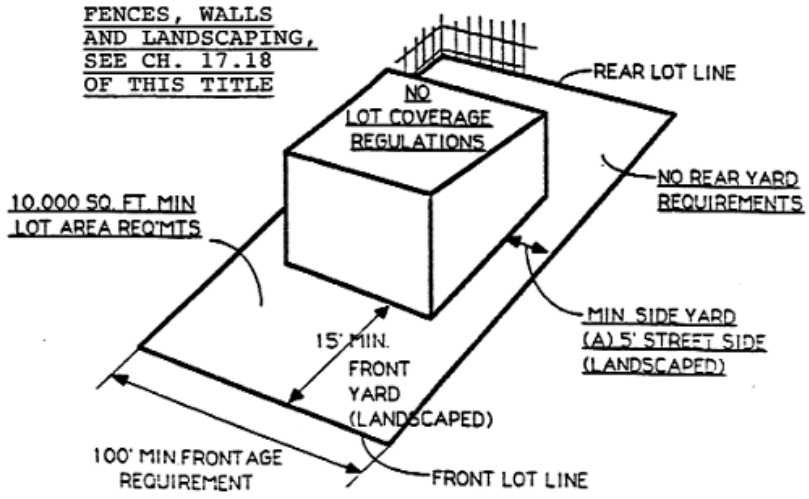
Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be constructed of wood, masonry, block, or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the proposed development.

(Ord. 822 §1(part), 1989)

SUMMARY M ZONE



1. For property development standards, see Chs. 17.24--17.58 of this title.
2. Parking requirements, see Ch. 17.60 of this title.



Chapter 17.19 - ADULT BUSINESS OVERLAY ZONE (ABO)

17.19.010 - Adult business overlay zone established.

The city council hereby establishes the adult business overlay (ABO) zone. The adult business overlay zone shall be the area indicated on figure 17.19.100 of this chapter as may be amended from time to time.

(Ord. 1066 §1(part), 2005)

17.19.020 - Intent and purpose.

The intent and purpose of the adult business overlay zone is to provide ample reasonable opportunities for adult businesses, as defined in Chapter 5.25 of this Code, to locate in South El Monte.

(Ord. 1066 §1(part), 2005)

17.19.030 - Permitted uses.

A. Any adult business that complies with the provisions of Chapter 5.25 of this Code.

B. Any manufacturing use permitted pursuant to Chapter 17.18 of this Code.

(Ord. 1066 §1(part), 2005)

17.19.040 - Property development standards.

Any adult business proposed to be located within the ABO zone must comply with all standards, regulations and criteria set forth in Chapter 5.25 of this Code and the locational requirements set forth in Chapter 17.55 of this Code.

(Ord. 1066 §1(part), 2005)

Chapter 17.20 - PUBLIC FACILITIES ZONE (P-F)

17.20.010 - Intent and purpose.

The public facilities zone (P-F) is established to provide areas throughout the city for the location of a variety of public, quasi-public and institutional facilities. Such areas shall be developed in a manner designed to enhance the neighborhood and to protect the surrounding areas from unnecessary noise, traffic or other disturbance.

(Ord. 822 §1(part), 1989)

17.20.020 - Permitted uses.

No building structure shall be erected, reconstructed, or structurally altered or enlarged, nor shall any building structure or land be used for any purpose except as allowed by this chapter.

(Ord. 822 §1(part), 1989)

17.20.030 - Principal permitted uses.

The following uses are permitted in the P-F zone:

A. Public buildings, including but not limited to, city hall, public libraries, police and fire facilities and public parks and associated structures;
B. Quasi-public facilities such as public utility facilities, water wells, city yards and similar uses;
C. Institutional uses such as public schools;
D. Private schools;
E. Churches and church related facilities.

(Ord. 963 §16, 1995: Ord. 822 §1(part), 1989)

17.20.040 - Conditional uses.

Any public or quasi-public use not specifically permitted under Section 17.20.030 may be permitted subject to obtaining a conditional use permit in accordance with Chapter 17.68 of these regulations.

(Ord. 963 §17, 1995: Ord. 822 §1(part), 1989)

17.20.050 - Accessory uses.

The following are permitted accessory uses in the public facilities zone:

A. Accessory buildings and uses customarily associated with any permitted use (see Chapters 17.24 through 17.58 for development standards);
B. Outdoor commemorative or fundraising events if sponsored by the city or by the use permitted on the site.

(Ord. 822 §1(part), 1989)

17.20.060 - Prohibited uses.

Any use not specifically permitted by Sections 17.20.030 and 17.20.040, is prohibited in the P-F zone as are metal buildings as defined in Chapter 17.56 of these regulations.

(Ord. 822 §1(part), 1989)

17.20.070 - Development standards—Generally.

The following property development standards shall apply to all uses within the P-F zone. Standards applicable to individual uses are found in Chapters 17.24 through 17.58 of these regulations.

(Ord. 822 §1(part), 1989)

17.20.080 - Minimum lot area.

Minimum lot area is seven thousand five hundred square feet.

(Ord. 822 §1(part), 1989)

17.20.090 - Maximum building coverage.

See Figure 17.08.200 for allowable building coverage.

(Ord. 822 §1(part), 1989)

17.20.100 - Minimum lot width.

Minimum lot width is fifty feet.

(Ord. 822 §1(part), 1989)

17.20.110 - Minimum lot depth.

There are no minimum lot depth requirements.

(Ord. 822 §1(part), 1989)

17.20.120 - Maximum building height.

No requirement except that any building constructed adjacent to a residentially zoned lot shall have a maximum allowable height of twenty-eight feet.

(Ord. 822 §1(part), 1989)

17.20.130 - Minimum yard requirements.

A. Front Yard. A minimum ten foot landscaped front yard shall be provided.

B. Side Yard.

1. Interior or key lot: none required except if the side yard abuts a residentially zoned parcel, a ten foot landscaped side yard shall be maintained.
2. Corner or reversed corner lot: ten feet on the street side of the lot, which shall be landscaped side yard, shall be maintained.

C. Rear Yard. None required except where the rear yard abuts a residentially zoned parcel, a ten foot landscaped rear yard shall be maintained.

(Ord. 822 §1(part), 1989)

17.20.140 - Accessory buildings.

Accessory buildings and structures shall conform to the standards contained in Chapters 17.24 through 17.58 of these regulations.

(Ord. 822 §1(part), 1989)

17.20.150 - Off-street parking and loading.

A. Off- street parking and loading shall be provided in accordance with Chapter 17.60 of these regulations.

B. No parking, whether the provision of required parking spaces or other parking, shall be permitted on unpaved areas, including the storage of trucks or similar types of equipment. The only exception to this rule shall be in the case of outdoor commemorative or fundraising events permitted by above.

C. All loading docks and doors facing a public or private street shall be located in such a way that all truck maneuvering shall take place on site whenever possible.

D. All drive approaches shall be so designed as to preclude direct access to a loading door or loading dock from a public or private street whenever possible.

E. Vehicle maintenance and repair must take place within a solid masonry structure enclosed on at least three sides with any openings, other than windows or fire exits, facing away from a public or private street.

(Ord. 822 §1(part), 1989)

17.20.160 - Landscaping.

A minimum of five percent of the total area devoted to parking shall be landscaped as well as other areas not designated for parking, structures, or pedestrian walkways. Landscaping shall consist of grass, ground cover, or other plant material and shall include an accepted automatic irrigation system (sprinklers, bubblers or diffuser heads) or hose bibs not over fifty feet from any portion of a planted area and all landscaping shall be contained within a six-inch concrete or eight-inch masonry curbing. Provision of landscaping within parking areas shall be in accordance with Chapter 17.60 of these regulations.

(Ord. 822 §1(part), 1989)

17.20.170 - Fences, hedges and walls.

A. Interior Lots. Fences, hedges and walls shall be permitted in a required front yard area, provided that no sight-obscuring fence (concrete, block, masonry or wood) shall exceed forty-two inches in height, except that the fence may be increased to an overall height of six feet if the increase consists of wrought iron, chain link, or other see-through materials and the design is approved by the director of planning and community development, and provided that no plants, vines or other material shall be planted in such a way as to limit visibility through the fence. Fences, hedges and walls located to the rear of the property shall not exceed six feet in height except that fences or walls located adjacent to a freeway right-of-way shall not exceed ten feet in height.

B. Corner or Reversed Corner Lots. On property at any corner formed by intersecting streets it shall be prohibited to construct, install or maintain any fence, hedge or wall or any other obstruction to view higher than forty inches above the reference point at either:

1. The point of intersection with the prolongation of the curblines; or
2. The point of intersection of the prolongation of the edge of the paved roadway when curblines do not exist.

Within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet from the point of their intersection, or in the case of rounded corners, the triangular area included between the reference point and the curbline or edge of paved roadway line forty feet from the point of their intersection (see Figure 17.08- .200).

C. On property which is located in a block which is otherwise entirely zoned C-M or M and developed in permitted

manufacturing uses, fences or walls shall not exceed eight feet in height on sides, front or rear provided that any wall located on the front or side, in the case of a corner or reversed corner lot, shall be constructed to the rear of the required setback. If outdoor storage is constructed on the property, all fences must be sight-obscuring.

D. When parking is located so that vehicles are facing a public or private street, a minimum forty-two inch high decorative block wall shall be installed to the rear of the required setback.

(Ord. 822 §1(part), 1989)

17.20.180 - Outdoor storage and operations.

All operations must be conducted entirely within a completely enclosed building except for activities which, by their nature, require operations outside of a building. Any outdoor storage of supplies, equipment or products is prohibited unless such storage is screened from public view by a solid masonry wall or sight-obscuring fence and does not extend above the height of the fence. All refuse enclosures shall be screened from public view.

(Ord. 822 §1(part), 1989)

17.20.190 - Exterior lighting facilities.

Exterior lighting facilities shall be arranged in a manner that will not provide a direct glare or create hazardous interference with highways and neighboring properties.

(Ord. 822 §1(part), 1989)

17.20.200 - Refuse enclosure.

There shall be sufficient refuse enclosures provided to serve each development. Each enclosure shall have minimum interior dimensions of five feet by seven feet and shall be constructed of wood, masonry block or a combination of such materials and shall be designed to be compatible with the principal structure or structures on the site. The number, placement and design of such enclosures shall be determined during review of the proposed development.

(Ord. 822 §1(part), 1989)

Chapter 17.22 - OVERLAY ZONE DISTRICTS

17.22.010 - Intent and purpose.

The overlay zone districts are designed to establish a greater degree of control and regulation of architectural design in certain defined areas of the city felt to be of special concern. The regulations established by this chapter are in addition to, or may supersede, regulations established for the individual zone districts included within the overlay zone district. However, no uses not specifically permitted in the zone district shall be permitted in the overlay district.

(Ord. 822 §1(part), 1989)

17.22.020 - Overlay zone districts established.

The city council may, following a public hearing, adopt an ordinance declaring certain defined areas within the city as overlay zone districts:

A. The civic center district encompassing the area indicated on Figure 17.22.020.A. of these regulations is established as an overlay zone district.

B. The freeway corridor district encompassing the area indicated on Figure 17.22.020.B. of these regulations is established as an overlay zone district.

C. The major thoroughfare district consisting of the thoroughfares indicated on Figure 17.22.020.C. of these regulations is esta an overlay zone district.

D. The Santa Anita Corridor district consisting of the area indicated on Figure 17.22.020.D. of these regulations is established as an overlay zone district.

(Ord. 964 §1, 1995: Ord. 822 §1(part), 1989)

(Ord. No. 1243 , § 5, 4-28-2020)

17.22.025 - Santa Anita Corridor overlay district.

A. Applicability. This section applies to lots located in the Santa Anita Corridor overlay district as indicated on Figure 17.22.020.D. All development shall comply with the applicable development standards (e.g., setbacks, height) of the underlying zoning district in addition to the standards provided in this section. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this section the most restrictive standard shall prevail.

B. Uses Allowed. Land uses allowed in the Santa Anita Corridor overlay district are all those uses allowed in the underlying zoning district.

C. Required Residential Density. For commercial-residential zoned properties that are located within this overlay district, the following standards shall apply:

1. A minimum of fifty percent of the total floor area proposed for all new mixed-use projects will be devoted to residential uses;
2. Allowed development types will be limited to mixed use developments and residential stand-alone uses; and
3. Owner-occupied and rental multifamily residential uses will be allowed by right for developments in which at least twenty percent of the units are affordable to lower-income households during the planning period. Currently owner-occupied and rental multifamily residential uses with densities of at least thirty units per acre are allowed by right.

(Ord. No. 1243 , § 6, 4-28-2020)

17.22.030 - Change in boundaries.

Changes in the boundaries of any overlay zone district shall be made by ordinance amending the boundaries shown on the appropriate exhibits codified in Section 17.22.020.

(Ord. 822 §1(part), 1989)

17.22.040 - Building permits.

No building permit shall be issued for the construction or erection of any building or structure, or for the reconstruction or addition to any existing building or structure, anywhere within an overlay zone district until a proposed precise development plan for such construction, reconstruction or addition has been submitted to and approved by the architectural board of review in accordance with Section 17.22.080.

(Ord. 822 §1(part), 1989)

17.22.050 - Architectural board of review.

The planning commission is designated the architectural board of review.

(Ord. 822 §1(part), 1989)

17.22.060 - Application for precise plan.

An application for a precise plan approval shall be filed with the planning director with each application for a building permit and shall thereafter be referred to the architectural board of review. All information, plans, documents and other matters relating to the issuance of building permit shall accompany said application and, in addition, the following:

A. Parcel dimensions;
B. The location, proposed use, site, height, floor plans of all existing and proposed buildings;
C. The location, height, and materials to be used in the construction of all walls and fences;
D. The location, number of spaces, dimensions and circulation pattern of all proposed off-street parking;
E. All pedestrian and vehicle access routes including interior traffic circulation design;
F. The location, size, height, materials and lighting of signs;
G. The location, dimensions, number of spaces and access to loading areas;
H. The location and general nature of lighting;
I. Existing and proposed streets;
J. A landscaping plan indicating existing and proposed natural features, such as trees, shrubs, watercourses, topography and proposed landscaping and materials for the surfacing of areas between buildings, driveways and other open areas;
K. Exterior elevation plans.

(Ord. 822 §1(part), 1989)

17.22.070 - Rules of procedure.

The architectural board of review shall have the power to establish its own rules of procedure with the following limitations:

A. A quorum shall consist of at least three members;
B. A majority vote shall be required to approve any action;
C. The secretary to the planning commission shall take and maintain minutes of all meetings of the board.

(Ord. 964 §2, 1995: Ord. 822 §1(part), 1989)

17.22.080 - Powers of the architectural board of review.

The board shall determine whether the proposed development is in compliance with these regulations, the design guidelines adopted by resolution of the city council, and whether or not it will be detrimental to the public health, safety and welfare or affect the desirability of property values or the present or future development of the surrounding areas. The board shall determine whether or not the purposes and objectives of this chapter have been met and in that regard, conditions may be imposed to assure that the purposes and objectives of this chapter are realized. Consideration will be given to site plans, landscaping, architectural design, arrangements and the relationship of such factors to similar features of buildings in the immediate area. Interior design shall not be considered, nor shall conditions be imposed to require development incongruous with the surroundings.

The board, in compliance with the foregoing, may approve, conditionally approve or disapprove any application for a building permit based upon said precise plan, provided that the board may not approve or conditionally approve the application if the board finds that the building for which the permit has been applied would, if erected or altered or expanded, be detrimental to the environment, property values or development of the surrounding area.

(Ord. 964 §3, 1995: Ord. 822 §1(part), 1989)

17.22.090 - Consideration of adjoining property values.

In the approval or rejection of a precise plan, consideration shall be given and restrictions shall be imposed to the extent necessary in view of the size and shape of the parcel and the present and proposed zoning and use of the subject property and the surrounding property, to permit the same degree of enjoyment of the subject property, to permit the same degree of protection of adjoining

properties, as would be afforded in normal circumstances by the standard restrictions imposed by this title. If the proposed precise plan of design would substantially depreciate property value in the vicinity or would unreasonably interfere with the use or enjoyment of property in the vicinity by the occupants thereof for lawful purposes or would endanger the public peace, health, safety or general welfare, such plan shall be rejected or shall be so modified or conditioned upon adoption as to remove such objections.

(Ord. 822 §1(part), 1989)

17.22.100 - Compliance required.

No person shall violate or fail to comply with any adopted precise plan of design or any condition or provision thereof, nor shall a building permit be issued for any structure which would violate or fail to comply with any adopted precise plan of design for the parcel or parcels on which said structure is to be located.

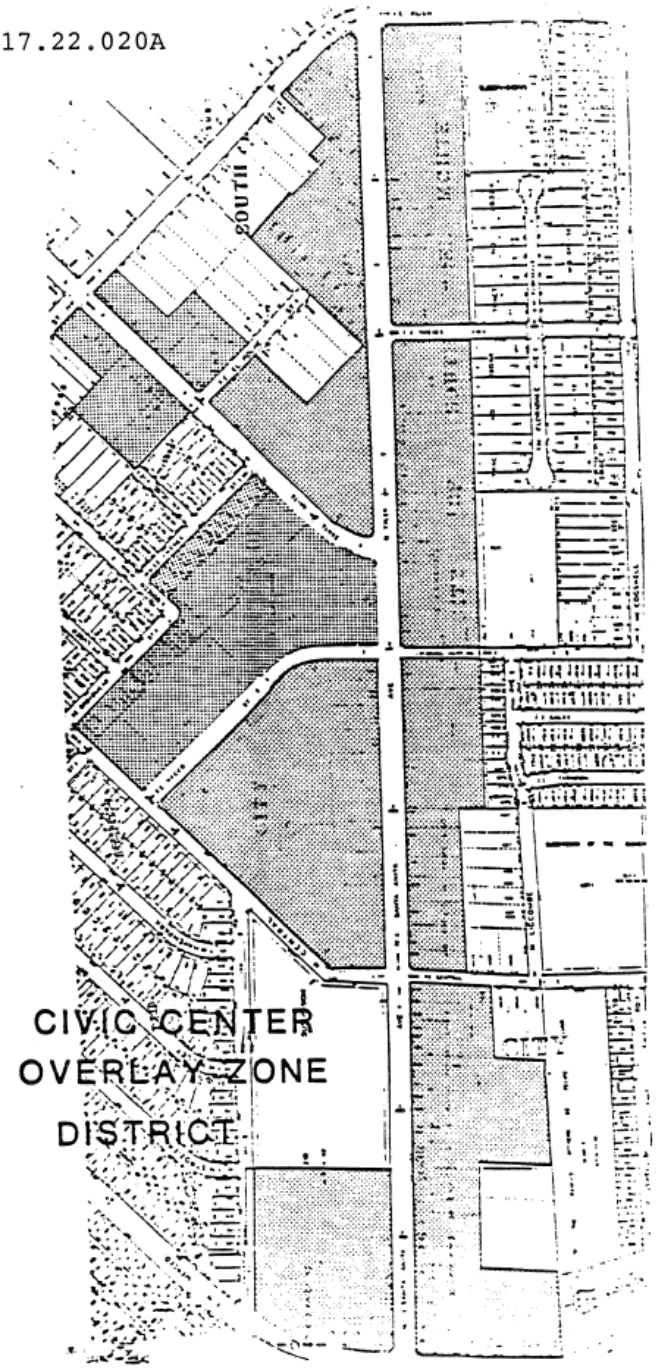
(Ord. 822 §1(part), 1989)

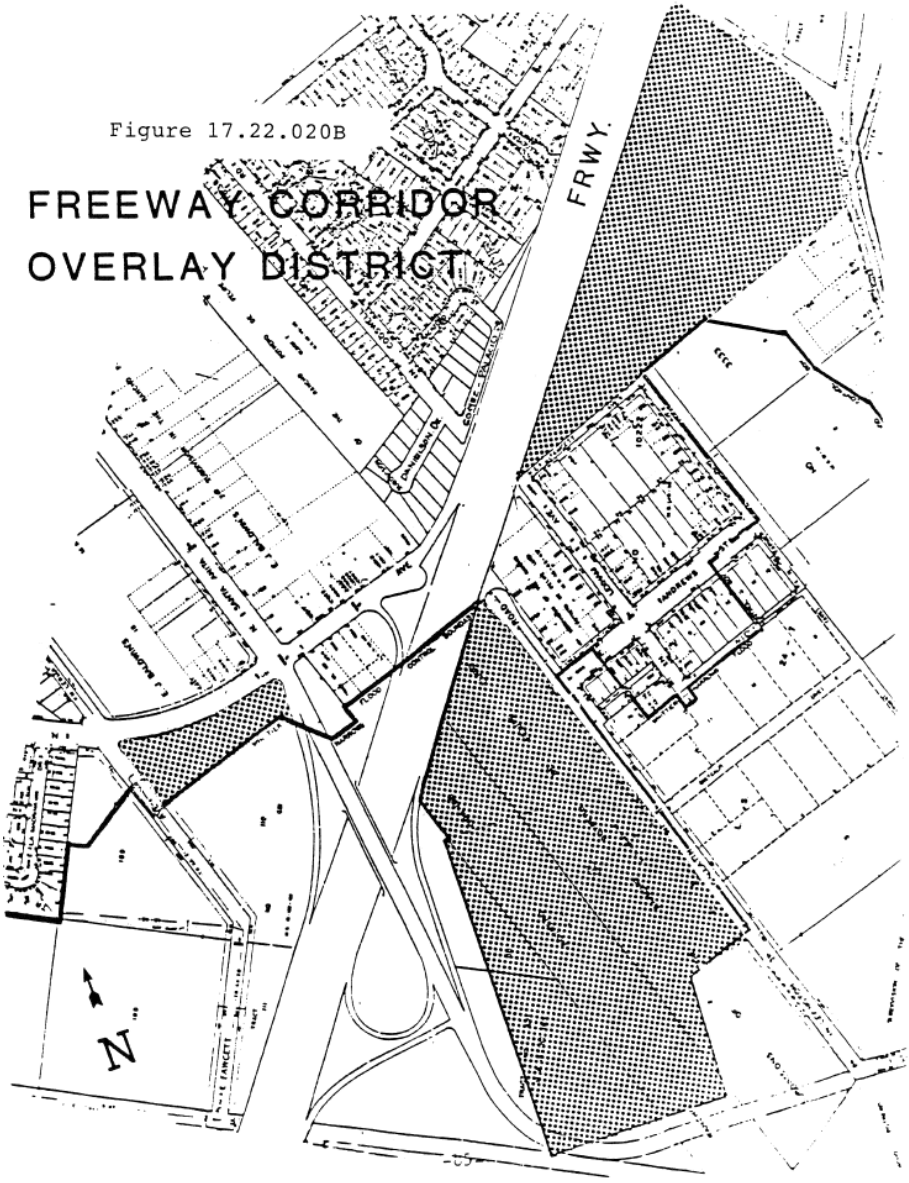
17.22.110 - Appeal.

Any appeal of a decision of the board shall be in accordance with the provisions of Chapter 17.74 of these regulations.

(Ord. 822 §1(part), 1989)

Figure 17.22.020A





Chapter 17.23 - IMPROVEMENT PROJECT AREAS-SITE PLAN REVIEW

17.23.010 - General.

Site plan and architectural review is required for projects within the improvement areas as set forth in this chapter. A site plan and elevation drawings shall be submitted to, and approved by, the planning commission prior to the issuance of any building permit, certificate of occupancy or other approval for erection or modification of any structure subject to the provisions of this chapter.

(Ord. 1020 § 1, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.020 - Application.

When site plan and architectural review is required pursuant to this chapter, an application shall be submitted to the director of community development, or his or her designee, on forms prescribed by the city and accompanied by the required fees established by the city council. Prior to the accepting the application, the director or his or her designee, may require that one or more conferences be held with the project proponent and/or his or her representatives. The application shall be accompanied by a site plan of the entire property on which any development is proposed. The site plan shall show the size and location of each existing and proposed structure as well as the size and location of any existing structures to be removed or relocated. The site plan shall also show all off-street

parking, vehicular traffic and pedestrian circulation, landscaping, refuse enclosures, mechanical equipment, easements, drainage structures (existing and proposed) and other information deemed necessary by the director of community development, or his or her designee, or by the planning commission.

The application shall also be accompanied by elevation drawings of each proposed new structure and any existing structure proposed to remain on the site. The elevation drawings shall also show any other information deemed necessary by the director of community development, or his or her designee, or by the planning commission. One copy of the elevation plans shall show the proposed colors and finish material for all proposed new structures and those structures which are proposed to remain.

(Ord. 1020 § 2, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.030 - Site plan approval-Requirements.

A site plan and architectural review, in addition to any other permits and entitlements to use, shall be required for any use, or development of, property located within an improvement project area in the city which involves any of the following:

A. Any new building with a gross floor area of five thousand square feet, or any addition to an existing building or structure which equals or exceeds fifty percent of the gross square footage of the existing building or structure.
B. Any use of the property or structure(s) which would be substantially different from the existing use of the property or structure(s), or in the case of vacant property or structure(s), any use which would be substantially different than the most recent previous use of the property or structure(s).
C. Prior to submitting said plans to the planning commission for consideration and approval, all plans, reports and other documents pertaining to the proposed development shall first be presented to the South El Monte business improvement district board (district board) as an informational item which the district board shall receive and file.

(Ord. 1020 § 3, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.040 - Planning commission hearing.

The planning commission shall consider the development proposal only at a public hearing pursuant to the provisions of Chapter 17.74 of this code.

(Ord. 1020 § 4, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.050 - Planning commission findings, decision(s) and appeal procedure.

A. After considering all the evidence presented at a public hearing, the planning commission shall render its decision(s) by a written resolution. In reaching any decision the planning commission shall consider the following criteria:
    1. Compatibility with the city's general plan, the improvement plan for the area, and the surrounding uses, both existing and planned;
    2. Compatibility of architecture and design with existing and anticipated development in the vicinity, and/or with adopted design guidelines including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open space, and other features relative to harmonious and attractive development of the area.
B. The planning commission shall approve, approve with conditions, or disapprove the application. In all cases appropriate findings shall be made for any decision.
C. Any person aggrieved by a decision of the planning commission may appeal that decision to the city council pursuant to the provisions of Section 17.74.050 of this code.
D. Subsequent to any decision of the planning commission taken pursuant to this chapter, the city council, or any member(s) of the city council, may, within fourteen calendar days from the effective date of that decision, call that decision for review by the city council. Said review shall be held at a duly noticed public hearing pursuant to the provisions of Chapter 17.74 of this code. Upon completion of the review, the city council may affirm, rescind or modify the decision of the planning commission.

(Ord. 1020 § 5, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.060 - Compliance.

Subsequent to planning commission approval and before final inspection and approval or release of utility service(s) by the city building official, or his or her designee, the department of community development shall inspect the site for compliance with the approved plan and conditions of approval, if any. Any deficiencies which are not corrected to the satisfaction of the director of community development shall be noted in writing. The property owner and city building official shall be provided copies of the written notice of noncompliance and final approval and release of utility service(s) shall not be given. If the property owner or his or her representative believes the director is incorrect in the finding of noncompliance, the property owner or authorized representative may file a written appeal to the planning commission which shall, at a duly noticed public hearing, make the determination of compliance. Said appeal must be filed within fourteen calendar days of the final decision of the director of community development.

(Ord. 1020 § 6, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.070 - Exemption of existing improvements.

Approval under this chapter shall not result in requirements to alter or improve any existing improvements, unless:

A. Such existing improvements are to be altered in connection with, or are directly affected by, the proposed construction, grading or remodeling; or
B. The value of the proposed construction, alteration, remodeling or other improvements being made exceeds fifty percent of the value of existing improvements.

(Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.080 - Subsequent modification of plans and/or conditions.

A. Subsequent modifications, additions, or deletions to the approved plans or conditions may be considered by the planning commission upon the filing of an application by the owner (or authorized representative) of the subject property in accordance with Section 17.23.020 of this chapter. Planning commission shall make a determination regarding the requested modifications.
B. A public hearing on the proposed modification(s) shall not be required unless the planning commission determines that the proposed modification extends beyond the intent of the original approval.

(Ord. 1020 § 7, 2000: Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

17.23.090 - Expiration of site plan approval.

A. Site plan approval shall become automatically null and void, unless otherwise provided in this chapter or unless extended as provided in subsection B of this section, if any of the following occurs:
    1. Failure to Commence Construction. A construction permit, if required for work authorized in the approved site plan, is not obtained from the building official within one year from the date of approval by the improvement district board. Work authorized by the construction permit shall commence within one hundred eighty days from the date of issuance of said permit and such work shall not be suspended or abandoned at any time after commencement for a period of one hundred eighty days or more;
    2. Condition of Permit Approval. Circumstances which terminate the permit pursuant to any termination provisions included as a condition of the site plan approval;
    3. Automatically Permitted Development. Upon a change of zoning classification or of ordinance provisions which automatically permits the development. Each nonconformity, if any, existing at the time of expiration of the site plan approval shall be brought into conformance pursuant to Chapter 17.64;
    4. Ineligible Use. Upon a change of zone or of ordinance provisions which provides that the use is no longer eligible for site

plan approval. Termination of such use and each nonconformity thereof shall be in accordance with Chapter 17.64;

If none of the above circumstances transpires, the site plan approval shall remain in effect indefinitely.

B. Extension. Upon application filed with the department of community development not less than sixty days prior to the date upon which an approval will expire pursuant to subsection A of this section, the planning commission may extend the approval if the planning commission finds that termination of the approval would constitute an undue hardship upon the applicant, and finds that the continuation of the approval would not be materially detrimental to the health, safety, and general welfare of the public. Extensions shall not be granted for more than a total of one year unless a public hearing is held and approval granted in the same manner and based upon the same criteria as set forth in this chapter.

(Ord. 1020 § 8, 2000; Ord. 1002 § 1(part), 1998: Ord. 897 § 1(part), 1991)

Chapter 17.24 - PROPERTY DEVELOPMENT STANDARDS—GENERALLY

17.24.010 - Intent and purpose.

The purpose of the general property development standards is to provide standards for general application in more than one zone district, unless otherwise indicated. These standards shall apply in cases of specific uses, which by their nature, size or scope, require treatment other than generally permitted uses within the zone district in which they are located.

(Ord. 1089 §6, 2006: Ord. 822 §1(part), 1989)

Chapter 17.25 - WATER EFFICIENT LANDSCAPING

17.25.010 - Intent and purpose.

The purpose and intent of this chapter is to:

A. Establish landscape standards that will provide for an aesthetically pleasing setting by creating standards of design, installation, and maintenance of water efficient landscaping.

B. Create flexible landscape design for residential and nonresidential developments that will promote aesthetic enhancements.

C. Promote the values of water efficient landscaping.

(Ord. No. 1163, § 1, 3-27-2012)

17.25.020 - Criteria.

A. All residential properties consisting of three or more units must adhere to the regulations listed.

B. All nonresidential properties must adhere to the following regulations listed.

(Ord. No. 1163, § 1, 3-27-2012)

17.25.030 - Definitions.

"Anti-drain valve/check valve" means a valve located under a sprinkler head to hold water in the system so it minimizes drainage from the lower elevation sprinkler heads.

"Automatic controller" means a mechanical or solid state timer, capable of operating valve stations to set the days and length of time of a water application.

"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.

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

"Emitter" means drip irrigation fittings that deliver water slowly from the system to the soil.

"Established landscape" means the point at which plants in the landscape have developed roots into the soil adjacent to the root ball.

"Establishment period" means the first year after installing the plant in the landscape.

"Hydrozone" means a portion of the landscaped area having plants with similar water needs that are served by a valve or set of valves with the same schedule. A hydrozone may be irrigated or non-irrigated. For example, a naturalized area planted with native vegetation that will not need supplemental irrigation once established is a non-irrigated hydrozone.

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

"Landscaped area" means the entire parcel less the building footprint, driveways, non-irrigated portions of parking lots, hardscapes, such as desks and patios and other nonporous areas. Water features are included in the calculation of the landscaped area. Areas dedicated to edible plants, such as orchards or vegetable gardens, are not included.

"Mulch" means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface to reduce evaporation.

"Overspray" means the water which is delivered beyond the landscaped area, wetting pavements, walks, structures, or other nonlandscaped areas.

"Rain sensing device" means a system which automatically shuts off the irrigation system when it rains.

"Recreational area" means areas of active play or recreation such as sports fields, school yards, picnic grounds or other areas with intense foot traffic.

"Rehabilitated landscape" means any relandscaping project that requires approval by the planning director, planning commission, city council, or requires a permit.

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

"Soil moisture sensing device" means a device that measures the amount of water in the soil.

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

"Sprinkler head" means a device which sprays water through a nozzle.

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

"Turf" means a surface layer of earth containing mowed grass with its roots. Annual bluegrass, Kentucky bluegrass, perennial rye grass, red fescue and tall fescue are cool-season grasses. Bermuda grass, Kikuyu grass, seashore paspalum, St. Augustine grass, Zoysia grass and Buffalo grass are warm-season grasses.

"Water efficient irrigation" means the scheduling and management of an irrigation system to supply moisture to a landscape without excess or waste in compliance with the landscape/irrigation criteria set forth in this article.

"Water efficient landscaping" means a landscape that is designed and maintained to function in a healthful and visually pleasing manner in compliance with the landscape/irrigation criteria set forth in this article. This generally involves the strategic use of plants which have minimal water requirements for subsistence, plants native to hot/dry environments, xeriscape and hardscape to achieve an overall landscape concept which is water conserving.

"Wind sensing device" means a device that automatically shuts off the irrigation system during times of heavy wind.

(Ord. No. 1163, § 1, 3-27-2012)

17.25.040 - City right to waive requirements.

The requirements of this chapter may be wholly or partially waived, at the discretion of the city, for landscape rehabilitation projects that are limited to replacement of plantings with equal or lower water needs and where any modifications to the irrigation system do not require ministerial permits and the irrigation system is found to be designed, operable, and programmed consistent with minimizing water waste in accordance with the city regulations.

(Ord. No. 1163, § 1, 3-27-2012)

17.25.050 - Water efficient landscaping criteria.

All new and rehabilitated landscaping as codified in this article for projects that require a grading permit, building permit, use permit, or similar permit as determined necessary by the planning director is subject to the following requirements.

A. Landscape Documentation Package.
    1. A copy of the landscape documentation package conforming to this criteria and plan check fee shall be submitted to the city for review and approval prior to the issuance of building or construction permits. No building or construction permit shall be issued until the city reviews and approves the landscape documentation package.
    2. A copy of the approved landscape documentation package shall be provided to the property owner or site manager along with the record drawings and any other information normally forwarded to the property owner or site manager.
    3. Each landscape documentation package shall include the following elements:
        a. Landscape design plan.
        b. Irrigation design plan.
        c. Certificate of substantial completion (to be submitted after installation of the project).
        d. Such other information as deemed necessary by the planning director, including, but not limited to, a grading design plan and/or soil analysis.

B. Elements of the Landscape Documentation Package.
    1. Landscape Design Plan. A landscape design plan, prepared by a licensed landscape architect, meeting the following requirements shall be submitted as part of the landscape documentation package.
        a. Plant Selection and Grouping.
            (1) Plants having similar water use shall be grouped together in distinct hydrozones (a list of acceptable plant materials has been included in Appendix A—D).
            (2) Plants shall be selected appropriately based upon their adaptability to the climatic, geological and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it in consistent with the other provisions of this article.
            (3) The list of recommended planting materials is contained in Appendix A—D. Alternative materials may be used when the overall landscape plan conforms with the intent of this division as determined by the planning director.
            (4) Fire prevention needs shall be addressed in areas that are fire prone.
            (5) Overall, the landscape design plan shall provide for a water efficient landscape concept.
        b. Water Features.
            (1) Recirculating water shall be used for decorative water features.
            (2) Pool and spa covers are encouraged.
        c. Landscape Design Plan Specifications. The landscape design plan shall be drawn on project base sheets at a scale

no less than 1" = 30' - 0" and that accurately and clearly identifies:

(1) Designation of hydrozones and a description of water usage within said hydrozones (low, moderate and high irrigation water requirements).

(2) Landscape materials, trees, shrubs, ground-cover, turf and other vegetation. Planting symbols shall be clearly drawn and plants labeled by botanical name, common name, container size, spacing, and quantities of each group of plants indicated.

(3) Property lines and street names.

(4) Streets, driveways, walkways and other paved areas.

(5) Pools, ponds, water features, fences and retaining walls.

(6) Existing and proposed buildings and structures including elevation if applicable.

(7) Tree staking, plant installation, soil preparation details and any other applicable planting and installation details.

(8) Natural features including but not limited to rock outcroppings, existing trees and shrubs that will remain.

(9) A calculation of the total landscaped area and percentage of turf area.

(10) Designation of recreational areas.

2. Irrigation Design Plan. An irrigation design plan, prepared by a licensed landscape architect or certified irrigation designer, meeting the following conditions shall be submitted as part of the landscape documentation package.

a. Water Efficiency. The irrigation design plan shall provide for a water efficient irrigation system.

b. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid excessive runoff, low head drainage, excessive overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures. Proper irrigation equipment and schedules, including features such as repeat cycles, shall be used to closely match application rates to infiltration rates therefore minimizing runoff.

Special attention shall be given to avoid runoff on slopes and, to avoid overspray in planting areas with a width less than ten feet, and in median strips.

c. Water Meters. Separate landscape water meter(s) shall be installed for all projects except for single-family homes or any project with a landscaped area of less than five thousand square feet.

d. Controllers. Automatic control systems shall be required for all irrigation systems and must be able to accommodate all aspects of the design.

e. Valves. Plants which require different amounts of water shall be irrigated by separate valves. If one valve is used for a given area, only plants with similar water use shall be used in the area. Anti-drain (check) valves shall be installed in strategic points to minimize or prevent low-head drainage.

f. Sprinkler Head. Heads and emitters shall have consistent application rates within each control valve circuit. Sprinkler heads shall be selected for proper area coverage, application rate, operating pressure, adjustment capability and ease of maintenance.

g. Rain Sensing Override Devices. Rain sensing override devices shall be required on all irrigation systems with landscaped areas of two thousand five hundred square feet or more.

h. Soil Moisture Sensing Devices. It is recommended that soil moisture sensing devices be considered where appropriate.

i. Irrigation Design Plan Specifications.

(1) Irrigation systems shall be designed to be consistent with hydrozones.

(2) The irrigation design plan shall be drawn on project base sheets. It should be separate from, but use the same format as, the landscape design plan.

(3) The irrigation design plan shall accurately and clearly identify:

(a) Location and size of separate water meters for the landscape.

(b) Location, type and size of all components of the irrigation system, including automatic controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers and backflow prevention devices.

(c) Static water pressure at the point of connection to the public water supply.

(d) Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station.

(e) Where available, the irrigation plan shall include reclaimed water.

(f) Estimated annual water use expressed in inches per square foot of landscape area per year.

3. Certificate of Substantial Completion. Prior to the final of building permits, the developer shall submit a certificate of substantial completion to the city completed by the licensed landscape architect or certified irrigation designer that designed the plans, utilizing forms designated for this purpose.

C. Landscape and irrigation plans shall be reviewed for compliance with the water efficient landscape criteria. These comprise a point system with points awarded for both landscape and irrigation techniques. A minimum of one hundred points shall be achieved in each technique category in order for the planning department to approve said plans.

(Ord. No. 1163, § 1, 3-27-2012)

17.25.060 - Point scale.

(1) Landscape Techniques	**Max. Points**		
Water conserving plants, and/or plants native to hot dry summers, utilized in seventy-five percent of the total plant area of the landscape.	40	_____	
Turf limited to twenty percent the total landscape in all projects. In no case shall turf make up more than fifty percent of the total landscape.	30	_____	
Use of creative, thoughtful and diverse hydrozones to enhance the overall landscape design, with plants grouped based on the amount of water needed to sustain them.	30	_____	
Mulch utilized in the landscape (three inches minimum, four inches preferred).	10	_____	
Hardscape or non-irrigated surfaces used in at least ten percent of the total landscape.	10	_____	
Where turf is utilized, the use of a proven water-conserving turf.	10	_____	

Soil amendments to improve water holding a capacity of soil incorporated into soil preparation details.	10	_____	
Total	140	_____	Min. 100
(2) Irrigation Techniques	**Max. Points**		
The total amount of irrigation applied to all landscape areas does not exceed forty-two inches per square foot of landscape area per year.	40	_____	
Automatic irrigation system adjusted seasonally and with watering hours between seven p.m. and ten a.m.	30	_____	
Irrigation system designated to water different areas of the landscape based on watering need (drip/trickle for shrubs, separate valves, etc.).	30	_____	
Sensitive to slope factors.	10	_____	
Soil moisture sensors used in conjunction with the automatic irrigation system.	10	_____	
Rain sensors used in conjunction with the automatic irrigation system.	10	_____	
Wind sensors used in conjunction with the automatic irrigation system.	10	_____	
Recommended annual irrigation schedule for information purposes.	5	_____	
Use of reclaimed or recycled water in accordance with health and safety codes.	5	_____	
Total	160	_____	Min. 110
Additional comparable points (not to exceed 30) may be awarded for the use of any water-conserving method not listed above which the planning director finds to be in accord with the purposes of this chapter.			

(Ord. No. 1163, § 1, 3-27-2012)

17.25.070 - Maintenance of existing landscapes.

A. Water waste resulting from inefficient landscape irrigation leading to excessive runoff, low-head drainage, overspray or other similar conditions where water flows onto adjacent property, nonirrigated areas, walks, roadways or structures is prohibited.

B. Landscapes shall be maintained to ensure water efficiency. All landscaped areas, regardless whether installed pursuant to this chapter, shall be maintained in a healthful and sound condition. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the originally approved design. A regular maintenance schedule shall be followed, including but not limited to: checking, adjusting and repairing irrigation equipment; resetting the automatic controller; aerating and dethatching turf areas; replenishing mulch; fertilizing; pruning; and weeding in all landscaped areas.

(Ord. No. 1163, § 1, 3-27-2012)

Chapter 17.26 - ACCESSORY BUILDINGS

17.26.010 - Generally.

The location and use of accessory buildings or structures shall be governed by the following sections of this chapter.

(Ord. 822 §1(part), 1989)

17.26.020 - Common walls.

Where an accessory building or structure is attached to a main building by means of a common foundation, wall, roof or other means of attachment, the accessory building or structure shall be considered a portion of the main building and shall comply with all the regulations applicable to the main building.

(Ord. 822 §1(part), 1989)

17.26.030 - Use.

An accessory building or structure shall not be used for any use not specifically permitted in the zone district in which the building or structure is located. No person shall occupy an accessory building or structure.

(Ord. 1089 §2, 2006: Ord. 822 §1(part), 1989)

17.26.040 - Location and lot coverage in residential zones.

An accessory building or structure shall not be located within twenty feet of the front property line on interior lots or key lots. An accessory building or structure shall not be located within seventy-five feet of the front property line on corner lots or reversed corner lots. A detached accessory building or structure shall not cover more than thirty percent of the required rear yard. No accessory building or structure shall block or otherwise prevent the entry of passenger vehicles to any garage.

(Ord. 1089 §3, 2006: Ord. 822 §1(part), 1989)

17.26.050 - Setbacks for residential zones.

No accessory building or structure in a residential zone shall be within three feet of a side or rear property line unless the accessory structure complies with the following construction standards:

A. The accessory structure is constructed with one-hour fire resistant material;

B. All drainage from the accessory structure is captured and transported within the boundaries of the lot upon which the acce structure is located; and

C. The accessory structure contains no doors, openings or windows on the side or sides of the structure within three feet of the side or rear property line.

(Ord. 1089 §4, 2006: Ord. 822 §1(part), 1989)

17.26.060 - Separation requirements within residential zones.

An accessory building or structure shall not be located within six feet of another accessory structure or a main building.

(Ord. 1089 §5, 2006: Ord. 963 §19, 1995: Ord. 822 §1(part), 1989)

Chapter 17.28 - DRIVE-IN AND DRIVE-THROUGH ESTABLISHMENTS

17.28.010 - Purpose.

The purpose of this chapter is to provide standards of development and performance for drive-in and drive-through establishments.

(Ord. 963 § 20(part), 1995: Ord. 822 § 1(part), 1989)

17.28.020 - Retail sales of gasoline and lubricants as an accessory use.

The retail sale of gasoline and lubricants is permitted with conveyor and nonconveyor automobile washing operations, automobile repair garages which perform major mechanical repair, parking garages (structures), if the sale of gasoline and lubricants is accessory to the principal use, or in conjunction with a tire, battery and automobile accessory store which is part of a shopping center.

(Ord. 985 § 3, 1997: Ord. 963 § 20(part), 1995: Ord. 822 § 1(part), 1989)

17.28.030 - Location criteria.

A drive-in or drive-through establishment may be located in any zone district which permits that particular use subject to the following exceptions and qualifications:

A. Primary access shall be from a thoroughfare at least sixty-two feet in width.

B. Drive-in and drive-through uses may not be located across a street from residential zone districts unless the street is an arterial or collector street shown on the select street system. This provision does not apply to commercial off-street parking lots.

(Ord. 963 § 20(part), 1995: Ord. 822 § 1(part), 1989)

17.28.040 - Performance standards.

Drive-in and drive-through establishments shall be operated in a manner which does not interfere with the normal use of adjoining properties. Accordingly, the following performance standards shall be applicable to all such establishments:

A. Noise levels measured at the property lines shall not exceed the levels prescribed in the noise regulations of the city.

B. The premises shall be kept clean, and the operator shall assure that no trash or litter originating from the site is deposited on the neighboring properties or on the public right-of-way.

C. All exterior lighting shall be designed in such a manner that will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

D. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding

neighborhood. For the purposes of this chapter, the usual operating hours shall be considered to be between six a.m. and ten p.m. if the establishment is within five hundred feet of a residential zone. Any modification of these hours must be approved by the planning commission.

E. No undesirable odors may be generated from the site.

F. Management of the use shall take all necessary steps to assure the orderly conduct of employees, patrons and visitors to the premises.

G. A copy of the required performance standards shall be posted alongside the establishment's permits and licenses and be visible to employees at all times.

(Ord. 963 § 20(part), 1995: Ord. 822 § 1(part), 1989)

Chapter 17.29 - CATERING VEHICLE AS A CONDITIONALLY PERMITTED ACCESSORY USE TO RESTAURANT

17.29.010 - Purpose.

The purpose of this chapter is to conditionally permit catering vehicles as an accessory use in conjunction with full-service restaurants. The development standards set forth herein are designed to ensure that any proposed accessory use will be compatible with surrounding uses and will not be detrimental to the health, safety and welfare.

(Ord. 1094 § 1, 2007)

17.29.020 - Definitions.

As used in this chapter:

"Restaurant, full-service" is defined in Section 17.04.920.

"Catering trailer" means a vehicle equipped to prepare food to be sold directly from such vehicles transported by a motorized vehicle.

"Catering truck" means a motorized vehicle equipped to transport and prepare food to be sold directly from such vehicles.

"Catering vehicle" means a catering truck or catering trailer as defined herein.

(Ord. 1094 § 1, 2007)

17.29.030 - Retail sales of food from a catering vehicle.

The owner or operator of a full-service restaurant may apply for a conditional use permit pursuant to Chapter 17.68 to sell and serve food from a catering vehicle as an accessory use in conjunction with that restaurant. The city may impose reasonable conditions to ensure that the proposed use will be compatible with surrounding uses and will not be detrimental to the health, safety and welfare.

(Ord. 1094 § 1, 2007)

17.29.040 - Application requirements.

As part of the application, the applicant must provide evidence establishing:

A. Permission to Operate. Ownership of the property upon which the restaurant is located or that the property owner has granted permission to allow the vehicle to be parked on the property for the purpose of conducting sales and service of food therefrom.

B. Restaurant has All Necessary Permits. The restaurant has received all necessary permits.

C. Licensing Requirements. The applicant has complied with the licensing requirements for the vehicle set forth in Sections 5.08.060(i) through (iv).

D. Compatibility with Surrounding Uses and Property. The proposed accessory use will be compatible with uses and property vicinity and will not be detrimental to the health, safety and welfare.

(Ord. 1094 § 1, 2007)

17.29.050 - Development and operational standards.

In addition to satisfying the criteria set forth in Chapter 17.68 and state law governing conditional uses, the applicant must comply with the following:

A. Location Criteria. The catering vehicle shall park in the area designated for parking for the restaurant. The catering vehicles shall not, at any time, block access to or from the parking lot or park in an area used for landscaping or walkway surfaces.

B. Operational Standards. The operator shall comply with the following standards:

1. No flashing lights or temporary signage is permitted on the vehicle or in the parking area.
2. No table or seating is permitted in the parking area.
3. Outdoor speakers or music is not permitted.
4. The restaurant's restroom facilities must be open to employees and patrons at all times when the catering vehicle is open for business.
5. The operator shall provide trash receptacles within ten feet of the vehicle at all times the vehicle is open for business.
6. The vehicle may only be open for business between the hours of six p.m. and two a.m. each day.
7. The parking area shall be clean at all times. During the hours that the catering vehicle is not open for business, the vehicle must be removed from the site or parked in an area where the vehicle is not visible from the street.
8. The vehicle must contain a cash register to record all sales. The operator must maintain register receipts for each month of the year.
9. There shall be no sale or service of alcoholic beverages from the vehicle. Signs shall be posted indicating no consumption of alcohol or loitering in the parking area.
10. The vendor shall maintain the parking area in a neat and orderly condition, and collect and dispose in a sanitary manner all debris, garbage, papers, trash, discarded food and litter generated by the vehicle.

(Ord. 1094 § 1, 2007)

Chapter 17.30 - AUTOMOBILE SERVICE STATIONS

17.30.005 - Permitted operations.

A. The retail sales of gasoline and lubricants;

B. The incidental servicing of motor vehicles, including grease racks, tire repairs, battery charging, automobile washing (nonmechanical); sale of merchandise and supplies related to the servicing of motor vehicles; minor automotive maintenance, replacements and repair; and other incidental customer service and products.

(Ord. 985 § 4, 1997)

17.30.008 - Conditionally permitted operations.

A. Certain retail commercial activity pursuant to the terms of Section 7.30.015;

B. The sale of beer and wine for off-site consumption pursuant to the terms of Chapter 17.52.

(Ord. 985 § 5, 1997)

17.30.010 - Prohibited operations.

Major automotive repairs, painting, auto body repair, fender work, major mechanical work, engine overhauling and similar work, outside display of new or used vehicles, equipment or parts for sale or lease, except as specifically provided in this code.

(Ord. 985 § 6, 1997; Ord. 943 § 1, 1994: Ord. 822 § 1(part), 1989)

17.30.015 - Additional retail commercial activity.

A. Retail commercial activity in addition to those uses permitted by Section 17.30.005 may be conditionally permitted on the same site as an automobile service station. Only permitted or conditionally permitted uses in the commercial zones may be conditionally permitted in addition to those uses permitted by Section 17.30.005.

B. A conditional use permit must be obtained pursuant to the provisions of Chapter 17.68 prior to establishing a concurrent use of additional retail commercial activity on the same site as an automobile service station.

C. In addition to the criteria set forth in Section 17.68.040, the following factors shall be considered in reviewing the conditional use permit application:

1. Whether the proposed commercial activity is compatible with the activities associated with an automobile service station, the area and surrounding uses;
2. Whether the concurrent activities would create or cause any of the following:
    a. An adverse traffic impact or a traffic safety hazard, including but not limited to an adverse impact on traffic circulation of parking,
    b. Pedestrian-vehicle conflicts or pedestrian safety hazards,
    c. An accumulation of garbage or trash,
    d. Excessive noise,
    e. Intrusive lighting,
    f. Excessive or unpleasant odors,
    g. Noxious fumes,
    h. Interference with properties or uses in the surrounding area due to activities associated with the proposed concurrent activities or due to their hours of operation;
3. Whether the facilities can be located or situated in such a manner so that:
    a. Lighting, noise, fumes, rodents, pests and odors can either be eliminated, mitigated or reduced so as to not adversely affect neighboring properties or uses,
    b. Traffic generated by the concurrent activities can flow smoothly, both on-site and off-site, without creating an adverse traffic impact, or a traffic or safety hazard to vehicles or pedestrians,
    c. The impact on properties or uses in the surrounding area due to the activities associated with the concurrent activities or due to their hours of operation does not exceed acceptable levels;
4. Where the commercial activity is related to the sales, preparation and/or dispensing of food, whether there is adequate distance between retail petroleum pump islands and the facilities and activities of the food-related commercial activity.

D. Upon application for a conditional use permit, the planning commission may approve, deny or conditionally approve such application. The planning commission may impose any conditions which are necessary to preserve the public health, welfare or safety or to mitigate any potential adverse impacts resulting from the establishment of concurrent activities at an automobile service station.

(Ord. 985 § 7, 1997)

17.30.020 - Location criteria.

An automobile service station may be located in any zone district which permits that particular use subject to the following exceptions and qualifications:

A. Primary access shall be from thoroughfares at least sixty-two feet in width;

B. Automobile service stations may not be located across a street from residential zone districts unless the street is an arterial, collector, or state highway as shown on the select street system.

C. Automobile service stations may not be permitted on sites abutting schools, parks, playgrounds, libraries, churches or other public or quasi-public uses which have a demonstrated substantial pedestrian traffic flow for which pedestrian/vehicle conflicts cannot be adequately mitigated.

(Ord. 963 §21(part), 1995; Ord. 943 §4, 1994; Ord. 822 §1(part), 1989)

17.30.030 - Design standards.

Design and appearance of automobile service stations shall be compatible with surrounding land uses and zone districts and shall not detract from the appearance of the neighborhood. The design of such facilities shall incorporate, but not be limited to, the following:

A. Appropriate use of decorative siding and roofing materials such as wood, tile, tinted glass or masonry;

B. Vending machines may be placed outside the structure;

C. One oil cabinet may be located on each pump island;

D. Exterior tire displays may be permitted subject to approval of the design and location by the director of planning and community development;

E. A limited number of light-haul type travel trailers as determined by planning commission may be permitted for rental purposes, provided they are kept in an orderly manner and appropriately screened from view wherever possible by use of wood or masonry and/or landscaping. For the purpose of this chapter, light-haul type trailers are defined as nonself-propelled vehicles designed to be towed by an average passenger-type vehicle. Light-haul trailers shall not exceed four feet in length overall nor have a gross weight of more than one thousand five hundred pounds.

F. Front entry to lubrication bays and/or service areas shall not be generally permitted except where necessary to minimize the impact on adjacent residential uses.

(Ord. 963 §21(part), 1995; Ord. 822 §1(part), 1989)

17.30.040 - Site plan requirements.

A. Minimum building site: twenty thousand square feet.

B. Minimum frontage on one street: one hundred forty feet. In the case of corner lots, frontage shall be measured to the extension of the intersecting property lines.

C. Minimum setbacks for fuel pump islands: a distance equal to fifteen percent of the depth of the lot or twenty feet, whichever is less, measured from the property lines.

D. Minimum Facilities Required.

1. Principal service structure: two restrooms, office area; equipment and miscellaneous storage and service area adequate to provide for the operation and maintenance of the station.

2. A minimum of one air and water outlet for each site.

(Ord. 963 §21(part), 1995; Ord. 822 §1(part), 1989)

17.30.050 - Landscaping.

A. All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped. In all zone districts a planter of at least five feet in width shall be installed parallel to the street right-of-way or precise plan line.

B. At least ten percent of the total site shall be landscaped.

C. Landscaped areas shall contain trees, shrubs, planted groundcover, or a combination thereof. At least seventy-five percent of the required landscaping shall be in planting and the remaining twenty-five percent may be in landscaping and aggregate materials.

D. All landscaping areas shall contain an accepted irrigation system (sprinklers, bubblers or diffuser heads) with an automatic timer-cloak mechanism. All landscaped areas shall be contained within six-inch concrete or eight-inch masonry planter curbing.

E. Except for driveways, corner lots shall have a permanently landscaped evergreen planted triangular area, formed by the street right-of-way lines and a line connecting them at points thirty feet from the real or projected point of intersection of the street right-of-way.

(Ord. 963 §21(part), 1995; Ord. 822 §1(part), 1989)

17.30.060 - Refuse enclosures.

Refuse disposal areas shall be adequately screened from view utilizing a decorative wood or masonry enclosure, or a combination thereof, which is compatible with the design of the principal structure on the site. All refuse enclosures shall have minimum interior dimensions of five by seven feet.

(Ord. 963 §21(part), 1995; Ord. 822 §1(part), 1989)

17.30.070 - Fencing and screening.

Except for areas used for traffic circulation, a natural wood or uniformly painted wooden fence, masonry wall, or shrubbery between three and six feet in height, shall be maintained along the interior lot lines. Where any interior lot line abuts a residentially zoned lot with a permitted residential use, the fence shall be constructed of decorative and view obstructing wood or masonry compatible with the design of the principal structure on the site. The fence or wall shall be six feet in height, except within twenty feet of the front property line, in which case, it shall not exceed forty-two inches in height.

(Ord. 963 §21(part), 1995; Ord. 822 §1(part), 1989)

17.30.080 - Required parking.

Parking shall be provided and developed in accordance with the provisions of Chapter 17.60 of these regulations.

(Ord. 963 §21(part), 1995; Ord. 822 §1(part), 1989)

17.30.090 - Performance standards.

Automobile service stations shall be operated in a manner which does not interfere with the normal use of adjoining properties. Accordingly, the following performance standards shall be applicable to all such establishments:

A. Noise levels measured at the property lines shall not exceed the levels prescribed in the noise regulations of the city.

B. The premises shall be kept clean, and the operator shall assure that no trash or litter originating from the site is deposited on the neighboring properties or on the public right-of-way.

C. All exterior lighting shall be designed in such a manner that will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

D. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purposes of this chapter, the usual operating hours shall be considered to be between six a.m. and ten p.m. if the establishment is within five hundred feet of a residential zone. Any modification of these hours must be approved by the planning commission.

E. No undesirable odors may be generated from the site.

F. Management of the use shall take all necessary steps to assure the orderly conduct of employees, patrons and visitors to th premises.

G. A copy of these performance standards shall be posted alongside the establishment's permits and licenses and visible to employees at all times.

(Ord. 963 §22, 1995: Ord. 822 §1(part), 1989)

Chapter 17.31 - CANNABIS

Sections

Footnotes:
*--- (**1**) ---*
***Editor's note—** Ord. No. 1216, § 6, adopted October 24, 2017, amended ch. 17.31 in its entirety to read as herein set out. Former ch. 17.31, §§ 17.31.010—17.31.050, pertained to medical marijuana uses, and derived from Ord. No. 1131, § 3, 1-26-2010; Ord. No. 1200, §§ 1—3, 1-26-2016.*

17.31.010 - Definitions.

For purposes of this chapter, the following definitions shall apply.

A. "Cannabis" means all parts of the plant Cannabis sativa linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis, and any product containing cannabis. "Cannabis" includes cannabis that is used for medical, non-medical, or other purposes.

"Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" also does not include industrial hemp, as defined in California Health and Safety Code Section 11018.5, as the same may be amended from time to time.

B. "Cannabis accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis or cannabis products into the human body.

C. "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not, limited to concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

D. "Commercial cannabis activity" means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, packaging, transportation, delivery or sale of cannabis and cannabis products, for medical, non-medical or any other purpose, and includes the activities of any business licensed by the State or other government entity under California Business and Professions Code Division 10, or any other provision of State law that regulates the licensing of cannabis businesses. Commercial cannabis activity does not include any activities exempt from licensure requirements pursuant to California Business and Professions Code Division 10, as amended from time to time.

E. "Concentrated cannabis" means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate.

F. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

G. "Delivery" means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use retailer of any technology platform.

H. "Distribution" means the procurement, sale, and transport of cannabis and cannabis products between entities licensed under California Business and Professions Code Division 10, as the same may be amended from time to time.

I. "Fully enclosed and secure structure" means a space within a building, greenhouse or other structure which has a complete solid roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

J. "Indoors" means within a fully enclosed and secure structure.

K. "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

L. "MAUCRSA" means the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as codified in California Business and Professions Code Division 10, as the same may be amended from time to time.

M. "Outdoors" means any location that is not within a fully enclosed and secure structure.

N. "Person" means any individual, firm, partnership, joint venture, association, corporation, limited liability company, collective, cooperative, club, society, organization, non-profit, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

O. "Private residence" means a house, an apartment unit, a condominium unit, a mobile home, or other similar dwelling, that is lawfully used as a residence.

(Ord. No. 1216, § 6, 10-24-17)

17.31.020 - Prohibitions.

A. Commercial cannabis activity, whether or not for profit, is not a permitted use anywhere in the city. The city shall not approve any application for a building permit, conditional use permit, business license, or any other entitlement authorizing the establishment, operation, maintenance, development, or construction of any use that allows for commercial cannabis activity. This section shall prohibit all activities for which a State license is required pursuant to the MAUCRSA, as the same may be amended from time to time.

B. It shall be unlawful for any person to own, manage, establish, conduct, or operate, or to participate as a landlord, owner, employee, contractor, agent or volunteer, or in any other manner or capacity, in any commercial cannabis activity in the city.

C. To the extent not already prohibited by subsection A above, all deliveries of cannabis or cannabis products to or from any location in the city are expressly prohibited. No person shall conduct or perform any delivery of any cannabis or cannabis products, which delivery either originates or terminates within the city. This subsection shall not prohibit any person from transporting cannabis through the jurisdictional limits of the city for delivery or distribution to a person located outside the city, where such transport does not involve delivery or distribution within the jurisdictional limits of the city.

D. All outdoor cannabis cultivation is prohibited in the city. Indoor cannabis cultivation is prohibited except as specified in Section 17.31.030(A)(4).

(Ord. No. 1216, § 6, 10-24-17)

17.31.030 - Exceptions.

A. To the extent that the following activities are permitted by State law, nothing in this chapter shall prohibit a person twenty-one years of age or older from:

1. Possessing, processing, purchasing, transporting, obtaining or giving away to persons twenty-one years of age or older, without compensation whatsoever, not more than twenty-eight and one-half grams of cannabis not in the form of concentrated cannabis;

2. Possessing, processing, purchasing, transporting, obtaining or giving away to persons twenty-one years of age or older, without compensation whatsoever, up to eight grams of cannabis in the form of concentrated cannabis;

3. Possessing, transporting, purchasing, obtaining, using, manufacturing, or giving away cannabis accessories to persons twer years of age or older without compensation whatsoever; or
4. Engaging in the indoor cultivation of six or fewer live cannabis plants within a single private residence or inside an accessory structure located upon the grounds of a private residence that is fully enclosed and secured, to the extent such cultivation is authorized by California Health and Safety Code Sections 11362.1 and 11362.2, as the same may be amended from time to time.

B. This chapter shall also not prohibit any commercial cannabis activity that the city is required by law to permit within its jurisdiction pursuant to state law.

(Ord. No. 1216, § 6, 10-24-17)

17.31.160 - Violation.

Violations of this chapter are subject to the penalty provisions set forth in Municipal Code Chapters 1.16 and 1.14. In the discretion of the city prosecutor, a violation of this chapter may be prosecuted as an infraction or misdemeanor. In any civil action brought pursuant to this chapter, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party. Notwithstanding the penalties set forth in Municipal Code Chapter 1.16, this chapter does not authorize a criminal prosecution, arrest or penalty inconsistent with or prohibited by Health and Safety Code Section 11362.71 et seq. or Section 11362.1 et seq., as the same may be amended from time to time. In the event of any conflict between the penalties enumerated in Municipal Code Chapter 1.16 and established by the city council pursuant to Municipal Code Chapter 1.14, and any penalties set forth in state law, the maximum penalties allowable under state law shall govern.

(Ord. No. 1216, § 6, 10-24-17)

Chapter 17.32 - RELIGIOUS ESTABLISHMENTS

Footnotes:
*--- (**2**) ---*
***Editor's note—** Ord. No. 1159, § 1, adopted June 26, 2012, changed the title of Ch. 17.32 from "Churches and Places of Assembly" to read as set out herein.*

17.32.010 - Purpose.

The purpose of this chapter is to provide standards of development designed to ensure that these uses will be compatible with the neighborhood in which they are located.

(Ord. 822 §1(part), 1989)

17.32.020 - Location criteria.

A church or place of assembly may be located in any zone district which permits that particular use subject to the following exceptions and qualifications:

A. Primary access shall be from a thoroughfare at least fifty-five feet in right-of-way width for churches and sixty-two feet of roadway width for places of assembly.
B. Churches may be located across a street from a residential zone district if the street is classified as a local collector, as a minimum. Places of assembly may be located across a street from a residential zone district if the street is an arterial or secondary collector, as a minimum.

(Ord. 963 §23, 1995: Ord. 822 §1(part), 1989)

17.32.030 - Design standards.

Design and appearance of churches and places of assembly shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which they are located. The design of such facilities shall incorporate, but not be limited to, the following:

A. Appropriate use of decorative siding and roofing materials such as wood, tile, tinted glass and/or masonry;

B. Additional landscaping above that required;

C. Control of lighting and light fixtures;

D. Substitution of decorative rock or aggregate or other suitable materials for portions of areas proposed to be paved.

(Ord. 822 §1(part), 1989)

17.32.040 - Site plan requirements.

A. Minimum building site: twenty thousand square feet. This requirement may be waived by the planning commission in the case of churches.

B. Minimum setbacks: twenty feet on all sides of the site.

(Ord. 822 §1(part), 1989)

17.32.050 - Landscaping.

A. A minimum ten foot wide planter shall be installed parallel to all street right-of-way or precise plan lines.

B. At least twenty percent of the site shall be landscaped.

C. Landscaping shall consist of trees, shrubs, groundcover, or a combination thereof.

D. All landscaped areas shall contain an accepted irrigation system (sprinklers, bubblers or diffuser heads) with an automatic timer-clock mechanism. All landscaped areas shall be contained within six-inch concrete or eight-inch masonry planter curbing.

E. All landscaped areas shall be maintained in a reasonably litter-free and weed-free condition and all plant materials shall be kept in a reasonably healthy, growing condition.

(Ord. 822 §1(part), 1989)

17.32.060 - Frontage and access.

Driveway locations and width must meet standards established by the city.

(Ord. 963 §24, 1995: Ord. 822 §1(part), 1989)

17.32.070 - Fencing and screening.

Except for areas used for traffic circulation, a natural wood or uniformly painted wooden fence, masonry wall, or shrubbery between three and six feet in height shall be maintained along all interior lot lines. Where any interior lot line abuts a residentially zoned lot or a lot with permitted residential uses, the fence shall be constructed of decorative and view-obstructing wood or masonry compatible with the design of the principal structure on the site. The fence or wall shall be six feet in height, except within twenty feet of the front property line, in which case it shall not exceed forty-two inches in height.

(Ord. 822 §1(part), 1989)

17.32.080 - Performance standards.

Churches and places of assembly shall be operated in a manner which does not interfere with the normal use of adjoining properties. Accordingly, the following performance standards shall be applicable to all such establishments:

A. Noise levels measured at the property lines shall not exceed the levels prescribed in the noise regulations of the city.

B. The premises shall be kept clean and the operator shall ensure that no trash or litter originating from the site is deposited on neighboring properties or on the public right-of-way.

C. All exterior lighting shall be designed in such a manner that will protect the highway and neighboring properties from direct glare or hazardous interference of any kind.

D. Hours of operation, including deliveries to the site shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual operating hours shall be considered to be between six a.m. and ten p.m. for places of assembly within five hundred feet of a residential zone. Any modification of these hours must be approved by the planning commission.

E. Management of the use shall take all necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises.

(Ord. 963 §25, 1995: Ord. 822 §1(part), 1989)

17.32.090 - Religious establishment overlay zone.

A. Notwithstanding any other provision in this municipal code, the city council hereby creates a religious establishment overlay zone for the properties listed in subsection (D) below.

B. All religious establishments shall comply with the requirements and standards set forth in Sections 17.32.030, 17.32.040, 17.32.050, 17.32.060, 17.32.070 and 17.32.080.

C. Prior to establishing a religious establishment at any of the properties listed in subsection (D), an applicant must:

1. File an application;

2. Pay a fee in an amount established by the city council; and

3. Demonstrate that the proposed use can comply with the requirements and standards set forth in Sections 17.32.030, 17.32.040, 17.32.050, 17.32.060, 17.32.070 and 17.32.080.

D. The following properties are included in the religious establishment overlay zone:

1. 1510 Peck Road.

(Ord. No. 1159, § 2, 6-26-2012)

Chapter 17.33 - Radio and Television Antennas and Wireless Telecommunications Antenna Facilities

17.33.010 - Purpose and intent.

The city council finds, determines and declares as follows:

A. The purpose of the regulatory provisions set forth in this chapter is to establish development standards for the installation and maintenance of antennas and wireless telecommunications antenna facilities within specified areas of the city. These standards are intended to ensure that the design and location of those antennas and facilities are consistent with previously adopted policies of the city, to promote the public health, safety, comfort, convenience, and general welfare of the city's residents, and to enhance the aesthetic quality and appearance of the city by maintaining architectural and structural integrity and by protecting views and vistas from obtrusive and unsightly accessory uses and facilities.

B. In adopting and implementing the regulatory provisions of this chapter, it is the intent of the city council to further the objectives specified above in subsection A without unnecessarily burdening the federal interests in ensuring access to satellite services, in promoting fair and effective competition among competing communications service providers, and in eliminating local restrictions and regulations that, with regard to antennas, preclude reception of an acceptable signal quality or unreasonably delay, prevent, or increase the cost of installation, maintenance, or use of those antennas.

C. With regard to the regulatory requirements set forth below in Section 17.33.030(D) that relate to site plan review and to

a building permit, the city council expressly finds and determines that they are necessary, desirable, and in the best interests of the community in order to protect public safety. The city council further finds and determines that these regulatory requirements are applicable to the proposed installation of satellite earth station antennas that are not permitted accessory uses and that, because of legitimate safety-related concerns, do not meet the criteria for exemption from local regulation established by the Federal Communications Commission ("FCC") under the Telecommunications Act of 1996.

D. The regulatory provisions set forth in this chapter are not applicable to any of the following:
   1. City-owned antennas or antenna facilities, including those used for emergency communications and public safety purposes, that are located or proposed to be located on either publicly-owned or privately-owned property.
   2. Privately-owned over-the-air reception devices that are located or proposed to be located on city-owned property or within the public rights-of-way; provided that owners of such devices must obtain encroachment permits and comply with all applicable requirements that relate to the use of the public rights-of-way.

(Ord. 1044 §3 (part), 2003)

17.33.020 - Definitions.

As used in this chapter, the following terms and phrases have the meanings set forth below:

A. "Amateur radio station antenna" means any antenna, and its accompanying support structure, that is used solely for the purpose of transmitting and receiving radio signals in connection with the operation of an amateur radio station in accordance with licenses issued by the FCC.

B. "Antenna," "antenna array," or "wireless telecommunications antenna array" means one or more rods, poles, panels, discs or similar devices used for the transmission or reception or radio frequency signals, which may include the omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (disc), but excluding any support structure as defined below.

C. "Architectural board of review" means the planning commission, which is authorized to act in this capacity by Section 17.22.050.

D. "Co-location" means the use of a common wireless telecommunications antenna facility, or a common site, by two or more providers or wireless telecommunications services, or by one provider of wireless telecommunications services for more than one type of telecommunications technology.

E. "FCC" means the Federal Communications Commission.

F. "Mast" means a support structure that is constructed for the specific purpose of elevation a satellite earth station antenna in order to receive broadcast signals of an acceptable quality.

G. "Public rights-of-way" means the public streets, roads, lanes, courts, ways, alleys, boulevards and places, including all public utility easements and public service easements, as the same now or may hereafter exist, that are under the city's jurisdiction and within the city's regulatory authority.

H. "Satellite earth station antenna" means a parabolic or dish-shaped antenna or other apparatus or device that is designed for the purpose of receiving or transmitting signals for voice, video or data.

I. "Support structure," or "wireless telecommunications antenna array support structure," means a freestanding structure that is designed and constructed for the specific purpose of supporting an antenna array and that may consist of a monopole, a mast, a self-supporting lattice tower, a guy-wire support tower, or other similar structures.

J. "Wireless telecommunications antenna facility" 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 or subterranean vault to house accessory equipment, which may include cabinets, pedestals, shelters and similar protective structures.

K. "Wireless telecommunications 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.

(Ord. 1044 §3 (part), 2003)

17.33.030 - Regulation of over-the-air reception devices.

A. Mandatory Compliance with Code Requirements. In addition to compliance with all safety-related development standards set forth in this section, the installation of over-the-air reception devices must be in compliance with all applicable building codes, fire codes and electrical codes. In particular, electrical service must be properly grounded, and rated fire walls may not be penetrated.

B. Permitted Accessory Uses. Over-the-air reception devices described below in this subsection may be installed as permitted accessory uses in zoning districts where residential and nonresidential uses are authorized without site plan review and without obtaining a building permit, provided that they comply with all applicable development standards set forth in subsection C of this section.

1. An antenna located in any zoning district that is designed for the following purposes and that meets the specified dimensions and height limitations:
    a. An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, provided that such antenna is one meter (39.37") or less in diameter or diagonal measurement and is either building-mounted or ground-mounted and elevated by a mast,
    b. An antenna that is designed to receive video programming services by means of multipoint distribution services, including multichannel multipoint distribution services, and such antenna is one meter (39.37") or less in diameter or diagonal measurement and is either building-mounted or ground-mounted and elevated by a mast, c. Antennas referenced above in subsections (B)(1)(a) and (B)(1)(b) of this section, whether building-mounted or ground-mounted, may not exceed the height limitation that is applicable to the zoning district involved.
2. An antenna that is designed to receive video programming services that is located in any zoning district where commercial or industrial uses are generally permitted, which antenna is two meters (78.74") or less in diameter or diagonal measurement and is either building-mounted or ground-mounted and elevated by a mast. In no event may such antenna exceed the height limitation that is applicable to the zoning district involved.
3. An antenna located in any zoning district, which antenna is designed solely to receive television broadcast signals, and such antenna, whether building-mounted or ground-mounted, is limited to that height which is reasonably necessary to ensure the reception of television broadcast signals of an acceptable quality.

C. Development Standards.

1. The following development standards apply in all zoning districts to the siting, construction and operation of over-the-air reception devices consisting of satellite earth station antennas that are referenced above in subsections (B)(1) and (B)(2) of this section, and to all over-the-air reception devices consisting of satellite earth station antennas that are subject to site plan review and to the issuance of a building permit.
    a. No satellite earth station antenna may be installed in any zoning district if it will impede normal vehicular or pedestrian circulation, ingress to, or egress from any building, structure, or parking facility,
    b. Satellite earth station antennas, whether ground-mounted or building-mounted, including any guy-wires, masts and accessory equipment, must be located and designed to mitigate adverse visual impacts from adjacent properties and from public streets, which mitigation may involve screening by means of landscaping, fencing or the addition of new architectural elements that are compatible with the design of adjacent buildings. This screening requirement may be modified if the antenna's reception is impaired,
    c. No ground-mounted satellite earth station antenna may be located in the area between the front property line and the main building or structure, or between the main building or structure and the side property line on the street side of a corner lot,
    d. Guy-wires may not be anchored within the front yard of any lot or within the side yard on the street side of a corner

lot,

e. Satellite earth station antennas must be finished in a non-metallic finish or painted in a color that is compatible with the surrounding environment,

f. Any mast that will be used to elevate a satellite earth station antenna must be constructed of noncombustible and corrosive-resistant materials,

g. All satellite earth station antennas must be installed with adequate ground wire to protect against a direct strike of lightning. The ground wire must be of a type approved by the electrical code for grounding masts and lightning arrestors,

h. All satellite earth station antennas must be separated from adjacent power lines by such vertical and horizontal distance that is required by the electrical code and by other statutes and regulations,

i. Any mast that will be used to elevate a satellite earth station antenna must be secured by a separate safety wire in a direction away from adjacent power lines or other potential hazards,

j. To the extent feasible, all cables, wires, or similar electrical transmission devices that connect with a satellite earth station antenna must be placed underground,

k. If footings are required for the installation of a ground-mounted satellite earth station antenna, engineering calculations for those footings must be signed by a licensed structural or civil engineer,

l. All connectors on a satellite earth station antenna, and on any mast to be used for elevation, must be capable of sustaining a wind-load of the magnitude specified in the building code,

m. No satellite earth station antenna, nor any of its component parts or accessory facilities, may encroach into the public right-of-way unless that encroachment is authorized as provided for in this code,

n. All satellite earth station antennas must be maintained in good repair, in a neat and clean condition, and in compliance with all applicable building, fire and electrical codes.

2. In addition to the development standards set forth above in subsection (C)(1) of this section, the following development standards apply in all nonresidential zoning districts to the siting, construction and operation of satellite earth station antennas:

a. All ground-mounted satellite earth station antennas must be located at least five feet from any property line,

b. If roof-mounted, a satellite earth station antenna must either be affixed to a flat portion of the roof structure having parapets, or it must be integrated with the architectural design of the building in accordance with a plan that is approved by the director of community development.

D. Site Plan Review Required.

1. If a proposed satellite earth station antenna will exceed the permissible height limitations referenced above in subsections (B)(1) and (B)(2) of this section, or if the diameter or diagonal measurement of the proposed satellite earth station antenna exceeds the limitations specified in subsections (B)(1) and (B)(2) of this section, then an application for site plan review must be submitted to the director of community development and approved by the architectural board of review. If the application is approved, a building permit must be obtained;

2. The city council expressly finds and determines that these regulatory requirements relating to site plan review are necessary, desirable, and in the best interests of the community in order to protect the public health, welfare and safety, to promote aesthetic objectives, and to maintain property values. The city council further finds and determines that these regulatory requirements are applicable only to the proposed installation of satellite earth station antennas that are not permitted accessory uses and that do not meet the criteria for exemption from local regulation established by the Federal Communications Commission ("FCC") under the Telecommunications Act of 1996;

3. In addition to any other requirements set forth in this title, the application for site plan review must include the following:

a. Construction drawings that show the proposed method of installation and the manufacturer's specifications, including equipment specifications that are mandated by the FCC,

b. A plot plan showing the proposed location on the site of the satellite earth station antenna on the site, its distance from structures on the site, and its distance from the closest structures on adjacent properties,

c. Engineering data evidencing that the satellite earth station antenna will be in compliance with all structural requirements of the building code.

(Ord. 1044 §3 (part), 2003)

17.33.040 - Guidelines for optimum placement and installation.

A. The city manager may cause to be prepared and disseminated information concerning the placement and installation of satellite earth station antennas in accordance with voluntary guidelines that will help to achieve the city's safety-related objectives and to promote reasonable aesthetic objectives in order to maintain property values.

B. The information referenced above in subsection A of this section may include, without limitation, the following:

1. Installers of satellite earth station antennas who are licensed to conduct business within the city,
2. Federal regulations promulgated by the FCC that preempt governmental and nongovernmental restrictions on antenna users who occupy residential units, including residential units subject to homeowner association CC&Rs and residential units within multiple-dwelling complexes, whether owner-occupied or tenant-occupied,
3. The availability to existing or prospective antenna users of "no fee" safety-related inspections by the city,
4. Guidelines relating to the preferred placement of satellite earth station antennas in order to reduce or eliminate their visibility from adjacent public streets, including the use of screening materials, such as walls, fences, earth berms or landscaping, or the addition of new architectural elements that are compatible with the design of adjacent buildings,
5. Guidelines relating to preferred neutral finished colors of satellite earth station antennas, which colors are determined to blend with surrounding dominant colors, or to camouflage an antenna, and are neither bright, reflective nor metallic.

(Ord. 1044 §3 (part), 2003)

17.33.050 - Regulation of wireless telecommunications antenna facilities.

A. Facilities within Public Rights-of-Way. Wireless telecommunications antenna facilities that are proposed to be installed in any zoning district where those facilities are authorized, which facilities have above-ground components that will be placed within any public rights-of-way, must comply with all applicable provisions of the city's highway permit ordinance.

B. City-Owned Land, Buildings, and Rights-of-Way.

1. Except for subsection A of this section, the regulatory provisions of this section do not apply to the siting of wireless telecommunications antenna facilities on or within city-owned land or buildings. The proposed siting of these facilities on all city-owned property will require a license or lease agreement with the city, which license or lease agreement must be approved by the city council.
2. Except for subsection A of this section, the regulatory provisions of this section do not apply to the siting of wireless telecommunications antenna facilities, or to the siting of radio equipment used by a telecommunications service provider in operating a wireless, microcellular digital radio communications network, upon existing above-ground poles or similar appurtenances located within the public rights-of-way. Applications for the placement of these antenna facilities or radio equipment upon existing above-ground poles or similar structures located within the public rights-of-way will be submitted to the director of community development on a form provided by the city, along with an application fee in an amount established by resolution of the city council. Any authorized use of existing poles or similar structures located within the public rights-of-way will be subject to a permit to be issued by the city.
3. Except for subsection A of this section, the regulatory provisions of this section do not apply to the siting of wireless telecommunications antenna facilities, or to the siting of radio equipment used by a telecommunications service provider in operating a wireless, microcellular digital radio communications network, upon new above-ground poles or similar structures that are proposed to be installed within the public rights-of-way. Applications for the placement of these antenna facilities or radio equipment upon new above-ground poles or similar structures that are proposed to be

installed within the public rights-of-way will be submitted to the director of community development on a form provided by the city, along with an application fee in an amount established by resolution of the city council. Authorization for the installation of any new above-ground pole or similar structure for the operation of an antenna facility or radio equipment will be subject to a license, lease or franchise agreement with the city, as may be applicable and authorized by law, which license, lease or franchise agreement must be approved by the city council.

4. Every permit, license, lease, or franchise agreement that is authorized by the city under the provisions of subsection B of this section may contain a requirement that the telecommunications service provider, or the property owner, submit documentation that the electromagnetic fields (EMFs) from the proposed antenna facilities or radio equipment will be within the limits approved by the FCC, and that a report be submitted annually evi dencing the fact that the EMFs continue to be within approved FCC limits.

C. Applicability of Regulations. Subject to the exceptions set forth in subsection B of this section, the regulatory provisions of this section are applicable to the siting of wireless telecommunications antenna facilities on land and buildings located within the following zoning districts: the commercial zone (C), the commercial-manufacturing zone (C-M), the manufacturing zone (M) and the public-facilities zone (P-F). The siting and construction of wireless telecommunications antenna facilities in these non-residential zoning districts where those facilities are authorized is subject to site plan review and to a building permit.

D. Application for Site Plan Review. The application for site plan review must include the following:

1. A site plan, drawn to scale, showing all existing improvements on the site, the proposed location of the wireless telecommunications antenna facility, the height of any existing or proposed new support structure, accessory equipment facility, guy-wires, above- and below-ground wiring and connection cables, existing or proposed easements on the property, the height above ground of any panels, microwave dishes, or whip antennas, and the distance between the antenna facility and any existing or proposed accessory equipment facility;
2. A description of the maximum potential of the site for the proposed wireless telecommunications antenna to accommodate the installation of additional antennas;
3. A location map showing existing wireless telecommunications antenna sites within the city that are owned or operated by the applicant and any proposed sites in the city that may be required for future area coverage;
4. Documentation that the electromagnetic fields (EMFs) from the proposed wireless telecommunications facility, both individually and cumulatively, will be within the limits approved by the FCC. As a condition of approval of any site plan or building permit, the reviewing authority may require the annual submission of a report prepared by a qualified person evidencing the fact that EMFs continue to be within approved FCC limits;
5. A statement concerning the minimum distance from the proposed wireless telecommunications antenna facility that is required to ensure that no person will be exposed to any harmful effects attributable to EMFs;
6. Evidence of any required licenses and approvals to provide wireless telecommunications services in the city;
7. The property owner's written consent to the proposed siting of the wireless telecommunications antenna facility and acknowledgment of its obligations under this chapter.

E. Factors Considered in Approving Site Plans. The reviewing authority must consider the following factors in determining whether to approve the site plan for a wireless telecommunications antenna facility:

1. Height of the proposed facility,
2. The nature and proximity of existing uses on adjacent properties,
3. Surrounding topography,
4. Surrounding tree coverage and foliage,
5. Design of the proposed facility, with particular reference to design features that have the effect of reducing or eliminating visual obtrusiveness, such as a camouflaged facility, a facility screened by natural or artificial vegetation, or a facility located or co-located on an existing building or an existing support structure,
6. Proposed ingress and egress,

7. Availability of suitable existing buildings or support structures, as set forth in subsection F of this section.

F. Development Standards.

1. Antenna arrays on wireless telecommunications antenna facilities that are proposed to be sited on an existing building or support structure must be integrated with the architectural design and coloring of that existing building or support structure.
2. The siting of new support structures is subject to the following additional requirement: no new support structure in the manufacturing or public facilities zoning districts will be authorized unless the reviewing authority makes the additional finding that, based upon evidence submitted by the applicant, no existing non-residential building or support structure can reasonably accommodate the proposed wireless telecommunications antenna facility. Evidence supporting this finding will be reviewed by the reviewing authority and may consist of any of the following:
    a. No existing non-residential buildings or support structures are located within the geographic area proposed to be served by the applicant's facility,
    b. Existing non-residential buildings or support structures are not of sufficient height or structural strength to meet the applicant's operational or engineering requirements,
    c. The applicant's proposed facility in the zoning district would create electromagnetic interference with another facility on an existing structure, or the existing antenna array on an existing building or support structure would create interference with the applicant's proposed antenna array,
    d. The costs, fees or contractual provisions required by a property owner, or by an incumbent wireless telecommunications service provider, in order to co-locate a new antenna array on an existing non-residential building or support structure, or to adapt an existing non-residential building or support structure for the location of the new antenna array, are unreasonable,
    e. There are other limiting factors that render existing non-residential buildings and support structures unsuitable for use by the applicant.
3. If a new support structure for a facility will be visible from adjacent residential properties or from major arterial streets, the reviewing authority may require that the support structure be screened or camouflaged to mitigate adverse visual impacts.
4. Protective structures housing accessory equipment must comply with all applicable requirements of the zoning code that relate to accessory structures.
5. If a proposed facility will be visible from a residential area or an arterial street, any required fencing must be of wrought iron or similar decorative materials.
6. A new, freestanding support structure must be separated from a building on the same site by a distance that is at least equal to the height of that support structure, unless that building houses equipment accessory to that support structure.
7. A new support structure that is to be located near a residential use or the boundary of a residential zoning district must be set back from the nearest residential lot line or boundary a distance that is at least equal to the height of that support structure.
8. The exterior of a new support structure must have a noncorrosive, nonmetallic finish that is not conducive to reflection or glare. The support structure, the antenna array, and the accessory equipment facility must all be of a neutral color.
9. Buildings and support structures may not be illuminated unless specifically required by the Federal Aviation Administration or other governmental agencies.
10. No off-premises or on-premises signs may be placed by a wireless telecommunications service provider on a building or support structure to which a wireless telecommunications antenna facility is attached.

G. Maintenance and Cessation of Use. The following requirements apply to all authorized wireless telecommunications antenna facilities that are located on existing buildings or support structures and on new support structures:

1. The site must be maintained in a condition free of trash, debris and refuse, and all graffiti and posters must be promptly removed.

2. If a support structure, or an antenna array affixed to a building or to a support structure, becomes inoperable or ceases to a period of six consecutive months, the permittee or the property owner must give written notice of such inoperability or n the director of community development. The antenna array and, if applicable, the support structure, must be removed with day period. If that removal does not occur, the city may remove the antenna array and, if applicable, the support structure, expense of the permittee or the property owner; provided that if other antenna arrays owned or operated by other service are affixed to the same support structure, then only the antenna array that has become inoperable or has ceased to be use required to be removed, and the support structure may remain in place until all service providers cease to use it.

H. Local Emergency or Disaster Situations—Temporary Installations. The city manager, as the director of the office of emergency services designated in Section 2.60.050, is authorized in the event of a local emergency or disaster to accommodate all providers of wireless telecommunications services whose antenna facilities can be deployed immediately within the city for the purpose of implementing the emergency services plan, coordinating the emergency and disaster functions of the city, and protecting life and property. The temporary deployment of such wireless telecommunications antenna facilities may be authorized at such locations, and for such period of time, as will afford maximum protection for the public health, welfare and safety.

(Ord. 1095 § 2, 2007; Ord. 1044 § 3(part), 2003)

17.33.060 - Variances.

A. In accordance with the provisions of Chapter 17.70, application may be made for a variance from the restrictions and limitations imposed by this chapter upon the siting of satellite earth station antennas and wireless telecommunications antenna facilities.

B. A variance may be issued if, in addition to the general variance standards, the following requirements are met:

1. The applicant submits evidence satisfactory to the reviewing authority that location of the satellite earth station antenna or the wireless telecommunications antenna facility in the manner required by this chapter would (a) obstruct the antenna's reception window or otherwise interfere with reception, and such obstruction or interference involves factors beyond the applicant's control; or (b) the cost of meeting the requirements of this chapter is excessive in relation to the cost of the proposed antenna or antenna facility.

2. The applicant submits a certification, signed by a registered structural or civil engineer, that the proposed installation will be in compliance with all applicable requirements of the building code, including load distributions upon any proposed mast or other support structure.

C. A variance may be revoked if the applicant or property owner fails to comply with any conditions that are imposed upon the issuance of that variance.

(Ord. 1044 § 3(part), 2003)

17.33.070 - Regulation of amateur radio station antennas.

A. Building Permit Required. Nothing contained in this section may be deemed to exempt from the requirement of a building permit the installation of an amateur radio station antenna that, because of its limited height, is not required to obtain site plan review approval under the provisions of subsection B of this section.

B. Site Plan Review Required. The proposed installation in any zoning district of an amateur radio station antenna, whether ground-mounted or building-mounted, which antenna will extend more than fifteen feet above the highest point of the roofline of a building or structure on the proposed site, must be preceded by an application for site plan review, and, if the application is approved, a building permit must be obtained.

C. Application for Site Plan Review. The application for site plan review must include the following:

1. Construction drawings that show the proposed method of installation and the manufacturer's specifications,

2. A plot plan showing the proposed location and dimensions of the amateur radio station antenna,

3. Engineering data evidencing that the amateur radio station antenna will be in compliance with all structural

requirements of the building code,

4. Copies of all licenses issued to the applicant by the FCC to engage in amateur radio service operations and to use the site as an amateur radio station.

D. Factors Considered in Approving a Site Plan.

1. In considering the approval of a site plan for a proposed amateur radio station antenna, the reviewing authority must consider the following factors:
    a. Whether the proposed height of the amateur radio station antenna is the minimum height that is technically required to enable the applicant to engage in amateur radio service operations of the nature contemplated,
    b. Proximity of the proposed amateur radio station antenna to inhabited buildings and structures,
    c. The nature of existing uses on adjacent and nearby properties,
    d. Surrounding topography, tree coverage, and foliage, and their effect on the proposed height of the amateur radio station antenna,
    e. Design of the proposed amateur radio station antenna, with particular reference to design features that provide for retraction of the antenna when not in use and design features that may reduce or eliminate visual obtrusiveness, particularly in residential zoning districts.
2. In making any determination during the site plan review process to deny or to condition the application for an amateur radio station antenna, the reviewing authority must adhere to the following guidelines:
    a. The imposition of conditions or restrictions relating to the placement, screening or height of a proposed amateur radio station antenna, which conditions or restrictions are based upon protection of the public health, welfare, and safety, aesthetic considerations, or the preservation of property values, must be considered on a case-by-case basis, taking into account the unique features of the proposed site, the factors specified in subsection (D)(1) of this section, and the reasonable accommodation required under subsection (D)(2)(b) of this section.
    b. The site plan review process must be conducted to (i) reasonably accommodate the paramount federal interest in promoting amateur radio communications as voluntary, noncommercial communications services, particularly with respect to emergency communications; and (ii) impose the minimum practical restrictions, limitations and conditions in order to achieve the city's legitimate regulatory objectives.

(Ord. 1044 §3 (part), 2003)

17.33.080 - Nonconforming antennas.

Any antenna constructed in violation of this chapter, or in violation of any prior ordinance or regulation, is subject to immediate abatement.

(Ord. 1044 §3 (part), 2003)

17.33.090 - Enforcement.

A. All satellite earth station antennas, amateur radio station antennas and wireless telecommunications antenna facilities are subject to periodic inspection by the city to determine whether they are in compliance with all applicable provisions of this chapter.

B. If any condition is discovered that may result in a danger to life or property, the city will give written notice to the permittee or to the property owner, or both, at their last known address, describing the dangerous condition and demanding that the same be corrected within the period of time specified in that notice.

C. Failure to comply with any applicable provision of this chapter, or with conditions that may be imposed in connection with site plan review approval or issuance of a building permit, will constitute a public nuisance.

(Ord. 1044 §3 (part), 2003)

Chapter 17.34 - PUBLIC UTILITY FACILITIES

17.34.010 - Purpose.

The purpose of this chapter is to provide standards of development designed to lessen the negative impacts caused by public utility facilities and to ensure their compatibility with neighboring uses.

(Ord. 822 §1(part), 1989)

17.34.020 - Location criteria.

A. Such uses shall be located on arterial or larger streets unless another location shall be approved by the planning commission.

B. Such uses shall not be located on any side of, or across from any residential use, park, school or church unless such use is a water well, pump station, enclosed water storage facility or cellular telephone antenna.

C. The site shall be of sufficient size to accommodate all structures and required parking for the site.

(Ord. 963 §§26(part), 27, 1995: Ord. 822 §1(part), 1989)

17.34.030 - Design standards.

The design and appearance of public utility facilities shall be compatible with surrounding uses and shall not detract from the neighborhood in which the use is located. The design of such facilities shall include, but not be limited to:

A. Structures located on the site shall not exceed the maximum allowable height within the zone district unless approved by the planning commission.

B. Offices, maintenance buildings and, where possible, the facility itself shall incorporate building materials which are compatible with materials used in surrounding development.

C. Any loading dock or door facing a public or private street shall be located in such a way that all truck maneuvering shall take place on site whenever possible.

D. Control of lighting and light fixtures.

(Ord. 963 §26(part), 1995; Ord. 822 §1(part), 1989)

17.34.040 - Site plan requirements.

A. Minimum site area: none.

B. Minimum setbacks.

1. Front setback: twenty feet.

2. Side and rear setback: ten feet.

(Ord. 963 §26(part), 1995; Ord. 822 §1(part), 1989)

17.34.050 - Landscaping.

A. Landscaped areas shall consist of trees, planted groundcover, shrubs, or a combination thereof.

B. All landscaped areas shall contain an accepted irrigation system (sprinklers, bubblers or diffuser heads) with an automatic timer-clock mechanism. All landscaped areas shall be contained within six-inch concrete or eight-inch masonry planter curbing.

C. All landscaped areas shall be maintained by the owner or operator in a reasonably litter-free, weed-free condition and all plant materials shall be kept in a healthy, growing condition.

(Ord. 963 §26(part), 1995; Ord. 822 §1(part), 1989)

17.34.060 - Refuse enclosures.

Refuse disposal areas shall be adequately screened from view utilizing a decorative wood or masonry enclosure or a combination thereof, which is compatible with the design of the principal structure on the site. The minimum interior dimensions of any refuse enclosure shall be five feet by seven feet.

(Ord. 963 §26(part), 1995; Ord. 822 §1(part), 1989)

17.34.070 - Fencing and screening.

Except for areas used for driveways, a solid masonry wall or chain link fence containing sight-obscuring slats shall be maintained along all lot lines. The maximum height of the fence cannot exceed eight feet. The fence constructed along any street side of the site shall be located to the rear of any required setback.

B. Required parking shall be provided and developed in accordance with the provisions of Chapter 17.60 of these regulations.

(Ord. 963 §26(part), 1995; Ord. 822 §1(part), 1989)

17.34.080 - Performance standards.

Public utility facilities shall be operated in a manner which does not interfere with the normal use of the adjoining properties. Accordingly, the following performance standards shall be applicable to all such establishments:

A. Noise levels measured at property lines shall not exceed the levels prescribed in the noise regulations of the city.

B. The premises shall be kept clean and the operator shall ensure that no trash or litter originating from the site is deposited on neighboring properties or on the public right-of-way.

C. No undesirable odors shall be generated from the site.

(Ord. 963 §28(part), 1995: Ord. 822 §1(part), 1989)

Chapter 17.36 - BOARDING AND ROOMINGHOUSES

17.36.010 - Purpose.

The purpose of this chapter is to provide standards to ensure that residences used as boarding or roominghouses shall be compatible with surrounding neighbors and will not adversely impact the area in which such use is located.

(Ord. 822 §1(part), 1989)

17.36.020 - Conditional use permit—Required.

A conditional use permit shall be required for all boarding and roominghouses.

(Ord. 822 § 1(part), 1989)

17.36.030 - Design standards.

A. No exterior alterations shall be made to the residential structure which will so change its appearance as to make it out of context with the surrounding dwellings.

B. All parking will be located in the rear yard area.

C. Parking standards shall be the same as for one bedroom or efficiency apartments.

D. Driveway locations and widths must meet standards established by the city and be reviewed by the department of planning

and community development prior to the approval of the conditional use permit.

(Ord. 822 § 1(part), 1989)

17.36.040 - Performance standards.

Boarding and roominghouses shall be operated in a manner which does not interfere with the normal use of adjoining properties. If, in the opinion of the director of planning and community development, the provisions of the conditions of approval of the conditional use permit are being violated, such violations shall be grounds for reopening the conditional use permit hearing and the addition of conditions to correct the violations or, if the violations are severe enough, to consider revocation of the conditional use permit.

(Ord. 822 § 1(part), 1989)

Chapter 17.38 - ACCESSORY DWELLING UNITS

Footnotes:
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***Editor's note—** Ord. No. 1242 , § 5, adopted March 24, 2020, amended Chapter 17.38 in its entirety to read as herein set out. Former Chapter 17.38, §§ 17.38.010—17.38.040, pertained to similar subject matter, and derived from Ord. No. 1215, adopted Dec. 12, 2017; and Ord. No. 1231, adopted Nov. 13 2018.*

17.38.010 - Intent and purpose.

The purpose of the accessory dwelling unit chapter is to comply with state law. The chapter provides for accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family or multi-family dwellings. Such accessory dwellings are allowed because they can contribute needed housing to the community's housing stock. Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, renters, and homeowners who create accessory dwelling units.

In addition, the chapter provides a mechanism to grant legal status to existing illegally constructed accessory units in single family neighborhoods. By encouraging legalization, safe dwellings may be added to the city's existing housing supply.

(Ord. No. 1242 , § 5, 3-24-2020)

17.38.020 - Definitions.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

"Junior accessory dwelling unit" means a unit that is no more than five hundred square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

"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.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(Ord. No. 1242 , § 5, 3-24-2020)

17.38.030 - Applicability.

A. Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this chapter.

B. The director or his designee shall review and approve, conditionally approve, or deny ministerial permits for accessory dwelling units conforming to the provisions of this chapter within the time limits specified by Government Code Sections 65852.2 and 65852.22 or successor provisions.

(Ord. No. 1242 , § 5, 3-24-2020)

17.38.040 - Location and operational standards.

A. One accessory dwelling unit may be constructed on any legal parcel in areas zoned to allow single-family or multifamily dwellings.

B. One junior accessory dwelling unit may be constructed on any legal parcel in any single family residential zones.

C. Accessory dwelling units shall only be built when there is an existing or proposed single-family or multi-family residence (e.g., primary residence) on the site. Junior accessory dwelling units shall only be built when there is an existing or proposed single-family residence on the site. If a site is vacant, an accessory dwelling unit may be constructed at the same time as a primary residence.

D. The accessory dwelling unit may be attached to the primary residence, located within the living area of the primary residence, or detached from the primary residence and located on the same lot as the existing dwelling.

E. Any rental term of the accessory dwelling unit shall be longer than thirty days.

F. The accessory dwelling unit may not be sold separately from the single-family home.

G. Prior to issuance of a building permit for the accessory dwelling unit or junior accessory dwelling unit, the owner shall record a covenant in a form approved by the city to notify subsequent owners of the requirements of this chapter, as follows:

1. For any accessory dwelling unit, the owner shall record a deed restriction, which shall run with the land, using a form to be provided by the city, memorializing the following:
    a. The accessory dwelling unit shall not be sold or owned separately from the primary residence, and the property shall not be subdivided in any manner which would authorize such separate sale or ownership;
    b. Neither the primary residence nor the accessory dwelling unit may be rented for a period of less than thirty days;
2. For any junior accessory dwelling unit, the owner shall record a deed restriction, which shall run with the land, using a form to be provided by the city, memorializing the following:
    a. The junior accessory dwelling unit shall not be sold or owned separately from the primary residence, and the property shall not be subdivided in any manner which would authorize such separate sale or ownership;
    b. The junior accessory dwelling unit shall not exceed the size and attributes set forth in this chapter and Government Code Section 65852.22, including any future amendments thereto;
    c. Either the primary residence or the junior accessory dwelling unit must be owner-occupied at all times as required by state law, unless the owner is another governmental agency, land trust, or housing organization.

H. Accessory dwelling units do not count toward the density requirements in the general plan or zoning regulations.

(Ord. No. 1242 , § 5, 3-24-2020)

17.38.050 - Development standards.

The following standards apply to all accessory dwelling units:

1. An accessory dwelling unit with one or fewer bedrooms shall not be more than eight hundred and fifty square feet in gross floor area and an accessory dwelling unit with two or more bedrooms shall not be more than one thousand square feet in gross floor area. Additionally, the floor area of an attached accessory dwelling unit shall not be more than fifty percent of the existing living area (i.e., all fully enclosed areas, excluding an attached garage) of the primary dwelling.
    a. For any primary dwelling with an existing living area of one thousand six hundred square feet or less, an attached accessory dwelling unit with a maximum gross floor area of eight hundred square feet shall be allowed.
2. A detached accessory dwelling unit shall be limited to a height of one story if the primary residence is one story, or limited to two story if the primary residence is two story. Both attached and detached accessory dwelling units shall not exceed the height of the primary residence.
3. A detached accessory dwelling unit shall be located behind the rear building line of the primary residence.
4. A minimum building separation of six feet shall be maintained (eave to eave) between the primary residence and a detached accessory dwelling unit as required in Section 17.26.060. A minimum building separation of ten feet shall be maintained (eave to eave) from the entrance of an accessory dwelling unit if it is facing the wall of another structure on the property.
5. The color, material and texture of the roof, exterior walls, fenestration, and architectural feature of an accessory dwelling unit shall be architecturally compatible with the primary dwelling unit and adjacent properties. The roof pitch of a second unit shall match the roof pitch of the primary dwelling unit.
6. Setbacks for Detached Accessory Dwelling Units. The side-yard and rear-yard setback for detached accessory dwelling units shall be no less than three feet in accordance with the Uniform Building Code. Accessory units higher than one story shall provide side yard setbacks of four feet and rear yard setbacks of four feet. If any portion of an accessory dwelling unit is located in front of the main building, then the front and side yard setbacks shall be the same as a main building in the zoning district. Accessory dwelling units are not eligible for variances to setbacks.
7. No setback shall be required for an existing structure that is converted to an accessory dwelling unit unless it is required to provide sufficient fire safety as required by City Code.
8. Setbacks for a newly constructed attached accessory dwelling unit shall meet the same setbacks as the main building in the zoning district or four feet, whichever is less.
9. Notwithstanding the requirements and standards above, accessory dwelling units that meet all of the following criteria shall be permitted on all residential zoning districts on a lot with an existing single-family or multi-family residence:
    a. The accessory dwelling unit is contained within a legally constructed existing space (i.e., a fully enclosed area, including a garage) of the primary dwelling or accessory structure.
    b. There is an independent exterior access from the existing residence.
    c. Side and rear setbacks are sufficient for fire safety.
    d. All applicable building and safety codes are met.
    e. Only one accessory dwelling unit or one junior accessory dwelling unit will exist on the site.

The following standards apply only to junior accessory dwelling units:

10. Either the primary residence or the junior accessory dwelling unit must be owner-occupied at all times as required by state law, unless the owner is another governmental agency, land trust, or housing organization.
11. A junior accessory dwelling unit shall not be more than five hundred square feet in size and contained entirely within an existing or proposed single-family structure.
12. The entrance to a junior accessory dwelling unit must be separate from the main entrance to the structure.
13. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

14. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:
    a. A cooking facility with appliances.
    b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

Parking Requirements.

15. One parking space shall be provided on-site for the accessory dwelling unit. The on-site parking space required for the accessory dwelling unit may be provided as covered, uncovered, or as tandem parking on an existing driveway.
    a. Exception. No additional parking space is required for an accessory dwelling unit if it meets any of the following conditions:
        i. The accessory dwelling unit is located within one-half mile walking distance of public transit.
        ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
        iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
        iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
        v. When there is a car share vehicle located within one block of the accessory dwelling unit.
16. An accessory dwelling unit shall share the driveway with the existing primary residence on the site. A second driveway shall only be allowed from an alley, if there is an alley that serves the subject site.

(Ord. No. 1242 , § 5, 3-24-2020)

17.38.060 - Exceptions.

Ministerial approval shall apply for building permit applications that satisfy the following standards:

1. One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:
    a. The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
    b. The space has exterior access from the proposed or existing single-family dwelling.
    c. The side and rear setbacks are sufficient for fire and safety.
    d. The junior accessory dwelling unit complies with the requirements of Section 65852.22.
2. One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (1), and comply with the following standards:
    a. A total floor area limitation of not more than eight hundred square feet.
    b. A height limitation of sixteen feet.
3. Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.
    a. One accessory dwelling unit within an existing multifamily dwelling is allowed up to twenty-five percent of the existing multifamily dwelling units.
4. Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of sixteen feet and four-foot rear yard and side setbacks.

(Ord. No. 1242 , § 5, 3-24-2020)

Chapter 17.40 - HOTELS

17.40.010 - Purpose.

The purpose of these development standards is to ensure that any hotel constructed in the city will enhance the appearance of both the area in which it is located and of the city as a whole.

(Ord. 822 § 1(part), 1989)

17.40.020 - Conditional use permit—Required.

A conditional use permit shall be required for all hotels within the city.

(Ord. 822 § 1(part), 1989)

17.40.030 - Development standards.

A. A six-foot high decorative block wall will be constructed on side and rear property lines.

B. A minimum ten foot landscaped setback shall be required on each street frontage.

C. At least twenty percent of the total site shall be landscaped (this shall include any landscaped setback). All landscaped areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) with an automatic timer-clock mechanism. All landscaped areas shall be contained within six-inch concrete or eight-inch masonry planter curbing.

D. Refuse disposal areas shall be adequately screened from view utilizing a decorative wood or masonry enclosure or a combination thereof, which is compatible with the design of the principal structure on the site. All refuse enclosures shall have minimum interior dimensions of five by seven feet.

E. Required Parking. Parking shall be provided and developed in accordance with the provisions of Chapter 17.60 of these regulations.

(Ord. 822 § 1(part), 1989)

17.40.040 - Performance standards.

Hotels shall be operated in a manner which does not interfere with the normal use of adjoining properties. If, in the opinion of the director of planning and community development, or his designee, the provisions of this section are being violated, the violations shall be grounds for reopening the conditional use permit hearing and the addition of conditions to correct the violations, or if the violations are severe enough, to consider revocation of the conditional use permit.

(Ord. 822 § 1(part), 1989)

Chapter 17.41 - MASSAGE ESTABLISHMENTS

17.41.010 - Location criteria.

A massage establishment may be located in any zone district which permits that particular use subject to the following exceptions and qualifications:

A. A massage establishment shall not be established or located within five hundred feet of any existing massage establishment. The distance between any two massage establishments shall be measured in a straight line, without regard to the boundaries of the city and to intervening structures, from the closest point of each establishment.

B. A massage establishment may not open or operate in a location where that establishment or a prior massage establishmer closed due to criminal activity, had its conditional use permit revoked, or had a massage establishment permit revoked any within the past three years.

(Ord. No. 1195, § 14, 2-24-2015)

17.41.020 - Conditional use permit required.

A conditional use permit shall be required for the establishment of any massage establishment. The following provisions shall govern the issuance of conditional use permits for massage establishments:

A. Applications for conditional use permits under this section shall be subject to the procedures and requirements of chapter 17.68 of this Code.

B. In considering applications for massage establishments, the planning commission shall be guided by the provisions of Chapter 17.68 of Title 17 and this section. However, in the event of any inconsistency in said standards, the provisions of this section shall govern.

C. In granting a conditional use permit, the planning commission may impose conditions if the planning commission determines such conditions are necessary to minimize any adverse effect of the proposed use on properties and uses in the area and the rest of the city.

D. A massage establishment shall not operate under any name or conduct business under any designation not specified in the application for the conditional use permit, which shall be identical as the name listed in the applications for the city business license and massage establishment permit

E. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

F. An applicant for a conditional use permit shall submit the information described in this section and a non-refundable fee as established in the city's schedule of fees by resolution of the city council to reimburse the city for the costs of reviewing the application.

G. In addition to any information required for applications for a city business license pursuant to Title 5 of this Code, a massage establishment permit pursuant to Chapter 5.22 of this Code, and conditional use permits pursuant Chapter 17.68 of this Code, an applicant for a conditional use permit for a massage establishment shall submit the following information:

1. A legal description of the parcel.
2. Proof of legal title or a possessory or leasehold interest in the real property upon which the proposed massage establishment will be operated.
3. If the massage establishment has a leasehold interest in the real property, a certified statement from the real property owner(s) authorizing the proposed use of the premises as a massage establishment.
4. A scaled site plan.
5. A description of all physical changes proposed to the property, whether permanent or impermanent, both inside and outside of the building.
6. The separation distance from other existing massage establishments shall be shown on an updated site plan or map.
7. A description of compliance with all facility requirements in Chapter 5.22 of this Code.
8. In addition to any standards for consideration of conditional use permit applications pursuant to Chapter 17.68 of this Code, the planning commission shall consider the following factors in determining whether to issue a conditional use permit, although the planning commission may waive or reduce the burden on the applicant of one or more of these criteria if the planning commission determines that the goals of this section are better served thereby:
9. No massage establishment shall be sited in a location where the applicant cannot produce proof of legal title or a possessory or leasehold interest in that real property and a certified statement from the real property owner(s) authorizing the proposed use of the premises as a massage establishment.

10. No massage establishment shall be sited within five hundred feet of an existing or otherwise approved massage establishment.
11. No massage establishment shall be sited in a zone where it is not permitted.
12. No massage establishment shall violate any provision regarding facility requirements within Chapter 5.22 of this Code.

(Ord. No. 1195, § 14, 2-24-2015)

17.41.030 - Amortization and regulation of nonconforming massage establishments.

A. Any use of real property existing on April 1, 2015, which does not conform to the provisions of this chapter, but which was constructed, operated and maintained in compliance with all previous regulations prior to March 11, 2014, shall be regarded as a nonconforming use.
B. Any nonconforming use pursuant to this chapter may continue in operation until June 30, 2017, provided that use and its facility is in compliance with all other laws, except the use restrictions in the zoning ordinance; the use is not extended, enlarged, moved or altered so as to occupy land outside the current structure(s); and the use is not discontinued or abandoned for a continuous period of one hundred eighty days or more.
C. Any nonconforming use pursuant to this chapter may apply for a conditional use permit pursuant to Section 17.41.020. In the event the city grants the conditional use permit, such use shall be considered to be a conforming use.
D. The city manager may approve an extension of time until termination pursuant to Section 17.41.040 of this chapter.

(Ord. No. 1195, § 14, 2-24-2015)

17.41.040 - Extension of time for termination of nonconforming use.

The owner or operator of a nonconforming use as described in Section 17.41.030 may apply under the provisions of this section to the city manager for an extension of time within which to terminate the nonconforming use, as follows:

A. The owner of the real property upon which such use operated or the operator of the use may file an application for an extension of time within which to terminate a use made nonconforming by the provisions of this chapter. Such application must be filed with the city manager at least sixty days but no more than ninety days prior to the expiration of the time established in Section 17.41.030 for termination of such use.
B. The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the city's schedule of fees established by resolution from time to time by the city council. An application which fails to state a basis upon which an extension may be granted, as set forth in subsection (d) of this section, shall be returned to the applicant as nonresponsive, together with the application fee less any administrative costs of processing the application.
C. The city manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within twenty days of receipt of the application. All parties involved: shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross-examine witnesses. Any relevant evidence may be admitted. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The decision of the hearing officer shall be final and subject to judicial review pursuant to Code of Civil Procedure Section 1094.6.
D. An extension under the provisions of this section shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the hearing officer makes all of the following findings or such other findings as are required by law:
    1. The applicant has made a substantial investment (including but not limited to lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made before April 1, 2015;
    2. The applicant will be unable to recoup said investment as of the date established for termination of the use; and

3. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with Section 17.41.030.

(Ord. No. 1195, § 14, 2-24-2015)

Chapter 17.42 - MOBILE HOME PARKS

17.42.010 - Purpose.

These standards are designed to ensure that mobile home parks located within the city are compatible with surrounding uses and will enhance the appearance of the neighborhood in which they are located and the city as a whole.

(Ord. 822 § 1(part), 1989)

17.42.020 - Conditional use permit-Required.

A conditional use permit shall be required for the establishment or enlargement of any mobile home park.

(Ord. 822 § 1(part), 1989)

17.42.030 - Site plan requirements.

A. Minimum site area: five acres.

B. Setbacks: ten foot setback on all street frontages.

(Ord. 822 § 1(part), 1989)

17.42.040 - Mobile home spaces.

A. Minimum Frontage. Each mobile home site (space) shall have a minimum frontage of thirty feet facing a drive or other designated roadway.

B. Area Requirements. At least eighty percent of the sites or spaces within any mobile home park shall contain not less than two thousand square feet exclusive of areas required for off-street parking. The remaining twenty percent of such site will contain a minimum of one thousand five hundred square feet exclusive of areas required for off-street parking.

C. Off-Street Parking. Off-street parking shall be provided in accordance with Chapter 17.60 of these regulations.

(Ord. 822 § 1(part), 1989)

17.42.050 - Recreation area.

There shall be a minimum of two hundred square feet of area per mobile home space set aside for recreational purposes for residents of the park and shall be landscaped and designed as a recreational facility. Any recreation building proposed for the development shall be located in the designated recreation area.

(Ord. 822 § 1(part), 1989)

17.42.060 - Design standards.

A. Structures located on the site shall not exceed the maximum allowable height within the district unless approved by the planning commission.

B. All buildings constructed on the site shall have a common architectural theme.

C. A sign design plan, incorporating all proposed signs on the site, shall be required at the time the conditional use permit is considered.

D. All lighting shall be designed to protect the public streets and neighboring properties from direct glare or hazardous interferen any kind.

(Ord. 822 § 1(part), 1989)

17.42.070 - Landscaping.

A. All required setbacks shall be landscaped as well as ten percent of the total site.

B. Landscaped areas shall consist of trees, planted groundcover, shrubs, or a combination thereof.

C. All landscaped areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) with an automatic timer-clock mechanism. All landscaped areas shall be contained within six-inch concrete or eight- inch masonry planter curbing.

D. All landscaped areas shall be maintained by the owner or operator in a reasonably litter-free, weed-free condition and all plant materials shall be kept in a healthy, growing condition.

E. A landscape plan shall be submitted to the department of planning and community development for approval.

(Ord. 822 § 1(part), 1989)

17.42.080 - Refuse enclosures.

Sufficient refuse enclosures shall be provided. Such enclosures shall be constructed of masonry or wood, and shall be compatible with the general design theme of the park. All refuse enclosures shall have minimum interior dimensions of five by seven feet.

(Ord. 822 § 1(part), 1989)

17.42.090 - Fencing and screening.

A solid masonry wall, six feet in height shall be provided on all property lines, except that such wall shall be constructed to the rear of any required setback on street frontages.

(Ord. 822 § 1(part), 1989)

Chapter 17.44 - RESIDENTIAL CONDOMINIUMS

17.44.010 - Intent and purpose.

Residential condominium projects may require that numbers of householders live in close proximity to one another. Condominium projects also require that such owners be bound together in an association which is responsible for the maintenance, management and possible reconstruction of improvements within the common area of the project. This mix of individual and common ownership is different from conventional and familiar patterns of housing in the city. The unique status of residential condominium projects tends to magnify the effects associated with higher urban densities to the point where they may lead to conditions of mismanagement, neglect and blight that impact upon the public health, safety, welfare and economic prosperity of the larger community. To ensure that such problems are avoided in both the short and long term, it is the express intent of the city to treat residential condominiums differently from apartments and other like structures. Pursuant to such intent and in order to provide guidance in the consideration of proposed condominium projects, the purposes of these regulations are:

A. To ensure that the significance of the fragmented pattern of condominium ownership with respect to long-range planning, unforeseen change and maintenance of the city's housing stock is not superficially discounted in favor of short-term and expedient financial consideration;

B. To establish reasonable procedures for the dissolution of the condominium and demolition of the structure at the end of their economic, functional or physical life and thus obviate conditions of residential obsolescence and blight and their pernicious effects upon both immediate occupants and the larger community;

C. To ensure that the potentially deleterious effects resulting from a lack of continuous and centralized management do not impact upon the public health, safety and welfare and, at the same time, ensure that there is democratic and effective management of the project that does not allow, over time, a majority of the unit owners to effectively contravene the initial commitments made to the project at the time of its inception and thus undercut the good faith of any minority of unit owners;

D. To ensure that the project developer provides adequate private outdoor living space, storage space and parking space to meet the expectations and changing needs of property owners over long periods of time;

E. To ensure that the project developer is attentive to the performance characteristics of the structure and mitigates such problems as vibration and noise transmission which may not be apparent to the buyer without living in the unit but which, if not adequately attenuated, may nevertheless render the living environment undesirable and the transfer of unit ownership difficult; financial commitment of the unit owner, but also to optimize the utilization and aesthetic qualities that make the project a viable home in the future.

G. To ensure that, when appropriate, governmental entities have the right to enter into specified areas of the project to protect the public health, safety and welfare and preserve the public peace.

(Ord. 822 § 1(part), 1989)

17.44.020 - Definitions.

For the purpose of this chapter the words set out in this section shall have the following meanings:

A. "City" means the city of South El Monte.

B. "Condominium plan" means a plan consisting of a description or survey map of the surface of the land in the project, a diagram showing the dimension and locations of the units and a certificate acknowledging the intent to create a condominium project and consenting to the recordation of such a plan pursuant to local ordinance and Title 6, Part 4, Division II (Section 1350, et seq.) of the California Civil Code by the record owner of the property and all record holders of security interests therein.

C. "Project elements" means the condominium units which are to be conveyed, the areas and spaces which are to be assigned to such units and the common areas which are to be shared by the owners of all units. Such elements constitute the totality of the condominium project and are enumerated in a formal declaration or statement within the condominium documents that includes the incidents of the condominium grant. Such enumerative description may contain irrevocable limitations on the use of the project elements which are not appropriate for the declaration of covenants, conditions and restrictions.

D. "Residential condominium" means an estate in real property consisting of an undivided interest in common in a portion of real property together with a separate interest in a space in a residential complex located on such real property. A residential condominium may include, in addition, a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either (i) an estate of inheritance or perpetual estate, (ii) an estate for life, or (iii) an estate for years, such as a leasehold or subleasehold. A residential condominium is a unique land use which has many similarities to the ownership of a single-family dwelling, except that it is usually marked by higher densities, contiguity of living units, and the aforementioned common interest in the parcel of real property on which it is situated.

E. "Residential condominium common area" or "common area" means the entire project excepting all units granted or reserved.

F. "Residential condominium documents" or "condominium documents" means the declaration of covenants, conditions and restrictions (the "declaration"), the description of project elements, the condominium plan establishing a plan for residential condominium ownership and the articles of incorporation and bylaws of the association of the owners.

G. "Residential condominium owner" or "owner" means the owner of a residential condominium.

H. "Residential condominium project" or "project" means the entire parcel of real property divided into condominiums including all structures located on or to be located on such real property.

I. "Residential condominium unit" or "unit" means the elements of a residential condominium which are not owned in

common with the owners of other condominiums in the project.

(Ord. 822 § 1(part), 1989)

17.44.030 - Conditional use permit-Required.

A. No residential condominium shall be permitted in any zone unless such zone permits such usage and unless and until a conditional use permit is obtained thereof.

B. Except for strictly interior modifications to individual condominium units, no structural or architectural alterations, except incidental maintenance, shall be made to any existing residential condominium or its common areas within the city, unless and until a conditional use permit is obtained therefor. An applicant seeking a conditional use permit in order to make structural or architectural alterations to an existing condominium shall not arbitrarily or unreasonably be denied a conditional use permit where compliance with the provisions of Chapters 17.24 through 17.58 would impose a cost or other hardship disproportionate to the proposed structural or architectural alteration; provided, that the applicant is making reasonable efforts to conform to those provisions and the purposes delineated in Sections 17.44.060, 17.44.070, 17.44.080 and 17.44.090 and would impose a cost or other hardship disproportionate to the proposed structural or architectural alteration, provided that the applicant is making reasonable efforts to conform to those provisions and the purposes delineated in Section 17.44.010(A).

(Ord. 822 § 1(part), 1989)

17.44.040 - Conditional use permit-Application.

The application for a conditional use permit for a proposed residential project shall include the following information, in the number of copies and degree of detail which the planning department determines to be sufficient for its staff and the planning department to evaluate the project:

A. A complete legal description and address of the property and boundary map showing the existing topography of the site and the location of all existing easements, structures and other improvements, and trees over six inches in diameter;

B. Dimensioned schematic development plans consisting of at least a site plan, garage plan, typical floor plan, building elevations showing natural grades, transverse and longitudinal sections showing natural grades and a conceptual landscaping plan for the project as a whole. In instances where the project involves the conversion of an existing structure to condominium usage, complete as built drawings shall be provided;

C. A tabular analysis showing how the project compares to the minimum standards for four projects in the zone in which it would be located;

D. Typical detailed sections of the types of wall and floor/ceiling construction that would be used in both common and interior partition walls within the condominium project, including either published data from a recognized testing laboratory or a statement from a licensed acoustical engineer or the city building official as to the STC (Sound Transmission Class) and IIC (Impact Insulation Class) of the proposed type of construction.

E. The proposed condominium documents including declaration of covenants, conditions and restrictions, description of project elements and tentative condominium plan that would apply to the conveyance of units, the assignment of parking and the management of common areas within the project.

F. Such other information which the planning commission or planning department determines is necessary to evaluate the proposed project.

(Ord. 822 § 1(part), 1989)

17.44.050 - Fees.

The fee for the processing of an application for a conditional use permit for condominium usage shall be in an amount set by resolution of the city council.

(Ord. 822 § 1(part), 1989)

17.44.060 - Condominium development-Compliance with criteria and standards.

The commission shall review all proposals for residential condominium usage in order to determine their degree of compliance with both the development standards and development criteria delineated in Sections 17.44.080 and 17.44.090. A condominium proposal which does not comply with all of the precise standards in these sections may be approved where the commission finds that there are unusual circumstances regarding the development's location, site or configuration; that the project is in substantial compliance with both the development standards and development criteria and that there are mitigating features incorporated in the project which tend to further the expressed intent and purpose of this chapter.

(Ord. 822 § 1(part), 1989)

17.44.070 - Condominium development-Standards.

The commission shall require, except as noted in Section 17.44.060, that all residential condominium projects conform to all ordinances of the city and all of the following condominium development standards:

A. Minimum Lot Area. A residential condominium project shall have a net area of not less than one acre.

B. Density. The density of a residential condominium project shall be not less than one unit per two thousand five hundred square feet.

C. Common Open Space. Common open space shall comprise not less than fifteen percent of the gross area. Common open space shall be that portion of the total land area developed for recreational purposes and designated for the use and enjoyment of all of the occupants of the condominium project but shall not include streets, highways or utility easements where the ground surface is not available or other areas primarily designed to serve other functions. The applicant shall submit to the commission and the council, and it shall be made a condition of approval, satisfactory evidence to assure continued retention of open space and for perpetual maintenance of common areas.

D. Private Open Space. Notwithstanding the minimum total amount of usable open space required for a project and the required minimum dwelling unit size in projects which include five units or more, all of the units shall have an appurtenant private patio, deck, balcony, atrium or solarium with a minimum area of one hundred fifty square feet, except that one bedroom and zero bedroom units shall have a minimum of one hundred thirty square feet. Such space shall have a configuration that would allow a horizontal rectangle or square of one hundred square feet in area and a minimum dimension of seven feet to be placed in the space. The space shall be designed for the sole enjoyment of the unit owner and guests, and shall have at least one weather-proofed duplex receptacle electrical convenience outlet. Additionally, such space shall be at the same level as, and immediately accessible from either a kitchen, dining room, family room or living room within the unit. The planning commission may evaluate each project on its own merit in regard to the type, configuration and characteristics of the development, including condominium unit mix pertaining to the number of bedrooms per unit and percentage thereof, and may allow variations from the above dimensional standards where it can be shown that the required private open space meets the intent and purpose of this subsection.

E. Outdoor Living Space. At least four hundred square feet of outdoor public living space per unit shall be provided.

F. Private Storage Space.

1. Each unit within the project shall have at least four hundred cubic feet of enclosed, weather-proofed and lockable storage space for the sole use of the unit owner. Such space shall have a minimum horizontal surface area of fifty square feet, a minimum interior dimension of five feet, and an opening not less than three and one-half by six feet.

2. Such space may be provided within individual storage lockers, cabinets or closets in any location approved by the planning commission, but shall not be split among two or more locations. Moreover, since it is the intent of this standard to require space over and above that normally associated with the day-to-day functioning of the unit, the planning commission shall exercise reasonable discretion in differentiating between such required private storage

space and guest, linen or clothes closets or food pantries that are customarily within the unit. Thus, while providing such private storage space within the limits of the unit is not precluded, it shall be over and above that which would otherwise be provided within the unit.

3. If such private storage space is located within a common area within the project, the association shall be responsible for the care and maintenance of the exterior surface of the space in order to assure that the surface is maintained in a manner compatible with the architectural treatment of the project. Regardless of the location, the precise architectural treatment of such space shall be approved by the planning commission to ensure that such areas are safe, convenient and unobtrusive to the functional and aesthetic qualities of the project.

G. Off-street Parking.

1. Spaces Assigned to Units. There shall be at least two garage parking spaces assigned to each condominium unit within the project.
2. Spaces Designated for Visitors. In addition to the above requirements, there shall be at least one visitor parking space for each two condominium units within the project. A fractional requirement equal to, or greater than, one-half of a visitor parking space shall be interpreted as a requirement for one visitor parking space.

H. Treatment of Utilities.

1. Plumbing Shut-Off Valves. Water supply lines to each unit within the project shall be fitted with shut-off valves of either a hand valve or screw-stop type. If there are extenuating circumstances which make the installation of such valves impractical, the commission may approve a system which provides individual shut-off valves ahead of each fixture within the unit. A shut-off valve shall also be provided ahead of each water supplied appliance not contained within a unit.
2. Drip Pans. Hot water heaters and any other appliances which the building official determines to be a potential source of water leakage or flooding shall be installed with built-in drip pans and a one and one-quarter inch minimum diameter drain line leading to a safe point of disposal outside the building. The end of the drain shall be provided with a removable screen to prevent insect entrance to the unit. Drip pans may be omitted where appliances are located in garages that are constructed such that any water leakage cannot damage the common wall between units or find its way into an adjoining unit.
3. Utility Meters. With the exception of water supply and central heating and/or air conditioning, each utility that is controlled and consumed within the individual unit shall be separately metered in such a way that the unit owner can be separately billed for its use.
4. Hot Water. Each unit shall have a separate hot water heater.
5. Circuit Breaker. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible without leaving the unit.

I. Isolation of Vibration and Sources of Structure- borne Noise in Condominium Projects Where Units Have Common Walls and/or Floor and Ceiling.

1. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment such as motors, compressors, pumps and compactors which, because of their rotation, reciprocation, expansion and/or contraction, turbulance, oscillation, pulsation, impaction or detonation, are determined by the building official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the building official. Domestic appliances which are cabinet installed or built into the individual units, such as clothes washers and dryers, or other appliances which are determined by the building official to be a source of structural vibration or structure-borne noise, shall be isolated from cabinets and the floor or ceiling by resilient gaskets and vibration mounts approved by the building official. The cabinets in which they are installed should be offset from the back wall with strip gasketing of felt, cork or similar material approved by the building official. Where such appliances utilize water, flexible connectors shall be installed on all water lines. If provision is

made within the units for the installation of nonpermanent appliances such as clothes washers and dryers, then permanent rubber mounting bases and surface plates shall be installed in a manner approved by the building official.

2. Location of Plumbing Fixtures. No building fixture, except pullman mounted lavatories, shall be located on a common wall between two separate units where it would back up to a living room, family room, dining room, den or bedroom of an adjoining unit.
3. Separation of Vents and Lines. No common water supply lines, vents, or drain lines shall be permitted for contiguous units unless there is at least eight and one-half feet of pipe between the closest plumbing fixtures within the separate units. The building official may approve other methods of isolating sound transmission through plumbing lines where their effectiveness can be demonstrated.
4. Isolation and Insulation of Lines. All water supply lines within the project shall be isolated from wood or metal framing with pipe isolators specifically manufactured for that purpose and approved by the building official. In multistory condominium projects all vertical drainage pipe except piping serving only one condominium unit that is located in a wall that is not common to any other unit, shall be surrounded by three-quarter inch thick dense insulation board or full thick fiberglass or wool blanket insulation for its entire length except the sections that pass through wood or metal framing.

J. Attenuation of Noise.

1. General. Wall and floor/ceiling assemblies separating units from each other or from public or quasi-public space such as interior corridors, laundry rooms, recreation rooms and garages shall provide airborne sound insulation for walls, and both airborne and impact sound insulation for floor/ceiling assemblies.
2. Airborne Sound Insulation. All wall assemblies enumerated or alluded to in the previous subparagraph shall be of a type of construction that has a minimum rating of 58 STC (Sound Transmission Class). All floor/ceiling assemblies enumerated or alluded to in the previous subparagraph shall be of a type of construction that has a minimum rating of 50 STC. Wood floor joists and subflooring shall not be continuous between separate condominium units. Penetrations or openings in the construction for piping, electrical outlets and devices, recess cabinets, bathtubs, soffits and heating, ventilating and/or air conditioning intake and exhaust ducts, and the like, shall be sealed, lined, insulated or otherwise treated to maintain the required rating and such treatment shall be approved by the building official. Entrance doors to the unit shall be of solid construction and, together with perimeter seals, shall have a minimum rating of 30 STC. Such perimeter seals shall be maintained in effective operating condition.
3. Impact Sound Insulation. All separating floor/ ceiling assemblies enumerated or alluded to above shall be of a type of construction that has a minimum rating of 69 IIC (Impact Insulation Class). Floor coverings may be in the assembly to obtain the required ratings, but must be retained as a permanent part of the assembly and may only be replaced by another floor covering that provides the same or greater impact insulation.
4. Verification of Sound Class. STC and IIC ratings shall be based on the results of laboratory measurements and will not be subjected to field testing. The STC rating shall be based on the American Society for Testing and Materials system specified in ASTM 890-66t or equivalent. The IIC rating shall be based on the system in use at the National Bureau of Standards or equivalent. Ratings obtained from other testing procedures will require adjustment to the above rating systems.
5. Perimeter Fences. Any development shall be surrounded by a fence or wall or combination thereof not to exceed six feet in height. However, nothing herein shall require the construction of the aforementioned fence along any property line abutting a street, alley or at driveway entrances and exits.

Ivy or other vining plant material shall be planted adjacent to any wall or fence and trained to grow up the fence or wall to protect the fence or wall shall not be permitted to grow over three and one-half feet in height in the front yard. An automatic drip irrigation system shall be provided to adequately water the plant material.

6. Trash Areas. All trash collection and garbage collection areas shall be surrounded by a five foot high fence or block wall and gate, with adequate access to and from these areas for trash and garbage collection vehicles.

K. Height Limitation. Condominium structures shall be limited to one story in height, excluding subterranean levels devoted to automobile parking. There shall be no more than one unit in any vertical configuration. In use herein "subterranean level" r level the ceiling of which shall be no higher than the highest point of the finished grade adjacent to the structure, and which either wholly enclosed or not visible from either adjoining properties or from a public street outside of the project.

(Ord. 822 § 1(part), 1989)

17.44.080 - Development criteria.

There are important considerations relative to each proposal for residential condominium usage and to each proposed site that do not lend themselves to specific development standards. The following criteria shall apply to proposals for condominium usage made pursuant to the provisions of this article and shall serve as a basis for the evaluation of accepted and appropriate planning and architectural techniques necessary for the orderly development of the city, and concurrently shall give substance to the policies necessary to achieve the purpose of these sections:

A. The project should be a comprehensive and integrated design, providing for its own open space, off-street parking and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways and other areas for people should be separated from parking areas, driveways, and other areas for automobiles.

B. Architectural unity and harmony should be achieved both within the project and between the project and the surrounding community so that the project does not constitute a disruption to the established fabric of the community.

C. The layout of structures and other facilities should effect a conservation in street, driveway, curb cut, utility and other public or quasi-public improvements. Structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources either directly or indirectly (e.g., gas, water, electricity).

D. The project should be designed to maintain as much of the natural topography, large trees and environment as practical.

E. The configuration and orientation of the project should respect reasonable design limits imposed by the natural and manmade environment. Structures should be situated to take advantage of view, topography, sun and wind, while at the same time not destroying these advantages for adjacent properties. Structures should also be situated to minimize or buffer any undesirable characteristics of the site such as street noise and nearby obnoxious commercial or industrial uses.

F. The layout of units and open space within the project should establish, through the use of structure and landscape materials, a perceptible spatial transition from the public street, through the semi-privacy of the common areas, to the privacy of the unit. Most importantly, the environment of each condominium unit should be private and free from visual, audible and other intrusions.

G. The project shall comply with state standards facilitating access for the handicapped.

(Ord. 822 § 1(part), 1989)

17.44.090 - Declaration of covenants, conditions and restrictions.

To achieve the purposes of Section 17.44.010, the declaration of covenants, conditions and restrictions relating to the management of the common area and facilities shall accompany all proposals for residential condominium usage made pursuant to the provisions of Sections 17.44.010 through 17.44.080. In addition to such covenants, conditions, and restrictions that may be required by the Department of Real Estate of the state of California or pursuant to Title 6 of Part 4 of Division 2 of the California Civil Code or other state laws or policies, such declaration shall provide for the following, none of which, after acceptance in final form by the city, shall be amended, modified or changed without first obtaining the written consent of the city:

A. Assignment or Conveyance of Private Open Space. The surface area and appurtenant airspace of private open space areas, including but not limited to the private patio, deck, balcony, solarium or atrium required by Section 17.44- .070, and any integral portion of that space that may exceed the minimum area requirements, shall be described and

irrevocably assigned to its respective unit, except that where the private open space is totally within the boundary described by the interior surfaces of the unit, it shall be conveyed as an integral part of the unit.

B. Assignment or Conveyance of Private Storage Areas. The surfaces and appurtenant airspace of private storage areas, including but not limited to the private storage space required by Section 17.44.070, shall be described and irrevocably assigned by the declaration or condominium plan to its respective unit, except that where the private storage space is totally within the boundary described by the interior surfaces of the units, as it would be in a closet opening upon a unit's room or hallway, it shall be conveyed as an integral part of the unit.

C. Assignment or Conveyance and Use of Required Off- Street Parking Spaces. Required off-street, enclosed parking spaces, except guest parking spaces, shall be permanently and irrevocably assigned to particular units within the project on the basis of two spaces per unit, except that where two parking spaces are totally within the boundary described by the interior surfaces of the unit, as they would be in a townhouse development with a private entrance from the parking garage to the unit, they shall be conveyed as an integral part of the unit. To the maximum practical extent, the two spaces assigned to each unit shall be contiguous.

In no case shall the private storage of one unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be used solely by unit owners, members of their families, their guests or lessees of the owner's unit, except that a unit occupant within the project may rent one space to another unit occupant or to the association. All parking spaces shall be solely for the purpose of parking motor vehicles as defined by the California Vehicle Code.

D. Maintenance of Impact Insulation Class. The impact Insulation Class (IIC) rating of all separating floor/ ceiling assemblies, as required by Section 17.44.070(G) shall be described in the declaration. Where the minimum IIC rating is obtained through the use of floor covering(s), the declaration should provide that the covering(s) shall not be removed for any purpose except cleaning or replacement, and shall further provide that any replacement covering(s) shall furnish not less than the degree of impact insulation afforded by covering(s) originally installed.

E. Right of Public Entry to Common Area. The city, the county of Los Angeles, the state of California, and the government of the United States, and any department, bureau or agency thereof, shall have the right of immediate access to all portions of common area of the project not assigned for the exclusive use of the owner of a particular unit at all times.

F. Television and Radio Antenna. Individual television and radio antennas shall be prohibited outside of any owner's unit. The declaration shall provide either for a central antenna with connections to each unit via underground or internal wall wiring, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the city.

G. Voting. For the purpose of voting, including without limitation voting to set the amount of regular or special assessments and for the purpose of amending the covenants, conditions and restrictions, one vote shall be allocated for each unit within the project. The amount of regular and special assessments may be made proportional to the gross square footage of each unit within the property.

H. Partition and Sale of the Project. An action may be brought by one or more owners of units within the project for partition thereon by sale of the entire project as if the owners of all the condominiums in such project were tenants-in-common in the entire project in the same proportion as their interests in the common areas; provided, however, that a partition shall be made only upon a showing of the existence of one or more of the conditions set forth in Section 1354 of the California Civil Code or that:

1. Two years after damage or destruction to the project which renders a material part thereof unfit for its use, the project has not been rebuilt or repaired substantially to its state prior to its damage or destruction;
2. One-half or more of the project has been destroyed or substantially damaged and condominium owners holding in aggregate more than fifty percent interest in the common areas as opposed to repair or restoration of the project;
3. The most recently constructed dwelling structure has been in existence in excess of the number of years shown in the following table, the project is obsolete and uneconomic, and the percentage of condominium owners holding in aggregate a percentage interest in the common areas as set forth in the following table are opposed to repair or restoration of the project.

Age of Structure	Percentage of Interest in Common Areas Held by Condominium Owners
30 years	70 percent
40 years	60 percent
50 years	50 percent
60 years	40 percent
70 years	30 percent

For the purpose of this subsection, multiple owners of a single unit shall not be deemed as possessing, in the aggregate, any greater interest in the common areas than that possessed by a single owner of a unit.

I. Maintenance. The declaration shall contain a provision establishing the obligation and duty of the governing body of the condominium to maintain the common areas in good condition.

J. Enforcement. The declaration shall contain a provision ensuring the right of any owner to enforce the terms of the declaration.

K. Maintenance of Common Areas and Facilities.

1. Obligation. No conditional use permit shall be granted for a residential condominium development unless the obligation for care, upkeep and management of the common element is imposed on a nonprofit corporation (the association).
2. Assessments. In order to protect the public health, safety and welfare, provision shall be made both for annual assessments for maintenance and special assessments for capital improvements. The amount of the regular annual assessment, and the procedure for its change, shall be specified. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the common area shall be specified. The amount of regular and special assessments may be made proportional to the gross square footage of each unit within the project. Both annual and special assessments may be collected on a monthly basis. The remedies which the association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment.
3. Veto Right and Authority of the City. In consideration for the city's approval of a condominium project, including without limitation any approval of a conversion to condominium usage, the declaration shall provide that the city, at its option, has the right and authority to veto any action of the association which would tend to decrease the amount of the regular assessment upon a finding by the city that such a decrease could or would adversely affect the long term maintenance of the condominium structures or the common areas. To enable the city to exercise this optional veto the declaration shall provide that the association actions to decrease the annual assessment do not become effective until sixty days after written notice of such action is given to the city to enable the city to exercise this.

L. Utility Easements Over Private Streets and Other Areas. If the condominium project contains private streets, provision shall be made for public utility easements in or adjacent to such private streets, adjacent to public streets or over other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines and similar urban infrastructure. The commission may also require access routes necessary to assure that fire fighting equipment can reach and operate efficiently in all areas of the project.

M. Amendment of the Declaration. Any amendment to the declaration which would amend, modify, delete or otherwise affect

any provision required by this chapter shall require the prior written approval of the city. To that end, no such amendment of the declaration shall be effective unless:

1. The text thereof shall have been submitted to the city thirty days prior to its adoption by the owners;
2. Either the city has approved the amendment or failed to disapprove it within the thirty-day period; and
3. The recorded instrument effecting such amendment shall recite that it was so submitted and approved or not disapproved.

(Ord. 822 § 1(part), 1989)

Chapter 17.46 - DAY CARE CENTERS

17.46.010 - Purpose.

These standards are designed to complement the variety of state laws which control development and operation of day care centers.

(Ord. 822 § 1(part), 1989)

17.46.020 - Conditional use permit—Planning commission criteria.

Large day care centers (not more than fourteen children) require the approval of a conditional use permit. In evaluating the conditional use permit, the planning commission shall consider the following criteria:

A. Off-Street Parking. One off-street parking space shall be provided for each two employees working at any one time. The spaces shall be in addition to any spaces required for any other use occupying the same building or premises.

B. Off-Street Loading. Wherever possible, an area for the loading and unloading of children shall be provided on the site and laid out in such a manner as to provide for forward travel of vehicles both on entering and leaving the site.

(Ord. 1063 § 3, 2004: Ord. 822 § 1(part), 1989)

17.46.030 - Conditional use permit—State requirements.

Indoor areas, outdoor play areas, restrooms, fencing, and other structural requirements shall be governed by the California Health and Safety Code. Any application for a conditional use permit will show evidence of compliance with the applicable state laws.

(Ord. 822 § 1(part), 1989)

17.46.040 - Licensing.

Licensing of day care centers is the responsibility of the Los Angeles County Department of Public Social Services (DPSS) and any applicant for a conditional use permit must show evidence of application to Los Angeles County for proper licensing.

(Ord. 822 § 1(part), 1989)

Chapter 17.48 - INDUSTRIAL AND COMMERCIAL USES ADJACENT TO A SINGLE-FAMILY RESIDENTIAL ZONE DISTRICT

17.48.010 - Purpose.

The purpose of this chapter is to provide development standards designed to protect single- family residential neighborhoods from the adverse impacts of industrial and commercial uses while permitting such uses to exist in near proximity to residences.

(Ord. 822 § 1(part), 1989)

17.48.020 - Design standards.

There are two situations involving the location of industrial sites in proximity to single-family residential zone districts: adjacent, either to the side or rear, and across a public or private street. Each of these situations requires separate design treatment to ensure a minimum of conflict between the two dissimilar uses.

A. Across a Public or Private Street. No industrial or commercial building shall be constructed closer than one hundred feet from an existing residence located in a single-family residential zone district when the residence is across a public or private street from the industrial or commercial parcel. If the residential parcel is vacant, the one hundred feet will be measured from the building setback line established by the zone district regulations; if more than one residential parcel is involved, the distance shall be computed from the closest residential structure or from the setback line if there is a vacant parcel involved.

B. Adjacent to a Single-Family Residential Zone District (Side or Rear). Industrial or commercial buildings will maintain a setback (side or rear) of fifty feet from any existing residence located in a residential zone district. The side or rear setback area may be used for access to the site or for passenger vehicle parking only. No outdoor operations, storage or truck loading shall be permitted in this area.

C. Required Front Setback. That area between the property line and the face of a commercial or industrial building created to maintain the required one hundred feet separation for buildings facing a single-family residential zone district shall be considered a required front yard. Parking shall be permitted to the rear of the first ten feet of the setback.

D. Loading Doors and Access.

1. Access to an industrial or commercial site shall be located on the side farthest from the residential property when the properties are adjacent.
2. Any loading doors which face a residential zone district shall be designed to require that all truck maneuvering take place on site whenever possible.

E. Landscaping.

1. All required front setbacks shall be fully landscaped except for pedestrian walks, necessary drives and parking areas to the rear of a ten-foot landscaped strip.
2. Landscaping shall consist of trees, shrubs, groundcover, or a combination thereof.
3. All landscaped areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) with an automatic timer-clock mechanism. All landscaped areas shall be contained within a six-inch concrete or eight-inch masonry planter curbing.
4. All landscaped areas shall be maintained in a reasonably litter-free and weed-free condition and all plant materials shall be kept in a healthy growing condition.

F. Fencing and Screening.

1. A solid masonry wall, eight feet in height shall be maintained on any property line which abuts a residential zone.
2. When an industrial or commercial property is across a street from a residential zone district a solid masonry wall shall be constructed across any yard or parking area. This wall will be located to the rear of any required front setback.

G. Required Parking. Parking shall be provided in accordance with Chapter 17.60.

(Ord. 822 §1(part), 1989)

17.48.030 - Performance standards.

All industrial and commercial businesses which are located in close proximity to single-family residential zones shall be operated in a manner which will not interfere with the residents' enjoyment of their property. Accordingly, the following performance standards shall be applicable to all such establishments:

A. Noise levels measured at the property lines shall not exceed levels prescribed by noise regulations of the city.

B. All punch presses, shears and similar types of equipment shall be mounted on vibration reducing mounts so that no detect of vibration is transmitted to other properties or the public right-of-way.

C. No outdoor storage shall be permitted in any yard adjacent to a residential zone district.

D. The premises shall be kept clean and the operator shall ensure that no trash or litter originating from the site is deposited on neighboring properties or on the public right-of-way.

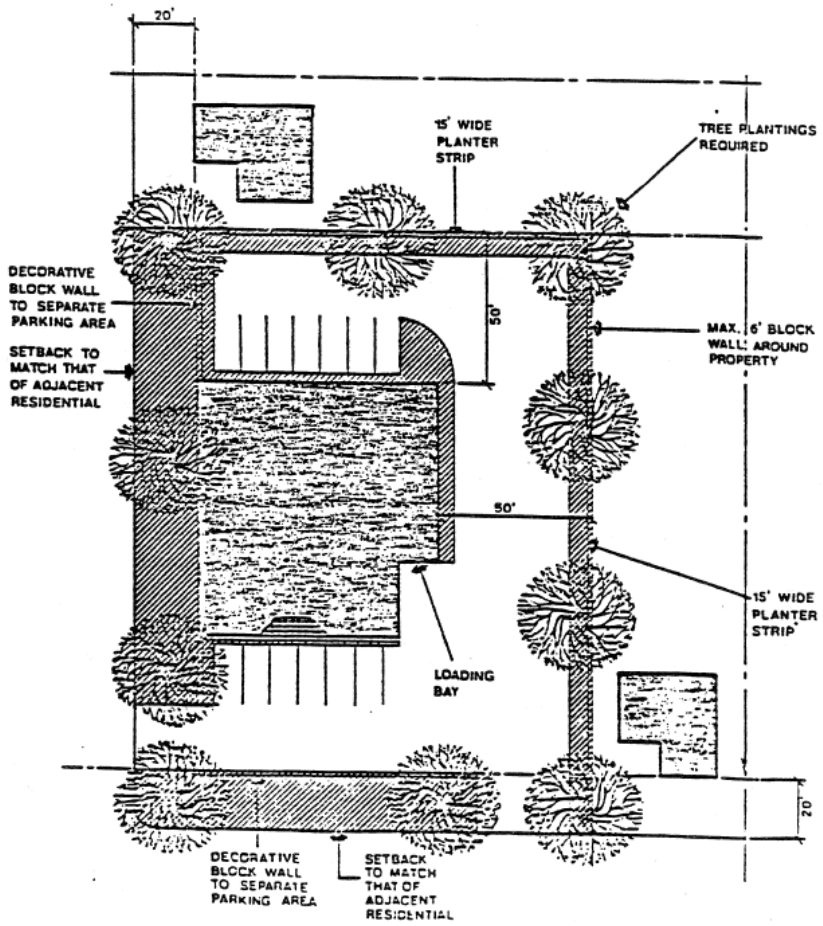
E. All exterior lighting shall be designed in such a manner that will protect the highway and neighboring properties from direct glare or hazardous interference of any type.

F. No mechanical equipment such as compressors, pumps or air conditioning units will be placed adjacent to residentially zoned property.

G. Hours of operation, including deliveries to the site shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual operating hours shall be considered to be between six a.m. and ten p.m. Any modification of these hours which results in earlier or later hours of operation shall require the approval of the planning commission.

(Ord. 963 §29, 1995: Ord. 822 §1(part), 1989)

Figure 17.48



Chapter 17.50 - INDUSTRIAL AND COMMERCIAL USES ADJACENT TO A MULTIPLE RESIDENTIAL ZONE DISTRICT

17.50.010 - Purpose.

The purpose of this chapter is to provide development standards designed to protect multiple residential neighborhoods from the adverse impacts of industrial and commercial uses while permitting such uses to exist in near proximity to residences.

(Ord. 822 § 1(part), 1989)

17.50.020 - Design standards.

There are two situations involving the location of industrial sites in proximity to multiple residential zone districts. Adjacent, either to the side or rear, and across a public or private street. Each of these situations requires separate design treatment to ensure a minimum of conflict between the two dissimilar uses.

A. Across a Public or Private Street. No industrial or commercial building shall be constructed closer than one hundred feet from an existing residence located in a multiple residential zone district when the residence is across a public or private street from the industrial or commercial parcel. If the residential parcel is vacant, the one hundred feet will be measured from the building setback line established by the zone district regulations. If more than one residential parcel is involved, the distance shall be computed from the closest residential structure or from the closest residential structure or from setback line if there is a vacant parcel involved. Measurements shall be made from habitable structures only; detached garages, or accessory buildings will not be considered. (See Figure 17.50.020A.)

B. Adjacent to a Multiple Residential Zone District (Side or Rear). Industrial or commercial buildings will maintain a five feet side or rear setback from a multiple residential zone district with no openings, other than required fire exits facing the residential property. The only exception to this shall be in the case of a rear yard which abuts a multiple residential zone district. In this case, a forty-six foot rear yard may be maintained providing that this area is used only for passenger vehicle parking and that the only openings facing the residential property are required fire exits. (See Figure 17.50.020B.)

C. Required Front Setback. That area between the property line and the face of a commercial or industrial building created to maintain the required one hundred foot separation for buildings facing a multiple residential zone district shall be considered a required front yard. Parking shall be permitted to the rear of the first ten feet of the setback.

D. Loading Doors and Access.

1. Access to an industrial or commercial site shall be located on the side farthest from the residential property when the properties are adjacent.
2. Any loading doors which face a multiple residential zone district shall be designed to require that all truck maneuvering take place on site where possible.

E. Landscaping.

1. All required front setbacks shall be fully landscaped except for pedestrian walks and necessary drives.
2. Landscaping shall consist of trees, shrubs, groundcover, or a combination thereof.
3. All landscaped areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) with an automatic time-clock mechanism. All landscaped areas shall be contained within six-inch concrete or eight-inch masonry planter curbing.
4. All landscaped areas shall be maintained in a reasonably litter-free and weed-free condition and all plant materials shall be kept in a healthy growing condition.

F. Fencing and Screening.

1. A solid masonry wall, eight feet in height shall be maintained on any property line which abuts a residential zone.
2. When an industrial or commercial property is across a street from a multiple residential zone district, a fence or wall shall be constructed across any yard or parking area. This fence or wall shall be located to the rear of any required front setback and shall not exceed forty-two inches in height if constructed of solid masonry, concrete or wood, but may be increased to a height of eight feet if the increase in height consists of wrought-iron, chain link or other "see-

through" material and the design is approved by the director of planning and community development, except when such wall or fence is required for screening purposes the wall fence shall be constructed of solid materials, either block or wood.

G. Required Parking. Parking shall be provided in accordance with Chapter 17.60 of these regulations.

(Ord. 822 §1(part), 1989)

17.50.030 - Performance standards.

All industrial and commercial businesses which are located in close proximity to residential uses shall be operated in a manner which will not interfere with the residents' enjoyment of their property. Accordingly, the following performance standards shall be applicable to all such uses:

A. Noise levels measured at the property lines shall not exceed levels prescribed by the noise regulations.

B. All punch presses, shears or similar types of equipment shall be mounted on vibration reducing mounts so that no detectable level of vibration is transmitted to other properties or the public right-of-way.

C. No outdoor storage shall be permitted in any yard adjacent to a residential zone district.

D. The premises shall be kept clean and the operator shall ensure that no trash or litter originating from the site is deposited on neighboring properties or on the public right-of-way.

E. All exterior lighting shall be designed in such a manner that will protect the highway and neighboring properties from direct glare or hazardous interference of any type.

F. No mechanical equipment such as compressors, pumps, or air conditioners will be placed adjacent to residentially zoned property.

G. Hours of operation, including deliveries to the site shall be compatible with the needs and character of the surrounding neighborhood. For the purposes of this chapter, the usual operating hours shall be considered to be between six a.m. and ten p.m. Any modification of these hours which results in earlier or later operations shall require the approval of the planning commission.

(Ord. 963 §30, 1995: Ord. 822 §1(part), 1989)

Figure 17.50.020A

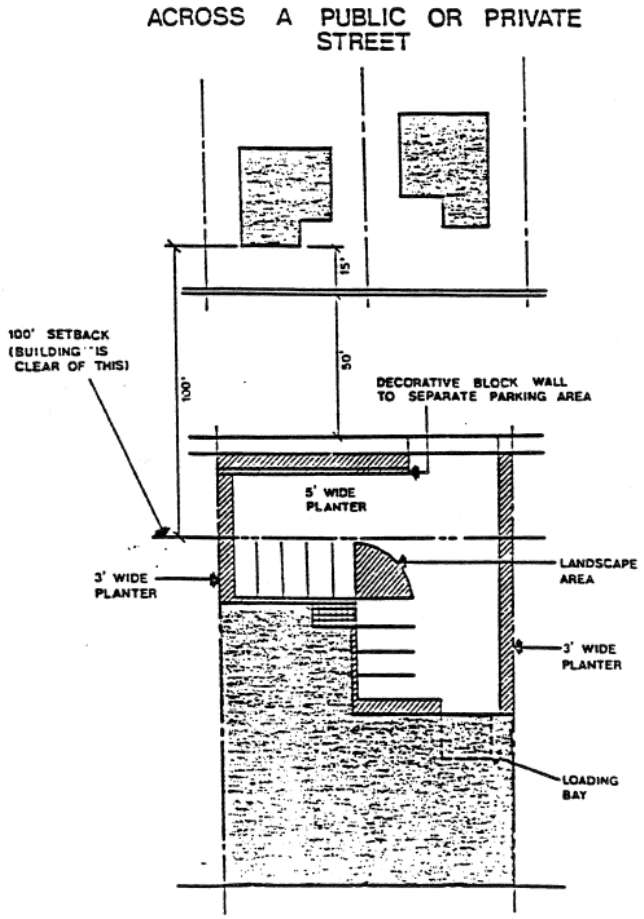
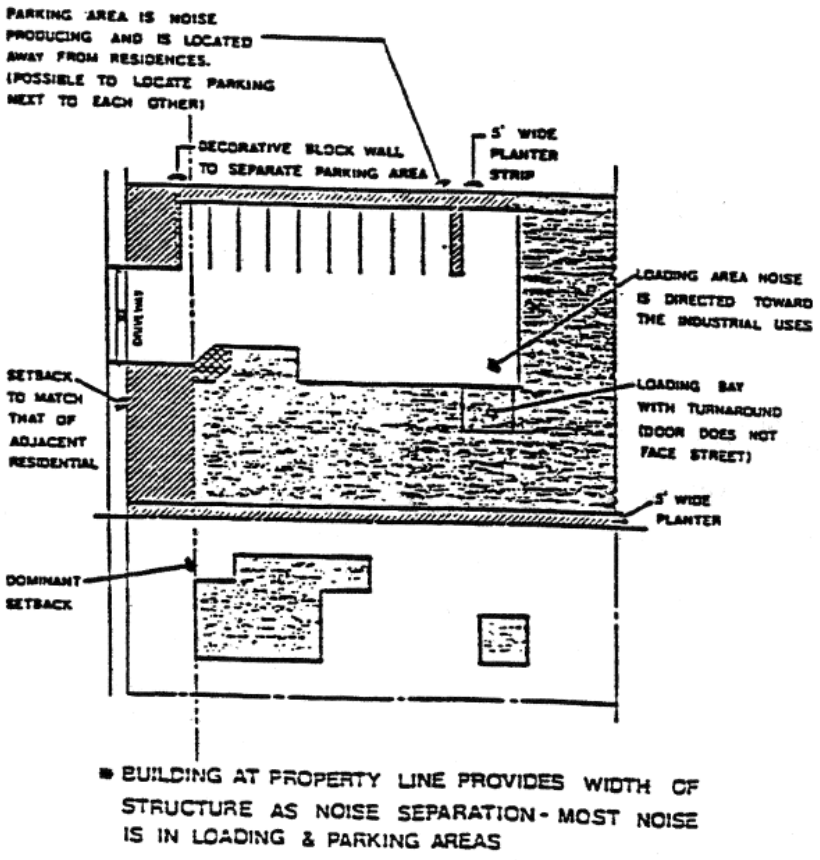


Figure 17.50.020B

ADJACENT TO A MULTIPLE RESIDENTIAL ZONE



Chapter 17.51 - ON-SALE OF BEER AND WINE

17.51.010 - Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare by providing reasonable, uniform operational and performance standards for establishments selling or serving beer and wine for on-site consumption ("on-sale beer and wine").

A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of California Alcohol Beverages Control ("ABC") license within a license classification; continues to legally operate without substantial change in mode or character of operation; and does not expand the square footage of area used for sales or services.

B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing on-sale permit to a new owner at the same location.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.020 - Conditional use permit—Required.

A conditional use permit shall be required for on-sale beer and wine in addition to any other entitlement required for any use on the subject property. An applicant shall file an application for consideration by the planning commission for approval, conditional approval or denial pursuant to the procedures specified in Chapter 17.68 (Conditional Use Permits) of this code. Any decision of the city to approve, conditionally approve, or deny the application shall be based upon written findings supported by substantial evidence in view of the whole record.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.030 - Conditional use permit—Distance requirements.

No conditional use permit for on-sale beer and wine shall be issued for adult businesses, full service bars, taverns, beverage lounges, nightclubs or any use where the sale or service of alcoholic beverages is the primary use, where the property upon which such use is proposed is located within five hundred feet of any establishment with an ABC license for on-sale of alcoholic beverages of any type, religious institution, school, park, or area zoned for residential uses. The distance specified in this section shall be measured in a straight line, without regard for intervening structures and the boundaries of the city, from the nearest property line of the property upon which the use is proposed to the nearest property line of the existing on-sale use, religious institution, school, park or property zoned for residential uses.

(Ord. 1084 § 1(part), 2006: Res. 04-56, 2004; Ord. 1009 § 11(part), 1999)

17.51.040 - Operational and performance standards.

On-sale wine and beer establishments shall be operated in a manner that does not interfere with the normal use and enjoyment of adjoining properties. In addition to any conditions imposed by the city, all such uses shall be subject to the following operational and performance standards:

A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter 8.20 of this code.
B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way.
C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the establishment's ABC license unless the city imposes shorter hours of operation as a condition to the conditional use permit to protect the public health, safety and welfare.
D. The owner and operator shall each take all necessary steps to assure the orderly conduct of employees, patrons and visitors when they are present on the property.
E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.
F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.9.430 of the business license ordinance.
G. There shall be no outside vending machines other than newspaper racks or public telephones.
H. There shall be no adult merchandise, as that term is defined in Section 5.25.020 of this code, visible anywhere on the property and no such merchandise shall be sold to minors.
I. The permittee shall maintain all required permits and licenses in good standing.
J. There shall be no sale or service of any alcoholic beverages in the event there is any lapse or breach in the good standing of any one of the permits or licenses issued for such use, or noncompliance with any conditions imposed thereon.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.050 - Conditional use permit—On-sale beer and wine—Expiration.

The regulations set forth in Section 17.68.100 of this title regarding expiration apply to any conditional use permit for on-sale of beer and wine.

A. Notwithstanding Section 17.68.100, a permittee may request an extension of any time limit provided in Section 17.68.100 by filing a written request with the city's community development department before the conditional use permit expires.

B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.060 - Modification or revocation.

A conditional use permit for the on-sale of beer and wine shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the application shall conduct a public hearing pursuant to Section 17.68.070 of this code.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

17.51.070 - Design standards.

The design and appearance of any on-sale establishments, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general.

(Ord. 1084 § 1(part), 2006: Ord. 1009 § 11(part), 1999)

Chapter 17.52 - OFF-SALE OF BEER AND WINE*

17.52.010 - Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare by providing reasonable, uniform operational and performance standards for establishments selling beer and wine for off-site consumption ("off-sale beer and wine").

A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of ABC license within a license classification; continues to legally operate without substantial change in mode or character of operation; and does not expand the square footage of area used for sales or services.

B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing off-sale permit to a new owner at the same location.

(Ord. 1084 § 2(part), 2006)

17.52.020 - Conditional use permit—Required.

A conditional use permit shall be required for off-sale beer and wine in addition to any other entitlement required for any use on the subject property. The application shall be filed by the applicant and considered by the planning commission for approval, conditional approval or denial pursuant to the procedures specified in Chapter 17.68 (Conditional Use Permits) of this title. Any

decision of the city to approve, conditionally approve, or deny the application shall be based upon written findings supported by substantial evidence in view of the whole record.

(Ord. 1084 § 2(part), 2006)

17.52.030 - Concurrent retailing of motor vehicles fuel—Conditional use permit—Required.

The provisions of Chapter 17.68 (Conditional Use Permit) shall apply to any application for the concurrent retail sales of motor vehicles fuel with off-sale wine and beer. Any decision of the city to approve, conditionally approve, or deny the application shall be based upon written findings supported by substantial evidence in view of the whole record.

(Ord. 1084 § 2(part), 2006)

17.52.040 - Operational and performance standards.

Off-sale beer and wine establishments shall be operated in a manner that does not interfere with the normal use and enjoyment of adjoining properties. In addition to any conditions imposed by the city, such uses shall be subject to the following operational and performance standards:

A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter 8.20 of this municipal code.

B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way.

C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the state regulations for the off-sale of alcoholic beverages unless the city imposes shorter hours of operation as a condition to the permit to protect the public health, safety and welfare.

D. The owner and operator shall each take all necessary steps to ensure the orderly conduct of employees, patrons and visitors when they are present on the property.

E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.

F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.9.430 of the business license ordinance.

G. There shall be no outside vending machines other than newspaper racks or public telephones.

H. There shall be no adult merchandise, as that term is defined in Section 5.25.020 of this code, visible anywhere on the property and no such merchandise shall be sold to minors.

I. The permittee shall maintain all required permits and licenses in good standing.

J. There shall be no sale or service of any alcoholic beverages in the event there is any lapse or breach in the good standing of any one of the permits or licenses issued for such use, or noncompliance with any conditions imposed thereon.

(Ord. 1084 § 2(part), 2006)

17.52.050 - Conditional use permit—Off-sale beer and wine—Expiration.

The regulations set forth in Section 17.68.100 of this title regarding expiration apply to any conditional use permit for off-sale of beer and wine.

A. Notwithstanding Section 17.68.100, a permittee may request an extension of any time limit provided in Section 17.68.100 by filing a written request with the city's community development department before the conditional use permit expires.

B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will

consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days.

(Ord. 1084 § 2(part), 2006)

17.52.060 - Modification or revocation.

A conditional use permit granted pursuant to this chapter shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the permit may modify and/or revoke the conditional use permit pursuant to the provisions in the manner provided by Section 17.68.070 of this title.

(Ord. 1084 § 2(part), 2006)

17.52.070 - Design standards.

The design and appearance of any off-sale establishments, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general.

(Ord. 1084 § 2(part), 2006)

Chapter 17.53 - RETAIL SALE OF ALCOHOLIC BEVERAGES*

17.53.010 - Purpose and applicability.

The purpose of this chapter is to protect the public health, safety and welfare by providing reasonable, uniform operational and performance standards for establishments selling alcoholic beverages other than, or in addition to, the alcoholic beverages that are the subject of Chapters 17.51 and 17.52 of this title. For the purposes of this chapter, the beverages that are the subject of this chapter are referred to as "alcoholic beverages."

A. The provisions of this chapter shall not apply to establishments lawfully existing on the effective date of these regulations provided the establishment retains the same type of ABC license within a license classification; continues to legally operate without substantial change in mode or character of operation; and does not expand the square footage of area used for sales or services.

B. Nothing in this chapter shall prohibit or limit the transfer of a valid, existing permit to a new owner at the same location.

(Ord. 1084 § 2(part), 2006)

17.53.020 - Conditional use permit—Required (on-sale and off-sale).

A conditional use permit shall be required for any establishments proposing to sell or serve alcoholic beverages for on-site consumption ("on-sale uses") and for retail establishments proposing to sell alcoholic beverages for off-site consumption ("off-sale uses"). This requirement shall be in addition to any other entitlements required. The application for a conditional use permit shall be filed and processed according to the applicable provisions of Chapters 17.68 and 17.74 of this code.

(Ord. 1084 § 2(part), 2006)

17.53.030 - Off-sale permits—Restrictions.

A conditional use permit for off-sale alcoholic beverages shall not be issued if the proposed property is located in any area of undue concentration as defined in Section 23958.4 of the Business and Professions Code, unless it is determined by the planning commission that the public convenience and necessity as defined in Section 17.04.885 of this code would be served by the issuance of the conditional use permit.

(Ord. 1084 § 2(part), 2006)

17.53.040 - On-sale permits—Distance requirements.

No conditional use permit for on-sale alcoholic beverages shall be issued for adult businesses, full service bars, taverns, beverage lounges, nightclubs or any use where the sale or service of alcoholic beverages is the primary use, where the property upon which such use is proposed is located within five hundred feet of any establishment with an ABC license for on-sale of alcoholic beverages of any type, religious institution, school, park, or area zoned for residential uses. The distance specified in this section shall be measured in a straight line, without regard for intervening structures and the boundaries of the city, from the nearest property line of the property upon which the use is proposed to the nearest property line of the existing on-sale use, religious institution, school, park or property zoned for residential uses.

(Ord. 1084 § 2(part), 2006)

17.53.050 - Operational and performance standards.

Establishments selling or serving alcoholic beverages shall be operated in a manner that does not interfere with the normal use and enjoyment of adjoining properties. In addition to any conditions imposed by the city, all conditional use permits for the sale or service of alcoholic beverages shall be subject to the following operational and performance standards:

A. Noise levels measured at the property line shall not exceed the levels prescribed by the city's noise regulations as set forth in Chapter 8.20 of this municipal code.
B. The property shall be maintained in a safe and clean condition and the owner shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way.
C. Hours of operation, including deliveries to the site, shall be compatible with the needs and character of the surrounding neighborhood. For the purpose of this chapter, the usual hours of operation shall be as permitted by the establishment's ABC license unless the city imposes shorter hours of operation as a condition to the permit to protect the public health, safety and welfare.
D. The owner and operator shall each take all necessary steps to ensure the orderly conduct of employees, patrons and visitors when they are present on the property.
E. There shall be no loitering on the property. Signs shall be posted on the exterior wall of the premises and in the parking lot stating that loitering and consumption of alcohol are each prohibited.
F. Video or other coin-operated games may only be permitted subject to the provisions of Section 7.9.430 of the business license ordinance.
G. There shall be no outside vending machines other than newspaper racks or public telephones.
H. There shall be no adult merchandise as that term is defined in Section 5.25.020 of this code visible anywhere on the property and no such merchandise shall be sold to minors.
I. The permittee shall maintain all required permits and licenses in good standing.
J. There shall be no sale or service of any alcoholic beverages in the event there is any lapse or breach in the good standing of any one of the permits or licenses issued for such use, or noncompliance with any conditions imposed thereon.

(Ord. 1084 § 2(part), 2006)

17.53.060 - Conditional use permit—Expiration.

The regulations set forth in Section 17.68.100 of this title regarding expiration apply to any conditional use permit for alcoholic beverages.

A. Notwithstanding Section 17.68.100, a permittee may request an extension of any time limit provided in Section 17.68.100 by filing a written request with the city's community development department before the conditional use permit expires.

B. A request for an extension of time shall state the reasons why an extension is needed. The planning commission will consider the request at a duly noticed public hearing. Based upon the evidence presented at the public hearing, the planning commission may deny, approve, or conditionally approve the extension for up to one hundred eighty days.

(Ord. 1084 § 2(part), 2006)

17.53.070 - Modification or revocation.

A conditional use permit granted pursuant to Section 17.53.020 of this chapter shall be subject to modification and/or revocation. If, in the opinion of the director of community development, the establishment is operated in a manner as to interfere with the normal use and enjoyment of the surrounding properties, the body taking final action on the permit may modify and/or revoke the conditional use permit pursuant to the provisions in the manner provided by Section 17.68.070 of this title.

(Ord. 1084 § 2(part), 2006)

17.53.080 - Design standards.

The design and appearance of any establishment, if newly constructed or remodeled on the exterior, shall conform to the city architectural design guidelines and all other applicable development standards. When completed, the establishment shall be compatible with surrounding land uses and zone districts and shall enhance the appearance of the neighborhood in which it is located and the city in general.

(Ord. 1084 § 2(part), 2006)

Chapter 17.54 - MISCELLANEOUS STANDARDS AND PERMITTED ENCROACHMENTS

17.54.010 - Purpose.

These standards are designed to ensure that property in the various zone districts established throughout the city are developed in a uniform and orderly manner and will promote the public health, safety, convenience, and general welfare. These development standards shall apply in addition to any other standards which may be established.

(Ord. 822 § 1(part), 1989)

17.54.020 - Accurate dimensions and calculations required—Violation.

In measuring lot dimensions and other requirements set forth in this title, it shall be the responsibility of the property owner or his authorized agent to provide accurate dimensions and calculations, and no person shall submit inaccurate dimensions or calculations. The submission of inaccurate dimensions which result in a lot or structure not complying with the requirements set forth in this title shall constitute a violation of this title, and any permits or approvals granted thereunder shall be void.

(Ord. 822 § 1(part), 1989)

17.54.030 - Minimum lot area.

No lot shall be created with an area less than the minimum required, nor shall any existing lot be reduced in area to less than the minimum required in the zone in which such lot is located.

(Ord. 822 § 1(part), 1989)

17.54.040 - Permitted encroachments.

The following projections may extend not more than four feet into a required side yard; provided, however, that the projections shall not in any event be closer than three feet to any rear or side property line:

A. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
B. Fireplace structure not wider than eight feet, measured in the general direction of the wall of which it is a part;
C. Stairways, balconies and fire escapes, provided that balconies may extend three feet into the required front setback when above the ground floor;
D. Uncovered porches which do not extend above the floor level of the first floor; such porches may extend six feet into the front and side yard;
E. Planter boxes or masonry planters not exceeding forty-two inches in height;
F. Guard railings around ramps not exceeding forty-two inches in height;
G. A porte cochere over a driveway in a side yard, provided such structure is not more than one story and is entirely open on at least three sides, except for the necessary supporting columns and customary architectural features, and is a minimum of thirty-six inches from the side property line.

(Ord. 822 § 1(part), 1989)

17.54.050 - Distance between buildings.

In the residential zones, all buildings or structures hereafter designed or erected and all existing buildings hereafter altered shall have a minimum distance of six feet between main buildings or between main buildings and accessory buildings unless a greater distance is required by any other applicable code or regulation.

(Ord. 963 § 31, 1995: Ord. 822 § 1(part), 1989)

17.54.060 - Distance between buildings—Permitted encroachments.

The following projections may extend into the required open space between buildings:

A. Cornices, eaves, belt courses, sills, buttresses, or similar architectural features may extend no more than two feet into the required distance;
B. Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part may extend not more than two feet into the required distance;
C. Stairways and fire escapes;
D. Uncovered porches which do not extend above the floor level on the first floor;
E. Balconies may extend not more than three feet into the required distance;
F. Planting boxes or masonry planters and similar features;
G. Guard railings around ramps.

(Ord. 822 § 1(part), 1989)

17.54.070 - Required yards—Not transferable.

No yard or other open space required around a use or structure for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other use or structure; nor shall any yard or other required open space on a lot be considered as providing a yard or open space for an adjoining lot.

(Ord. 822 § 1(part), 1989)

17.54.080 - Measurement of building area.

The area of a building shall be measured from plans submitted by the property owner or his authorized agent. In the case of an existing building, measurement may be made on the site. The area of a building shall be measured to include the total floor area within the exterior walls of the structure, except that garages, porte cocheres, porches, decks, patios, breezeways and similar elements shall not be included in measuring the area of a building.

(Ord. 822 § 1(part), 1989)

17.54.090 - Visibility.

All corner lots subject to yard requirements shall be maintained for safety vision purposes, a triangular area at the street intersection corner of the lot which triangle shall be formed by the front and side lot lines and a diagonal line drawn between two points located fifteen feet along the front and side lot lines from their point of intersection, or in case of a rounded lot corner, from the point of intersection of the extension of said lot lines. Within such triangular area, no tree, fence, shrub or other physical obstruction higher than forty-two inches above the established curb grade shall be permitted. This section shall not be deemed to set aside or reduce the requirements established for security fencing either by local, state, or federal law or by safety requirements of the board of education.

(Ord. 822 § 1(part), 1989)

17.54.100 - Swimming pools—Location.

A swimming pool shall not be located in any required front yard nor shall it be located closer than five feet from any side or rear property line.

(Ord. 822 § 1(part), 1989)

17.54.110 - Swimming pools—Enclosure.

Swimming pools shall be enclosed and secured as required by the city's building code. All required fencing and security devices must be in place and approved before any water is put into the pool.

(Ord. 963 § 32, 1995: Ord. 822 § 1(part), 1989)

17.54.130 - Height measurement of fences and walls.

The height of a fence or wall shall be measured at the highest finished grade within three feet of either side of the wall or fence. In order to allow for variations in topography, the height of said wall or fence may vary an amount not to exceed six inches from the maximum permitted height contained in the regulations of the zone district in which the site is located.

(Ord. 822 § 1(part), 1989)

17.54.140 - Government exception.

The provisions of this title shall not apply to a fence or wall required by regulation for security fencing of any use by any local, state, or federal law, or other governing agency.

(Ord. 822 § 1(part), 1989)

17.54.150 - Construction and alteration subject to design standards.

No building permit shall be issued for construction or alterations in the commercial, manufacturing and commercial manufacturing zones which meet the following criteria unless the director of planning or his or her designee determines that the construction or alteration authorized by that building permit conforms to the design guidelines adopted by resolution of the city council:

A. Construction of a building with a gross floor area greater than five thousand square feet; or

B. Construction of an addition of at least five hundred square feet to an existing building so that the combined gross floor area of the existing building and the addition exceeds five thousand square feet; or

C. Structural alterations of more than fifty percent of the exterior walls of an existing building.

(Ord. 964 § 12, 1995)

Chapter 17.55 - ADULT BUSINESS USES

17.55.010 - Locational standards for adult business uses.

No adult business, as that term is defined in Chapter 5.25 of this Code, shall be established on any property:

A. Within one thousand feet of an existing adult business. For the purposes of this subsection, an adult business shall be considered existing if either: (i) an adult business permit has been issued for the business; (ii) it is currently operating; or (iii) an adult business permit has been issued for the business but it is not currently operating due to a suspension of such permit.

B. Within five hundred feet of any park, existing religious institution or school, as those terms are defined in Chapter 5.25 of this Code, or property zoned for residential use. A religious institution or school shall be considered existing if such use: (i) is currently in use; (ii) has received a building permit; or (iii) is indicated on an adopted specific plan or plan submitted in connection with an improved land use entitlement application.

C. Within five hundred feet of any property used for residential use, if the property upon which the adult business is proposed is located within the Adult Business Overlay Zone as provided in Chapter 17.19 of this Code.

The distances specified in this section shall be measured in a straight line, without regard for intervening structures and the boundaries of the city, from the nearest property line of the property upon which the adult business is proposed, to the nearest property line of the existing adult business, religious institution, school, park, or property zoned or used for residential use.

(Ord. 1066 § 3, 2005)

Chapter 17.56 - METAL BUILDINGS

17.56.010 - Purpose and intent.

The city prohibits the construction of buildings with exterior walls or roofs of metal. Many buildings in the city have been constructed of S-type galvanized, uncoated metal prior to the prohibition of metal buildings. These buildings are now nonconforming. The cost to remove or recover the metal walls or roofs could be considerable and could force some businesses out of the city. Since the adoption of the prohibition on metal buildings, new, more aesthetic and structurally sound metal panels have been developed. The intent of these regulations is to provide guidance and standards for the rehabilitation or reconstruction of existing metal buildings in order that the existing buildings shall be upgraded with as little adverse economic impact upon the community as is reasonably possible.

(Ord. 822 § 1(part), 1989)

17.56.020 - Metal buildings—Defined.

For the purpose of these regulations, a "metal building" means any building or structure in which any exterior wall or roof is constructed of metal, or a combination of metal and any other construction material including, but not limited to, wood, masonry block, concrete or stucco. Any existing shed type building open on three or more sides and which is constructed predominately of metal and/or has a metal roof shall, for the purpose of these regulations, be classified as a metal building.

(Ord. 822 § 1(part), 1989)

17.56.030 - Metal buildings—Prohibited.

No new metal building shall be constructed within the city; except for any new metal building that can meet the development standards under Section 17.56.080 (b). This chapter does not prohibit use of metal for nonbearing architectural or decorative features.

(Ord. 822 § 1(part), 1989)

(Ord. No. 1219, § 1, 1-9-2018)

17.56.040 - Metal buildings—Existing.

Existing metal buildings visible from any public street or private street generally open to the public may remain at their current location subject to the following conditions:

A. Notwithstanding the provisions of Chapters 17.08 through 17.20, any metal building situated so that no other building is located between it and all streets from which the metal building is visible shall be entirely rehabilitated or reconstructed using nonmetallic materials, including wood, stucco, brick, masonry block or similar building materials, or may be reconstructed using approved metals meeting the standards contained in Figure 17.56.040 of these regulations, or may be reconstructed using a combination of approved metals and any other acceptable building materials.

B. Notwithstanding the provisions of Chapters 17.08 through 17.20, any metal building situated so that another building is located between the building and all streets from which the metal building is visible shall be required to replace only those portions of the building visible from the street, including edges of metal roofs, with nonmetallic building materials or with approved metals meeting the standards contained in Figure 17.56.040 of these regulations. In addition, all other portions of the walls of such metal building which are not visible shall be coated as provided in Figure 17.56.040 in a color to match the rehabilitated portion of the building.

C. All rehabilitation or reconstruction required by this chapter on buildings not located within the boundaries of the Rosemead Business Improvement Project Area or not located within the boundaries of South El Monte Improvement District Project Area No. 2 shall be completed not later than March 17, 1989. All rehabilitation or reconstruction required by this chapter on buildings located within the Rosemead Business Improvement Project Area or within South El Monte Improvement Project Area No. 2 shall be completed not later than April 24, 1992. Notwithstanding the above, all rehabilitation or reconstruction of roofs required by this chapter must be completed not later than provided in Section 17.56.050 of this chapter, regardless of whether the building is located within the boundaries of Rosemead Business Improvement Project Area or South El Monte Improvement Project Area No. 2.

D. Notwithstanding any other provision of this section, the city council may, after a public hearing held as prescribed in Chapter 17.74, grant an extension of the period of time permitted by this section for the rehabilitation or reconstruction in compliance with this chapter of buildings located in the Rosemead Business Improvement Project Area and Business Improvement District Project Area No. 2. One or more extensions may be granted for any use or building, but the total of such extensions shall not exceed two years.

E. The city council may grant an extension of the time periods prescribed by this section only where the following findings are made:

1. a. The property owner has provided proof satisfactory to the city manager and city attorney that a regulatory agency

with jurisdiction over the property will not permit the rehabilitation or reconstruction required by this chapter without the expenditure of funds which would exceed the value of the property once rehabilitated or reconstructed by a factor of 1.0; or

b. The property owner has provided proof satisfactory to the city manager and city attorney that the property owner has received all necessary permits for the rehabilitation or reconstruction required by this chapter but that, in the discretion of the council, the property owner should be granted additional time to complete the rehabilitation or reconstruction; and

2. That a schedule of repair and improvement has been established which will bring the property into a reasonable conformity within such period of time as the city council shall establish, not to exceed one year; and
3. That a time extension will not be materially detrimental to the public health or safety, or to the use, enjoyment or valuation of property of other persons in the vicinity.

F. The city council, in granting an extension as provided herein, may impose conditions it deems necessary to ensure that the grant will be in accord with the findings required. Failure to comply with the schedule of repair and improvement shall constitute grounds for revocation of any extension granted pursuant hereto, but only after a public hearing held as herein prescribed.

(Ord. 916 § 1, 1992: Ord. 906 §§ 1 and 2, 1991; Ord. 883 §§ 1 and 2, 1990; Ord. 873 § 1, 1989; Ord. 822 § 1(part), 1989)

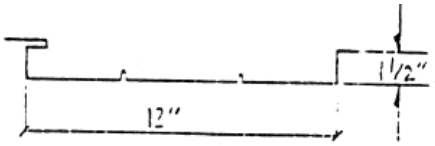
Figure 17.56.040

General Standards for Metal Panels and Coatings

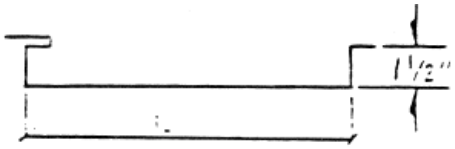
A. All metal wall panels shall be 6-90 hot-dipped galvanized steel, and shall be not less than 24-gauge in thickness. All panels and exposed fasteners shall be coated at the factory with products meeting the following specifications:
   1. Colors shall not change more than 5E (hunter) units (per ASTM D-224) for a period of 20 years.
   2. Colors shall not chalk more than a 7 rating (per ASTM D-659) for a period of 20 years.
   3. Coatings shall not peel, crack, check or chip for a period of 20 years.

B. The following panels illustrated are the only type panels permitted to be used as replacement for existing metal panels:
   1. Embossed architectural panels with concealed fasteners;

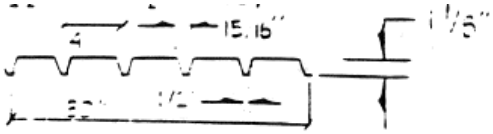
   2. Flat 12-inch panels with grooves and concealed fasteners;



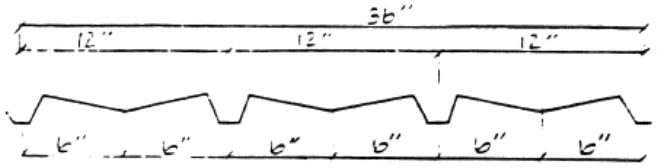
   3. Flat 12-inch panels with concealed fasteners;



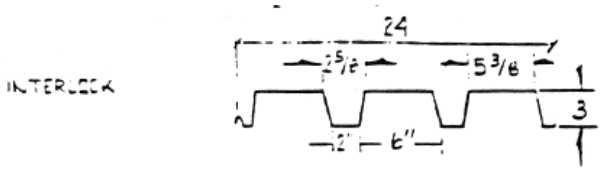
   4. Type "A" panels;



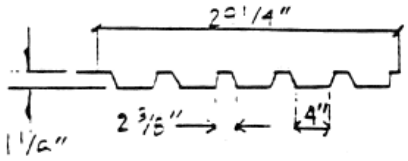
5. Vee rib architectural panels with semi-concealed fasteners;



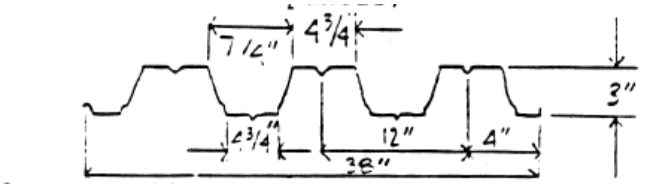
6. Shadow line panels;



7. Box rib panels;



8. Bold line panels;



C. No wall may be constructed or reconstructed using any metal other than those listed and illustrated in subsection B, above. The S-type galvanized corrugated metal panels illustrated below are specifically prohibited.

D. Any metal building which is granted an exception under the provisions of Section 17.56.080, must comply with the following:

1. Planning and community development department would survey building to determine if and to what extent repairs to existing panels are necessary;
2. Owner must do work in accordance with written specifications of the city and must use a licensed contractor and approved paint;
3. Must obtain a building permit;
4. Must execute a maintenance agreement with the city to ensure extended maintenance of the building;
5. All rehabilitation or reconstruction required by this chapter on buildings not located within the boundaries of the Rosemead Business Improvement Project Area or not located within the boundaries of South El Monte Improvement District Project Area No. 2 shall be completed not later than March 17, 1989. All rehabilitation or reconstruction required by this chapter on buildings located within the Rosemead Business Improvement Project Area shall be completed not later than April 24, 1992. All rehabilitation or reconstruction required by this chapter on buildings located within South El Monte Improvement Project Area No. 2 shall be completed not later than April 24, 1992. Notwithstanding the above, all rehabilitation or reconstruction of roofs required by this chapter must be completed not later than provided in Section 17.56.050 of this chapter, regardless of whether the building is located within the boundaries of the Rosemead Business Improvement Project Area or South El Monte Improvement Project Area No. 2.

17.56.050 - Metal roofs-Prohibited.

Any metal building visible from a public street or private street generally open to the public must comply with the requirements of subsections A and B of this section within ten years of installation of a metal roof that does not comply with the requirements of Chapter 17.54 or by September 1, 1993, whichever is later. Furthermore, a permit for such improvement must be obtained no later than two years prior to the date upon which the improvements must be completed.

A. For a metal building so situated that no other building is located between the metal building and any street from which the building is visible, the roof of the metal building shall be covered by a nonmetal material, covered with metal meeting the requirements of this chapter, removed and replaced with metal meeting the requirements of this chapter, or removed and with a nonmetal material.

B. For a metal building so situated that another building is located between the metal building and any street from which the metal building is visible, all portions of the roof visible from any street, shall be either covered with a metal meeting the requirements of this chapter, removed and replaced with a metal meeting the requirements of this chapter, or removed and replaced with a nonmetal material. In addition, all other portions of the roof of such metal building shall be covered with a paint material approved by the city manager in a color to match the visible portions of the metal roof improved pursuant to this subsection.

(Ord. 822 § 1(part), 1989)

17.56.060 - Metal buildings-Exempt.

Any metal building not visible from a public street or a private street generally open to the public may remain as a nonconforming building, but shall be removed in ten years from the effective date of these regulations codified in this chapter unless either of the following occurs:

A. Reconstruction or rehabilitation in conformance with the provisions of these regulations as they apply to a building fully visible from a public street or private street generally open to the public; or

B. Increase in building area, whether by addition, whereupon, the entire site must be brought into conformity with the zone district regulations for the zone in which the building is located.

(Ord. 822 § 1(part), 1989)

17.56.070 - Permitted metals.

Only those metals meeting the standards contained in Figure 17.56.040 may be used to rehabilitate or reconstruct existing metal buildings except as provided in Section 17.56.080.

(Ord. 822 § 1(part), 1989)

17.56.080 - Exception.

a) In any case where an existing metal building has been constructed of metal panels meeting one of the approved panel configurations shown in Figure 17.56.040 and such panels are in a good state of repair as determined by the building division, even though unpainted, such buildings may be treated with an approved coating as provided in Figure 17.56.040 in lieu of replacing the existing metal panels other than as required to eliminate damage.

b) Any new metal building shall be permitted if the building meets the following development standards:

1. The proposed metal building is located one hundred feet or more from the front property line;

2) The proposed metal building is not constructed on a corner lot; and

3) The exterior of the proposed metal building is a smooth exterior metal finish.

c) In addition to the requirements of paragraphs a) and b), all other requirements of this Code shall be met, including the submission of a site plan, elevations and list of materials and colors for review and approval of the community development director. The above mentioned conditions must be satisfied; no variance shall be granted that would authorize a deviation from these conditions.

(Ord. 822 § 1(part), 1989)

(Ord. No. 1219, § 2, 1-9-2018)

17.56.090 - Prohibited metals.

The use of S-type cor- rugated metal panels for rehabilitation or reconstruction of existing metal buildings is expressly prohibited as is any other metal panel not included in Figure 17.56.040.

(Ord. 822 § 1(part), 1989)

17.56.100 - Landscaping.

In order to facilitate the upgrading of existing metal buildings, landscaping provided shall not be required to comply with the landscaping requirements of the zone district in which the building is located. Every effort shall be made to meet requirements, however, failure to do so shall not preclude the issuance of the building permit.

(Ord. 822 § 1(part), 1989)

17.56.110 - Parking.

Because many sites were developed in accordance with codes no longer in effect parking may not comply with current standards. Every effort shall be made to provide parking in accordance with the zone district regulations for the zone in which the site is located, however, failure to meet the current requirements shall not preclude the issuance of a building permit.

(Ord. 822 § 1(part), 1989)

17.56.120 - Information required.

Each applicant for a building permit to rehabilitate or reconstruct an existing building or buildings shall submit a site plan showing the parameters of the site, the location type and construction of each building on the site, parking, loading doors or docks, landscaping and storage areas. The applicant shall also submit elevations of the building(s) to be rehabilitated or reconstructed including details on materials to be used and colors.

(Ord. 822 § 1(part), 1989)

Chapter 17.58 - DEVELOPMENT WITHIN FLOOD HAZARD AREAS

17.58.010 - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage:

A. "Areas of special flood hazard" means the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified on the official map as Zone A.
B. "Development" means any manmade change to improve unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
C. "Flood" means a temporary rise in a stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel, or an unusual and rapid accumulation of runoff or surface waters from any source.
D. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures including utility and sanitary facilities which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and shall have the effect of buoyancy.
E. "Habitable floor" means any floor used for living which includes working, sleeping, eating, cooking or recreation or a combination thereof. A floor used only for storage purposes is not a habitable floor for the purpose of these regulations.
F. "Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreation vehicles or travel trailers.

G. "100-year-flood" means the condition of flooding having a one percent chance of annual occurrences.

H. "Regulatory flood elevation" means the water surface elevation of the one-hundred-year flood.

I. "Structure," for the purpose of these regulations, means a walled and roofed structure, including gas or liquid storage tanks that are principally above ground, including but without limitations, buildings, factories, sheds, cabins, mobile homes and similar uses.

J. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, or floor or other structural components of the building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations as well as structures listed in national or state registers of historic places.

(Ord. 822 § 1(part), 1989)

17.58.020 - Designation of flood hazard area.

The city council of the city shall have the authority to designate areas within the city when flood hazard information in the form of flood hazard boundary maps are provided by the federal or state government.

(Ord. 822 § 1(part), 1989)

17.58.030 - Permit-Required.

No person, firm or corporation shall erect, construct, enlarge, or improve any building or structure located within the areas designated as zone(s) A on the official flood hazard boundary map without first obtaining a conditional use permit from the planning commission.

(Ord. 822 § 1(part), 1989)

17.58.040 - Permit-Application.

To request a conditional use permit required by Section 17.58.030, the applicant shall first file an application in writing on forms provided for that purpose. Such forms shall be accompanied by twelve copies of a plot plan, drawn to a scale of not less than one foot equals twenty feet, and by a fee as established by written resolution of the city council. Every application shall:

A. Identify and describe the work to be covered by the permit for which the application is made;

B. Describe the land on which the proposed work is to be done by lot, block, tract and street address or similar description that will readily identify and definitely locate the proposed project;

C. Indicate the use or occupancy for which the proposed work is intended;

D. Be accompanied by plans and specifications for the proposed construction;

E. Be signed by the permitee or his authorized agent who may be required to submit evidence to indicate such authority;

F. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest habitable floor (including basement) or in the case of floodproofed nonresidential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the community development department;

G. Provide such other information as reasonably may be required by the planning commission.

(Ord. 822 § 1(part), 1989)

17.58.050 - Conditional use permit-Review.

The planning commission shall review all conditional use permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law. In reviewing applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other developments the commission shall:

Obtain review and reasonably utilize, if available, any regulatory flood elevation data from federal, state or other sources, until such data is provided by the Federal Flood Insurance Administration in a Flood Insurance Study; and require within areas designated as zone A on the official map that the following performance standards be met:

1. The first floor elevation (to include basement) of new residential structures, to be elevated to or above the regulatory flood elevation.
2. The first floor elevation (to include basement of nonresidential structures) to be elevated or floodproofed to or above the regulatory flood elevation.
    A. Require the use of construction materials and utility equipment that are resistant to flood damage.
    B. Require the use of construction methods and practices that will minimize flood damage.
    C. Be designated or anchored to prevent flotation, collapse, or lateral movement of the structures or portions of the structure due to flooding.
3. Assure that in regard to mobile homes, specific anchoring requirements are:
    a. Over-the-top ties to be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than fifty feet long requiring one additional tie per side.
    b. Frame ties to be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than fifty feet long requiring four additional ties per side.
    c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds.
    d. Any additions to mobile homes to be similarly anchored.

(Ord. 822 § 1(part), 1989)

17.58.060 - Review of tentative subdivision maps.

The planning commission shall review all tentative subdivision maps and shall make findings of fact and assure that:

A. All such proposed developments are consistent with the need to minimize flood damage;
B. Subdivision proposals and other proposed new developments greater than five acres or fifty lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated zone A;
C. Adequate drainage is provided so as to reduce exposure to flood hazards;
D. All public utilities and facilities are located so as to minimize or eliminate flood damage.

(Ord. 822 § 1(part), 1989)

17.58.070 - New water and sewers.

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

(Ord. 822 § 1(part), 1989)

17.58.080 - Flood-carrying capacity.

The planning commission shall ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The city will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator. Moreover, the city will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

(Ord. 822 § 1(part), 1989)

17.58.090 - Applicability.

This chapter shall take precedence over conflicting ordinances or parts of ordinances. The city council may, from time to time, amend the ordinance codified in this chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this chapter are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976.

(Ord. 822 § 1(part), 1989)

Chapter 17.60 - OFF-STREET PARKING AND LOADING

17.60.010 - General provisions.

A. Off-street vehicle parking spaces shall be provided at the time of the use of the land, or at the time of the erection of the building or use of the land or building or structure is altered, enlarged converted or increased in capacity by the addition of uses, floor area, dwelling units guest rooms, beds or seats; provided however, that additional parking spaces shall not be required at the time of the erection of an addition to a single-family residence if the director of community development shall find all of the following:
    1. The proposed addition is otherwise in conformity with the provisions of the zoning regulations;
    2. The provision of additional off-street parking of the lot is impossible or impractical because of the size or configuration of the lot and improvement; and
    3. The public safety and welfare will not be unreasonably jeopardized by waiving the requirements of additional off-street parking.
B. All off-street parking spaces and areas required by these regulations, or otherwise provided, shall comply with all of the conditions, improvements and landscaping requirements set forth in these regulations, and shall be maintained as much as such thereafter in a reasonable and acceptable manner or condition.
C. All vehicle parking spaces and areas required or otherwise provided shall comply with the following conditions:
    1. The number of spaces shall be determined by the amount of use of land, dwelling units, floor area guest rooms, beds, or seats provided, and such parking spaces and areas shall be maintained thereafter without reduction in the number of spaces required in connection with such buildings, structures and uses of land.
    2. Each parking space shall be developed in accordance with standards established by written resolutions of the planning commission and Section 17.60.030.
    3. Adequate driveways and aisles shall be provided as set forth in these regulations and in any standards adopted by the planning commission.
    4. All vehicle parking spaces shall be on the same lot with the land use, building or structure except as otherwise provided in Section 17.60.040.
    5. Any carport or private garage which fronts upon a private street shall be located so as to provide for a minimum automobile ingress or egress of not less than twenty feet between the property line and the entrance to the garage or carport.

6. No vehicle parking spaces shall occupy or be designed in a required front yard, or in a side yard on a side street, except as s provided in these regulations or in the zone district regulations for the zone in which the property is located.
7. No parking spaces or areas shall be so designed as to require vehicles to back into a street except for single-family or duplex buildings.
8. No more than twenty feet of the width of the front yard in residential zones may be used or improved by paving or otherwise vehicle access. This area may be increased to a maximum of thirty feet if three covered spaces are provided in a single structure.

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

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

F. Whenever a nonresidential structure is enlarged or increased in capacity, or when a change in use creates an increase in the amount of off-street parking or loading area required, additional spaces shall be provided. Furthermore, for all existing uses or structures, including residential, hereafter expanded by fifty percent or more of the existing gross floor area, the required off-street parking for the entire property or development shall conform to the most current parking standards.

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

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

I. Requirements for uses not specifically listed herein shall be determined by the community development director, based upon the requirements for comparable uses and upon particular characteristics of the use. Additional parking over and above that required herein may be required upon determination of the planning commission that the specific type of business or user generates a greater demand for more parking than the requirement herein.

J. No tandem parking shall be allowed within private residential areas anywhere in the city, it would adversely impact the aesthetic appeal and character of the city.

(Ord. 1120 § 2, 2008: Ord. 822 § 1(part), 1989)

17.60.020 - Parking requirements.

Required vehicle parking shall be provided in accordance with the following schedule. Except that in cases of development for which no specific parking requirements have been established, the planning commission shall establish and approve parking requirements.

Land Use	Required Parking
Residential:	
Single-family dwelling	Two standard spaces within a garage.

Duplex (two-family) or triplex (three-family) dwelling	Two standard spaces per dwelling unit within a garage.
Multiple dwelling	Two standard spaces per dwelling unit with a garage, plus one guest parking for every four units.
Mobile home park	Two standard spaces for each mobile home site or space. The parking may be tandem. One additional space per each five mobile home sites or spaces shall be provided for guests.
Senior housing and very low/low income	0.5 spaces per unit.

Land Use	Required Parking
Commercial:	
General retail or services	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
General professional offices	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Restaurants, cafes and similar establishments dispensing food and beverages (including drive-ins, drive-through and take out establishments with designated seating areas	One space for each four fixed seats or for each four persons of occupant load in the dining area. There shall also be provided additional ten percent of the required parking with parking to be designated for use by employees. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Drive-in, drive-through and take out business with no designated interior or exterior seating areas (including automobile service stations)	One space for each two hundred fifty feet of gross floor area provided, a minimum of five spaces shall be provided. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Hotels, motels, boardinghouses, clubs, and lodges	One space for each guest room, suite or dwelling unit, and two spaces for any dwelling unit used by a residential manager. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Assemblies such as theaters, auditoriums, arenas, stadiums and similar places of assembly including churches and private schools	One space for each three permanent seats, or if movable or temporary seats are used, one space for each three persons of occupant load. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Land Use	Required Parking
Industrial:*	
General manufacturing	One space for each seven hundred fifty square feet of gross floor area up to ten thousand square feet and one for each seven hundred fifty square feet of gross floor area over ten thousand square feet plus one loading area for each five thousand square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Research and scientific manufacturing	One space per seven hundred fifty square feet of gross floor area plus one space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Warehousing	One space per thousand square feet of gross floor area plus one space for each vehicle owned or leased by any occupant and operated from the site. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.
Office	One space for each three hundred square feet of gross floor area. Handicapped parking spaces shall be provided in accordance with Title 24 of the California Building Code.

Self-storage	Parking shall be provided along thirty-foot wide parking/driving lanes adjacent to the storage buildings and a minimum of ten spaces adjacent to the leasing office.
Vehicle related use:	
Auto repair	One space per three hundred square feet of gross floor area.
Auto sales/leasing	One space per seven hundred fifty square feet of lot size plus one space per two thousand five hundred square feet of outdoor display and storage area.
RVs and related	One space per seven hundred fifty square feet of gross floor area plus one space per two thousand five hundred square feet of outdoor display and storage area.

(Ord. 1120 § 3, 2008: Ord. 822 § 1(part), 1989)

17.60.030 - Development standards.

A. Paving. All parking spaces, maneuvering, turnaround areas, and any driveways shall be paved with asphalt or concrete to city standards.

B. Marking of Parking Spaces. All parking spaces, except those within private garages or carport, shall be marked with distinguishable materials. Handicapped spaces shall be clearly identified to preclude their use by unauthorized vehicles.

C. Bumper Guards or Wheel Stops. Bumper guards or wheel stops shall be provided as necessary to protect any buildings, structures, landscaping or other vehicles.

D. Illumination. All parking areas must be illuminated; lights shall be arranged so that there is no direct reflection of light toward any adjoining premises, public street, private street or alley.

E. Parking Area. Any parking area, other than that used for single-family or two-family dwellings (duplex), shall be separated from any adjoining residential zone, church, school, or park by a masonry wall six feet in height, except within a required front setback or front yard on the site of adjoining property, in which case the solid wall shall not exceed forty-two inches in height, but may be increased to a total height of six feet if wrought iron, chain link, or other "see through" materials are used and the design is approved by the director of community development.

F. Driveways and Aisles. The minimum driveway and aisle widths necessary for adequate ingress and egress shall be provided and maintained free and clear of all obstruction as follows:

1. Minimum one-way driveway widths:
    a. Single-family or duplex dwellings, ten feet,
    b. Multiple dwellings, twelve feet,
    c. All other uses, ten feet;
2. Driveways affording ingress and egress to a parking area with twenty or more spaces shall be designed for one-way circulation or a double driveway system;
3. Aisle widths for parking areas shall be in accordance with parking standards adopted by the planning commission.

G. Landscaping. All parking areas required, or otherwise provided, except for residential zones, shall be landscaped as follows:

1. A minimum planter strip, as required by regulations of the zone district in which site is located, shall be provided on

peripheral sides bounded by a public or private street, except for those areas devoted to crosswalks and traversing driveways.

2. A minimum of five percent of the total parking area must be landscaped; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
3. Any unused space resulting from the design of parking may be used for planting purposes; provided, however, that any such planting beds shall have a minimum width of three feet and a minimum area of twenty square feet. These beds shall be drawn to scale and indicated on the plot plan.
4. In complying with the five percent landscaping requirements, the landscaping shall be distributed throughout the parking area as evenly as possible. When parking areas are not visible from the public right-of-way, the director of community development shall have the option of incorporating the required parking area landscaping into other areas of the site including, but not limited to, the landscape front setback.
5. Planter curbing shall be used for landscaping containment. The height of such curbing shall be not less than six inches of concrete or eight inches in masonry.
6. All landscaping areas shall contain an accepted irrigation system (sprinklers, bubblers, or diffuser heads) or hose bibs located within fifty feet of all parts of a planted area, and the system shall be shown on the plot plan or on a separate drawing.

(Ord. 1120 § 4, 2008: Ord. 822 § 1(part), 1989)

17.60.040 - Remote parking.

Remote parking (parking located on a site other than that on which the use is located) may be utilized for multiple dwellings and commercial and industrial facilities under the following conditions:

A. That the lot or parcel to be utilized for remote parking adjoins the lot or parcel it is to serve; or
B. That the lot or parcel to be utilized for remote parking is separated only by an alley from the lot or parcel it is to serve; and in both cases;
C. The lot or parcel utilized for remote parking is in the same ownership as the parcel being served or is held in a long-term (twenty-year) recorded lease providing that the owners or lessees and their heirs, assigns or successors in the interest shall maintain the parking facilities so long as the building or use they are intended to serve be maintained. The covenant shall be prepared for the benefit of and in a form acceptable to the city, shall be recorded with the county recorder of Los Angeles County, and shall provided that the covenant may not be revoked, cancelled or modified without the written consent of the city;
D. That the lot or parcel is located not more than one hundred fifty feet from the lot or parcel to be served, the requirement for a covenant running with the land as shown in subsection C of this section shall apply.

(Ord. 1120 § 5, 2008: Ord. 822 § 1(part), 1989)

17.60.050 - Loading facilities and truck maneuvering.

A. All loading docks or loading doors facing upon a public or private street shall be located in such a manner that all truck maneuvering shall take place on the site whenever possible.
B. All drive approaches shall be designed so as to preclude direct access to a loading dock or loading door from the street whenever possible.
C. All areas used for parking, maneuvering, or vehicle storage shall be paved with asphalt or concrete to city standards.
D. For every commercial or industrial building erected or established on a lot which abuts an alley, there shall be provided and maintained a twenty-five foot by ten foot by fourteen foot high loading space for each two thousand square feet of gross floor area. Each loading space shall be clearly marked and identified and shall be kept clear and unobstructed at all times.

(Ord. 822 § 1(part), 1989)

17.60.060 - Parking and loading facilities—Nonconforming.

Any use of property which, on the effective date of this section is nonconforming only as to the regulations in this chapter regulating off-street parking and loading facilities may be continued as if the off-street parking and loading facilities were conforming, provided that:

A. There shall be no further reduction of off-street parking and loading facilities that do not exist on the property as of the effective date of this section; and

B. The property complies with any applicable regulations requiring handicapped parking.

(Ord. 937 § 1, 1993)

17.60.070 - Maintenance of parking.

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

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

C. Any restriping or other changes made to a parking lot shall be reviewed and approved by the planning division prior to such work being commenced.

(Ord. 1120 § 6, 2008)

Figure 17.60--STANDARD SPACES

N	P	S	A	C	P'	S'
0°	28'	9'	10'	24'	–	–
30°	45'-6"	16'-9"	12'	17'-9"	–	–
40°	49'-10"	18'-5"	13'	14'	–	–
45°	52'	19'	14'	12'-9"	45'-8"	15'-10"
50°	53'	19'-6"	16'	11'-10"	–	–
60°	60'-4"	20'	20'	9'-10"	–	–
70°	63'-4"	20'-2"	23'	9'-9"	–	–
80°	62'-8"	19'-4"	24'	9'-3"	–	–
90°	62'	18'	26'	9'	–	–

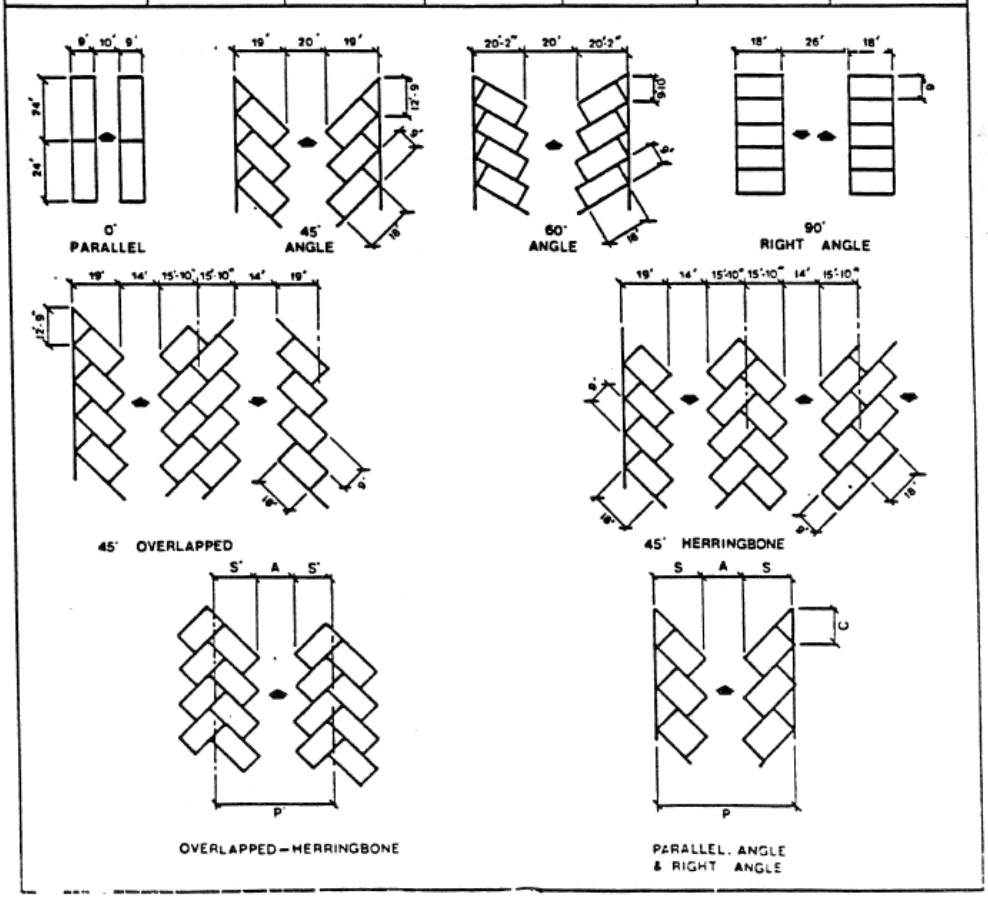
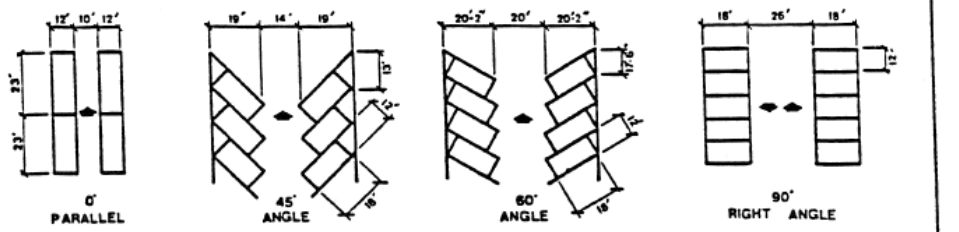


Figure 17.60--HANDICAPPED SPACES

N	P	S	A	C
0°	34'	12'	10'	24'
45°	52'	19'	14'	13'
60°	60'-4"	20'-2"	20'	17'-6"
90°	70'	18'	26'	12'



Chapter 17.62 - ADVERTISING SIGNS

17.62.010 - Intent and purpose.

The intent and purpose of this chapter is to regulate signage area, sign height, sign types and sign design. These regulations are designed to project the general welfare of the residents of the city by permitting signs which are both functional and aesthetically attractive and which enhance the commercial and industrial areas of the city.

(Ord. 822 §1(part), 1989)

17.62.020 - Policy.

The policy of the city with regard to signs and sign structures shall be: to recognize that advertising, including signs, is an integral part of the commercial life of the city; to recognize that aesthetics of the streetscape may be a source of community pride; to encourage those signs which make a positive contribution to aesthetics; to eliminate those signs which detract from the appearance of the city or of the neighborhood in which they are located and to vigorously enforce the provisions of these regulations.

(Ord. 822 §1(part), 1989)

17.62.030 - Definitions.

For the purpose of these regulations, unless it is clearly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

A. "Banner, flag or pennant" means any cloth bunting, paper, plastic or similar material used for advertising purposes which is attached to, or appended on or from any structure, staff, pole, line, framing, or vehicle. Flags referred to herein, when the flag is of a nation or of the state of California, or other state, and is displayed as such in an appropriate manner, shall be excepted from these regulations.

B. "Building frontage" means the primary wall of a building or buildings facing a private or public street (not including freeways). Buildings facing more than one street have multiple frontages. In cases where there is no frontage on a public or private street, building frontage for signing purposes shall be the building face containing the principal entrance to the structure.

C. "Directly lighted sign" means a sign which has light cast on the surface from an interior light source.

D. "Freestanding sign" means any sign standing on the ground and not attached or affixed to a building and supported by one or more poles or braces in, or on, the ground which are not a part of the building or structure. The term freestanding sign shall include monument signs and planter signs.

E. "Grade" means the level of the public sidewalk or curb closest to the sign unless otherwise provided in these regulations.

F. "Ground sign" means the same as "freestanding sign."

G. "Illegal sign" means any sign placed without proper governmental authority or approval as required by the regulations in effect at the time said sign was placed. "Illegal sign" also means any nonconforming sign which has exceeded its authorized amortization period.

H. "Illuminated sign" means any sign which uses any artificial source of light.

I. "Indirectly lighted sign" means any sign which has light cast on its surface from an exterior light source.

J. "Items of information" means words, designs, symbolic representations or figures used in signing.

K. "Marquee" means permanent roofed structure attached to and supported by the building and projecting over the public right-of-way or over private property.

L. "Monument sign" means a sign placed upon a base upon the ground. Such sign shall be constructed of materials that are coordinated with materials used in the construction of the building or development which it is intended to advertise. A monument sign shall be considered a freestanding sign for the purpose of these regulations.

M. "Nonconforming sign" means a sign which was validly installed under the regulations in effect at the time of such installation, but which would not be permitted under the provisions of current regulations.

N. "On-site sign" means a sign which identifies the business or premises or products manufactured, sold or distributed or services offered by the operator of the business or premises.

O. "Off-site sign" means a sign which advertises products, objects or services which are not manufactured, sold or distributed on the property or premises on which the sign is located.

P. "Planter sign" means a "monument sign" except that shrubs, groundcover or other plantings shall be an integral part of the sign base. Planter signs shall be considered as freestanding signs for the purpose of these regulations.

Q. "Projecting sign" means a sign which projects from, and is supported by a wall of a building with the display surface of the sign perpendicular to the wall.

R. "Roof sign" means a sign erected on a roof.

S. "Sign" means name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product or business and which is visible from any street, right-of-way, freeway, sidewalk, alley, park or public property. Customary

displays of merchandise or objects and material without lettering, placed behind a store window, are not signs or parts of signs for the purpose of these regulations.

T. "Sign area" means that area included within the outer dimensions of a sign. The area of a single face of double or multiple faced sign shall contain the percentage of the total allowable sign area divided by the number of faces of the sign unless otherwise stated in these regulations. In the case of skeleton letters or other signs placed on a wall without a border the area of each letter, shape, or figure shall be computed by enclosing the letter, shape or figure within sets of parallel lines. The structural supports for a sign, whether columns, pylons or a building or part thereof, shall not be included in the sign area.

U. "Sign copy" means any words, letters, figures, designs or symbolic representations incorporated into a sign for the purpose of conveying information or attracting attention to the subject matter.

V. "Sign height" means the height of a sign measured from the average ground level at the base of the supporting structure to the top of the sign or as otherwise provided for in these regulations.

W. "Wall sign" means any sign attached to or erected on the exterior wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

X. "Wind sign" means banners, pennants or other advertising devices (excluding national, state or company flags) intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, or fabric of any kind.

(Ord. 822 §1(part), 1989)

17.62.040 - Sign approval and permits required.

It is unlawful for any person, firm, organization, or corporation to authorize, erect, construct, maintain, move, alter, attach, change, place, or suspend any sign within the city without first obtaining a written permit to do so from the building official and from the department of planning and community development, except that no such permit shall be required to maintain a sign legally in existence on the date of adoption of these regulations. Such permit shall not be issued until approval of such sign or signs is granted by the department of planning and community development or if required by the planning commission.

A. Application for Sign Approval. When signs are to be considered in conjunction with new construction or development, which in itself is subject either to site plan review or conditional use permit approval, the sign shall be considered as a part of this review. Requests for signs other than as a part of an overall project or development shall be submitted to the planning and community development department on forms prescribed by the department and accompanied by a fee established by resolution of the city council. The application shall be accompanied by three copies of a plot plan showing the following information:

1. The position of the sign or other advertising structure in relationship to the adjacent buildings or structure;
2. The design and size, structural details and calculations as required by the Uniform Sign Code or the building code, and the proposed location of the sign or sign structure;
3. The location, size and dimensions of all signs existing on the premises at the time of the filing of the application.

B. Sign Approval. Upon evaluation of the application, and after consultation with the applicant or his contractor, the director of planning and community development, or his designee, shall approve the application, disapprove the application, or approve the application with conditions. If the applicant disagrees with the decision of the director, or his designee, the applicant may appeal, at no cost, to the planning commission in accordance with provisions of Chapter 17.74 of these regulations.

(Ord. 963 §33, 1995; Ord. 822 §1(part), 1989)

17.62.050 - Corrections and stoppage of work.

The granting of a sign permit shall not prevent the director of planning or his or her designee from thereafter requiring the correction of errors in the work or from preventing further operations being carried out when such work or operations are in violation of the provisions of this chapter or the conditions of the sign permit.

(Ord. 963 §34, 1995: Ord. 822 §1(part), 1989)

17.62.060 - Revocation of sign permits.

The director of planning or his or her designee is hereby authorized to revoke any permit upon failure of the holder thereof to comply with any provisions of these regulations or of the sign permit.

(Ord. 963 §35, 1995: Ord. 822 §1(part), 1989)

17.62.070 - Exemption from approval and permit requirements.

The provisions of this chapter shall not apply to the following signs, nor shall the area of each sign be included in the area of signs permitted for any lot, building or use:

A. Signs not exceeding one square foot in area, erected for convenience of the public such as signs identifying restrooms, public telephones, walkways and similar features or facilities;

B. Memorial signs or tablets, names of buildings and dates of erection, when cut into the surface of the facade of the building or when projecting no more than two inches from the face of the building;

C. Traffic or other municipal signs (signs required by law), railroad crossing signs, legal notices, and such temporary advertising signs as may be authorized by the city council;

D. Signs of public utility companies indicating danger or which serve to aid the public safety or which show the location of underground facilities or public telephones;

E. Directional signs not exceeding three square feet in area, erected to aid the public in locating entrances to buildings, business or parking areas;

F. Newspaper stands, provided the sign area does not exceed six square feet;

G. One real estate sign per lot frontage, provided such sign meets the provisions of Section 17.62.080;

H. House numbers, nonilluminated or directly illuminated, "no trespassing," "no parking" and similar warning signs located on the lot to which the sign is appurtenant and provided that the sign does not exceed four square feet in area, one nonilluminated or directly illuminated name- plate, not exceeding one square foot in area for each dwelling unit, provided, that in the case of multiple dwellings, the total allowable area of such nameplates shall not exceed one square foot per dwelling unit, and provided further, that no sign identifying an occupation or business conducted on the premises shall be permitted;

I. Signs located in the interior of any building or within an enclosed court or lobby of any building or group of buildings which signs are designed and located to be viewed exclusively from within the building, court or lobby;

J. Window signs in all commercial and manufacturing zones, when placed within the inside of the window and not obscuring more than twenty-five percent of the total window area;

K. Wind signs (banners, pennants, etc.) in all commercial and manufacturing zones during a thirty-day period following the initial or grand opening of a store or business, or for a period or periods not to exceed thirty aggregate days per year for sales or promotional purposes.

(Ord. 822 §1(part), 1989)

17.62.080 - General sign provision.

The following provisions pertain generally to all signs erected or maintained within the city. Where a conflict occurs between this section and any other sections of the city code concerning signs, these regulations shall apply.

A. Sign Maintenance.

1. All signs, together with their supports and appurtenances, shall be kept in a proper state of repair. The display surface of all signs shall be kept neatly painted or posted. The building official may order the repair or removal of any sign that is not maintained in accordance with the provisions of these regulations.
2. All signs and advertising structures which are constructed on property lines, or within five feet thereof, shall have a smooth surface. No nails, tacks or wires shall protrude, except for electrical reflectors and devices which extend over the top and in front of the advertising structure.

B. Signs at Intersections. No on-site advertising display or portion thereof shall be erected or maintained at the intersection of any public or private street within a triangular area formed by a line connecting points forty feet from the intersection of the projected street property lines. No sign shall be placed in such a location as to interfere with, obstruct the view of, or be confused with any authorized traffic sign or signal.

C. Obstruction of Passage. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of a fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any law, code or ordinance.

D. Signs on Public Property. Signs on public property or within the public right-of-way shall be prohibited unless otherwise authorized by these regulations.

E. Signs on Curbs, Streets or Street Signs. No person shall paint, mark, paste, fasten, or in any manner affix or cause to be painted, marked, pasted, fastened, or any manner affixed to or on the curb, street, sidewalk, street sign post, or to or on any sign erected for the purpose of directing or warning traffic, or to or on any telephone, telegraph or electric light pole, or to or on any tree or shrub in any park, public street, alley, parkway or sidewalk any sign, poster, or advertisement of any kind without first obtaining written approval of the city council to do so. Nothing in this section shall be construed as to prohibit the posting of official signs by any department of the city, county, state or federal government, or to the posting of legal notices in the place or manner prescribed by law.

(Ord. 963 §36, 1995; Ord. 822 §1(part), 1989)

17.62.090 - Signs permitted in all zones.

The following signs, if nonilluminated, are permitted in all zones:

A. Governmental or other legally required posters, notices or signs;

B. Real estate signs provided that:

1. Only one such sign is displayed per street frontage on the property to which it refers,
2. No sign shall exceed three square feet in residential areas or twelve square feet in industrial and commercial areas,
3. If freestanding, such sign shall not exceed six feet in overall height and shall be placed a minimum of five feet inside the property line,
4. Vacant parcels containing five or more acres in area may be allowed one real estate sign for each one hundred fifty feet of street frontage. Such sign shall not exceed twenty square feet in area, nor be higher than eight feet above grade;

C. The American flag, state flag, governmental flags or emblems or flags of nonprofit organizations or of the owner or tenant of the site. The height of such flags is subject to height restrictions applicable to freestanding signs;

D. One contractor's sign on each street frontage of any construction site which will serve to identify the enterprises engaged in work on the project, or to announce intended or proposed future uses of the property. In the case of identification signs, a building permit shall have been issued prior to the issuance of the sign approval. In the case of signs announcing future uses, a building permit shall obtained not later than one year from the date of issuance of the sign permit. Such signs shall conform to the following conditions:

1. Each enterprise or future use identified may be allowed up to twenty-four square feet of sign area, provided, that the total sign area shall not exceed one hundred twenty square feet, unless legally required to do so by government

contract.

2. No sign shall exceed eight feet in overall height.
3. No sign shall be located nearer than five feet to any property line.
4. Such sign may be either integral to a building or affixed to or in the ground.
5. Such signs shall be removed at the termination of the construction and commencement of the use of the improvement, or at the expiration of the building permit whichever is sooner.

E. Political Signs. Unless otherwise provided in this chapter, political signs shall be regulated solely by the provisions of this section.

1. Temporary political signs may be erected on private property in any zone during the period beginning with the first date a declaration of candidacy may be filed in connection with any election or from the time a notice of intention to circulate an initiative or referendum petition is filed with the appropriate legal officer until five days following the subsequent election or, in the case of an initiative or referendum, ten days following the date upon which such petitions are deemed invalid by the proper officer.
2. Such political signs are subject to the following conditions:
   a. No permitted political sign shall exceed sixteen square feet in sign area.
   b. The total allowable sign area of all signs located on any single lot or parcel may not exceed sixty- four square feet, provided, that one sign with a sign area not to exceed sixteen square feet per candidate may be placed on any parcel or lot.
   c. No political sign may be placed on any public property or public right-of-way.
3. The city may remove any political sign or signs not complying with this section forty-eight hours following notification to the property owner of the city's intention to remove the sign or signs not in compliance. The city may have any political signs located in any public right-of-way immediately removed. Signs removed by the city may be claimed by the candidate, political committee or owner of the sign at any time following removal upon paying a service fee for the cost of removal as follows:
   a. Fifty cents for each temporary political sign, up to and including four square feet in area,
   b. One dollar for each temporary political sign exceeding four square feet in area,
   c. A figure equal to the city's costs of removal for all other political signs.

(Ord. 822 §1(part), 1989)

17.62.100 - Prohibited signs.

The following signs are prohibited in all zones:

A. Off-site signs (billboards), except as provided in Section 17.62.141;
B. Roof signs;
C. Signs extending above the roof line of any building;
D. Any sign, including the illumination thereof, which is animated or designed or operated so as to flash, scintillate, or in any way simulate motion or emit sound other than:
   1. Time and temperature signs (public service signs),
   2. Barber pole signs,
   3. Public service reader boards;
E. Revolving signs;
F. Portable signs, except as otherwise provided in these regulations;
G. Vehicle advertising displays other than those painted on or permanently affixed to public transportation vehicles used regularly in a business to which the sign pertains. No vehicle shall be parked in any parking area or public or private

street for the purpose of displaying a sign;

H. Signs, which by color, wording, design, location or illumination resemble or conflict with any traffic- control device, or which interfere with the safe and efficient flow of traffic;

I. No sign in which a live animal or human being is included as a part of the advertising display shall be permitted;

J. No word, statement, or symbol of an obscene or immoral nature, or any picture, illustration or other depiction of the human body or any feature thereof in such detail as to offend the public morals or decency shall be permitted;

K. Signs, which because of location or physical characteristics are determined to be detrimental to the public health, safety or welfare;

L. Inflatable advertising devices.

(Ord. 1039 §6, 2002; Ord. 905 §2, 1992; Ord. 822 §1(part), 1989)

17.62.110 - Nonconforming signs.

Every sign or advertising structure or advertising device which does not comply with the provisions of these regulations, or any amendments thereto, but which was legally existing at the effective date of the regulations codified in this chapter shall be nonconforming.

A. A nonconforming sign, sign structure, or device shall not be:

1. Changed to another nonconforming sign;
2. Structurally altered so as to extend its useful life;
3. Expanded or enlarged;
4. Reestablished after discontinuance of one hundred twenty days or more; or
5. Reestablished after damage or destruction exceeding fifty percent of its replacement value.

B. A sign which was not legally existing on the date of adoption of the regulations codified in this chapter shall be removed or made to conform with these regulations within thirty days of their effective date.

C. On-Site Advertising Displays. All nonconforming advertising devices or sign structures in existence on the effective date of the regulations codified in this chapter shall be altered or removed so as to conform with time periods from the date such sign became nonconforming:

1. Less than one hundred dollars valuation, ninety days;
2. One hundred dollars to nine hundred ninety-nine dollars valuation, one hundred eighty days;
3. One thousand dollars to four thousand nine hundred ninety-nine dollars valuation, one year;
4. Over five thousand dollars valuation, three years.

Valuation refers to the construction cost entered into the records of the building division at the time the permit for the advertising display was issued. In the event such cost figures are not available or do not fairly represent the true value of the replacement costs, the valuation shall be based upon a reasonable cost estimate established by the building official.

D. Off-Site Advertising Displays. All off-site signs in existence on the effective date of the regulations codified in this chapter shall be altered to conform with the provisions of these regulations or may be removed in accordance with the provisions of state law.

(Ord. 963 §37, 1995; Ord. 909 §1, 1992; Ord. 822 §1(part), 1989)

17.62.120 - On-site advertising—Residential zones.

Signs in all residential zones shall comply with the following regulations in addition to the provisions of Section 17.62.080.

A. Permitted Signs.

1. Neighborhood Identification Signs. Two nonilluminated neighborhood identification signs, each not exceeding an area of ten square feet nor a height of six feet, shall be permitted at each entry point in connection with any

residential neighborhood;

2. Building Identification. One permanent wall sign, identifying the building, and not exceeding an area of twenty square feet, shall be permitted for each multifamily building of between three and ten units;
3. Any sign permitted by Section 17.62.090.

B. Prohibited Signs.

1. Any sign advertising a home occupation;
2. Exterior lighted signs;
3. Any sign specifically prohibited by Section 17.62.100.

(Ord. 963 §38, 1995; Ord. 822 §1(part), 1989)

17.62.130 - On-site advertising—Commercial and man-ufacturing zones.

Signs in all commercial and manufacturing zones shall comply with the following regulations in addition to the provisions of Section 17.62.120.

A. Permitted Signs. The following signs shall be permitted in the commercial and manufacturing zones (C, C-M and M zones):

1. Freestanding Signs.
   a. One freestanding sign shall be permitted for each three hundred lineal feet of street frontage or fraction thereof.
   b. Sign Area. One square foot of sign area for each lineal foot of street frontage up to a maximum of one hundred square feet.
   c. Sign Height. No sign shall exceed twenty feet in height which shall be measured from average grade.
   d. Placement. No freestanding sign shall be placed in such a manner as to create a hazard or so as to eliminate any required parking.
   e. No freestanding sign shall encroach into a public right-of-way.
2. Wall Signs.
   a. Sign Area. A sign area of one and one-half square feet for each lineal foot of building frontage shall be permitted. In the case of multiple tenancies, each occupant shall be entitled to the lineal portion of the building occupied.
   b. Sign Height. No wall sign shall exceed a height of five feet.
   c. Placement. The permitted sign area may be utilized on any or all building faces provided that the total permitted sign area is not exceeded and further provided that not more than two signs may be placed on any single building face.
3. Projecting Signs.
   a. One projecting sign may be permitted for each building frontage in lieu of one permitted wall sign.
   b. No projecting sign shall exceed twenty square feet in area nor project more than five feet from any wall surface. No projecting sign shall extend into a public right-of-way.
   c. No projecting sign shall be installed lower than eight feet in height measured from the ground level to the base of the sign.
4. Marquee Signs.
   a. One marquee sign shall be permitted on the principal face of the building in lieu of a permitted wall sign or projecting sign.
   b. No marquee sign shall be placed on the face or roof of any marquee unless such sign is an integral part of the architectural sign of the principal structure.
   c. No permitted marquee sign shall exceed twenty square feet in area.
5. All signs permitted by Section 17.62.090.

6. Gateway Signs.
    a. Gateway signs shall only be located on private property within two hundred lineal feet of the following locations:
        i. The intersection of the centerlines of Garvey Avenue and Rosemead Boulevard;
        ii. The intersection of the centerlines of Rosemead Boulevard and Rush Street;
        iii. The intersection of the centerlines of Santa Anita Avenue and Merced Avenue;
        iv. The intersection of the centerlines of Peck Road and Michael Hunt Drive;
        v. The intersection of the centerlines of Durfee Avenue and Rush Street.
    b. Only one gateway sign shall be permitted at each of the specified locations.
    c. The height, area, design and placement of each gateway sign shall be determined by the planning commission and design review board. Where such signs are to be located in a business improvement district, the signs shall also be subject to review and approval by the district board.
7. Automobile Service Station Signs.
    a. Freestanding Signs. Notwithstanding the provisions of subsections (A)(1)(a) and (A)(1)(b) of this section, the following freestanding sign(s) may be permitted for each automobile service station, regardless of the amount of the street frontage:
        i. One freestanding single or double face, interior illuminated single pole sign with an area not to exceed one hundred square feet per sign face; or
        ii. One freestanding single or double face, interior illuminated single pole sign with an area not to exceed fifty square feet per sign face and one freestanding single or double face, interior illuminated or nonilluminated monument type advertising sign not to exceed six feet in height measured from the finished grade, with an area not to exceed fifty square feet per sign face.
    b. Wall signs. Notwithstanding the provisions of subsection (A)(2)(a) of this section, wall signs, not to exceed one hundred square feet in total shall be permitted for each automobile service station, regardless of building frontage. Such wall signs may be used on service station exterior walls, service station canopies, service bays and car wash facilities. When the service station also contains an additional retail commercial activity as permitted pursuant to Section 17.30.015 of the South El Monte Municipal Code, a total of one hundred fifty square feet of wall sign may be permitted.
    c. Architectural Review. Signs permitted by these regulations are subject to the approval of the architectural review board.
8. Flags and Banners.
    a. Flags used to attract the attention of potential customers shall be limited to businesses engaged in the outdoor sale of motor vehicles and watercraft. Flags shall be displayed only after the city of South El Monte community development department has issued a permit.
        i. Flags may only be displayed on the property where the motor vehicles or watercraft are displayed for sale.
        ii. Each flag shall be no larger than one hundred forty-four square inches in size, but individual flags may be joined together with other flags to form a continuous string of flags.
        iii. Each flag or string of flags shall be secured in such a manner to prevent it from moving about in a manor hazardous to persons or property.
        iv. Flags shall not be displayed over public rights-of-way nor attached to anything in the public right-of-way.
        v. Flags shall not be allowed to become faded, worn or tattered and shall be removed or replaced promptly when such conditions occur.
    b. Banners may be used out of doors by commercial and industrial businesses, schools and churches to advertise special events and limited-time offers only. Banners shall not be placed or displayed in any location within a building that makes the banner conspicuous to persons outside of the building.

i. Commercial and industrial advertising banners.

A. Each business may only display one banner at any one time, except that businesses located on a corner lot or a through lot may have one banner for each street frontage. Banners shall be displayed only after the city of South El Monte community development department has issued a permit.

B. Banners may only be displayed on the property where the goods and/or services are available to the consumer.

C. Each banner shall be no larger than thirty square feet in size and may not obstruct the visibility of any other sign or business.

D. Advertising of each special event or limited-time offer by banner(s) shall not exceed thirty days for each event or offer.

E. Advertising by banners shall be limited to an aggregate of one hundred twenty days per year per business location.

ii. School, church, local charities and youth group banners.

A. Each facility or group may only display one banner at any one time, except that schools or churches located on a corner lot or a through lot may have one banner for each street frontage.

B. Banners may only be displayed on the property where the special event is to occur, except that school, church, local charities and youth group banners may also be displayed, with permission, on the city-owned poles. Banners displayed on city-owned poles must be the standard size necessary to fit the pole spacing.

C. When displayed on the subject property, each banner shall be no larger than thirty square feet in size and may not obstruct the visibility of any other sign or business.

B. Prohibited Signs. The following signs are prohibited in the commercial and manufacturing zones:

1. All signs prohibited by Section 17.62.100.

2. Signs advertising business, products or services not offered on the site (off-site signs).

(Ord. 1039 §5, 2002; Ord. 1003 §1, 1998; Ord. 940 §5, 1993; Ord. 822 §1(part), 1989)

17.62.140 - On-site advertising—Public facilities zone.

Signage permitted within the public facilities zone shall be determined by the planning commission on a case-by-case basis. No commercial advertising shall be permitted except as it relates to publicly or privately owned public utility facilities.

(Ord. 822 §1(part), 1989)

17.62.141 - Off-site signs.

A. No off-site sign shall be permitted in any residential zone. No off-site sign shall be permitted in any commercial, commercial/manufacturing, or manufacturing zone unless a conditional use permit has been granted permitting such use pursuant to the provisions set forth in Chapter 17.68 of this code. The provisions of subsection (D) of this section shall be applicable to any off-site sign authorized by this section.

B. No application for a conditional use permit shall be processed and no permit shall be issued for the installation of any off-site sign pursuant to this section unless the applicant:

1. Is replacing an existing off-site sign with a new off-site sign to be located within the same general location as the existing off site sign to be removed, as determined by the director of community development; or

2. Agrees, as a condition of approval for a new off-site sign to remove or cause to be removed a sufficient number of existing off-site signs to cause a net reduction of off-site signs within the city. A list of signs to be removed shall accompany the application. Actual removal of the off-site signs shall precede the installation of any new off-site sign(s).

C. In addition to the criteria set forth in Section 17.68.040 of this code, the following factors shall be considered in connection

with the review of a conditional use permit for an off-site sign:

1. Whether the proposed off-site sign would be compatible with the area and neighboring uses, existing or anticipated;
2. Whether the off-site sign would create or cause any of the following:
    a. An adverse traffic impact or a traffic safety hazard,
    b. An accumulation of garbage or trash,
    c. Interference with neighboring properties or uses;
3. Whether the off-site sign can be located or situated in such a manner that:
    a. Lighting can either be eliminated, mitigated or reduced so as to not adversely affect neighboring properties or uses,
    b. The impact on neighboring properties or uses does not exceed acceptable levels.

D. No off-site sign shall be approved unless it complies with the following design criteria:

1. Double-faced and "vee" signs shall be permitted provided that no vee sign with an angle greater than forty-five degrees shall be permitted, unless a variance is approved for the increased angle.
2. No off-site sign shall exceed twenty-five feet in height measured from ground level to the base of the sign, unless a variance is approved for the increase in height.
3. No off-site sign shall exceed six hundred seventy-two square feet in area, except for temporary cut-outs or extensions.
4. No off-site sign shall be located within five hundred linear feet of any other off-site sign located on the same side of any public or private street or thoroughfare.
5. All lighting employed on an off-site sign shall be designed so as to eliminate any intrusive glare on public rights-of-way or on neighboring properties.

E. Any provision(s), requirement(s) or restriction(s) of this chapter shall not apply to any off-site sign when said provision(s), requirement(s) or restriction(s) is/are superceded by any other applicable law, court order or litigated settlement.

(Ord. 1028 § 1, 2001; Ord. 987 §1, 1997; Ord. 905 §1, 1992)

(Ord. No. 1167, § 1, 9-25-2012)

17.62.150 - Modification of standards.

Any modification of the standards contained in these regulations shall be subject to the provisions of Chapter 17.72.

(Ord. 822 §1(part), 1989)

17.62.160 - Appeals.

A. Any decision of the director of planning and community development may be appealed, at no cost, to the planning commission. Such appeal must be presented in writing to the director of planning and community development and must indicate why the appellant feels the decision of the director was incorrect or must provide extenuating circumstances which the appellant feels would justify reversal or modification of the director's decision.

B. Any appeal from a decision of the planning commission must be presented in accordance with the provisions of Chapter 17.74 of this title.

(Ord. 822 §1(part), 1989)

Chapter 17.64 - NONCONFORMITIES

17.64.010 - Intent and purpose.

The purpose of the provisions of this chapter shall be to provide for the regulation and eventual elimination of uses and structures not in compliance with the requirements of the zone in which they are located. It is hereby declared that the nonconforming use of land and structures is detrimental to the orderly development of the city and is detrimental to the public health, safety, convenience and general welfare of persons and property within the city. It is further declared that it is the policy of the city that such nonconforming uses shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the property owners of such nonconforming uses. The continuation of nonconforming uses as provided in this chapter is intended to prevent economic hardship and to allow the useful economic value of structures to be consumed or realized within the specified time periods. Nonconforming uses are declared to be illegal and prohibited after the termination dates set forth in this chapter.

(Ord. 964 §5, 1995: Ord. 822 §1(part), 1989)

17.64.020 - Existing uses.

Any existing use or structure which does not conform to the regulations of this title or to any subsequent amendments thereto, but which was in conformance with all ordinances and laws, or which was a legal use on the effective date of Ordinance No. 182, or of any subsequent amendment thereto, shall be classified as nonconforming. A nonconforming building or structure, or a nonconforming portion of a building shall be deemed to constitute a nonconforming use of the land upon which it is located. However, only that portion of the property actually utilized for the nonconforming use shall be considered nonconforming. Any legally existing use or structure existing on the effective date of these regulations, or of any subsequent amendment thereto, which is now listed as a conditional use in the zone district in which it is located shall be classified as a nonconforming use and shall so remain until a conditional use permit has been granted by the planning commission in accordance with the provisions of these regulations.

(Ord. 964 §6, 1995: Ord. 822 §1(part), 1989)

17.64.030 - Continuation.

A lawfully existing nonconforming use or structure may continue to be utilized for a specific length of time as set forth in Section 17.64.130, provided there is no structural alteration, increase or enlargement of area, space or volume occupied or devoted to such use, except as otherwise permitted by these regulations.

(Ord. 822 §1(part), 1989)

17.64.040 - Repairs and alterations.

Such repairs and maintenance work that may be required to keep nonconforming building or structures in a safe and sound condition may be made. However, structural alteration of nonresidential building which would require a building permit shall be limited to those necessary to restore the structure to a safe condition. The allowable extent of alterations shall be limited as provided in these regulations. No repair or alterations made to any nonconforming structure or use shall be construed as authorizing an extension of any time limit for the termination of nonconformity.

(Ord. 822 §1(part), 1989)

17.64.050 - Additions, alterations and reconstruction of nonconforming dwellings.

A. Additions, alterations or reconstruction shall be allowed only for the purpose of relieving overcrowded conditions or to provide adequate living space for the family living on the premises. Such additions, alterations or reconstruction shall not be allowed for the purpose of gaining additional rent or revenue.
B. Additions, alteration or reconstruction shall be allowed only where it can be shown that they would not adversely affect the subject property or the surrounding area, and any such additions, alterations or reconstruction shall require approval of the city.
C. The director of community development is authorized to approve additions and alterations to nonconforming residential

structures within the city, where the addition or alteration does not increase the nonconformity.

(Ord. 822 §1(part), 1989)

(Ord. No. 1232 , § 5, 1-8-2019)

17.64.060 - Additions and alterations to nonconforming nonresidential structures.

Additions and alterations to nonconforming commercial or industrial uses may be authorized only by a conditional use permit granted in accordance with the provisions of this title. The planning commission must make the following findings in order to grant the conditional use permit:

A. That the proposed additions or alterations are needed to relieve overcrowded conditions and to modernize an existing use to the extent that it can successfully operate. Such additions or alterations may not be used for the establishment of a new enterprise.

B. That such additions or alterations shall not be permitted if they would adversely affect the existing development or impede further conforming development of the property or of the surrounding area for permitted uses.

C. The owners of the subject property shall execute a written agreement which provides that any alterations made pursuant to this section shall not extend the time set forth in these regulations for the termination of such nonconforming structure.

(Ord. 964 §7, 1995: Ord. 822 §1(part), 1989)

17.64.070 - Repairs to partially destroyed structures.

A nonconforming building or structure which is damaged or partially destroyed to the extent of not more than fifty percent of its assessed value at that time, may be restored and the occupancy or use of such building, structure or part thereof which existed at the time of such destruction may be continued or resumed; provided, that the total cost of such reconstruction does not exceed fifty percent of the assessed value of the building or structure at the time of such damage, and that such restoration is started within a period of one year of such damage. In the event such damage or destruction exceeds fifty percent of the assessed value of such building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations of the district in which it is located.

(Ord. 822 §1(part), 1989)

17.64.080 - Structures under construction.

Where valid building permits have been issued for a structure prior to the effective date of these regulations, the structure may be completed and used in accordance with the plans and specifications upon which such permits were issued, provided construction is commenced within thirty days after the issuance of the permits and work is diligently pursued to completion within the subsequent six-month period.

(Ord. 822 §1(part), 1989)

17.64.090 - Change of nonconforming use.

No nonconforming use shall be changed to another nonconforming use, nor shall a nonconforming use be extended to displace a conforming use except in accordance with the provisions of this title.

(Ord. 822 §1(part), 1989)

17.64.100 - Reversion to nonconforming status.

Any portion of a nonconforming building or use which is altered or changed to a conforming use shall not thereafter be used for a nonconforming use.

(Ord. 822 §1(part), 1989)

17.64.110 - Abandonment of a nonconforming building or use; extensions.

Where a nonconforming building, structure or use of a building, structure, or land has ceased for a period of ninety days or longer, such nonconformity shall be deemed to be abandoned. All nonconforming rights and privileges pertaining to such nonconforming building, structure or use are terminated on the ninety-first day. However, the property owner may apply for a nonconforming extension permit no later than one month prior to the end of the ninety-day period extending such ninety-day period for a period not to exceed two years. The director of community services may approve, conditionally approve, modify or deny the permit. In the event the director of community development grants such permit, the nonconforming rights and privileges pertaining to such nonconforming building, structure or use shall remain in effect until the earlier of the following events: the nonconforming building or structure is demolished; in the case of a nonconforming use, such use is replaced with a conforming use; or the day after the expiration date of the extension.

(Ord. 822 §1(part), 1989)

(Ord. No. 1162, § 1, 3-13-2012)

17.64.120 - Limitation on other uses.

While a nonconforming use exists on any lot or parcel of land, no new use may be established thereon, unless the following conditions exist:

A. Each existing and proposed use, including all accessory buildings and uses, shall be located on a lot or parcel of land having the area required in the zone district for such use.

B. These uses shall be so located that the lot or parcel of land can be subdivided into individual parcels, each of which shall contain no less area than required by the zone district in which the property is located. All subdivisions shall comply with the requirements of the subdivision ordinance of the city.

(Ord. 822 §1(part), 1989)

17.64.130 - Required termination periods of nonconformities.

Each nonconforming building, structure or use shall be completely removed or altered to conform to the regulations of the zone district in which it is located within the following specified periods of time.

A. Nonconforming Buildings and Structures.	
1. Where the property is developed only with minor structures. A minor structure shall mean any structure not requiring a building permit	Three years

2. Residential structures (single-family residential dwellings, two-family, dwellings three-family dwellings, and multiple-family dwellings) except those structures permitted pursuant to Sections 17.14.035, 17.16.035 and 17.18.035 of this code	Thirty-five years from the date of construction or twenty years from the effective date of the regulations codified in this chapter whichever is later
3. Commercial building and structures (including stores, offices, hotels and the like)	Twenty-five years from date of construction or twenty years from effective date of the regulations codified in this chapter, whichever is later
4. Industrial buildings and structures (including factories, shops and similar industrial buildings)	Forty years from date of construction or twenty years from effective date of from from the regulations codified in this chapter, whichever is later

5. Metal buildings not in compliance with metal building regulations	March 17, 1989
6. On-site signs which have been abandoned or which rotate or have moving lighting devices	One hundred eighty days
7. Any nonconforming structure which is destroyed or damaged to an extent exceeding fifty percent of its replacement value, including nonconforming residential structures	One hundred twenty days from the date of such damage or destruction
8. Any nonconforming structure not covered otherwise by these regulations	Five years from the effective date of the regulations codified in this chapter

B. Nonconforming uses of building or land.

1. Nonconforming use of a conforming structure	Seven years from effective date of these regulations codified in this chapter
2. Mobile home parks	Thirty-five years from date of construction or twenty years from effective date of regulations codified in this chapter, whichever is later
3. All other nonconforming uses	Five years from effective date of these regulations

(Ord. 984 §11, 1996; Ord. 822 §1(part), 1989)

17.64.140 - Determination of the termination date.

The time periods specified in this chapter shall be measured as follows:

A. For nonconforming structures or uses which were conforming immediately prior to the effective date of Ordinance No. 182, the time period shall be measured from the effective date of said ordinance.

B. For structures or uses which hereinafter become nonconforming due to any zone change or other amendment to the zoning ordinance, the time period shall be measured from the effective date of such zone change or amendment.

C. For structures or uses which first became nonconforming by the provisions of any city or county ordinance prior to the effective date of Ordinance No. 182, the time period shall be measured from the date such structures or uses first became nonconforming.

(Ord. 964 §8, 1995: Ord. 822 §1(part), 1989)

17.64.150 - Removal of structures.

Prior to the expiration of the termination period, the nonconforming structure shall be completely removed or brought into compliance with the requirements of these regulations. The city shall not be liable for the cost of altering or removing any nonconforming structure or use. If the nonconforming use or structure is not brought into compliance with the requirements of these regulations, or removed in accordance with the date established in this chapter, the city shall have the right to declare the structure to be a public nuisance and to cause its removal in accordance with the provisions of Chapter 8.36.

(Ord. 964 §9, 1995: Ord. 822 §1(part), 1989)

17.64.160 - Extension of termination date.

In establishing the termination date for nonconforming structures and uses, it is recognized that there may be some uses which entail a substantial investment in time and money and which may require a greater period of time to amortize than provided in Section 17.64.130. Any party may petition the planning commission for an extension of time for the termination of a nonconforming use or structure. The planning commission shall conduct a hearing on the petition and shall determine the appropriateness of the request. A copy of the recommended action shall be forwarded to the city council for final disposition.

(Ord. 822 §1(part), 1989)

17.64.170 - Appeals.

Any party who has been administratively ordered by the city to terminate a nonconforming use shall have the right of appeal to the city council if he has reason to feel that such order is unreasonable or would cause undue hardship. The city council may affirm the order or may extend the date upon which the nonconformity must be terminated.

(Ord. 822 §1(part), 1989)

17.64.180 - Public and quasi-public uses.

A lawfully existing nonconforming school, park, library, fire station, church or other public or quasi-public use may be added to, extended or altered; provided, that such additions, extensions or alterations do not extend beyond the boundaries of the existing site; and provided that such additions, extensions or alterations comply with the development standards and all other provisions of this title.

(Ord. 822 §1(part), 1989)

17.64.190 - Public utilities.

The planning commission, by written finding, may determine that a particular public utility facility or installation, nonconforming to the requirements of this title, is necessary to serve the areas in which it is located. The public utility facility may then be extended, or altered provided the facility does not extend beyond the boundaries of the existing site, and provided that the addition, extension, or alteration complies with all other provisions of this title.

(Ord. 822 §1(part), 1989)

Chapter 17.66 - AMENDMENTS TO ZONING REGULATIONS

17.66.010 - General.

Whenever the public necessity, convenience or general welfare will be benefitted, the city council may amend the regulations herein, adjust the boundaries of zone districts, or reclassify properties. Insofar as possible, amendments should be in agreement with officially adopted city policies and plans, and shall be consistent with general plan.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.020 - City policies and plans review.

In the event a proposed amendment is inconsistent with current city policies and plans, review by the planning commission of such proposed amendment and of current city policies and plans shall be coordinated so that the city council will be able to consider in one proceeding any recommended amendments to city policies and plans necessary to retain consistency by reason of such amendment.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.025 - Consistency with hazardous waste management plan.

Any decision on a proposed zoning amendment shall be consistent with the portions of the county of Los Angeles hazardous waste management plan as approved November 30, 1989, relating to siting of and siting criteria for hazardous waste facilities.

(Ord. 963 §39(part), 1995; Ord. 888-U §1, 1990: Ord. 887 §1, 1990)

17.66.030 - Initiation of amendments.

A. Text Amendments. Text amendments may be initiated by a motion of the city council or the planning commission or by the director of planning development.

B. Property Rezoning. Property rezoning may be initiated by a motion of the city council or the planning commission, by the director of community development, or by an application signed by the owner(s) of all property affected. The application must be on forms prescribed by the planning commission and must be submitted to the community development department. Unless an application is made by a public agency or duly constituted governmental body, it must be accompanied by a fee established by written resolution of the city council.

C. Property Prezoning. An unincorporated area may be prezoned to determine the zoning that will apply in the event of subsequent annexation to the city. Procedures for initiation are the same as for property rezoning.

D. Property Interim Zoning. Properties not prezoned upon annexation must be interimly zoned. The planning commission must consider permanent (precise) zoning thereafter at its earliest convenience.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.040 - Planning commission procedure.

A. Public Hearing. The planning commission shall hold at least one public hearing on all text amendments and property rezoning proposals. No public hearing shall be required for interim zoning proposals.

B. Public Notice. Notice of public hearing shall be made in accordance with Chapter 17.74.

C. Options. The planning commission may disapprove, continue to a later meeting, or recommend approval of a text amendment or property rezoning to the city council. Recommendations for approval shall be based on the following findings.

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience and general welfare of the citizens of the city; and
2. The proposed change is in conformance with the purpose of this chapter and with all applicable, officially adopted policies and plans; and
3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified; and
4. All uses permitted when the property is reclassified will be compatible with present and potential future uses, and further, existing regulations applying to the property in question.

D. Appeal. The applicant, or any other interested party, may appeal the decision of the planning commission to the city council in accordance with provisions of Chapter 17.74.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.050 - City council procedure.

A. Public Hearing. The city council must hold at least one public hearing on each planning commission recommendation to amend the text of this title or to reclassify property. No public hearing shall be required for interim zoning.

B. Public Notice. Notice of public hearing shall be made in accordance with Chapter 17.74.

C. Options. Text amendments and zoning decision of the planning commission may be modified, approved, disapproved, continued to a later meeting or returned to the planning commission for further study and recommendations. The council's decision must be based on the required findings contained in Section 17.66.040.

D. Effective Date. The city council's decision to approve a text amendment or rezoning shall become effective thirty days from the date of adoption of the ordinance approving the change. All other decisions shall become effective fourteen days after approval.

E. Prezoning Time Limit. If, within one year of official city council approval of a prezoning the subject area has not yet been

annexed to the city, the approval may be subject to reconsideration by the planning commission and city council.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.060 - Expanded area of consideration.

When in the opinion of the director of community development, or upon direction of the planning commission or city council, it is determined that an area subject to reclassification consideration should be expanded or contracted to fulfill the findings specified in Section 17.66.040, the procedure required for approval is the same as specified for the commission and council in Sections 17.66.040 and 17.66.050. Said expansion may be initiated by the director of community development, planning commission or the city council. Final reclassification may include all, a portion, or none of the expanded or contracted area.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.070 - Reapplication.

Reclassification shall not be reconsidered within one year from the date of the last official action taken unless the submittal is first approved by the planning commission or city council.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.66.080 - Reclassification—Conditions attached or attachable.

Conditions of approval for reclassification shall not be cited in ordinances of reclassification. Whenever prerequisite conditions are deemed necessary, ordinances of reclassification shall not be finally acted upon until provisions for compliance have been made.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

Chapter 17.68 - CONDITIONAL USE PERMITS

17.68.010 - Purpose.

The purpose of the conditional use permit is to afford the commission the opportunity to review proposed uses, structures, or facilities which could have an adverse effect upon the surrounding area and to place such reasonable conditions upon these uses and developments as to make them more compatible with their surroundings. These conditions may supercede the development standards required elsewhere, but will not permit uses not otherwise permitted.

A conditional use permit shall be required for any use within a zone district which is designated as a conditional use by the district regulations or for such other uses which, by their scope, scale, or nature, would not specifically be permitted uses within any designated zone district, but which would be recognized as uses that would be beneficial to the community as a whole.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.020 - Application and fee.

When it is determined that a conditional use permit is required, application shall be made upon forms prescribed by the commission and shall be accompanied by such exhibits, maps or documents deemed necessary to provide the commission with complete information regarding the request. At the time the application is submitted, a fee, established by written resolution of the city council, shall be paid. No part of the required fee shall be refundable unless the application is withdrawn prior to the publication of the notice of public hearing.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.030 - Public hearing.

Upon receipt of the required application and fee, the commission shall set a hearing date which shall be advertised as provided in Chapter 17.74 of these regulations.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.040 - Required findings.

The commission shall find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the city in general. If it fails to make these findings, the request shall be denied.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.045 - Consistency with hazardous waste management plan.

Any decision on a proposed zoning amendment shall be consistent with the portions of the county of Los Angeles hazardous waste management plan as approved November 30, 1989, relating to siting of and siting criteria for hazardous waste facilities.

(Ord. 963 §39(part), 1995; Ord. 888-U §2, 1990: Ord. 887 §2, 1990)

17.68.050 - Commission actions.

The commission may grant, conditionally grant, or deny a conditional use permit based on the required findings, on evidence presented by the staff report, the public hearing, or upon its own study and knowledge of the situation.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.060 - Conditions of approval.

The commission may attach such reasonable conditions of approval as it deems are necessary to ensure that the proposed use will be compatible with the surrounding area and with the goals of the city. Such conditions may include, but are not limited to, setbacks, building height, parking, landscaping, and architecture. All conditions shall be binding upon the applicants, their successors and assigns and shall run with the land; shall limit and control the issuance and validity of certificate of occupancy, and shall restrict and limit the construction, location, use and maintenance of all land and structures within the parcel, lot or development.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.070 - Violation of conditions.

Should any violation of conditions of approval occur, the planning commission may after appropriate public notice, reopen the public hearing on the conditional use permit and may impose additional conditions to rectify any violations or may, if such is shown to be warranted, revoke the conditional use permit for cause.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.080 - Notice of decision.

Not later than ten days following the commission's decision to grant or deny the conditional use permit, the applicant shall be notified in writing of the commission's decision.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.090 - Effective date and appeal.

If approved, the conditional use permit shall become effective within fourteen days following the commission's approval. The applicant or any other person aggrieved by the commission's decision may appeal to the city council in accordance with Chapter 17.74 of these regulations.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.68.100 - Expiration and extensions.

A. Unless otherwise specified, the conditional use permit, if not utilized within twenty-four months from the effective date, shall be deemed null and void. The abandonment or nonuse of a conditional use permit for three consecutive months or for six months during any calendar year, shall terminate the conditional use permit.
B. If the conditional use permit is not utilized within the twenty-four-month timeframe, the applicant may apply for an extension before the expiration of the permit on a form approved by the community development director.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 6, 7-23-2019)

Chapter 17.70 - VARIANCES

17.70.010 - Purpose.

Variances from the terms of the zoning regulations shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the provisions of these regulations deprives such property of privileges enjoyed by other property in the vicinity and under the identical zoning classification.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.020 - Conditions.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is situated.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.030 - Variance prohibited.

A variance shall not be granted which authorizes a use or activity which is not otherwise expressly authorized by the regulations which govern the zone district in which the parcel or property is located.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.040 - Required findings.

No variance shall be granted by the commission unless it finds:

A. That the strict application of the zoning regulations would result in practical difficulties or unnecessary hardships, not of the applicant's making;
B. That there are exceptional circumstances or conditions applicable to the property involved that do not apply to other property in the vicinity and in the identical zone;
C. The approval of the variance will not result in a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the identical zone; and

D. That the granting of the variance will not be in conflict with the general plan or with any approved specific plan or neighborhoo

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.045 - Consistency with hazardous waste management plan.

Any decision on an application for a variance shall be consistent with the portions of the county of Los Angeles hazardous waste management plan as approved November 30, 1989, relating to siting of and siting criteria for hazardous waste facilities.

(Ord. 963 §39(part), 1995; Ord. 888-U §3, 1990: Ord. 887 §3, 1990)

17.70.050 - Application and fee.

Application for variances shall be filed with the commission upon forms, and accompanied by such data as may be prescribed by the commission, so as to assure the fullest practical presentation of the facts for the public record. The filing fees for variances shall be established by written resolution of the city council and no part of such fee is refundable unless the application is withdrawn prior to publication of the notice of public hearing. No fee shall be required of any recognized civic or governmental organization.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.060 - Public hearing.

Upon the filing of an application for a variance from the provisions of these regulations, the commission shall set a date for a public hearing before the commission on the matters contained in the application.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.070 - Commission action.

If, from the facts presented with the application at the public hearing, or by investigation by, or at the direction of the commission, the commission makes the findings set forth in Section 17.70.040 above, the commission may grant the requested variance, in whole or in part, upon such terms and conditions as it may deem necessary to conform with the general intent and purpose of these regulations. If the commission fails to make the required findings, the application shall be denied. Each decision by the commission, authorizing a variance from the regulations established by this title shall be by written resolution adopted by a majority of its membership, setting forth the required findings.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989).

17.70.080 - Conditions of approval.

The commission may attach such reasonable conditions to the approval as it deems necessary to ensure that the proposed use will be compatible with the surrounding area and with the goals of the city and that the variance will not constitute a grant of special privilege. All conditions shall be binding upon the applicants, their successors, and assigns, and shall run with the land; shall limit and control the issuance and validity of certificates of occupancy, and shall restrict and limit the construction, location, use and maintenance of all land and structures within the parcel, lot or development.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 7, 7-23-2019)

17.70.085 - Expiration.

If the variance is not utilized within the twenty-four-month timeframe, the applicant may apply for an extension before the expiration of the permit on a form approved by the community development director.

(Ord. No. 1237 , § 7, 7-23-2019)

17.70.090 - Notice of decision.

Not later than ten days following the commission's decision to grant or deny the variance, the applicant shall be notified in writing of the commission's decision.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.100 - Effective date and appeal.

No variance authorized or granted by the commission shall become effective until after an elapsed period of fourteen days from the date the determination is made, during which time a written appeal from the decision may be taken to the council by the applicant or any person aggrieved or affected by such determination. (Any appeal of a decision, by the commission, must be made in accordance with the provisions of Chapter 17.74 of these regulations.)

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.70.110 - Continuation of existing variances.

Variances granted by the commission prior to the effective date of the adoption of these regulations or of any amendment thereto may be continued provided all conditions of such variances continue to be met.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

Chapter 17.72 - MODIFICATION OF DEVELOPMENT STANDARDS

17.72.010 - Purpose.

The purpose of the modification of development standards is to permit a property owner or tenant to deviate from the strict application of property development standards of the zone district in which his property is located in cases of demonstrable hardships not warranting the granting of a variance. Such deviations shall be minor in nature.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.020 - Authority.

All modifications of development standards must be approved by the community development director or their designee who shall have the authority to modify standards as they apply to yard and setback requirements, building height, sign height or area, parking and landscaping.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.030 - Extent of modification of development standards.

A. Yard and setback standards may be modified by twenty percent of the zone district requirements.
B. Building height standards may be modified by ten percent of the zone district requirements.
C. Maximum sign height requirements may be modified by twenty percent and maximum sign area requirements may be modified by twenty percent.
D. Parking requirements may be modified by:

1. Ten percent; or
2. Twenty percent with an approved valet parking plan.

E. Landscaping requirements may be modified by ten percent of the zone district and parking ordinance requirements.

(Ord. 963 §39(part), 1995; Ord. 925 §1, 1993; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.040 - Application and fee.

A request for modification of development standards shall be filed on forms prescribed by the community development director and shall be accompanied by a plot plan(s) and a fee, as established by written resolution of the city council.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.050 - Plans required and plot plan review.

A plot plan shall be submitted to the director of community development for any use requiring a modification of development standards. The plot plan shall include, but shall not be limited to, location of building and structures, areas designated for off-street parking and loading, circulation, landscaping, trash enclosures and the location of mechanical equipment. The community development director or their designee shall review the plot plan and requested modification of standards to ensure that the intent and purpose of the zone district in which the property is located is implemented, that the requested modification is within the limits of Section 17.72.030 that the required showings have been made.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.060 - Required showing by the applicant.

Before any modification of standards will be granted, the applicant shall be required to make the following showing:

A. That the modification requested is warranted by conditions applicable to the subject property;

B. That the modification, if granted, would not be detrimental to the property owners in the area or to the general public.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.070 - Conditions of approval.

Any modification of development standards granted shall be subject to such conditions as will ensure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and in the zone district within such property is located.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.080 - Notice of decision.

Following the action by the community development director or their designee, in granting or denying the request for a modification of development standards, a letter shall be mailed to the applicant at the address shown on the application form and to any other person requesting a copy, advising of the decision made.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.090 - Expiration.

Unless otherwise specified in the action granting the modification of development standards, any modification which has not been utilized within six months from the effective date of approval shall be null and void. The abandonment or nonuse of a modification for any period of six consecutive months shall terminate the modification and any privileges granted thereunder shall become null and void. A six-month extension may be granted by the community development director.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.100 - Appeal.

An appeal of a decision of the community development director may be made to the planning commission.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

17.72.110 - Final review of plans.

Before a building permit may be issued, the director of community development, or his representative, shall sign the plot plan certifying that it complies with the conditions established and with the intent and purpose of the zone district in which the property is located.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

(Ord. No. 1237 , § 8, 7-23-2019)

Chapter 17.74 - PUBLIC HEARINGS—PROCEDURE AND CONDUCT

17.74.010 - Setting the public hearing.

When an application requiring a public hearing has been filed, the matter shall be set for public hearing before the planning commission. The date of such hearing shall be not less than ten days nor more than sixty days from the date an application requiring a public hearing is filed.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.74.020 - Notice of public hearing.

A. Notice of a scheduled public hearing shall be prepared not less than ten days prior to the date set for the hearing. As a minimum the notice shall include:
    1. The matter under consideration;
    2. The date, time, place and body before which the hearing will be held;
    3. An invitation to proponents and opponents to give testimony on the matter under consideration.
B. The notice of a scheduled public hearing shall be posted, not less than ten days prior to the date set for the hearing, in the locations prescribed in Chapter 1.20 of this code.
C. Except for text amendments, a copy of the notice of public hearing shall be sent to all owners of property located within a

radius of three hundred feet of the exterior boundaries of the property to which the public hearing applies. The list of property owners shall be taken from the latest assessment roll of Los Angeles County. This notice shall be mailed not later than ten days prior to the date of the public hearing.

(Ord. 963 §§39(part), 40, 1995; Ord. 822 §1(part), 1989)

17.74.030 - Conduct of the public hearing.

All public hearings shall be conducted in accordance with the rules and procedures established by the city council or planning commission for such hearings.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.74.040 - Announcement of commission decision.

All decisions of the commission in matters requiring a public hearing shall be announced by written resolution adopted by a majority of the members of the commission present.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.74.050 - Appeals—Council review.

A. Any person may appeal any decision of the planning commission to the city council by filing a written appeal with the city clerk no later than ten calendar days after the effective date of the decision; provided, however, that if city hall is not open for business on the tenth day of the appeal period, the appeal period is extended to include the next business day.
B. Any two members of the city council may call any decision of the commission for review by the city council by filing a written review request with the city clerk no later than ten calendar days after the effective date of the decision. The request shall state: "The request for review has been filed because the subject matter of the decision pertains to a matter of city-wide importance that should be considered by the city's elected officials."
C. The appeal or review request stays the effectiveness of the decision until the matter is resolved pursuant to Section 17.74.070.

(Ord. 1048 §1, 2003: Ord. 963 §§39(part), 41, 1995; Ord. 822 §1(part), 1989)

17.74.060 - Required information—Appeal.

The written appeal, filed with the city clerk, must indicate in what way the appellant feels the planning commission's decision was incorrect or must provide extenuating circumstances which the appellant feels would justify reversal or modification of the commission's decision.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.74.070 - City council public hearing—Notice.

An appeal from or a council review of a planning commission decision shall be scheduled for a de novo public hearing within forty days of the date the written appeal is filed. The city shall provide written notice to the applicant, appellant and all persons who addressed the planning commission on the matter, at least ten days prior to the public hearing. After the public hearing, the city council may: affirm, reverse or modify the commission's decision; remand the matter to the commission; or continue the matter. The council's authority to modify the commission's decision includes but is not limited to imposing additional conditions. The council's decision shall be final and may be rendered by resolution or minute order unless state law requires a resolution. Notwithstanding any other provision in this Code, the commission's decision shall be reinstated when the council is unable to reach a decision for any reason, including a tie vote or series of tie votes, within forty days of the close of the public hearing. In such case, the effective date of the decision shall be the fortieth day after the close of the public hearing, and the Commission's decision shall be final.

(Ord. 1048 §2, 2003)

Chapter 17.76 - HOME OCCUPATIONS

17.76.010 - Purpose.

The purpose of this chapter is to permit a variety of home occupations within the residential zones while insuring that such uses are conducted in such a way as to ensure that no adverse effects will result.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.76.020 - Home occupation defined.

"Home occupation" means any occupation conducted entirely within the living area of a dwelling unity by persons residing therein, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold, and no use of any accessory building or yard space or activity outside of the dwelling unit not normally associated with residential use. Home occupations shall also include the parking or keeping of not more than two unmarked limousines or passenger vans used in connection with transporting persons for hire. The home occupation shall not generate a character and volume of vehicular or pedestrian traffic not normally associated with residential use.

(Ord. 963 §39(part), 1995; Ord. 871 §1, 1989; Ord. 822 §1(part), 1989)

17.76.030 - Permit required.

Any individual desiring to conduct a home occupation must first obtain a permit to do so from the director of community development.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.76.040 - Application and fee.

Requests for home occupation permits shall be submitted to the director of community development on forms prescribed by the planning commission and the application shall be accompanied by such fee as established by resolution of the city council.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.76.050 - Consideration and approval.

Following submittal of the application and fee, the director of community development shall review the application and if it meets the criteria of approval, shall approve the application. The applicant shall execute an affidavit at the time of approval agreeing to the following conditions:

A. There shall be no employment of help other than members of the resident family;
B. The use shall not generate vehicular or pedestrian traffic not normally associated with residential uses;
C. No sale or exchange of merchandise shall take place on the premises;
D. No accessory building or yard space use or activity outside of the dwelling unit shall be permitted in connection with the home occupation;
E. No use of commercial vehicles for delivery of goods or materials to or from the premises shall be permitted;
F. No signs or other advertising shall be permitted on the premises;
G. The exterior appearance of the building or of the premises shall not be altered in any manner which changes its

residential character;

H. In connection with the parking of limousines or vans used in connection with transporting persons for hire, said vehicles will be parked or kept only in an enclosed garage or on a paved driveway leading to a garage. No person may perform maintenance services on such a vehicle located in the residential zone other than washing, waxing, checking and adding (but not changing) oil, cleaning windows and windshields, or replacing damaged tires.

(Ord. 963 §39(part), 1995; Ord. 871 §2, 1989; Ord. 822 §1(part), 1989)

17.76.060 - Annual renewal of permit.

The applicant shall be required to execute the affidavit described in Section 17.76.050 annually, during the month of June. Failure to comply shall result in the termination of the home occupation permit.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.76.070 - Termination of permit.

The home occupation permit may be terminated for any of the following reasons:

A. Violations of any of the conditions of Section 17.76.050;

B. Failure to execute the annual affidavit; or

C. If the permittee vacates the premises or ceases the home occupation for a period of ninety days.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.76.080 - Appeal.

If the home occupation permit is terminated for any of the reasons cited in Section 17.76.070, and the permittee feels that the decision to terminate was incorrect, he may appeal the action to the planning commission in writing, outlining the reasons that he feels that the action of the director of community development was incorrect or arbitrary and including any extenuating circumstances he feels are appropriate.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

Chapter 17.77 - TEMPORARY USE PERMITS

Sections :

17.77.010 - Purpose and intent.

The purpose of this chapter is to control and regulate land use activities of a temporary nature which may adversely affect the public health, safety and welfare. The intent is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residents and land owners, and to minimize any adverse effects on surrounding properties and the environment.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.020 - Authority.

The community development director has the authority to approve, conditionally approve or to deny such request. The community development director may establish conditions and limitations to minimize detrimental effects on surrounding properties, including but not limited to hours of operation, provision on parking, signing, lighting, and traffic circulation access.

The community development director also may require a cash deposit or cash bond to defray the costs of cleanup of a site by the city in the event the applicant fails to leave the property in a presentable and satisfactory condition, or to guarantee removal and/or re-conversion of any temporary use to a permanent use allowed in the subject zoning district.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.030 - Application.

The property owner or the owner's authorized representative shall file an application for a temporary use permit with the planning division at least ten days prior to the date the proposed use takes place. Circus carnivals, fairs or similar amusement enterprises must submit an application thirty days prior to date the proposed use takes place.

The application form shall be filed along with any data and information deemed necessary to evaluate and process the application as may be required by the community development director.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.040 - Required findings.

The application shall not be approved as submitted or in modified form unless the community development director makes the following findings:

A. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the general plan and the provisions of the zoning ordinance.
B. Approval of the application will be compatible with, and not detrimental to uses, property or improvements in the surrounding area.
C. Approval of the application will not be detrimental to the public health, safety or general welfare.
D. The proposed temporary use complies with the various provisions of this chapter.
E. All building, electric, plumbing, fire, encroachment or other permits required by city ordinances shall be obtained.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.050 - Permitted uses for outdoor events.

The following uses may be allowed in the commercial or manufacturing zones, subject to the issuance of a temporary use permit for outdoor events and sales:

A. Christmas Tree Lots or Pumpkin Sale Lots. For a maximum of thirty days per calendar year per event.
B. Circuses, Carnivals, Fairs, or Similar Amusement Enterprises. For a maximum ten-day period, provided the applicant provides safety certification of rides and equipment. If the proposed event is within five hundred feet of any residential zone, the applicant shall mail notice of the event at least twenty-one days prior to the proposed date of the event to all property owners within four hundred feet of the proposed event.
C. Outdoor Meetings, Outdoor Art and Craft Shows, Group Activities, or Sales within Parking Areas. For a maximum of seven consecutive days in each ninety-day period.
D. Sales, Bazaars, Dinners, Parties or Other Outdoor Events (other than those uses listed in [subsections] (A) and (B) above) Held By and On the Property of a Religious Institution. Provided the religious institution can provide evidence, to the reasonable satisfaction of the community development director, of 501(c) Federal Revenue and Taxation Code status, concurrently with the application.
E. Outdoor Display and Sale of Merchandise, Such as Sidewalk Sales. For merchandise regularly sold on the premises of the immediately adjacent business, for a period not to exceed three consecutive days in a ninety-day period. See Code Sections 17.14.205, 17.16.205 and 17.18.195 for additional requirements applicable to the outdoor display of merchandise for sale.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.060 - Development standards for outdoor events.

Any temporary use permit for outdoor events shall be subject to the following conditions:

A. Any outdoor sales and display area shall be located immediately adjacent to the building at the main entrance along walkways adjacent to the street elevation.

B. Any outdoor sales and display area shall not encroach into the city right-of-way or into the code required parking area.

C. All outdoor sales and display areas shall be subject to the following:

1. Merchandise shall be displayed in a manner that allows free access from all doorways to a separate pedestrian walkway.

2. Merchandise shall be displayed in a manner that allows a minimum designated four-foot walkway for pedestrians.

3. Except at specified access points, designated pedestrian walkways shall be physically separated from vehicular traffic by a change in elevation, bollards, a fence, hedge, temporary merchandise displays or other physical barrier.

4. Merchandise displays shall not block designated fire lanes.

5. Merchandise displays shall be subject to the review and approval of the community development director.

D. Any outdoor sales and display of merchandise shall be limited to the following days: Friday, Saturday, and Sunday on non-holiday weekends and to Friday, Saturday, Sunday and Monday on holiday weekends. Holidays will be defined as federal holidays and include New Year's Day, Birthday of Martin Luther King Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas.

E. Sales of alcohol are prohibited at any outdoor sales and display, or outdoor event.

F. Sales of food products for preparation or consumption off-premises are prohibited at any outdoor sales and display, or outdoor event.

G. Sales of prepared food may be permitted subject to the discretion of the community development director.

No merchandise, products or items shall be stored outside an enclosed structure. On a daily basis, all merchandise products and items must be relocated inside the building or within an approved storage area when the store is closed for business.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.070 - Indoor events.

The following uses may be allowed in within an enclosed structure or building in the commercial and industrial zones, subject to the issuance of a temporary use permit for indoor events and sales:

A. Indoor Meetings, Art and Craft Shows, Group Activities or Sales. For a maximum of three consecutive days in each ninety-day period.

B. Bazaars, Dinners, Company Parties or Other Similar Events. A maximum of one event in a one hundred eighty-day period.

C. Events Held By and On the Property of a Religious Institution. Provided the religious institution can provide evidence, to the reasonable satisfaction of the community development director, of 501(c) Federal Revenue and Taxation Code status, concurrently with the application.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.080 - Development standards for indoor events.

The temporary use permit shall be subject to the following conditions:

A. The applicant shall provide a floor plan showing all entrances and exits of the proposed facility to be used for the event.

B. The applicant shall provide a security plan to ensure the safety of the people attending the event.

The floor plan for the proposed facility will be reviewed and approved by the fire department, and the security plan shall be reviewed and approved by the sheriff's department prior to the event. The above information must be submitted twenty-one days prior to the event to provide adequate time to review the application.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.090 - Prohibited uses.

Rave parties or other similar types of events shall not be permitted in any zone.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.100 - Other regulated uses.

Unless otherwise indicated in this Chapter 17.77, the provisions of this chapter do not apply to the following: fireworks stands; garage and yard sales; outdoor storage and operation; outdoor markets; swap meets; or public dances. Regulations pertaining to the following uses can be found in the following portions of this Code:

A. Fireworks Stands: Chapter 8.08.

B. Garage and Yard Sales: Chapter 5.10.

C. Outdoor Storage and Operations: Sections 17.14.200, 17.16.200, 17.18.190.

D. Outdoor Markets: Section 17.18.050(D).

E. Public Dances: Chapter 9.40.

(Ord. No. 1143, § 1, 1-25-2011)

17.77.110 - Appeals.

The applicant or any interested party may appeal the decision the community development director to the planning commission in writing within ten days of such decision. The decision of the planning commission shall be final.

(Ord. No. 1143, § 1, 1-25-2011)

Chapter 17.78 - HISTORIC PRESERVATION

17.78.010 - Title.

The provisions of this chapter shall be known as the historic and aesthetic resources management ordinance of the city or by the short title of "the historical ordinance."

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.020 - Purpose.

It is the purpose of this chapter to provide special conditions and regulations for the protection, enhancement, perpetuation and use of places, buildings, structures, works of art, and other objects, having a special character or special historical or aesthetic interest or value, within the meaning of California Government Code Section 37361.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.030 - Definitions.

For the purposes of this chapter:

A. "Alteration" means any exterior change or modification, through public or private action, of any landmark or of any property located within an historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as paint, color and surface texture, grading, surface paving, features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plagues, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

B. "Designated site" means a parcel or part thereof on which a landmark is situated, and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated, and which has been designated a designated site pursuant to this chapter.

C. "Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surface of a landmark, including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such landmark.

D. "Historic district" means any area containing improvements which have a special historical or aesthetic interest or value or which represents one or more architectural periods or styles of a distinct section of the city that has been designated a historic district pursuant to this chapter.

E. "Improvement" means any building, structure, place parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

F. "Landmark" means a place, building, structure, work of art, or other object, having a special character or special historical or aesthetic interest or value, within the meaning of California Government Code Section 37361.

G. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

H. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of a landmark.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.040 - Cultural resources management commission.

A. There is established in the city a cultural resources management commission, ("commission") empowered to designate, oversee, protect and manage the landmarks and historical districts of the city.

B. The planning commission is designated to sit as the commission and is empowered with all power and authority to perform all of the duties hereinafter enumerated and provided with respect to landmarks and historical districts.

C. The commission shall, when necessary, consider the opinions of professionals in the field of cultural resources and historic preservation, published documents, newspaper accounts, and environmental documents relating to the resource under consideration, as well as the member of preservation related organizations such as historical societies, museums, heritage groups and civic clubs, as well as members of professional bodies such as licensed architects, attorneys, and urban planners. Also to be considered are the interests, opinions and views of the affected property owners and residents in deliberations concerning cultural resources of the city.

D. The term of the members of the commission shall run concurrently with their respective terms as appointed members of the planning commission.

E. The commission shall adopt its own policies, procedures, operating rules, and bylaws, subject to approval by the city council.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.050 - Commission powers and duties.

The powers and duties of the commission are as follows:

A. Prepare or cause to be prepared a comprehensive inventory of potential landmarks and historical districts within the

city;

B. Recommend to city council designation of specific sites as landmarks and historical districts within the city;

C. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning programs undertaken by any agency of the city, the county, or state, as they relate to the cultural resources of the community;

D. Review application for permits to construct, change alter, modify, remodel, remove, or significantly affect any landmark or historical district;

E. Review and comment upon all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as they affect landmarks or historical districts;

F. Approve or disapprove, in whole or in part, applications for permits pursuant to Sections 17.78.080 through 17.78.100;

G. Make recommendations to the council concerning the acquisition of development right, facade easements, and the imposition of other restrictions and the negotiation of historical property contracts for the purpose of historic preservation;

H. Recommend acceptance of dedications of private property for purposes of public areas, maintenance, landmark designation, historic easements, or any other easement or dedication, pursuant to preservation and maintenance of the city's cultural resources;

I. Increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs and by recommending the update of the preservation program;

J. Make recommendations to the council concerning the utilization of grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic or architecturally significant structures in the city;

K. Evaluate and comment upon decisions by other public agencies affecting the physical development and land use patterns in designated sites and areas;

L. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation;

M. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public records;

N. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any landmark or historic district, or neighboring property within public view;

O. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources;

P. Perform any other functions that may be designated by resolution or motion of the city council;

Q. To perform all functions, powers and authorities to achieve the goals and purpose stated in Section 17.78.020.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.060 - Designation criteria.

For the purpose of this chapter, an improvement may be designated a landmark by the city council, and any area within the city may be designated an historic district by the city as hereinafter provided if it meets the following criteria:

A. It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, or architectural history; or

B. It is identified with persons or events significant in local, state, or national history; or

C. It embodies distinctive aesthetic characteristics of a style, type, period, or method of construction, or is a valuable aesthetic example of the use of indigenous materials or craftsmanship; or

D. It is representative of the notable aesthetic work of a builder, designer or architect.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.070 - Designation procedures.

Landmarks and historic districts shall be designated by the city council in the following manner:

A. Any person may request the designation of a landmark or the designation of an historic district by submitting an application for such designation to the commission. The commission or city council may also initiate such proceedings on their own motion.

B. The commission shall conduct a study of the proposed designation and make a preliminary determination based on such documentation as it may require, as to its appropriateness for consideration. If the commission determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing with due speed and so notify the applicant (if any) in writing.

C. No building, alteration, demolition or removal permits for any improvement, building or structure within the proposed historic district or relative to a proposed landmark shall be issued while the public hearing or any appeal related thereto is pending.

D. In the case of a proposed landmark, notice of the date, place, time and purpose of the hearing shall be given by first class mail to the applicants, owners, and occupants of the landmark at least ten days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls, and shall be advertised once in a newspaper of general circulation.

E. In the case of a proposed historic district, notice of the date, place, time and purpose of the hearing shall be given by first class mail to the applicant, owners and occupants of all properties within the proposed district at least ten days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls, and shall be advertised once in a newspaper of general circulation.

F. At the conclusion of the public hearing, but in no event later than thirty days from the date set for the initial public hearing for the designation of a proposed landmark or historic district, the commission shall recommend to the city council approval in whole or in part, or disapproval in whole or in part of the application in writing.

G. The city council, within thirty days of receipt of the recommendations from the commission, shall by resolution approve or conditionally approve the application in whole or in part, or shall by motion disapprove it in its entirety.

H. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with the proposed designation. The commission and council may also give such other notice as they may deem desirable and practicable.

I. Any determination of the commission pursuant to this chapter shall be subject to appeal to the city council pursuant to the provisions of Sections 17.74.060 and 17.74.070.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.080 - Permits.

A. It is unlawful for any person to tear down, demolish, construct, alter, remove, or relocate any landmark, or any portion thereof, which has been designated as a landmark pursuant to the provisions of this chapter, or which lies within a designated historic district, or to alter in any manner any exterior architectural feature within an historic district, or to place, erect, alter or relocate any sign within an historic district or on a landmark, without first obtaining written approval to do so in the manner provided in this chapter, nor shall the building official grant any permit to carry out such work on a designated landmark or within an historic district, without the prior written approval of the commission.

B. While a potential landmark or historic district is under consideration by either the commission of the city council, the building official shall not grant or issue any permit that would tear down, demolish, construct, alter, remove or relocate any such potential landmark or historic district, or portion thereof.

C. The commission staff shall be responsible for informing the building official of nomination procedures of potential landmarks or historic districts, in the most expedient manner.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.090 - Permit—Procedure.

The following procedures shall be followed in processing applications for approval of work covered by this chapter:

A. Prior to the submission of an application for a building or other permit involving any designated or potential cultural or historic district under consideration by the commission or the council, the proposal must first be reviewed and cleared by the planning division to ensure compliance with this chapter and with other provisions of this title.

B. Such applications shall be accompanied by such materials as are required by the commission and are reasonably necessary for the proper review of the proposed project. Such materials may include, but are not limited to, front, side and rear elevations, exterior drawings, a site plan, materials samples, photographs, historical data, illustrations of proposed grading or drainage, landscaping plans, and line drawings of adjacent properties (especially where the height of an existing improvement will be altered or in the case of new construction).

C. If no other city permit is required to pursue work on a landmark or historic district designated or under current consideration, whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply for approval to the commission staff directly.

D. The building official shall report any application for a permit to work on a designated or potential (under current consideration) landmark or historic district for which clearance has not been granted by the city to the commission staff directly. No application for any permit shall be accepted until and unless clearance has been given the staff.

E. An environmental impact report (EIR) or negative declaration shall be required in conformance with the provisions of the California Environmental Quality Act (CEQA), with respect to demolition or alteration of any potential landmark or historic district. The findings of the environmental document shall be considered in the issuance or denial of permits. Should the commission or city council hold in opposition to the findings of the environmental document, a written statement of overriding concern shall be made by the issuing body. All costs for production of the environmental documents shall be borne by the applicant.

F. The commission shall complete its review and make a decision within thirty days of the date of receipt of the application. Unless legally required, there shall be no notice, posting or publication requirements for action on the application, but all decisions, interim or final, shall be made at regular meetings of the commission. The commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision.

G. In review of permits sought in order to wholly or partially remove or demolish a landmark or historic district the commission may approve or disapprove the issuance of the permit or permits. A commission decision may be appealed by any person or persons directly to the city council, and the applicant and the appellant shall be given a reasonable opportunity to be heard by the council in support of or in opposition to the appeal.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.100 - Permit—Criteria.

The commission or the city council, upon appeal, shall issue an approval for any proposed work as described in Section 17.78.120, if and only if, it determines:

A. In the case of a designated landmark, the proposed work would not detrimentally alter, destroy or adversely affect any exterior architectural feature; or

B. In the case of any property located within an historic district, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration does not adversely affect the character of the district; or

C. In the case of construction of a new improvement, building or structure upon a landmark site, the exterior of such improvements will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on site.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.110 - Disapproval—Showing of hardship.

The commission or city council need not disapprove an application for permit to carry out any proposed work in an historic district, or on a landmark or a landmark site, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the commission or city council that such disapproval will work immediate and substantial hardship on the applicant, whether this be property owner, tenant or resident, because proposed work, or because of conditions peculiar to the particular improvement, building or structure or other feature involved, and that failure to disapprove the application will not be substantially destructive to the purposes of this chapter. If a hardship is found to exist under this section, the commission or city council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such a finding.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.120 - Maintenance and repair.

A. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any such feature when the building officer certifies to the commission that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California Historical Building Code.

B. The owner, occupant or other person in actual charge of a designated landmark, or an improvement, building or structure in an historic district shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designating ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

C. It shall be the duty of the department of community development and the building official to enforce this section. Where the owner of a designated landmark has been ordered by the city to make necessary repairs, but has failed to do so, the city may make improvements necessary for the maintenance of the landmark and charge the cost of those repairs to the owner as a lien upon his property.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.130 - Local, state and federal law.

Nothing in this chapter shall be construed to mitigate the effect of any local, state, or federal codes, or law applicable to the designated landmark or historic district. However, where the preservation and maintenance of a designated landmark or historic district is in direct conflict with the provisions of this title, or this code, the public interest will be considered best served through preemption of conflicting sections of these codes, by this chapter. All other provisions of this code not in direct conflict with preservation of the designated landmark or historic district will not be abrogated by this chapter.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.78.140 - Enforcement and penalties.

A. Methods of Enforcement. In addition to the regulations of this chapter, provisions of this code and other provisions of law which govern the approval or disapproval of applications for permits or licenses covered by this chapter, the department of community development and/or the building officer shall have the authority to implement the enforcement hereof by any of the following means:

1. Serving notice requiring the removal of any violation of this chapter, upon the owner, agent, occupant or tenant of the improvement, building, structure or land;
2. Calling upon the city attorney to institute any necessary legal proceedings to enforce the provisions of this chapter, and the city attorney is authorized to institute any action to that end;

3. Calling upon the Los Angeles County sheriff and authorized agents to assist in the enforcement of this chapter.

B. In addition to any of the foregoing remedies, the city attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this chapter, or for an injunction in appropriate cases.

C. Any owner, landlord, or tenant of any designated landmark, or any landmark under consideration for designation by the commission, who tears down, demolishes, alters, removes, or relocates the landmark, or portion thereof, shall replace and restore the landmark to its original condition at his own expense, including all additional expenses incurred by the city in enforcing this provision.

D. Penalties. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars, or be imprisoned for a period not exceeding six months, or be so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

Chapter 17.80 - ENFORCEMENT

17.80.010 - Intent and purpose.

The purpose of this chapter is to define and clarify the powers of the city to enforce the provisions of the zoning ordinance. It is also the purpose of this chapter to define violations of the ordinance and to prescribe penalties and remedies for such violations.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.80.020 - Applicability.

The provisions of this chapter are applicable not only to private persons, agencies, and organizations, but also to all public agencies and organizations to the full extent that they may be enforceable in connection with the activities of any such public agency or organizations. Where specific chapters of this title include language concerning violations, penal-ties and remedies, the provisions of those chapters shall apply.

(Ord. 963 §39(part), 1995; Ord. 822 §1(part), 1989)

17.80.030 - Issuance of licenses and permits.

No license or permit for a use, building, or purpose where the issuance of such license or permit would be in conflict with the zoning ordinance shall be issued. All departments, officials or other employees of the city vested with the authority to issue licenses or permits shall not issue such permits or licenses which would not be in conformity with the provisions of the zoning ordinance. Any license or permit so issued shall be null and void.

(Ord. 963 §§39(part), 43, 1995; Ord. 822 §1(part), 1989)

17.80.040 - Penalties.

Any firm, corporation, person or persons violating any of the provisions of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed one thousand dollars or imprisonment for not more than six months or both such fine and imprisonment at the discretion of the court.

(Ord. 963 §§39(part), 44(part), 1995; Ord. 822 §1(part), 1989)

17.80.050 - Each day a separate violation.

Each person, or persons violating any of the provisions of this title shall be deemed guilty of a separate offense for every day during which any violation of any provision of the zoning title is committed, or continued by such persons, firms or corporation and shall be punishable as provided in this chapter.

(Ord. 963 §§39(part), 44(part), 1995; Ord. 822 §1(part), 1989)

Chapter 17.82 - TRANSPORTATION DEMAND MANAGEMENT

17.82.010 - Purpose and intent.

This chapter is intended to comply with Sections 65089 and 65089.3 of the State Government Code, which requires the city to adopt transportation demand management regulations in accordance with the Congestion Management Plan of the County of Los Angeles. The requirements of South Coast Air Quality Management District (SCAQMD) Regulation XV are separate from this chapter and are administrated by the SCAQMD. Nothing in this chapter is intended, nor shall it be construed, to limit or otherwise preclude employers from offering or providing additional inducements to use alternatives to single-occupant vehicles to their employees necessary to meet regulation XV requirements.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

17.82.020 - Definitions.

For the purpose of this chapter, unless it is clearly evident from the context that a different meaning is intended, the following words or phases used in this chapter are defined as follows:

A. "Alternative transportation" means the use of modes of transportation other than single-passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

B. "Applicable development" means any development project that is determined to meet or exceed the project size threshold criteria contained in Section 17.82.050 of this chapter.

C. "Buspool" means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route and according to a fixed schedule.

D. "Carpool" means a vehicle carrying two to six passengers commuting together to and from work on a regular basis.

E. "The California Environmental Quality Act" hereafter referred to as CEQA, Public Resources Code Section 21000 et seq., is a statute that requires all jurisdiction in the state of California to evaluate the extent of environmental degradation posed by proposed development.

F. "Developer" means the person(s), partnership(s), corporation(s) or agency(ies) responsible for the planning design and construction of an applicable development project.

G. "Development" means the construction or addition of new building square footage. Additions to buildings which existed prior to the effective date of the ordinance codified in this chapter which exceed the thresholds contained in Section 17.82.050 shall comply with the applicable requirements but shall not be added cumulatively with the existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

H. "Employee parking area" means the portion of total required parking for a development for the use by on-site employees. Unless otherwise specified in Chapter 17.60 of this code, employee parking shall be calculated as follows:

Type of Use	Percentage or Total Required Parking Devoted to Employees
Commercial	30%

Office/Professional	85%
Industrial/Manufacturing	90%

I. "Preferential parking" means parking spaces designated or assigned, through the use of sign or painted space markings for carpool and vanpool vehicles carrying commuter passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

J. "Property owner" means the legal owner of a development. The property owner shall be responsible for complying with the provisions of this chapter either directly or through an authorized agent.

K. "South Coast Air Quality Management District" hereafter referred to as "SCAQMD" is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin.

L. "Tenant" means the lessee of facility, land or air space at an applicable development project.

M. "Transportation demand management" hereafter referred to as "TDM" means the alteration of travel behavior—usually on the part of commuters—through programs of incentives, services and policies. TDM addresses alternatives to single-occupant vehicles and changes in work schedules that move trips out of peak periods or eliminate them altogether.

N. "Trip reduction" means reduction in the number of work-related trips made by single-occupant vehicles.

O. "Vanpool" means a vehicle carrying seven to fifteen occupants commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

P. "Vehicle" means any motorized form of transportation including, but not limited to, automobiles, vans, buses and motorcycles.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

17.82.030 - Review of transit impacts.

A. Prior to the approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of CEQA or based on a local determination, regional and municipal fixed-route transit operators providing service to the proposed project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this chapter shall be exempted from its provisions. The "Transit Impact Review Worksheet" contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operations shall be sent a NOP for all contemplated EIR's and shall, as a part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator(s) shall be evaluated in the draft EIR prepared for the project. Related mitigation measures which may be adopted shall be monitored through the mitigation monitoring requirements of CEQA.

B. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, are not required to repeat the process described in subsection A of this section, as long as no significant changes are made to the project. It shall remain the discretion of the city to determine when a project is substantially the same and therefore covered by a previously certified EIR.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

17.82.040 - Transportation demand and trip reduction measures.

Prior to approval of any development project, the applicant or proposer of such development shall make provisions for, as a minimum, all of the applicable transportation demand management and trip reduction measures specified in Section 17.82.050 of this chapter. All facilities and improvements constructed or otherwise required by this section shall be maintained in a state of good repair.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

17.82.050 - Development standards.

The following transportation demand and trip reduction development standards shall be required for all developments as specified in this chapter:

A. Nonresidential developments of twenty five thousand square feet or more shall provide the following to the satisfaction of the city manager or his or her designee:
    1. A bulletin board, display case or kiosk displaying transportation information to be located where the greatest number of employees are likely to see it;
    2. Information to be displayed shall include current maps, routes and schedules for public transit routes serving the site; telephone numbers for referrals on transportation information including numbers for the regional ride-sharing agency and local transit operators; ride-sharing information materials supplied by commuter-oriented organizations; bicycle route and facility information, including regional local bicycle maps and bicycle safety information; and a listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
B. Nonresidential developments of fifty thousand square feet or more shall provide the following to the satisfaction of the city manager or his or her designee:
    1. All provisions of Section 17.82.050A of this section;
    2. Not less than ten percent of required employee parking shall be located as close as is practical to the employee entrance(s) and shall be reserved for use by potential carpool/vanpool vehicles without displacing handicapped and customer needs. This preferential parking area shall be identified on the site plan upon its submittal to the city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one space for projects of fifty thousand square feet to one hundred thousand square feet and two spaces for projects over one hundred thousand square feet will be signed/striped for carpool/vanpool vehicles;
    3. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. Adequate vertical clearance, turning radii and parking space dimensions shall be provided to facilitate ingress and egress to vanpool parking areas by vanpool vehicles;
    4. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles for developments of no more than fifty thousand square feet. Developments of fifty thousand and one to ninety-nine thousand nine hundred ninety-nine square feet shall provide for five bicycles.
C. Nonresidential developments of one hundred thousand square feet or more shall provide the following to the satisfaction of the city manager or his or her designee:
    1. All provisions of Sections 17.82.050A and B of this section;
    2. A safe and convenient area or zone in which vanpool/carpool vehicles may deliver or board their passengers;
    3. Sidewalks or other designated pathways following direct and safe routes from the public pedestrian circulation system to each building in the development;
    4. If public transit stops are determined to be necessary as part of the projects CEQA process, transit stop improvements must be provided. The city will consult with the applicable transit operator(s) to determined the appropriate improvements. When locating transit stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;

5. Bicycle racks or other secure bicycle parking shall be provided to accommodate five bicycles for the first one hundred th square feet of the development and one additional bicycle for every additional fifty thousand square feet of developme thereof;
6. Safe and convenient access from the external circulation system to on-site bicycle parking facilities shall be provided.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

17.82.060 - Monitoring.

A. No building permit, certificate of occupancy or other entitlement for use may be issued unless the city manager or his or her designee determines that the development project for which the permit, certificate of occupancy or other entitlement for use is sought fully complies with the requirements of this chapter.
B. Development projects required to provide transportation demand and trip reduction measures pursuant to Section 17.82.050 shall pay an annual fee, as established by resolution of the city council, to cover the cost of an annual compliance inspection by the city to ensure that all required measures/improvements are in place and in good repair.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

17.82.070 - Violation—Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor punishable by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each such person is guilty of a separate offense for every day during any portion of which any violation of any provision of this chapter is committed, continued or permitted by such person, and shall be punished therefor as provided by this chapter.

(Ord. 963 §39(part), 1995; Ord. 926 §1(part), 1993)

Chapter 17.83 - DENSITY BONUS PROCEDURES

17.83.010 - Purpose and intent.

The purpose of this article is to provide incentives for the production of housing for very low income, lower income, moderate income and senior households in accordance with Government Code Sections 65915—65918. In enacting this article, it is the intent of the city to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the housing element of the city's general plan.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.020 - Definitions.

Whenever the following terms are used in this article, they shall have the meanings established by this section:

A. "Affordable rent": Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low, lower, or moderate income households, not exceeding the following calculations:
   1. Very low income. Unless otherwise provided by law, the product of thirty percent times fifty percent of the area median income adjusted for family size appropriate for the unit, divided by twelve.
   2. Lower income. Unless otherwise provided by law, the product of thirty percent times sixty percent of the area median income adjusted for family size appropriate for the unit, divided by twelve.
   3. Moderate income. Unless otherwise provided by law, the product of thirty percent times one hundred ten percent of the area median income adjusted for family size appropriate for the unit, divided by twelve.
B. "Affordable sales price": A sales price at which very low, lower, or moderate income households can qualify for the purchase of target units, calculated in accordance with Health and Safety Code Section 50052.5 and the regulations

adopted by the California Department of Housing and Community Development pursuant to that section.

C. "Concession": This term shall have the same meaning as the term "Incentive" defined herein.

D. "Density bonus": A density increase of up to those percentages specified in this article above the otherwise maximum residential density.

E. "Density bonus housing agreement": A legally binding agreement between a developer of a housing development and the city, which ensures that the requirements of this article and the State density bonus law are satisfied. The agreement shall establish, among other things, the number of target units, their size, location, terms and conditions of affordability, and production schedule.

F. "Density bonus units": Those residential units granted pursuant to the provisions of this article that exceed the maximum residential density for the development site.

G. "Housing cost": The sum of actual or projected monthly payments for all of the following associated with for-sale target units: principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, home-owner association fees, and a reasonable allowance for utilities.

H. "Housing development": A construction project consisting of five or more residential units or lots, including single-family and multi-family units or lots.

I. "Incentive": A regulatory incentive or concession as defined in Government Code Section 65915(k) that may include, but not be limited to, the reduction of site development standards or a modification of zoning code requirements, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable cost avoidance or reductions, that are offered in addition to a density bonus.

J. "Lower income household": Household whose income does not exceed the lower income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50079.5.

K. "Maximum residential density": The maximum number of residential units permitted by the city's general plan land use element, applicable to the subject property at the time an application for the construction of a housing development is deemed complete by the city, excluding the additional density bonus units permitted by this article. If a range of density is permitted by the land use element, maximum residential density shall mean the maximum allowable density within the range of density.

L. "Moderate income household": Household whose income does not exceed the moderate income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50093.

M. "Non-restricted units": All units within a housing development excluding the target units.

N. "Senior citizen housing" or "senior housing development": A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

O. "Target unit": A dwelling unit within a housing development which will be reserved for sale or rent to, and affordable to, very low-, low-, or moderate-income households.

P. "Very low income household": Household whose income does not exceed the very low income limits applicable to Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Health and Safety Code Section 50105.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.030 - Implementation.

A. The city shall grant a density bonus and incentives pursuant to subsections B. and C. herein, to an applicant who agrees to provide any of the following:

1. Very low income units. At least five percent of the total units of a housing development as target units affordable to very lo households;
2. Lower income units. At least ten percent of the total units of a housing development as target units affordable to lower income households;
3. Moderate income condominium units. At least ten percent of the total units of a condominium project, as defined in Civil Code Section 1351(f), or planned development, as defined in Civil Code Section 1351(k) as target units affordable to moderate income households;
4. Any senior housing development; or

B. In determining the number of density bonus units to be granted pursuant to this section, the density bonus for the site shall be computed as follows:

1. Very low income household. The maximum allowable residential density for the site shall be increased by twenty percent; provided, however, that for each one percent increase above five percent in the percentage of units made affordable to very low income households, the density bonus shall be increased by two and one-half percent up to a maximum density bonus of thirty-five percent;
2. Lower income household. The maximum allowable residential density for the site shall be increased by twenty percent; provided, however, that for each one percent increase above ten percent in the percentage of units made affordable to lower income households, the density bonus shall be increased by one and one-half percent up to a maximum density bonus of thirty-five percent;
3. Moderate income condominium. The maximum allowable residential density for the site shall be increased by five percent; provided, however, that for each one percent increase above ten percent of the percentage of units made affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum density bonus of thirty-five percent;
4. Certain donations of land. When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to the city that satisfies the requirements of Government Code Section 65915(g), and complies with all procedural requirements of that subsection, including recordation of a deed restriction, the maximum allowable residential density for the site shall be increased by fifteen percent; provided, however, that for each one percent increase above the minimum percentage of land required to be donated pursuant to Government Code Section 65915(g), the density bonus shall be increased by one percent up to a maximum of thirty-five percent. This increase shall be in addition to any increase required by Section 17.83.030A of this article, up to a maximum combined density increase of thirty-five percent, if an applicant seeks both the increase required by this subsection and by Section 17.83.030A.

All density calculations resulting in fractional units shall be rounded up to the next whole number. The density bonus shall not be included when determining the percentage of target units. When calculating the required number of target units, any resulting fraction of units shall be deleted.

C. Number of incentives. The applicant shall receive the following number of incentives or concessions:

1. One incentive shall be provided to a developer who agrees to construct at least ten percent of the total units for lower income households, five percent of the total units for very low income households, or ten percent of units in a condominium for moderate income households.
2. Two incentives shall be provided to a developer who agrees to construct at least twenty percent of the total units for lower income households, ten percent of the total units for very low income households, or twenty percent of units in a condominium for moderate income households.
3. Three incentives shall be provided to a developer who agrees to construct at least thirty percent of the total units for lower income households, fifteen percent of the total units for very low income households, or thirty percent of units in a condominium for moderate income households. In cases where a density increase of more than the amount specified in Section 17.83.030B. is requested, the density increase, if granted, shall be considered an additional incentive.

D. In cases where the developer agrees to construct a housing development that qualifies for a density bonus pursuant to

Section 17.83.030A. of this article, and that includes a childcare facility as defined in Government Code Section 65915(h)(4), the developer shall be entitled to either an additional density bonus that is an amount of square feet of residential space equal to or greater than the amount of square feet in the childcare facility, or an additional incentive described in Section 17.83.040 of this article, that contributes significantly to the economic feasibility of the construction of the childcare facility. Any such childcare facility shall comply with the following:

1. The childcare facility shall remain in operation for a period of time that is as long or longer than the period of time during which the density bonus units are required to remain affordable;
2. Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income, pursuant to this article.
3. Notwithstanding the foregoing, the city shall not be required to provide a density bonus or incentive for a childcare facility when it is found, based upon substantial evidence, that the community has adequate childcare facilities.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.040 - Types of incentives allowed.

A. Incentives. If requested by the applicant, a qualifying project shall be entitled to the following incentives, the number of which shall be determined pursuant to Section 17.83.030C., unless the city makes the written findings required by Government Code Section 65915(d)(1):

1. Types of incentives. Incentives may include, but are not limited to, any of the following:
    a. A reduction in site development standards which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code. These may include, but are not limited to, one or more of the following:
        i. Reduced minimum lot sizes and/or dimensions,
        ii. Reduced minimum lot setbacks,
        iii. Reduced minimum outdoor and/or private outdoor open space,
        iv. Increased maximum lot coverage,
        v. Increase maximum building height,
        vi. Reduced on-site parking standards,
        vii. Reduced minimum building separation requirements,
        viii. Other site or construction conditions applicable to a residential development;
    b. Mixed use zoning to allow the housing development to include nonresidential uses and/or allow the housing development to be within a nonresidential zone. Approval of mixed use activities in conjunction with the housing development if other land uses will reduce the cost of the housing development, and the other land uses are compatible with the housing development and the existing or planned development in the area, and is consistent with the general plan;
    c. Another regulatory incentive or concession proposed by the applicant and agreed to by the city, that results in identifiable, financially sufficient, and actual cost reductions. Permissible incentives include direct financial aid (e.g., CAL Home, or other Federal or State housing funding) in the form of a loan or a grant to subsidize or provide low interest financing for on- or off-site improvements, land or construction costs;
    d. A density bonus of more than thirty-five percent;
    e. Waived, reduced or deferred plan check, construction permit and/or development impact fees (e.g., capital facilities, park, traffic, etc.).
2. Requirements.

a. Economic feasibility. Any development incentive granted shall contribute to the economic feasibility of providing the tar

b. Waivers or modifications of development standards. In addition to any density bonus or incentives provided, an applicant may seek a waiver or modification of development standards that would physically preclude the construction of a housing development at the densities or with the incentives permitted by this article. The applicant may request a meeting with city staff to discuss the applicant's proposal for reduced development standards. The city may not apply any development standard that would physically preclude the construction of a housing development at the densities or with the incentives permitted by this article.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.050 - Requirements for density bonus projects.

A. The entry into and execution of the density bonus housing agreement shall be a condition of a discretionary planning permit (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits) or a ministerial building permit for a housing development proposed pursuant to this article. The agreement shall be recorded at the applicant's cost as a restriction running with the land on the parcel or parcels on which the target units will be constructed.

B. Target units shall remain restricted and be offered at affordable rents to the designated group for a period of forty-five years (or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program), or otherwise as provided by law.

C. In determining the maximum affordable rent or affordable sales price of target units, the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

SRO (residential hotel) unit	75% of 1 person
Studio	1 person
1 bedroom	2 persons
2 bedroom	3 persons
3 bedroom	4 persons
4 bedroom	6 persons

D. An applicant shall agree that the initial occupants of the moderate income units in the condominium project are persons and families of moderate income, as defined in Health and Safety Code Section 50093.

E. Upon resale, the seller of the unit and the city shall share in the equity as follows:

1. The seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
2. The city shall re-capture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote homeownership.
3. For purposes of this subsection, 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 the initial sale.
4. For purposes of this subsection, the city's "initial subsidy" shall be equal to the fair market value of the home at the time of the 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 resale shall be used as the initial market value.

F. All for-sale target units shall be occupied by their purchasers; no renting or subleasing shall be permitted. The purchaser shall remain on title as long as the purchaser owns the unit.

G. The owner of a rental development shall submit annually, and within thirty days of occupancy of a target rental unit, a certificate of compliance, which shall include the name, address, and income of each tenant occupying the target unit.

H. The owner of a rental development shall maintain and keep on file annual sworn and notarized income statements and current tax returns for all tenants occupying the target rental units.

I. The owner of a rental development shall provide to the city any additional information required by the city to ensure the long-term affordability of the target units by eligible households.

J. The city shall have the right to inspect the owner's project-related records at any reasonable time and shall be entitled to audit the owner's records once a year.

K. The city may establish fees associated with the setting up and monitoring of target units.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.060 - Development standards.

A. Target units shall be constructed concurrently with nonrestricted units unless both the city and the applicant agree within the density bonus housing agreement to an alternative schedule for development.

B. Target units shall be built on-site wherever possible and when practical, be dispersed within the housing development. Where feasible, the number of bedrooms of the target units shall be equivalent to the bedroom mix of the nontarget units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. All housing developments shall comply with all applicable development standards, except those standards that may be modified as provided by this article. Deviations from these provisions may only be permitted as part of an approved density bonus housing agreement.

C. Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative development site. Where the applicant and the city form an agreement, the resulting linked developments shall be considered a single housing development for purposes of this article. Under these circumstances, the applicant shall be subject to the same requirements of this article for the target units to be provided on the alternative site.

D. Special parking requirements. Upon the request of the developer of a housing development qualifying for a density bonus pursuant to this article, the city shall permit vehicular parking ratios, inclusive of handicapped and guest parking, in accordance with the following standards:

1. 0—1 bedroom unit: One on-site open parking space;
2. 2—3 bedroom unit: Two on-site parking spaces (garage or covered parking);
3. 4 or more bedroom unit: Two and one-half parking spaces (garage or covered parking).

If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a housing development may provide "on-site parking" through tandem parking or uncovered parking, but not through on-street parking.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.070 - Processing of density bonus requests.

An application for a density bonus pursuant to this article shall be processed as part of the application for a housing development. An application for a housing development shall not be determined "complete" for purposes of Government Code Section 65920, et seq., unless and until the city council has given preliminary approval of the form and content of a density bonus housing agreement, which complies with the provisions of this article. The process for obtaining preliminary approval of the density bonus shall be as follows:

A. Filing. An applicant proposing a housing development pursuant to this article shall submit an application for a density bonus as part of the submittal of any formal request for approval of a housing development. The application, whether a pre-application or a formal application, shall include:
    1. A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;
    2. The zoning and general plan designations and assessor's parcel number(s) of the project site;
    3. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveways and parking layout; and
    4. The number and nature of the incentives requested pursuant to this article.
B. Review of density bonus request.
    1. Within ninety days of receipt of the application for a density bonus and a housing development, the city shall provide to an applicant a letter, which identifies project issues of concern, and the procedures for compliance with this article.
    2. If additional incentives are requested, the director of community development shall inform the applicant that the requested additional incentives shall or shall not be recommended for consideration with the proposed housing development, or that alternative or modified incentives shall be recommended for consideration in lieu of the requested incentives. If the director of community development recommends alternative or modified incentives, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.
C. Approval.
    1. The city shall approve a density bonus and requested incentives in conjunction with a discretionary planning permit or ministerial building permit for a housing development, if the application complies with the provisions of this article. The execution and recordation of the density bonus housing agreement shall be a condition of approval of the discretionary planning permit or ministerial building permit.

(Ord. No. 1173, § 1, 3-25-2014)

17.83.080 - Density bonus housing agreement.

A. The terms of the draft density bonus housing agreement (the "agreement") shall be reviewed and revised as appropriate by the director of community development and the city attorney who shall formulate a recommendation to the planning commission for review and the city council for final approval.
B. Following execution of the agreement by the applicant and the city, the completed agreement, or memorandum thereof, shall be recorded. The conditions contained in the agreement shall be filed and recorded on the parcel or parcels designated for the construction of target units as a condition of final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The agreement shall be binding upon all future owners and successors-in-interest for this property, which is the subject of the housing development application.
C. At a minimum, the agreement shall include the following:
    1. The total number of units proposed within the housing development, including the number of target units;
    2. A description of the household income group to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;

3. The location, unit sizes (square feet) and number of bedrooms of target units;
4. Tenure of use restrictions for target units of at least forty-five years;
5. A schedule for completion and occupancy of target units;
6. A description of any additional incentive being provided by the city;
7. A description of remedies for breach of the agreement by either party (the city may identify tenants or qualified purchasers as third party beneficiaries under the agreement); and
8. Other provisions to ensure implementation and compliance with this article.

D. In the case of for-sale housing developments, the agreement shall provide for the following conditions governing the initial sale and use of target units during the applicable use restriction period:
   1. Target units shall, upon initial sale, be sold to and occupied by eligible very low, lower, or in the case of a condominium, moderate income households at an affordable sales price and housing cost, or to qualified senior citizen residents (i.e. maintained as senior citizen housing) or to qualified veteran housing residents.
   2. The initial purchaser of each target unit shall execute an instrument or agreement, approved by the city attorney, restricting the sale of the target unit in accordance with this article during the applicable use restriction period. Such instrument or agreement shall be recorded against the parcel containing the target unit and shall contain provisions as the city may require to ensure continued compliance with this article and the State density bonus law.

E. In the case of rental housing developments, the agreement shall provide for the following conditions governing the use of target units during the use restriction period:
   1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies and the proper management and maintenance of target units for qualified tenants;
   2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this article; and
   3. Provisions requiring owners to submit an annual report to the city, which includes the name, address and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

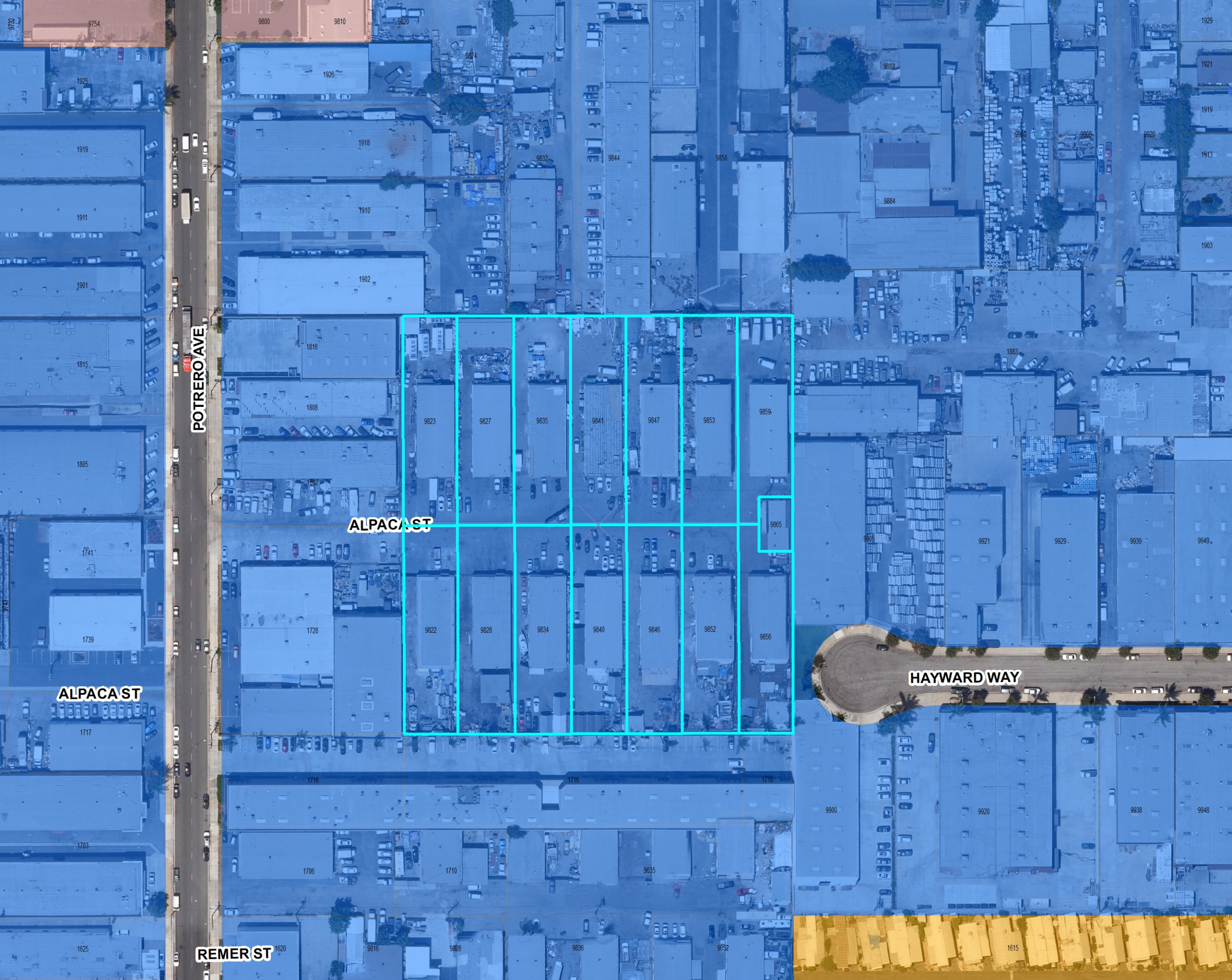
(Ord. No. 1173, § 1, 3-25-2014)

17.83.090 - Changes in State density bonus laws.

It is the intent of the city council that the provisions of this article shall be interpreted so as to fulfill the requirements of Government Code Section 65915 et seq., notwithstanding changes in State laws revising percentages, numerical thresholds and/or other standards applicable to the granting of density bonuses or related incentives that may occur after the effective date of this article. Accordingly, it is the further intent of the city council that any such changed percentages, numerical thresholds or other standards shall be deemed to supersede and govern any conflicting percentages, numerical thresholds or other standards contained in this article, to the maximum extent permitted by law.

(Ord. No. 1173, § 1, 3-25-2014)

Attachment C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REMER ST
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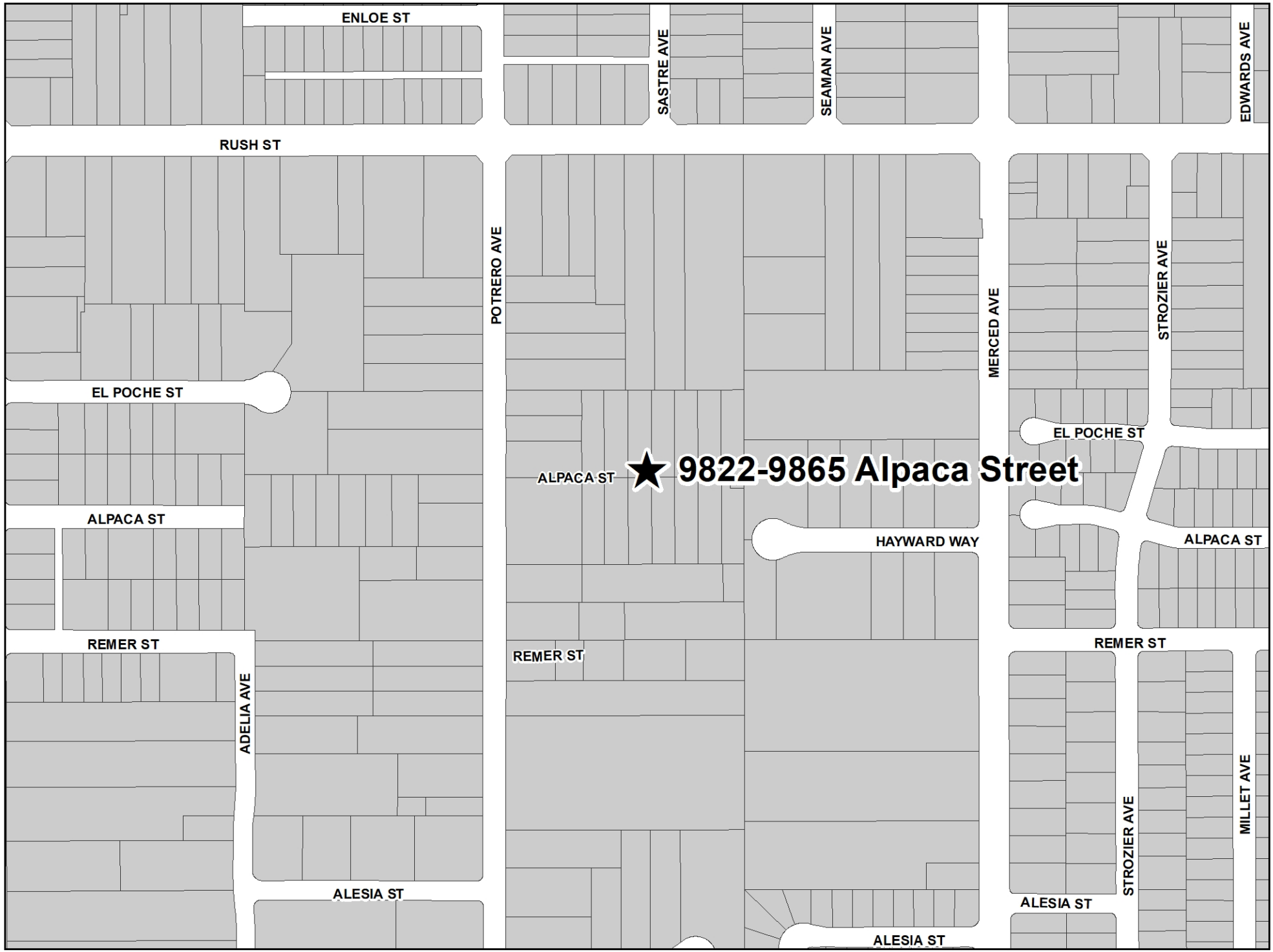
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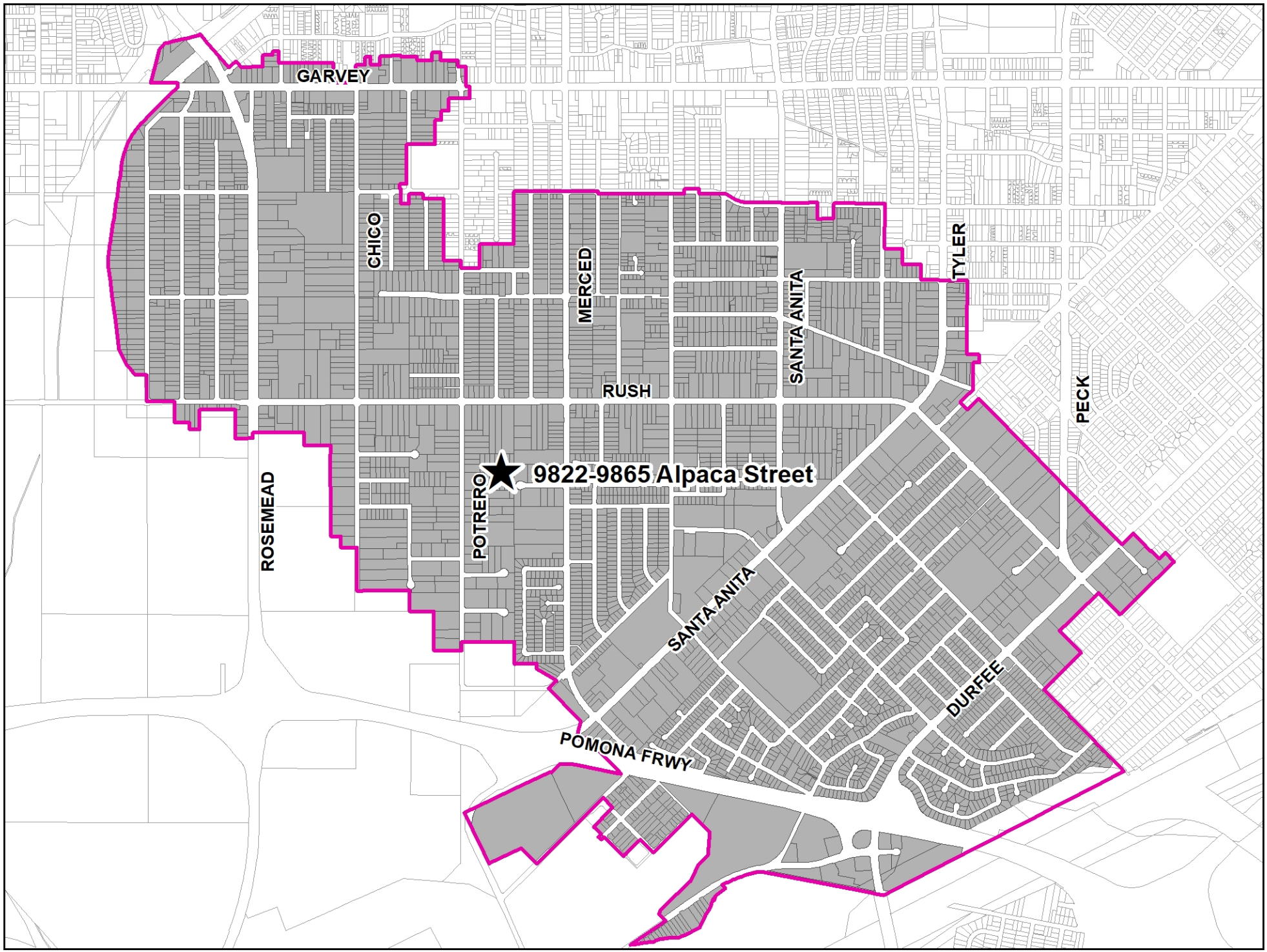
SASTRE AVE
SEAMAN AVE
EDWARDS AVE
RUSH ST
POTRERO AVE
MERCED AVE
STROZIER AVE
EL POCHE ST
ALPACA ST
★ 9822-9865 Alpaca Street
HAYWARD WAY
REMER ST
ADELIA AVE
ALESIA ST
MILLET AVE

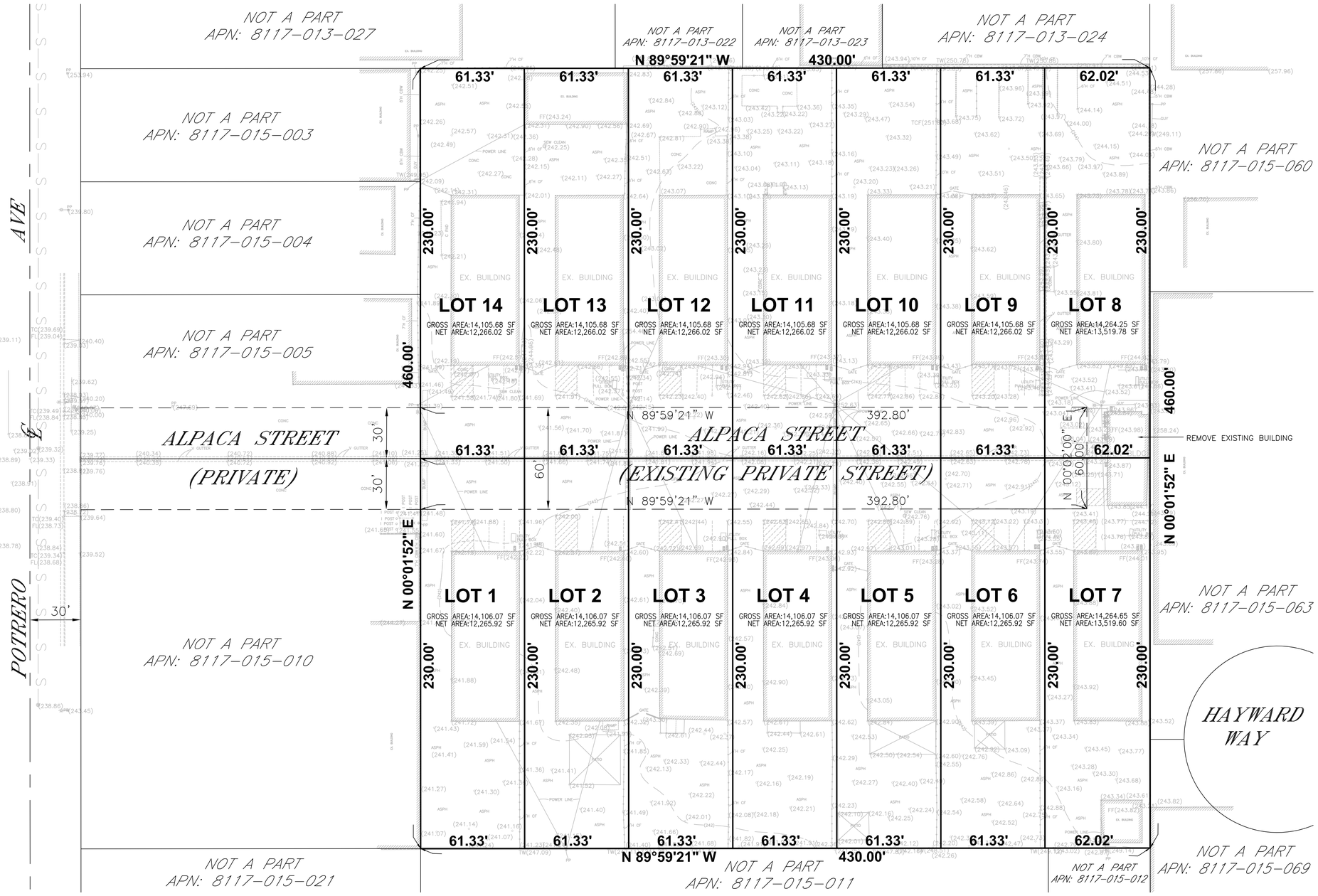

GARVEY
CHICO
MERCED
RUSH
SANTA ANITA
TYLER
PECK
9822-9865 Alpaca Street
POTRERO
ROSEMEAD
SANTA ANITA
DURFEE
POMONA FRWY

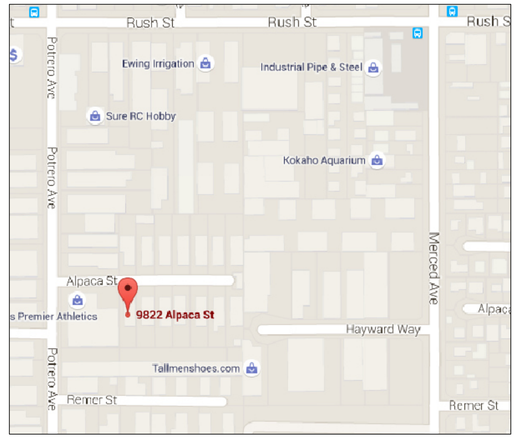
Attachment D

TENTATIVE TRACT MAP NUMBER 82461

PORTION OF LOT 75, TRACT NO. 621, AS PER MAP RECORDED IN BOOK 15 PAGES 182 TO 183
INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY.

APN: 8117-015-006, 026 TO 039





VICINITY MAP N.T.S.

ENGINEER:
JACK LEE, RCE 40870
576 E. LAMBERT ROAD,
BREA, CA 92821
TEL: 714.671.1050
FAX: 714.671.1090

OWNER:
JJ AMERICAN INVESTMENT LLC
9822-9865 ALPACA ST.,
SOUTH EL MONTE, CA
TEL: 626-228-5633

UTILITIES:

WATER	– SAN GABRIEL VALLEY WATER COMPANY
GAS	– SOUTHERN CALIFORNIA GAS CO.
ELECTRICAL	– SOUTHERN CALIFORNIA EDISON CO.
TRASH	– ATHENS WASTE DISPOSAL
SEWER	– SEPTIC TANKS

PROJECT INFORMATION:

APN#:	8117-015-006, 026 TO 039
PRESENT ZONE :	M
PROPOSED ZONE:	M
LOT SIZE :	GROSS 4.541 ACRES (197,799.36 S.F)
	NET 4.000 ACRES (174,232.04 S.F.)
EXISTING LOTS:	1
PROPOSED LOT:	14
EXISTING LAND USE:	COMMERCIAL-INDUSTRIAL
PROPOSED LAND USE:	COMMERCIAL-INDUSTRIAL

N
0 30 60
1"=30'

REGISTERED PROFESSIONAL ENGINEER
JACK C. S. LEE
40870
Exp. 3-31-19
CIVIL
STATE OF CALIFORNIA

BENCHMARK:

COUNTY OF LOS ANGELES BENCHMARK NO. SG 3993

L&T IN W END CB 1.5FT E/O BCR @ NE COR RUSH ST & POTRERO AVE.
ELEVATION: 241.964'

PROJECT LOCATION:

9822-9865 ALPACA ST.,
SOUTH EL MONTE, CA

OWNER:

JJ AMERICAN INVESTMENT LLC
9822-9865 ALPACA ST.,
SOUTH EL MONTE, CA
TEL: 626-228-5633

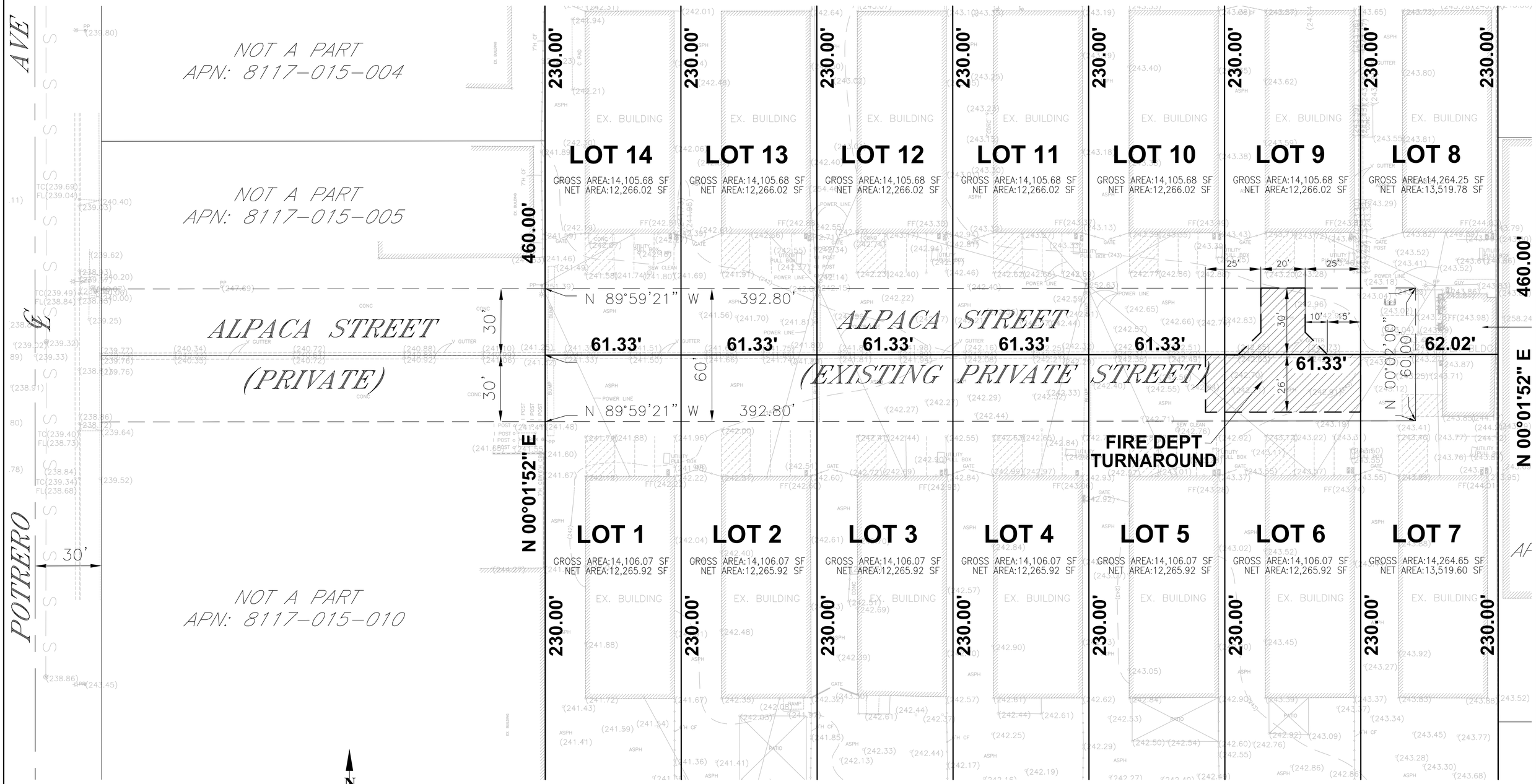
DRAWN:	XY1
CHECKED:	
DATE:	01/08/2019
JOB NO.:	15-023-169
SCALE:	1" = 30'
FILE NAME:	

CAL LAND ENGINEERING, INC.
dba QUARTECH CONSULTANTS
576 E. LAMBERT ROAD, BREA, CA 92821
TEL: (714) 671-1050 FAX: (714) 671-1090

T-1

SHEET 1 OF 1 SHT.

EXHIBIT "A"



0 20 40

1"=20'

REGISTERED PROFESSIONAL ENGINEER
JACK C. S. LEE
40870
Exp. 3-31-21
CIVIL
STATE OF CALIFORNIA

BENCHMARK:

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9822-9865 ALPACA ST.,
SOUTH EL MONTE, CA
TEL: 626-228-5633

DRAWN:	RR
CHECKED:	
DATE:	05/15/2019
JOB NO.:	15-023-169
SCALE:	1" = 30'
FILE NAME:	

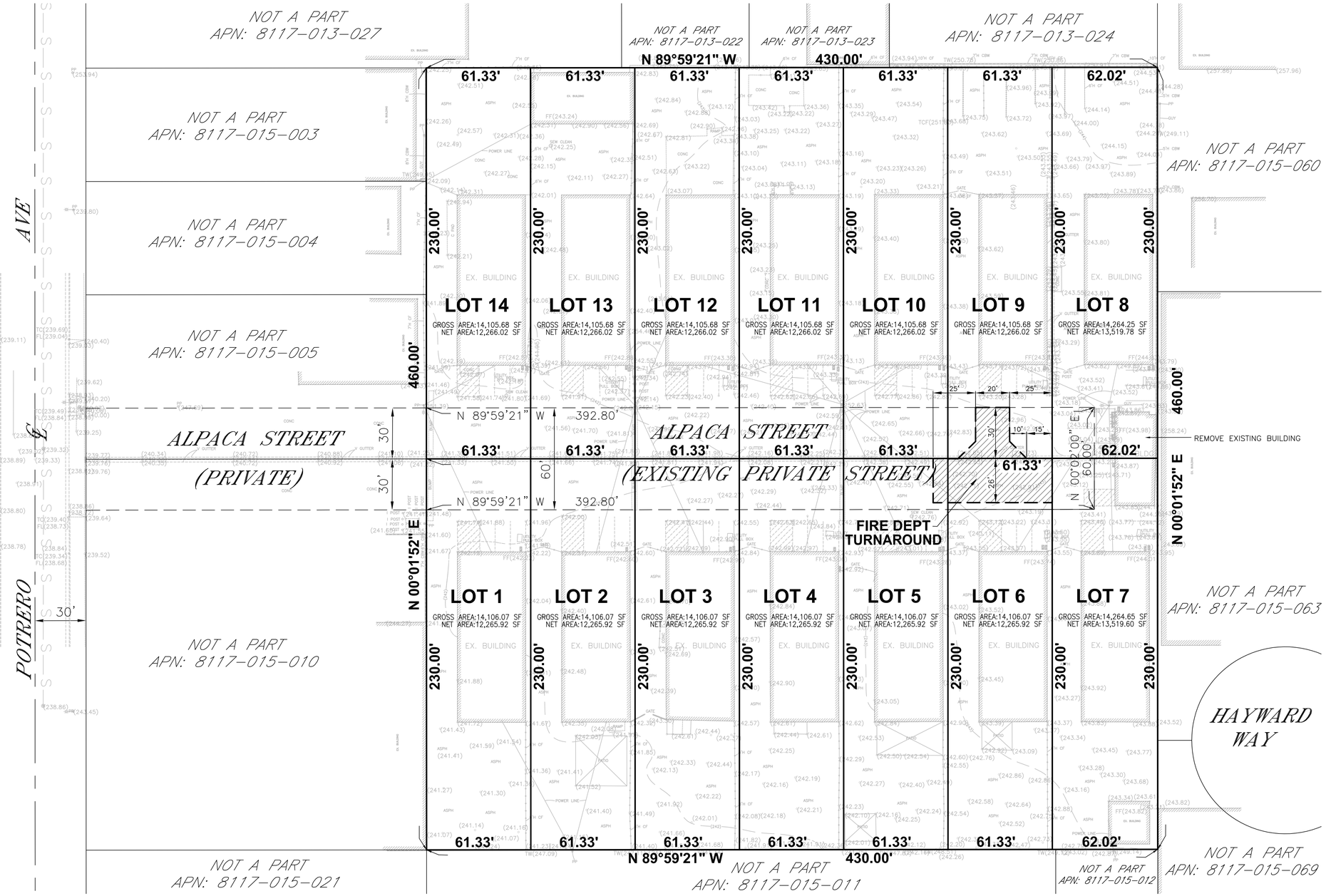
CAL LAND ENGINEERING, INC.
dba QUARTECH CONSULTANTS
576 E. LAMBERT ROAD, BREA, CA 92821
TEL: (714) 671-1050 FAX: (714) 671-1090

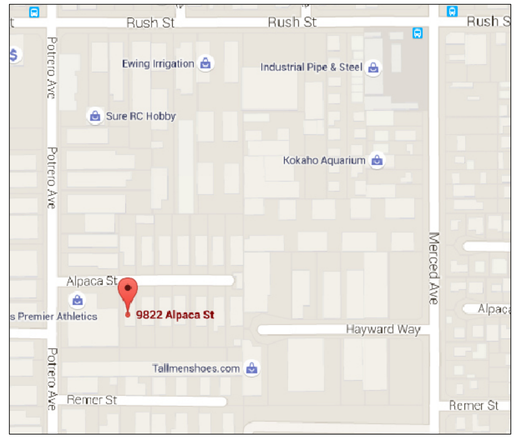
E-A

TENTATIVE TRACT MAP NUMBER 82461

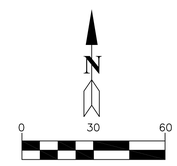
PORTION OF LOT 75, TRACT NO. 621, AS PER MAP RECORDED IN BOOK 15 PAGES 182 TO 183
INCLUSIVE OF MAPS, RECORDS OF LOS ANGELES COUNTY.

APN: 8117-015-006, 026 TO 039





VICINITY MAP N.T.S.



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ELECTRICAL	– SOUTHERN CALIFORNIA EDISON CO.
TRASH	– ATHENS WASTE DISPOSAL
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	NET 4.000 ACRES (174,232.04 S.F.)
EXISTING LOTS:	1
PROPOSED LOT:	14
EXISTING LAND USE:	COMMERCIAL-INDUSTRIAL
PROPOSED LAND USE:	COMMERCIAL-INDUSTRIAL

FIRE NOTE:

THE ACCESS ROAD WITHIN THIS DEVELOPMENT SUCH AS PRIVATE DRIVEWAYS USED AS PRIVATE STREETS, AND FIRE LANES SHALL BE DESIGN TO COMPLY WITH THE CITY OF SOUTH EL MONTE, DEPARTMENT OF PUBLIC WORKS AND THE FIRE DEPARTMENT STANDARDS

REGISTERED PROFESSIONAL ENGINEER
JACK C. S. LEE
40870
Exp. 3-31-21
CIVIL
STATE OF CALIFORNIA

BENCHMARK:

COUNTY OF LOS ANGELES BENCHMARK NO. SG 3993

L&T IN W END CB 1.5FT E/O BCR @ NE COR RUSH ST & POTRERO AVE.
ELEVATION: 241.964'

PROJECT LOCATION:

9822-9865 ALPACA ST.,
SOUTH EL MONTE, CA

OWNER:

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9822-9865 ALPACA ST.,
SOUTH EL MONTE, CA
TEL: 626-228-5633

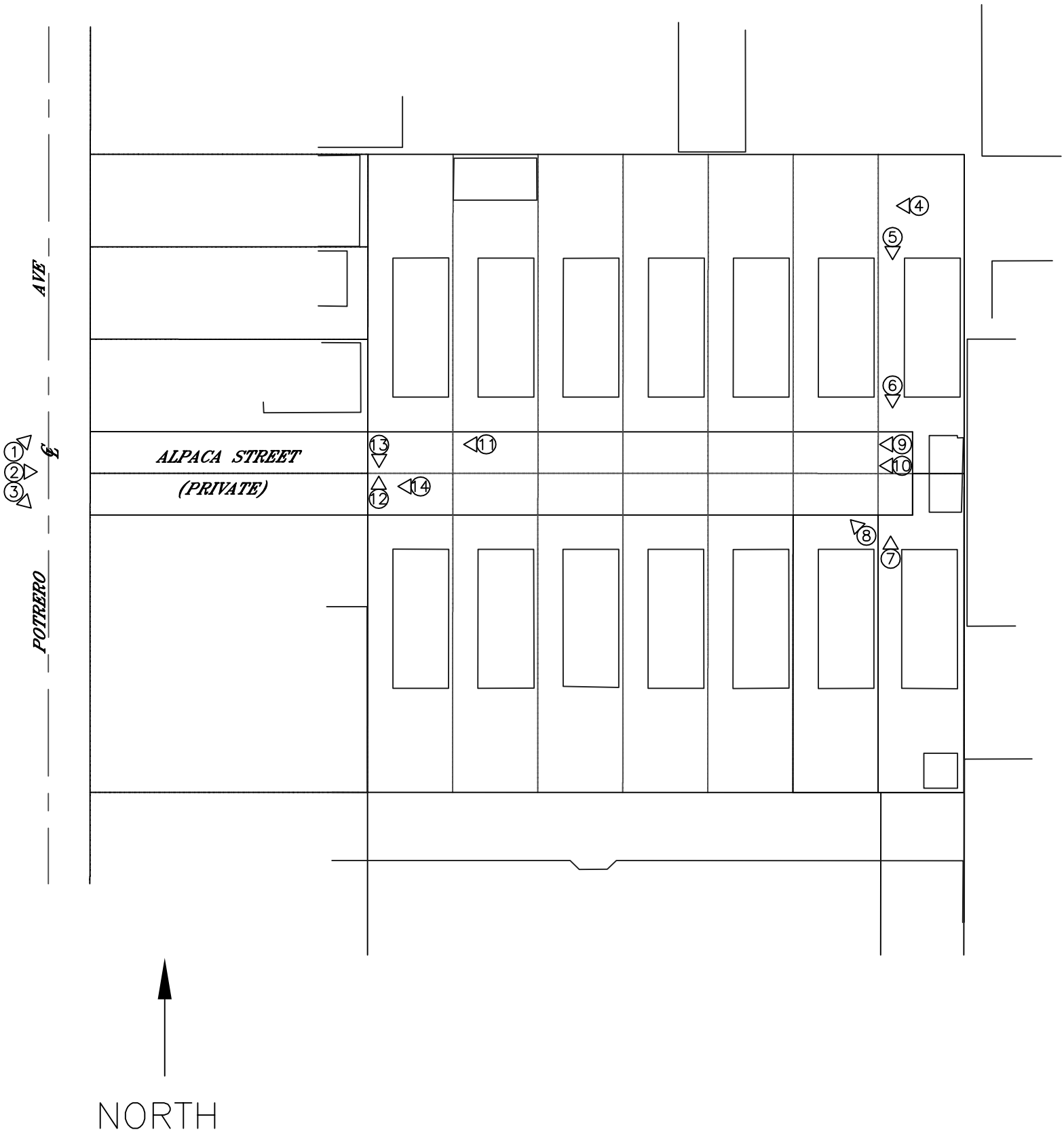
DRAWN:	RR
CHECKED:	
DATE:	05/15/2019
JOB NO.:	15-023-169
SCALE:	1" = 30'
FILE NAME:	

CAL LAND ENGINEERING, INC.
dba QUARTECH CONSULTANTS
576 E. LAMBERT ROAD, BREA, CA 92821
TEL: (714) 671-1050 FAX: (714) 671-1090

T-1

SHEET 1 OF 1 SHT.

PHOTO MAP


AVE
POTRERO
ALPACA STREET
(PRIVATE)
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Planning Commission Agenda Report

Agenda Item No. 7.c.

DATE: December 15, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Colby Cataldi, Community Development Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Review of Tacos El Chaparrito and Conditions of Approval for Conditional Use Permit No. 20-03

BACKGROUND: At its June 16, 2020 meeting, the Planning Commission adopted Resolution No. 20-03 that allowed for establishment of a Type 41 on-sale beer and wine in conjunction with a bona fide eating place ("Project"). CUP No. 20-03 detailed all conditions applicable to the restaurant, Tacos El Chaparrito, located at 9611 Garvey Avenue #105 ("Property"). The requirement for a six-month review was established to allow for Planning Commission to review how the business has operated after the establishment of a use that has the possibility to negatively impact surrounding uses.

RECOMMENDATION: Staff recommends that the Planning Commission review staff's report and schedule a new hearing six months from now to evaluate how the business has operated once they receive their Type 41 license.

ANALYSIS: Staff has found that the business is still in the process of receiving their Type 41 license and are hoping to begin serving beer and wine in January or February.

CONCLUSION: It is staff's recommendation to bring this item back for review before Planning Commission in six months to conduct the review when there is data to conduct a proper evaluation.

Planning Commission Agenda Report

Agenda Item No. 7.d.

DATE: December 15, 2020

TO: Honorable Chairman and Members of the Planning Commission

APPROVED BY: Colby Cataldi, Community Development Director

PREPARED BY: Ian McAleese, Assistant Planner

SUBJECT: Review of Krudos and Conditions of Approval for Conditional Use Permit No. 19-26

BACKGROUND: At its December 17, 2019 meeting, the Planning Commission adopted Resolution No. 19-26 that allowed for establishment of a Type 41 on-sale beer and wine with karaoke in conjunction with a bona fide eating place ("Project"). Conditional Use Permit ("CUP") No. 19-26 detailed all conditions applicable to the restaurant, Krudos located at 1725 Durfee Avenue ("Property"). The requirement for a one-year review was established to allow for Planning Commission to review how the business has operated after the establishment of a use and to evaluate whether the use negatively impacts surrounding uses.

RECOMMENDATION: Staff recommends that the Planning Commission receive and file staff's report on whether the business is operating in compliance with the CUP.

ANALYSIS: Staff has found that the ABC license has not been subject to any disciplinary action since establishment. In following up with the Sheriff's Department, staff discovered that no calls have originated from the location and has not received complaints in relation to the business. Code Enforcement has also not received any calls for service in regard to the service of beer and wine or the karaoke.

CONCLUSION: As long as the business continues to act in good faith and adheres to the conditions set forth in Resolution No. 19-26, then it should not negatively impact the area. If the Planning Commission review concludes that the business is operating in compliance with the conditions, the next step will be to receive and file the information. In the event the Planning Commission finds that the business is not operating in accordance with all conditions, then it can direct staff to schedule a public hearing before the Planning Commission for additional modification or revocation.

ATTACHMENT
Resolution No. 19-26

PLANNING COMMISSION

RESOLUTION NO. 19-26

A RESOLUTION OF THE SOUTH EL MONTE PLANNING COMMISSION APPROVING AN APPLICATION FOR CONDITIONAL USE PERMIT (NO. 19-26) ALLOWING FOR A TYPE 41 LICENSE FOR ON-SALE OF BEER AND WINE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AND OPERATING KARAOKE AT 1725 DURFEE AVENUE AND OPERATING AS KRUDOS

WHEREAS, Mike Iniguez ("Applicant"), filed an application for a Conditional Use Permit ("CUP") to sell beer and wine as a secondary use to a restaurant and operate karaoke ("Project" or "proposed Project") located at 1725 Durfee Avenue, South El Monte, CA 91733 ("Property" or "project site"); and

WHEREAS, pursuant to South El Monte Municipal Code ("SEMMC") Sections 17.14.040(E) and 17.51.020, the Project requires Planning Commission review and approval because the Project consists of on-sale beer and wine in conjunction with a restaurant; and

WHEREAS, a public hearing was held before the Planning Commission on December 17, 2019, to consider the application. All evidence, both written and oral, presented during said public hearing was considered by the Planning Commission in making its determination.

THE PLANNING COMMISSION OF THE CITY OF SOUTH EL MONTE HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1: Pursuant to Section 15301 (Class 1) of the California Environmental Quality Act (CEQA), the proposed Project is categorically exempt from environmental review and a Notice of Exemption has been prepared. The proposed Project qualifies for a Class 1 Categorical Exemption for the Project is proposed to be operated within existing facilities. The criteria is the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Planning Commission finds that the Project is exempt from the provisions of CEQA. The documents and other material, which constitute the record on which this decision is based, are located in the Department of Community Development and are in the custody of the Director of Community Development.

SECTION 2: A record of the public hearing indicates the following:

A. With regard to the application for a CUP, SEMMC Section 17.68.040 requires that the Planning Commission find that the proposed use shall not be detrimental to persons or properties in the immediate vicinity nor to the City in general. State law requires that the Project be compatible with surrounding uses.

B. The General Plan Land Use designation for the Property is "Commercial." The Zoning Code designation is "C" (Commercial).

C. The proposed Project promotes the City's goals and objectives stated in the General Plan. No goal or policy will be impaired.

D. The operation of the restaurant with the service of beer and wine and karaoke should not become a nuisance to surrounding properties.

SECTION 3: Based on the record of the hearing, including all information presented at the hearing, including the Staff Report dated December 17, 2019, which is hereby incorporated into this Resolution 19-26 by reference, the Planning Commission hereby finds:

A. As conditioned, the Project meets the requirements of SEMMC Chapters 17.14 and 17.51 and will not be detrimental to the public health, safety or welfare, nor will it adversely affect property values or the present or future development of the surrounding areas. This is because the Project fits with the surrounding uses.

B. Pursuant to SEMMC Section 17.68.040, the approval of the CUP will not be detrimental to persons or properties in the immediate vicinity nor to the City in general. This is so because the Project will be required to operate in a way that does not negatively impact the area through conditions imposed.

C. As conditioned, the Project represents a quality establishment that will be compatible with surrounding commercial and residential uses, the surrounding area, and the goals of the City. The proposed Project will contribute to the general well-being of the city in that the Project benefits neighboring uses and will be an asset to the surrounding area, as well as to the rest of the City. As a result, approving this application will not adversely affect the General Plan or the Zoning Ordinance.

D. As conditioned, the proposed Project is consistent with the City's General Plan. The proposed Project is compatible with the objectives, policies, general land uses, economic development and programs specified in the General Plan which includes, but is not limited to, the following goals:

Land Use Element

(1) Goal 1.0: *Maintain a balanced mix and distribution of land uses throughout South El Monte* by allowing for the establishment of a family restaurant with beer and wine sales and karaoke as secondary uses;

(2) Policy 1.4: *Maintain a balanced mix and distribution of land uses throughout South El Monte" and "create opportunities for two types of commercial development: (1) commercial uses that meet the retail and service needs of the local resident and employee populations, and (2) regional-serving retail commercial businesses that capture revenues from a broader population base.* This will serve the area by providing a unique

sit-down restaurant that will cater to residents as well as bring in the surrounding population; and

Economic Development Element

(3) Goal 1.0: *Continue to provide opportunities for a wide range of industries to operate in South El Monte* by allowing the proposed restaurant that serves food not common to the area.

SECTION 4: Based on the aforementioned findings, the Planning Commission hereby **approves** CUP (No 19-26) to operate a restaurant with on-sale beer and wine and karaoke as secondary uses, subject to the following conditions:

General Conditions

1. The Applicant and the business entity allowed for hereunder shall indemnify, defend and hold harmless the City, its officers, agents, employees, and volunteers from any and all claims, lawsuits or actions arising from the granting of, or the exercise of, the rights permitted by this approval, and from any and all claims or losses occurring or resulting to any person, firm, corporation or property for damage, injury, or death arising out of, or connected in anyway, with the performance of the use permitted hereby. The Applicant's obligation to indemnify, defend, and hold harmless the City shall include, but not be limited to, paying all legal fees and costs incurred by legal counsel of the City's choice in representing the City in connection with any such claims, losses, lawsuits or actions, and any award of damages or attorney's fees in any such lawsuit or action.

2. The Applicant and the business entity allowed for hereunder shall execute an Affidavit of Acceptance of these conditions in the presence of a Notary Public and return the Affidavit to the Director of Community Development within ten calendar days of the date of the Planning Commission's approval.

3. The approval shall lapse and become void if the privilege authorized is not utilized or where some form of construction pursuant to issuance of a building permit has not commenced within one year from the date of this approval.

4. Applicant and its employees, agents and contractors shall comply with all Municipal Code provisions.

Planning Conditions

5. Sales, service and consumption of beer and wine shall be permitted only between the hours of 11:00 a.m. to 9:30 p.m. Monday-Wednesday, Thursday and Friday until 1 a.m., and Saturday and Sunday from 8:00 a.m. until 1:00 a.m. The sale of beer and wine shall end no later (e.g. "last call") no later than thirty (30) minutes before closing.

6. The sale of beer and wine beverages for consumption off the Property is strictly prohibited.

7. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The Applicant shall at all times maintain records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to any peace officer, Business License staff member, or Planning Division staff member on demand.

8. No pool or billiard tables may be maintained on the Property.

9. This Conditional Use Permit authorizes only karaoke at the restaurant. No live/amplified music, dancing, or any other activity in the restaurant is permitted unless a Modification to this Conditional Use Permit is approved.

10. Revised to read as follows: Karaoke shall only be allowed inside the restaurant and only four days a week on Thursday through Saturday 7:00 p.m. to 12:30 a.m. and Sunday from 7:00 p.m. to 9:30 p.m. The applicant shall ensure that there is at least one security guard on the property during said karaoke hours.

11. The noise level for the karaoke shall not exceed at any time the level of noise permitted under SEMMC Section 8.20.020 to ensure that the entertainment (karaoke) does not become a nuisance to the City or adjacent properties.

12. Any graffiti painted or marked upon the Property or on any adjacent area under the control of the Applicant shall be removed or painted over within 24 hours of discovery or notice from the City.

13. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting, or indicating the availability of beer and wine. Interior displays of beer and wine or signs clearly visible to the exterior shall constitute a violation of this condition.

14. The subject beer and wine license (Type 41 License) shall not be exchanged for any other license without the approval of a Modification to Conditional Use Permit.

15. The Property shall be maintained in a safe and clean condition and the Applicant shall ensure that no trash or litter originating from the site is deposited on neighboring properties or the public right-of-way. At the end of each business day, the Applicant shall pick up any and all litter including but not limited to large discarded items that may have collected in the Property's parking area and public right-of-way.

16. No beer and wine shall be consumed on any property adjacent to the licensed premises under control of the licensee.

17. There shall be no bar or lounge area upon the Property maintained for the purpose of sale, service, or consumption of beer and wine directly to patrons. Beer and wine shall be served by a waiter/waitress. The sale of beer and wine shall be an ancillary service to the primary restaurant use.

18. The Applicant shall not permit any loitering on any property adjacent to the Property under control of the licensee(s).

19. At no time shall there be a fee for entrance/admittance into the Property.

20. At all times when the Property is open for business the sale and service of beer and wine shall be made only in conjunction with the sale and service of food.

21. There shall be no coin operated games maintained on the Property at any time.

22. Food service, with an available menu, shall be available until closing time on each day of operation.

23. The windows of the Property shall not be tinted or covered in any way, which obstructs a clear view of the interior of the Property from the exterior.

24. The employees who sell or serve alcoholic beverages shall be required to complete a training program in alcoholic beverage compliance, crime prevention techniques, and handling of violence. For new employees of licensees such training known as LEAD training offered by the State Department of Alcoholic Beverage Control must be completed within 30 days of the date of hire. Those already employed shall complete training within 30 days from the date the ABC license is issued.

25. The Applicant and all operators shall each take all necessary steps to assure the orderly conduct of employees, patrons, and visitors when they are present on the Property.

26. The Applicant shall maintain all required permits and licenses in good standing.

27. At no time shall there be a minimum drink requirement.

28. The sale of alcoholic beverages for consumption off the Property is prohibited. Signs shall be posted at all exits of the Property, which prohibit alcohol beverages from leaving the confines of the Property.

29. Patrons shall not be allowed to bring into the location any alcoholic beverage to be consumed within the establishment.

30. There shall be no pay telephones installed within the enclosed portion of the Property equipped to receive incoming calls. There shall be no new pay phones of any kind installed on the exterior of the Property.

31. The maximum occupancy of the Property shall be prominently posted and monitored at all times.

32. The front of the exterior of the Property, as well as all adjacent parking areas under control of the Applicant, shall be illuminated at all times while the Property is open for business. This shall be done in such a fashion that persons standing outdoors at night are identifiable

by law enforcement personnel while balancing the lighting so as not to unreasonably illuminate the window area of nearby businesses.

33. All crimes occurring inside or outside of the location shall be reported to the Sherriff Department at the time of the occurrence.

34. At any time when the Applicant is absent from the Property, a responsible party shall be designated who can facilitate any Sherriff inquiries.

35. In January of each year, the Applicant shall provide a list of no less than three employees who are available 24 hours a day to the Sheriff's Department Records Bureau. The list of names will be used to facilitate a Sheriff's response to the location in the event of an emergency or other problem that requires entry into the location during non-business hours.

35. A copy of the approved resolution shall be kept on the premises at all times and presented to any Sheriff, or Business License, or Planning Staff person.

36. The Applicant understands that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the Conditional Use Permit.

37. There shall be no exterior restaurant speakers and no live entertainment outside the restaurant (including the parking lot) unless a Temporary Use Permit (TUP) is obtained from the City.

38. The business shall return for review before the Planning Commission on or about December 2020. The review shall include, but not be limited to, an evaluation of all operating characteristics following the implementation of these conditions. If additional impacts are identified during said review, the Operator shall be responsible for addressing such issues to the satisfaction of the Planning Commission, including the imposition of additional conditions. After said review, at the request of City Staff or the Planning Commission, the business shall return before the Planning Commission for review not more than one time per year.

The following conditions were added by the Planning Commission at the December 17, 2019 Planning Commission meeting:

39. The applicant shall install and maintain security cameras at the property. Applicant shall ensure the cameras are installed to record at maximum viewing capacity. Security camera videos shall be recorded and maintained for thirty (30) days.

40. The applicant shall post signs on the patio designating only a portion of the patio for smoking.

SECTION 5: Any interested party may appeal this decision to the City Council pursuant to SEMMC Section 17.74.050.

ADOPTED this 17th day of December, 2019.

Chairman, Rudy Bojorquez

ATTEST:

Secretary, Angie Hernandez

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH EL MONTE)

I, Angie Hernandez, Secretary to the Planning Commission of the City of South El Monte, do hereby certify that the foregoing Resolution, being Resolution No. 19-26 was duly passed and adopted by the Planning Commission of the City of South El Monte at a regular meeting of said Commission held on the 17th day of December 2019.

AYES: Bojorquez, Garrett, Ortiz, Rodriguez, Barrera / Approved 5-0
NOES: None
ABSENT: None
ABSTAIN: None

Secretary, Angie Hernandez